



# American Tin Cannery Hotel and Commercial Project

FINAL EIR | December 2020

SCH# 2019110152



**Kimley»Horn**  
Expect More. Experience Better.

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### Attachments:

1. Construction Equipment
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3. Memo regarding ATC Hotel Story Pole Staking and Flagging (J. Kuehl, 9/9/20)
4. Letter from MPWMD to Coastal Commission (D. Stoldt, 10/27/20)
5. MPWMD Board Resolution No. 2019-10 dated July 15, 2019
6. Preliminary Landscape Plan
7. Streetscape Images

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# 1 Introduction

This Final Environmental Impact Report (Final EIR) is an informational document prepared by the City of Pacific Grove to evaluate the potential environmental impacts of the proposed American Tin Cannery Hotel and Commercial Project. The primary objectives under the California Environmental Quality Act (CEQA) are to inform decision makers and the public about a project's potential significant environment effects, identify possible ways to minimize significant effects, and consider reasonable alternative to the project. This Final EIR has been prepared by City staff and the City's EIR consultants and has been reviewed by City staff for completeness and adequacy in accordance with Public Resources Code Sections 21000-21177 and the State CEQA Guidelines.

The American Tin Cannery Hotel and Commercial Project Environmental Impact Report (Draft EIR) was circulated for a 60-day public review period from July 30, 2020 to September 28, 2020, as assigned by the State of California Governor's Office of Planning and Research State Clearinghouse and consistent with CEQA regulations. Electronic copies of the document were accessible from the City's public facing website, and distributed to State, regional, and local agencies, as well as organizations and individuals, for review and comment. Hard copies of the DEIR and its appendices were also made available for check out from the Community Development Department, and available for purchase from Federal Express.

This Final EIR has been prepared in accordance with CEQA and State and local CEQA Guidelines and represents the independent judgment of the City, as CEQA Lead Agency. This Final EIR, together with the Draft EIR, technical appendices, and other written documentation prepared during the EIR process, as those documents may be modified by the City Council at the time of certification, will constitute the Final EIR, as defined in the State CEQA Guidelines, Section 15132, and the City of Pacific Grove's environmental document reporting procedures.

The Final EIR must be certified as complete and adequate prior to any action on the proposed project. Once the EIR is certified and all information is considered, the City can take action to go forward with the proposal, make changes, or select an alternative to the proposed project. While the environmental information in the EIR is important, it is only one of several factors the City may consider in its decision-making process. The City is also required to make findings on each significant environmental effect when making that decision.

## 1.1 Document Organization and Framework

This Response to Comments package is organized as follows: **Section 1** provides a brief introduction to this report. **Section 2** provides a list of agencies and interested persons commenting on the Draft EIR. This section also contains individual comments followed thereafter by responses. This Final EIR uses "Master Responses" to address similar comments made by multiple parties or related themes. To facilitate review of the responses, an index number (e.g., 1-1, 1-2, 2-1) has been assigned to each comment and to its corresponding responses.

**Section 3** contains minor changes, or errata, to the Draft EIR as a result of the comments by agencies and interested persons. **Section 4** contains the Mitigation Monitoring and Reporting Program (MMRP). Lastly, this document contains a series of Attachments with information relevant to the comments received.

City Staff has reviewed the comment letters, draft responses and information generated in the course of preparing the responses and determined that none of this material constitutes significant new information that requires a recirculation period for further public comment under CEQA Guideline Section 15088.5. None of this new material indicates that the project will result in a significant new environmental impact not previously disclosed in the Draft EIR. Additionally, none of this material indicates that there would be a substantial increase in the severity of a previously identified environmental impact that will not be mitigated, or that there would be any of the other circumstances requiring recirculation as described in Section 15088.5.

## 1.2 CEQA Requirements Regarding Comments and Responses

CEQA Guidelines Section 15204 (a) outlines parameters for submitting comments and reminds persons and public agencies that the focus of review and comment of Draft EIRs should be, “on the sufficiency of the document in identifying and analyzing possible impacts on the environment and ways in which significant effects of the project might be avoided or mitigated. Comments are most helpful when they suggest additional specific alternatives or mitigation measures that would provide better ways to avoid or mitigate the significant environmental effects. At the same time, reviewers should be aware that the adequacy of an EIR is determined in terms of what is reasonably feasible, considering factors such as the magnitude of the project at issue, the severity of its likely environmental impacts, and geographic scope of the project. CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters. When responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR.”

## 2 Public Comments and Response to Comments on the Draft EIR

### 2.1 Agency, Organization, and Individual Comments on the Draft EIR

This section includes all written comments received on the DEIR and the City's responses to each comment. Comment letters and specific comments are given letters and numbers for reference purposes. Where sections of the DEIR are excerpted in this document, the sections are shown indented. Changes to the DEIR text are shown in underline for additions and ~~strikeout~~ for deletions.

The following is a list of agencies and persons that submitted comments on the Draft EIR during the public review period:

**Table 2-1: List of Written Comments Received on the Draft EIR**

Comment Letter No.	Commenting Agency / Organization / Individual	Date
<i>Agencies</i>		
1	Alexandra McCoy, Coastal Planner, California Coastal Commission Central Coast District	September 28, 2020
2	Chris Bjornstad, Associate Transportation Planner, Caltrans District 5	July 30, 2020
3	Debra L. Hale, Executive Director, Transportation Agency for Monterey County	September 10, 2020
4	Stephanie Locke, Water Demand Manager, Monterey Peninsula Water Management District	September 14, 2020
5	Hans Uslar, City Manager, City of Monterey	September 28, 2020
<i>Organizations</i>		
6	Barbara Meister, Public Affairs Director, Monterey Bay Aquarium	September 28, 2020
7	Judy Thompson, Director of Finance and Operations, Hopkins Marine Station, Stanford University Jessica von Borck, Director of Land Use Planning, LBRE, Stanford University (submitted by Maria Cacho, Ph.D.)	September 28, 2020
8	Mimi Sheridan, President, Alliance of Monterey Area Preservationists	September 28, 2020
9	Blake Matheson, President, Monterey Audubon Society	September 28, 2020
<i>Individuals</i>		
10	Alan Cohen	August 21, 2020
11	Ed Flatley	August 18, 2020
12	Frank Knight	August 18, 2020

Comment Letter No.	Commenting Agency / Organization / Individual	Date
13	Gale Rawitzer	August 18, 2020
14	Gary Vick	August 26, 2020
15	Julie Davis	August 27, 2020
16	Jacqueline Forbes	August 1, 2020
17	Joe Smith	August 17, 2020
18	Kathy Eby	August 18, 2020
19	Moe Ammar	August 21, 2020
20	Marietta and Pierre Bain	August 21, 2020
21	Michelle Knight	August 19, 2020
22	Nancy Bell	August 27, 2020
23	Peter Mounteer	August 17, 2020
24	Steve Gorman	August 18, 2020
25	Thom Akeman	August 26, 2020
26	Tony Ciani	August 21, 2020
27	Tony Ciani	August 27, 2020
28	Tony Ciani	September 1, 2020
29	Cosmo Bua	September 3, 2020
30	Jane Haines	September 2, 2020
31	Michele Casey	August 28, 2020
32	Nancy Sherburne	September 3, 2020
33	Cosmo Bua	September 12, 2020
34	Janet Cohen	September 14, 2020
35	Jane Haines	September 8, 2020
36	Kim Akeman	September 12, 2020
37	Kelly Lance	September 13, 2020
38	Kevin Zamzow-Pollock	September 12, 2020
39	Lisa Ciani	September 9, 2020
40	Michelle Raine	September 13, 2020
41	Tony Ciani	September 8, 2020
42	Jane Haines	September 21, 2020
43	Tony Ciani	September 14, 2020
44	Ashley Gray	September 23, 2020

Comment Letter No.	Commenting Agency / Organization / Individual	Date
45	Bill Gilreath	September 24, 2020
46	Bob Lippi	September 23, 2020
47	Craig Bell	September 21, 2020
48	Cosmo Bua	September 23, 2020
49	Cosmo Bua	September 25, 2020
50	Cynthia Norris	September 25, 2020
51	David Reilly	September 24, 2020
52	Elizabeth Doan	September 20, 2020
53	Inge Lorentzen Daumer	September 18, 2020
54	Inge Lorentzen Daumer	September 24, 2020
55	Judith Cabral	September 25, 2020
56	Jacqueline and James Forbes	September 22, 2020
57	John Holcomb	September 23, 2020
58	Keegan Barry-Holson	September 21, 2020
59	Kimberly Brown	September 18, 2020
60	Kimberly Brown	September 20, 2020
61	Kris Lannin Liang	September 23, 2020
62	Lisa Ciani	September 24, 2020
63	Lisa Ciani	September 25, 2020
64	Lesah Ross	September 23, 2020
65	Ed and Lois Shedlowski	September 23, 2020
66	Marilyn Schultz	September 25, 2020
67	Melissa Stepien	September 22, 2020
68	Mark Stevens	September 11, 2020
69	Nancy Runyon	September 25, 2020
70	Sandra Earl	September 24, 2020
71	Stan Jensen	September 25, 2020
72	Tony Ciani	September 23, 2020
73	Tony Ciani	September 25, 2020
74	Taylor Schultz	September 25, 2020
75	Zoe Shoats	September 23, 2020
76	Amanda Preece	September 28, 2020

Comment Letter No.	Commenting Agency / Organization / Individual	Date
77	Anne Wheelis	September 28, 2020
78	Barbara Thomas	September 28, 2020
79	Christie Cromeenes	September 28, 2020
80	Colleen Ingram	September 28, 2020
81	Carole Laine	September 28, 2020
82	Camilla Mitchell	September 28, 2020
83	Clay Moltz	September 27, 2020
84	Carrie Mowatt-Larssen	September 28, 2020
85	Christina Rodriguez	September 27, 2020
86	Cari Rotoli	September 28, 2020
87	Douglas and Anne Downs	September 27, 2020
88	Deena Hakim	September 28, 2020
89	Dennis and Michaelle Stanford	September 28, 2020
90	Deborah Stewart	September 28, 2020
91	David van Sunder	September 28, 2020
92	Elin Dolowich	September 28, 2020
93	Evynn LeValley	September 24, 2020
94	Gretchen Jordan	September 28, 2020
95	Helen Workman	September 27, 2020
96	Hljft ( <i>no name provided in email</i> )	September 28, 2020
97	Inge Lorentzen Daumer	September 28, 2020
98	John and Patrice Bell	September 27, 2020
99	Jeffrey Becom	September 27, 2020
100	Joseph Bileci Jr.	September 27, 2020
101	Janet Cohen	September 26, 2020
102	Janet Cohen	September 28, 2020
103	Janet Colson	September 27, 2020
104	JD Corpus	September 28, 2020
105	Jane Haines	September 28, 2020
106	Jung Hwa Kim	September 28, 2020
107	Jill Kleiss	September 28, 2020
108	Janette Loomis	September 27, 2020

Comment Letter No.	Commenting Agency / Organization / Individual	Date
109	James Raine	September 28, 2020
110	Joshua Reyes	September 28, 2020
111	Jackie Shaffer	September 28, 2020
112	Kimberly Brown	September 27, 2020
113	Kevin Gersten	September 27, 2020
114	Kristen Kelleher	September 28, 2020
115	Karin Locke	September 28, 2020
116	Karen Neyman	September 26, 2020
117	K.L. Parker	September 28, 2020
118	Lowell and Wilda Northrop	September 27, 2020
119	Lisa Ciani	September 26, 2020
120	Lisa Ciani	September 28, 2020
121	Laura Hamill	September 28, 2020
122	Lynn Mason	September 26, 2020
123	Marge Brigadier	September 28, 2020
124	Michael Broome	September 28, 2020
125	Michelle Gonsalves and Michael Kirch	September 28, 2020
126	May Jernigan	September 27, 2020
127	Meg McWhinney	September 28, 2020
128	Melanie Moreno	September 28, 2020
129	Michelle Raine	September 28, 2020
130	Michelle Raine	September 28, 2020
131	Mary Doshay	September 28, 2020
132	Nan Heller	September 27, 2020
133	Nancy Parsons	September 26, 2020
134	Patricia Addleman	September 28, 2020
135	Patty Pai	September 28, 2020
136	Patsy Volpe and Melvin Beechman	September 27, 2020
137	Ricki Bennett	September 28, 2020
138	Robert Fisher	September 26, 2020
139	Richard Gelman	September 27, 2020
140	Rebecca Lee	September 28, 2020

Comment Letter No.	Commenting Agency / Organization / Individual	Date
141	Rebecca Perry	September 28, 2020
142	Reidunn Raudstein	September 28, 2020
143	Sally Aberg	September 28, 2020
144	Sarah Diehl	September 27, 2020
145	Scott Miller	September 28, 2020
146	Tony Ciani	September 28, 2020
147	Tony Ciani	September 28, 2020
148	Tony Ciani	September 28, 2020
149	Tony Ciani	September 28, 2020
150	Tony Ciani	September 28, 2020
151	Tony Ciani	September 28, 2020
152	Thomas Lindberg	September 28, 2020
153	Wendi Giles	September 28, 2020

**CALIFORNIA COASTAL COMMISSION**

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**Letter 1****September 28, 2020**

Rob Mullane  
300 Forest Avenue  
Pacific Grove CA 93950

**Subject: American Tin Cannery Draft Environmental Impact Report (State  
Clearing House #2019110152)**

Dear Mr. Mullane:

Thank you for the opportunity to review and comment on the Draft Environmental Impact Report (DEIR) for the American Tin Cannery (ATC) Hotel and Commercial Project. The proposed project would redevelop the four parcels at the American Tin Cannery site in the City of Pacific Grove (totaling approximately 5.59 acres primarily at 109/125 Ocean View Boulevard) as a new hotel with street retail uses on the ground floor. Proposed construction activities include partial demolition and renovation of the existing American Tin Cannery building, demolition of two existing commercial structures and three above-grade parking lots, and construction of a four-story hotel with two subterranean parking garages. The hotel is proposed to include two guest wings with a total of 225 guest rooms, with the goal of giving each a distinctive visitor experience with respect to amenities and services, and approximately 20,000 square feet of street retail uses on the ground floor along the Ocean View Boulevard and Eardley Avenue frontages.

Generally speaking, we have been supportive of the concept of a hotel at this highly visible location adjacent to the shoreline, the City's public access trails, and the Monterey Bay Aquarium, as it is a prime spot for a visitor-accommodations use. We have been involved with this project for some time now and have recognized that while some project elements provide coastal benefits, we recognize that compared to the existing ATC factory outlets and existing occupied commercial uses, the project would result in an intensification of uses at the project site and the resulting issues from such intensification must be addressed. Given the magnitude of the project and its location, special consideration must be given to water availability, design standards for the site, impacts to coastal views, cost of accommodations, parking availability, and tree removal with proposed non-native landscaping. All of these issues will need to be addressed through the coastal permitting process to ensure compliance with the Pacific Grove Local Coastal Program (LCP), which is the standard of review for this project. Further, please note that due to the project's location (i.e., within 300 feet of the inland extent of the bluff), approximately 27,000 square feet of the project is appealable to the Coastal Commission upon City approval of CDPs. Thus, the subsequent observations are not

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new, but rather reiterate previously identified concerns that need to be addressed as this project moves forward. Please consider the following comments and suggestions:

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## Water

There is a significant water shortage problem in the greater Monterey peninsula, which is resulting in ongoing coastal resource degradation of the Carmel River as well as seawater intrusion in overtapped aquifers in the Seaside groundwater basin. California-American Water Company (Cal-Am) supplies Pacific Grove with potable water, which is then regulated and distributed to consumers by the Monterey Peninsula Water Management District (MPWMD). Thus, both Cal-Am and MPWMD play a role in the water used in Pacific Grove. For many years, Cal-Am has been diverting more water from the Carmel River than it has water rights to. As a result, in 2009 the State Water Resources Control Board (SWRCB) ordered<sup>1</sup> Cal-Am to cease diversions in excess of its water rights. Further, to reduce existing water demand from the river, the order includes Condition 2, which prohibits “new service connections or for any increased use of water at existing service addresses resulting from a change in zoning or use” within Cal-Am’s Monterey District service area, of which Pacific Grove is part. In addition, the Public Utilities Commission (PUC) authorized a moratorium on new connections that would be served by Cal-Am’s water supply. In sum, there is a water moratorium on new service connections and increased intensities of water use in Cal-Am’s service territory, which includes the City of Pacific Grove.

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In addition, Coastal Act Section 30250(a) requires that new development clearly demonstrate that adequate water supply is available to serve the development, and in a manner that protects coastal resources, including groundwater and riparian resources. Further, Section 3.4 of the City of Pacific Grove’s LCP contains policies intended to ensure that development within the Coastal Zone can be served by a long-term sustainable water supply. Specifically, Land Use Plan (LUP) Policy INF-2 states “Development shall only be approved if it first clearly demonstrates that the development will be served by an adequate existing water allocation and sustainable long-term water supply.” The SWRCB’s Cease and Desist Order (CDO) and PUC’s moratorium on new connections must be considered given that the proposed development would be served by Cal-Am’s water supply and the project constitutes a change in use of the project site. Therefore, given that there are existing significant adverse impacts to the Carmel River from existing water extractions to serve even existing Monterey Peninsula development, it is not evidence that there is a sustainable water source for this project, as required by the Coastal Act and the LCP. And our understanding is that the SWRCB explicitly does not allow for water service for: (1) new connections, or (2) increased use for existing legal connections when there is a change in use or zoning. Compared to the existing ATC factory outlets and commercial uses of

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<sup>1</sup> SWRCB Cease and Desist Order (WRO 2009-0060)

the project site, the project would result in a change in use of the site and would result in a significant intensification of water use at the project site (i.e., a change from relatively low-water-use retail shops to a luxury hotel with each of the 225 rooms or suites including a shower and a toilet. The hotel would also include water-using amenities such as a pool, restaurants, room service, banquet facilities, and retail stores). The Water Demand Technical Memorandum prepared for the hotel and commercial project, included in Appendix II of the DEIR, estimated water demand 23.43 acre feet of use per year (AFY)<sup>2</sup> and that the “existing water allocation” for the site, also referred to as baseline for past water use, is 18.53 AFY. The DEIR states that water conservation measures, approved by the MPWMD,<sup>3</sup> would reduce the proposed project water’s demand by 5.52 AFY to 17.91 AFY, which is 0.62 AFY below the existing water allocation for the site of 18.53 AFY.

The first concern is how the existing water allocation was determined. The baseline for past water use for a site can be determined one of two ways: 1) by the actual average metered annual water use for a water year from the last five years’ of records, or 2) the “capacity for use,” referred to as the water use capacity, which is calculated from the water use factors for the property based on square footage.<sup>4</sup> The MPWMD uses the latter method to determine the existing water allocation using MPWMD’s non-residential water use factor sheet (Rule 24, Table 2). Each non-residential use is assigned a factor that when multiplied by a specified measurement shown on Table 2 (e.g., square footage, number of rooms/seats, etc.) results in an estimate existing water allocation in acre feet. Existing uses of the site include ~165,000 square feet of “factory outlet” commercial retail (which is partially vacant) and surface parking lots. We understand the existing water allocation of 18.53 AFY cited in the DEIR is based on the 1991 “existing water allocation” with “water credits” from 2002<sup>5</sup> (see Attachment 2). When using the “capacity for use” method to determine the existing water use at the site, it must be calculated from the square footages of current uses (and not those from 29 years ago). Further, in a letter from the SWRCB to Cal-Am clarifying the definition of a workable

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<sup>2</sup> MPWMD letter dated January 31, 2020 in Appendix 1 states that the bathrooms within the four largest suites may use additional water due to higher occupancy and two large bathtubs and that the MPWMD’s review estimated a water demand of at least 23.746 AFY. If conservation measures were deducted from this, it would result in an estimated water demand of 18.226 AFY.

<sup>3</sup> MPWMD Board of Directors October 15, 2018 approval of a finding of “Special Circumstances” for the American Tin Cannery Hotel Project for use of state-of-the-art water efficiency elements in the project design.

<sup>4</sup> State Water Board letter dated April 9, 2012.

<sup>5</sup> Using the “capacity for use” method, MPWMD determined the existing water allocation of the site in 1991 was 18.53 AFY and a reassessment in 2002 found a lesser existing water allocation of 15.70 AFY. The difference in the water allocation for these years is different square footage of uses in 1991 and 2002 used to calculate the existing water allocation using the “capacity for use” method. MPWMD stated the difference (2.83 AFY) is a “water credit” that MPWMD states is still valid and thus used in the DEIR.

protocol for determining the existing water allocation while the CDO is in effect, the SWRCB stated it will determine the existing water allocation based on the lesser of the actual average metered annual water use for a water year from the last five years' of records, or the "capacity for use" method". Therefore, the DEIR must compare the baseline derived from both methods, and the lesser of those must be used as the existing water allocation.

The second concern is an apparent error in water use factors used to calculate the estimated water demand of the proposed project. The combined gross water demand of all uses associated with the project is calculated in the DEIR to be 23.43 AFY as shown in Table 19-1: Proposed Development Water Demand Calculations (Per MPWMD Rule 24). Similar to the "capacity of use" method that MPWMD uses to determine the existing water allocation, the estimated water demand of the proposed project is based on multiplying square footage of proposed development with a water use factor. The Water Use Factor shown on Table 19-1 and the Water Demand Technical Memorandum for a standard hotel guest room is 0.064 AF/Room. However, the MPWMD's published Rule 24 for non-residential uses lists the Water Use Factor for a "Motel/Hotel/Bed & Breakfast" room as of 0.64 AF/Room, i.e. one magnitude more intensive than the water use factor used to calculate the proposed water demand for a standard hotel guest room seen in Table 19-1 (see Attachment 2). Thus, Table 19-1 table enumerates that 197 standard guest rooms with a water use factor of 0.064 would generate an estimated water demand of 12.608 AFY, but when corrected to use the MPWMD water use factor of 0.64, the 197 standard hotel rooms would generate an estimated water demand of 126.08 AFY. Similar errors exist in the water use factor calculations for hotel suites. The water use factors used in the EIR to estimate water demand must be corrected to match the MPWMD's non-residential water use factors (Rule 24, Table 2).

The third concern is the validity of the water conservation measures, approved by the MPWMD, that are shown in the DEIR to reduce the estimated water demand of the proposed project by 5.52 AFY. These water conservation measures include using alternative water sources for toilet flushing, installation of zero waterless urinals, and no onsite laundry, and are calculated (in the Water Demand Technical Memorandum) to reduce the estimated water demand by 3.06 AFY, 2.45 AFY, and 0.01 AFY, respectively. However, it is not clear if all of these proposed measures would reduce the estimated water demand calculated using the MPWMD's published Rule 24 for non-residential uses water use factors. Specifically with respect to laundry, it is not clear if the MPWMD water use factor as seen in Rule 24, Table 2 for "Motel/Hotel/Bed & Breakfast" (0.64 AF/Room)<sup>6</sup> accounts for on-site laundry service. The proposed "no on-site laundry" conservation measure is based on the hotel operator using a laundry

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<sup>6</sup> MPWMD Rule 24, Table 2, Group III

service that is located outside of the MPWMD's district boundaries (i.e. Mission Linen's commercial laundry facilities in the City of Salinas)<sup>7</sup> to launder 8 to 14 pounds of laundry per room per day, and the DEIR states this conservation measure would reduce the proposed project's water demand by 3.06 AFY. If this conservation measure is to be considered a valid reduction from the proposed project water demand, the EIR should include a description and calculations of how the MPWMD rate factors were determined and show that they are based on hotel's that have onsite laundry facilities.

In conclusion, the water calculations provided in the DEIR seem problematic in terms of how they were calculated, especially in comparison to the existing water use at the site, which is likely significantly less than the proposed project. In addition, we note that the estimations used to calculate existing water use and proposed water use are very complicated and involve numerous key assumptions. We therefore also recommend that a basic comparison between actual existing water use (as found on water meters over the recent past) and actual water use from other similarly sized hotels in the Monterey/Pacific Grove area be used. This would provide the public and decisionmakers more information to analyze water use besides using estimations and assumptions. And lastly, given the water supply moratorium due to known inadequacies and adverse impacts to the Carmel River and Seaside groundwater basin, the EIR needs to thoroughly explain how the proposed water use is consistent with the SWRCB and PUC order as well as how the project will be provided water in a manner protective of these resources, as required by the LCP.

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### ***Building Height***

The project site slopes down from Central Avenue to Ocean View Boulevard towards Monterey Bay. Given that the project site is located along the first public road from the ocean and acts as an important gateway transitioning from Monterey's historic Cannery Row to the City of Pacific Grove, the project site is subject to design standards (including site coverage and height) for development under the LCP. The LCP's Implementation Plan (IP) defines "height" as "the vertical distance measured between legally established existing grade and the top-most portion of development above existing grade, unless otherwise specified." Thus, height is measured from the existing grade elevation straight up to the top of the proposed structure. Per City of Pacific Grove Implementation Plan (IP) Section 23.90.180(c)(5)(b), buildings on the project site may be allowed up to 40 feet in height as measured from existing grade. This section also states that such heights shall be reduced as necessary to ensure that existing blue water views from public vantage points are predominantly maintained. In addition, IP Section 23.90.180(c)(5)(g)(ii) provides for an allowance of an additional eight feet for

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<sup>7</sup> This would require the laundry produced from the hotel to be trucked approximately 31 miles one way to be laundered. The additional CO<sub>2</sub> emissions generated by this 62-mile roundtrip, potentially several times per week of the life of the development, is not accounted for in the greenhouse gas emissions section of the DEIR.

mechanical appurtenances (e.g., an elevator shaft, HVAC equipment, etc.). Finally, IP Section 23.90.180(C)(5)(b) requires that “building and other structure heights shall be limited to the degree necessary to maintain public views, maintain pedestrian scale, and maintain community character. In no case shall building and other structures exceed 40 feet as measured from existing grade, and all such heights shall be reduced as necessary to ensure to the maximum extent feasible that existing blue water views from public vantage points are predominantly maintained. For new development that fronts on and/or is visible from Ocean View Boulevard or the Ocean View Boulevard Recreational Trail, story step-backs and building articulation shall be required to ensure that buildings and other structures do not dominate blue water ocean views, do not domineer over the public space, and do not appear as large flat planes.”

The proposed site layout uses the existing natural grade to “stairstep” the hotel buildings from Ocean View Boulevard upslope toward Central Avenue. The heights of the proposed buildings are shown in elevation above sea level in DEIR Figure 3-6A: Eardley Avenue Elevation and Figure 3-6B: Dewey Avenue Elevation. However, these figures only show elevation (from sea level) of the structures and do not show the maximum building height (i.e. vertical distance from existing grade). Further, based on the elevations shown in these figures, it appears that the proposed hotel building heights exceed those allowable for the site. For example, Figure 3-6A shows the elevations of the “Executive Wing” as measured from the lowest point of the building (i.e., the portion of the wing that is closest to and parallel with to Central Avenue) to be 38 feet above existing grade. However, Figure 3-6B appears to show the highest point of the Executive Wing (i.e., the portion of the wing that is closest to and parallel with Ocean View Boulevard) is about 56 feet above existing grade. In sum, the EIR should include depictions of the maximum building heights (i.e. the vertical distance measured between legally established existing grade and the top-most portion of development above existing grade). If any of proposed buildings exceed 40 feet (as measured from the highest point of any individual building above existing grade), the height of the structures must be reduced to the LCP’s maximum allowable building height of 40 feet. If the buildings exceed the LCP’s height limits, an alternative with a lower profile must be considered.

In addition, the images in the DEIR that depict heights of the proposed buildings include rooftop structures that exceed building height. As stated previously, mechanical appurtenances up to 48 feet (measured from their highest point above grade) may be permissible if they are appropriately screened to protect public views. Thus, the EIR should clearly depict the maximum heights of these rooftop structures as measured from the highest point of any individual structure above existing grade, and these heights should not exceed 48 feet above existing grade. Finally, the EIR should assure that such mechanical equipment is appropriately screened to protect public views.

### **Visual Impacts of Proposed Structures**

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Since the site is along Oceanview Blvd, the project is subject to the scenic resources requirements in IP Section 23.90.160, which include the following to determine impacts to ocean/scenic views; "...Any other information deemed necessary to determine the visual impact of the proposed project, including but not limited to analysis of the heights of existing buildings within 150 feet of the proposed structure; story poles and netting showing proposed ridgelines; and visual simulations to help identify potential visual impacts." The DEIR states "Story poles – temporary lightweight poles with netting to demonstrate a proposed building's location and height – were not erected per city direction due to safety concerns." However, Commission staff strongly encourages the City to implement some type of onsite method of evaluating the project's height and scale (other than photo simulations, which are difficult to rely on for assessing visual impacts), particularly given local public interest in the project and also because the project will result in a significant increase in height and scale compared to the existing development on the site. We encourage the City to consider alternatives to the traditional story poles that would be able to achieve the same results (e.g., using commercial grade balloons with pennant tape<sup>8</sup> or netting or boom lifts as opposed to story poles, etc., or a hybrid mix of non-traditional and traditional story polling that can be done safely, or other non-standard approaches that adequately show the height and scale of the project).

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Further, the visualizations of the project shown in the Visual Resources section of the DEIR include a depiction of an existing Monterey cypress tree that is proposed for removal. In all images shown from inland vantage points, the buildings would be far more visible without the tree and thus the depictions do not accurately represent the visual impacts of the proposed structures as seen from inland sites. All trees proposed for removal should be removed from all relevant visualizations in the EIR in order to allow for appropriate evaluation of the visual impacts of the proposed project.

### **Low-Cost Accommodations**

The proposed hotel project is broken up into two "wings": the Executive Wing and the Family/Group Wing. Projected average room rates are not discussed in the project description but the distinction and title of each respective wing suggest that the Family/Group Wing may provide lower-cost accommodations and/or provide room amenities that would serve as a lower-cost option for families (e.g., additional beds per unit, suite facilities, kitchen facilities, etc.).

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Coastal Act Section 30213 and LUP Policy PRA-11/12 protect lower-cost visitor-serving facilities, including overnight accommodations, and IP Section 23.90.330(C) specifies the required analyses regarding lower-cost accommodations for new hotel projects. To

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<sup>8</sup> Used as alternative to traditional story poles in City of Lafayette 81-unit Town Center III condominium project ([http://lafayette.granicus.com/MetaViewer.php?view\\_id=19&clip\\_id=934&meta\\_id=6419](http://lafayette.granicus.com/MetaViewer.php?view_id=19&clip_id=934&meta_id=6419))



ensure that new hotel development provides for lower-cost accommodations, consistent with Coastal Act Section 30213, the Commission typically requires one of the following: lower-cost accommodations provided onsite; creation of an equivalent number of lower-cost units off-site, or; payment into an “in-lieu” fund that will be used to create an equivalent amount of new lower-cost accommodations to be constructed elsewhere. To determine if the proposed project provides lower-cost visitor accommodations, a feasibility analysis as well as an impact analysis must be completed. If it is determined the proposed project will impact existing lower-cost visitor-serving accommodations or provide only high- or moderate-cost visitor accommodations, then mitigation commensurate with the impact will be required.<sup>9</sup> The DEIR states the project applicant is preparing a feasibility study that will address specific measures for lower-cost accommodations, and that such measures may include offsite facilities or payment of an in-lieu fee, in compliance with Coastal Act Section 30213 and the requirements of IP Section 23.90.220(C) regarding lower-cost accommodations and the required analyses in preparation of the feasibility analysis. This is a critically important issue and the EIR needs to be very specific and include enforceable standards regarding protection of low-cost visitor accommodations.

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### Parking

The American Tin Cannery building is currently occupied by retail stores, restaurants, and recreational uses (i.e., bicycle rentals, a miniature golf course, and a fitness facility) with a total of 147 uncovered parking spaces dedicated to the existing uses. The proposed project includes a 225-room hotel, two restaurants, a rooftop bar, five meeting rooms, and four retail spaces with a total of 304 off-street parking spaces. The proposed uses for the 304 parking spaces are as follows; 153 parking spaces for the 104 Executive Wing rooms, 107 parking spaces for the 121 Family Wing rooms, and 44 parking spots for all other uses. The Coastal Act requires new development to provide adequate, appropriately distributed off-street parking in order to protect on-street parking for coastal access uses. In addition, LUP Policies INF-22 and IP Section 23.90.180(c)(5)(c) includes provisions related to off-street parking spaces and state that; “Off-street parking spaces for new development shall be required in the number necessary to ensure that both customer and employee parking needs are provided onsite and does not conflict with public coastal access parking needs. Factors to consider when determining off-street parking requirements include the size of the lot, proximity to the shoreline, and adequacy of public parking opportunities for public coastal access in the vicinity.” In order to ensure adequate parking is provided by the project, new development must demonstrate that the number of off-street parking

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<sup>9</sup> For moderate-cost hotels, in the past the Commission has found that onsite public amenities (a public plaza, bike racks, public benches) provide adequate mitigation. And although the Commission requires mitigation for high-cost high-end hotels that includes a lower-cost visitor accommodations element, the Commission typically is also interested in some onsite public amenities in these projects.

spaces reflects both customer and employee parking needs are provided on-site and that it does not conflict with public coastal access parking needs.

The first concern is the number of parking spaces provided to hotel guests of each respective hotel wing. The allocation of parking spaces for rooms of each respective wing breaks down to 1.47 parking spaces per Executive Wing room and 0.88 parking spaces (i.e. less than one space) per Family Wing room. Requiring less than one space for each Family Wing room may result in patrons of these rooms having to park on the street, which would impact general public visitor parking. The EIR should clearly demonstrate that the appropriate number of parking spaces onsite is provided to each proposed use in order to not impact public parking.

The second concern is the number of parking spaces allocated to all non-hotel guest uses. This is a heavily used visitor-serving area due to its immediate proximity to the Monterey Bay Aquarium, Cannery Row, and the Pacific Grove recreational trail. The proposed project would eliminate 147 uncovered parking spaces, most of which are available to the public, and proposes 44 parking spaces in an underground garage. These 44 parking spaces are proposed to accommodate all hotel and retail employees, non-hotel guest uses (i.e. restaurant or spa patrons), as well as provide sufficient public parking. This seems insufficient to accommodate even staff parking let alone all other proposed uses as well as public visitor parking. For example, the DEIR states “The day shift (7:30 am to 3:00 pm) would require the highest staffing levels, estimated at 60 staff persons. Over a three shift (24-hour) period, the hotel would provide an estimated 121 staff members. Other on-site retail uses could require an estimated 40 additional employees during the day; however, the mix and type of retailers is not known at this time.” Thus, the proposed parking for all non-hotel guest uses is not expected to even be able to accommodate staff let alone. The parking needs for hotel and retail staff could be addressed through a transportation demand management (TDM) program that includes options for transit, ridesharing, walking, biking, etc., to the site. A TDM program has been used at the Monterey Bay Aquarium for many years and has greatly reduced the Aquarium’s onsite parking needs for its employees.

In sum, the EIR needs to provide an analysis demonstrating adequate parking for hotel guests, employees, and patrons, and in a manner that does not impact public on-street parking. In addition, given that the proposed hotel is located immediately adjacent to the Monterey Bay Coastal Recreation Trail, the Monterey Bay Aquarium, and other prime coastal recreational assets, the project should also ensure that parking for the general public is also provided to maximize the project’s public access and recreational offerings.

In conclusion, thank you for the opportunity to review and comment on the DEIR. We are generally supportive of reutilization of this historic site to enhance visitor-serving and coastal-related uses, but we are also mindful of the potential adverse impacts to sensitive coastal resources resulting from such the proposed hotel project. We look

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forward to working through the above issues as you work through the permitting processes. Please do not hesitate to contact me at [Alexandra.McCoy@coastal.ca.gov](mailto:Alexandra.McCoy@coastal.ca.gov) if you have any questions or would like to further discuss these comments.

1-7  
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Sincerely,

A handwritten signature in black ink, appearing to read 'AMC', with a long, sweeping horizontal line extending to the right.

Alexandra McCoy  
Coastal Planner  
Central Coast District Office

Attachments:

- 1) MPWMD letter dated August 19, 2002
- 2) DEIR Table 19-1 and MPWMD non-residential water factor sheet (Rule 24, Table 2)



# Attachment 1

## MONTEREY PENINSULA WATER MANAGEMENT DISTRICT

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5 HARRIS COURT, BLDG. G  
POST OFFICE BOX 85  
MONTEREY, CA 93942-0085 • (831) 658-5601  
FAX (831) 644-9558 • <http://www.mpwmd.dst.ca.us>

August 19, 2002

Mr. David Gandle, Senior Consultant  
ConsultEcon  
24 Thorndike Street  
Cambridge, MA 02141

**Subject: On-Site Water Credits for The American Tin Cannery Outlet Center, 125 Ocean View Blvd,  
Pacific Grove**

Dear Mr. Gandle:

This letter responds to an e-mail request on July 30, 2002, which was forwarded to me by Stephanie Pinter. I was asked to review the tenant information related to water credits for The American Tin Cannery Outlet Center in Pacific Grove. The results of this review are enclosed.

The American Tin Cannery Outlet Center, the current water credit available on the site is 2.83 acre-feet. The credit resulted from Commercial Water Use Group II and Group III tenant vacancies and conversion of those spaces to Group I commercial uses as reflected on current and past tenant maps in the District's file. Based on information provided by management at the American Tin Cannery Outlet Center, the gross square footage available for lease at The American Tin Cannery Outlet Center is currently 146,355 square feet. This was used as the basis for determining the existing water uses that are shown in Table 2, "The American Tin Cannery Outlet Center Current Uses".

It should be noted that current water use factors (District Rule 24, Table II, Commercial Water Use Factors) are subject to change by action of the District's Board of Directors. Changes in the factors could reduce or increase the amount of water credits available. A copy of Table II, Commercial Water Use Factors, is enclosed for your review.

Thank you for your patience, and please let me know if I can be of any further assistance. I can be reached at (831) 658-5601.

Sincerely,

A handwritten signature in blue ink, appearing to read "Shawn Novack".

Shawn Novack  
Conservation Representative

2 Enclosures

Mr. David Gandle, Senior Consultant  
August 19, 2002

Table 1

AMERICAN TIN CANNERY OUTLET CENTER PAST USES (1991)					
USE	SQUARE FT.	OTHER FACTOR (SEATS)	FACTOR	DEMAND	
Group I Uses	132,294		0.00007	9.349	
Group II Uses	2674		0.0002	.2832	
Group III Uses	2636				
Restaurant	12,006	445	0.020	8.90	
Total Square Feet		146,976	Total Acre-feet of Water		18.53

Table 2

AMERICAN TIN CANNERY OUTLET CENTER CURRENT USES (AUG 2002)					
USE	SQUARE FT.	OTHER FACTOR (SEATS)	FACTOR	DEMAND	
Group I Uses (including current vacant spaces)	139,549		0.00007	9.80	
Group II Uses	-		0.0002	-	
Group III Uses					
Restaurant	6,406	295	0.020	5.9	
Total Square Feet		146,355	Total Acre-feet of Water		15.70

MPWMD Rule 24, Table 2

Table 19-1 DEIR Estimated Water Demand Table

TABLE 2. NON-RESIDENTIAL WATER USE FACTORS

<b>Group I</b>	0.00007 AF/SF	Users in this category are low water uses where water is primarily used for employee hygiene and minimal janitorial uses. Examples are offices, warehouses, and low water use retail businesses.
<b>Group II</b>	0.0002 AF/SF	Users in this category prepare and/or sell food/beverages that are primarily provided to customers in/on disposable tableware. Food with high moisture content and liquid food may be served on reusable tableware. Glassware may be used to serve beverages. Users in this category are not full-service restaurants.
<b>Group III</b>		
Assisted Living (more than 6 beds) <sup>2</sup>	0.085 AF/Bed	
Bar (limited food/not a full-service restaurant)	0.0002 AF/SF <sup>1</sup>	
Beauty Shop/Dog Grooming	0.0567 AF/Station	
Child/Dependent Adult Day Care	0.0072 AF/Person	
Dry Cleaner w/on-Site laundry	0.0002 AF/SF	
Dormitory <sup>3</sup>	0.02 AF/Bed	
Laundromat	0.12 AF/Machine	
Motel/Hotel/Bed & Breakfast	0.64 AF/Room	
w/Large Bathtub (Add to room factor)	0.03 AF/tub	
w/Each additional Showerhead beyond one (Add to room factor)	0.02 AF/Showerhead	
Nail Salon	0.00007 AF/SF	
Irrigated Areas/Landscaping	ETWU (See Rule 142.1)	
Plant Nursery	0.00009 AF/SF Land Area	
Public Toilet	0.058 AF/Toilet	
Public Urinal	0.036 AF/Urinal	
Zero Water Consumption Urinal	No Value	
Recreational Vehicle Water Hookup	0.1 AF	
Restaurant - Full Service (including associated Bar Seats)	0.02 AF/Interior Restaurant Seat	
Exterior Restaurant Seats above the “Standard Exterior Seat Allowance” <sup>4</sup>	0.01 AF/Exterior Restaurant Seat	
Exterior Restaurant Seats within the “Standard Exterior Seat Allowance”	No Value	
Restaurant (24-Hour and Fast Food)	0.038 AF/Interior Restaurant Seat	
School or Church	0.00007 AF/SF	
Self Storage	0.0008 AF/Storage Unit	
Skilled Nursing/Alzheimer’s Care	0.12 AF/Bed	
Spa	0.05 AF/Spa	
Swimming Pool	0.02 AF/100 SF of Surface Area	
Theater	0.0012 AF/Seat	

Table 19-1: Proposed Development Water Demand Calculations (Per MPWMD Rule 24)

Type of Use	Assumptions	Quantity	Unit	MPWMD Water Use Factors	Unit	Estimated Water Usage (AFY)
Hotel Guest Rooms (Standard)	One bathroom, one shower head, and standard tub	197	each	0.064	AF/Room	12.61
Hotel Suites (Junior and 1bd)	One bathroom, one shower head, and large tub	24	each	0.094	AF/Room	2.26
Hotel Suites (2bd and Presidential)	Two bathrooms, each with one shower head, one standard tub, and one large tub	4	each	0.094	AF/Room/+ large tub	0.376
Meeting Space		7,010	Sq. ft.	0.0002	AF/SF	1.40
Ballroom Space		6,370	Sq. ft.	0.00007	AF/SF	0.45
Restaurant (includes 90 outdoor seats)		180	Interior seats	0.02	AF/interior restaurant seat	3.60
Fitness club and spa		8,835	Sq. ft.	0.00007	AF/SF	0.62
Pool		3,000	Sq. ft.	0.02	AF/100 SF of Surface Area	0.60
Mixed-use retail		21,570	Sq. ft.	0.00007	AF/SF	1.51
Total Hotel and Commercial Use (before water saving measures)						23.43
Water Saving Measures						(5.52)
Adjusted Water Demand						17.91

Source: Stantec 2020

**DEPARTMENT OF TRANSPORTATION**

CALTRANS DISTRICT 5  
50 HIGUERA STREET  
SAN LUIS OBISPO, CA 93401-5415  
PHONE (805) 549-3101  
FAX (805) 549-3329  
TTY 711  
[www.dot.ca.gov/dist05/](http://www.dot.ca.gov/dist05/)

**Letter 2**

Making Conservation  
a California Way of Life.

July 30, 2020

MON/68/1.116  
SCH#2019110152

Rob Mullane, AICP  
Consulting Planner  
City of Pacific Grove  
Community Development Department  
300 Forest Avenue, 2nd Floor  
Pacific Grove, CA 93950

Dear Mr. Mullane:

COMMENTS FOR THE DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) –  
AMERICAN TIN CANNERY HOTEL AND COMMERCIAL PROJECT, PACIFIC GROVE,  
CA

The California Department of Transportation (Caltrans) appreciates the opportunity to review the DEIR for the American Tin Cannery Hotel and Commercial Project. The project proposes to build a 225-room hotel with 20,000 square feet of street retail space. Caltrans offers the following comments in response to the DEIR:

1. Caltrans supports local development that is consistent with State planning priorities intended to promote equity, strengthen the economy, protect the environment, and promote public health and safety. We accomplish this by working with local jurisdictions to achieve a shared vision of how the transportation system should and can accommodate interregional and local travel and development. Projects that support smart growth principles which include improvements to pedestrian, bicycle, and transit infrastructure (or other key Transportation Demand Strategies) are supported by Caltrans and are consistent with our mission, vision, and goals.
2. The Transportation Agency for Monterey County (TAMC) collects development impact fees to help fund transportation projects of regional

2-1

significance to address project long-range traffic impacts. Caltrans supports payment of the adopted TAMC development impact fees as required to mitigate any cumulative impacts for future development projects.

3. We applaud the projects implementation of a Transportation Demand Management (TDM) plan which includes fixed-route and on-demand shuttles, flexible work schedules for carpooling, and bicycle end of trip facilities. The monitored TDM will help meet State goals for lowering vehicle miles traveled (VMT) and reducing greenhouse gasses (GHG's) by taking vehicles off the local roadway network.

Thank you for the opportunity to review and comment on the proposed project. If you have any questions, or need further clarification on items discussed above, please contact me at (805) 535-6543 or email [christopher.bjornstad@dot.ca.gov](mailto:christopher.bjornstad@dot.ca.gov).

Sincerely,

*Chris Bjornstad*

Chris Bjornstad  
Associate Transportation Planner  
District 5 Development Review

2-1  
Cont

## Letter 3

September 10, 2020

Via email: [rmullane@hrandassociates.org](mailto:rmullane@hrandassociates.org)

Rob Mullane, AICP, Consulting Planner  
City of Pacific Grove  
Community Development Department  
300 Forest Ave, 2<sup>nd</sup> Floor  
Pacific Grove, CA 93950

**SUBJECT:      Comments on the Draft Environmental Impact Report for the American Tin Cannery Hotel and Commercial Project**

Dear Mr. Mullane:

The Transportation Agency for Monterey County is the Regional Transportation Planning and Congestion Management Agency for Monterey County. Agency staff has reviewed the Draft Environmental Impact Report for the American Tin Cannery Hotel and Commercial Project.

The American Tin Cannery Hotel and Commercial Project proposes to replace an existing factory outlet and related commercial uses with a new hotel and retail uses. The hotel would provide 225 guest rooms, a restaurant and lounge areas, meeting and gathering spaces and a spa and fitness area. In addition, the project includes 20,000 square feet of street-facing retail uses along Ocean View Boulevard and Eardley Avenue.

The Transportation Agency staff offers the following comments regarding the DEIR:

1. TAMC supports Mitigation Measure GHG-2.1 Commute Trip Reduction and Transportation Demand Management. The Transportation Agency manages a regional travel demand management program, Go831, which is designed to support employer-based commuter programs. Go831 provides resources, technology and tools that create valuable benefits to employees while keeping administrative costs low. For more information about the program, visit <http://www.go831.org/> or contact TAMC's Go831 Rideshare Coordinator, Tracy Burke Vasquez at [tracy@tamcmonterey.org](mailto:tracy@tamcmonterey.org).
2. In order to meet the goals of the 2018 Monterey County Regional Transportation Plan and the 2040 Metropolitan Transportation Plan and Sustainable Communities Strategy, please refer to the Transportation Agency's Complete Streets Guidelines to support safe bicycle and pedestrian infrastructure, available online following this link: <https://www.tamcmonterey.org/programs/complete-streets/>

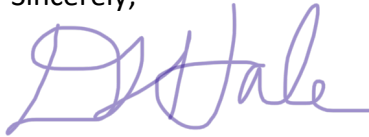
3-1

3-2

- |  |     |
|--|-----|
| 3. Please consider how bicyclists and pedestrians will safely traverse around the commercial vehicle access area. The project site should be designed with sidewalks that safely connect to external facilities and provide access to transit stops.   | 3-3 |
| 4. TAMC believes the existing pedestrian crossing at Eardley Avenue and Ocean View Avenue should be improved to better support safe pedestrian accessibility to the Monterey Bay Sanctuary Scenic Trail and the pacific coastline. With no improvements to this intersection identified in the DEIR, TAMC requests that the development enhance this pedestrian crossing to meet the highest industry standards for safe pedestrian crossings.   | 3-4 |
| 5. TAMC encourages the use of Monterey-Salinas Transit's Designing for Transit Manual as a resource to support current and potential future transit access to the project site. Monterey Salinas Transit is in the process of updating their 2006 manual; the 2020 draft Designing for Transit manual is available here: <a href="https://www.tamcmonterey.org/wp-content/uploads/2020/07/DesigningForTransit_07-03-20.pdf">https://www.tamcmonterey.org/wp-content/uploads/2020/07/DesigningForTransit_07-03-20.pdf</a> | 3-5 |

Thank you for the opportunity to comment on the proposed project. The Agency looks forward to providing comments on the final environmental impact report. If you have any questions, please contact Madilyn Jacobsen of my staff at [madilyn@tamcmonterey.org](mailto:madilyn@tamcmonterey.org) or 831-775-4402.

Sincerely,



Debra L. Hale  
Executive Director



## Letter 4

September 14, 2020

Mr. Rob Mullane, AICP, Consulting Planner  
Community Development Department  
City of Pacific Grove  
300 Forest Avenue, 2<sup>nd</sup> Floor  
Pacific Grove, California 93950

**Subject: MPWMD Comments on City of Pacific Grove's Draft Environmental Impact Report (DEIR) for the American Tin Cannery Hotel and Commercial Project, 109/125 Ocean View Boulevard, Pacific Grove, SCH#2019110152 (APNs: 006-231-001, 004, 005, and 008)**

Dear Mr. Mullane:

The Monterey Peninsula Water Management District (MPWMD or District) appreciates the opportunity to comment on the City of Pacific Grove's Draft Environmental Impact Report (DEIR) dated July 2020, for the American Tin Cannery Hotel and Commercial Project in Pacific Grove. The project is described as a 225-room hotel with a fitness center, spa, meeting rooms, restaurant, bars and approximately 20,000 square feet of retail. The 225-room hotel will occupy the Site<sup>1</sup> that currently consists of approximately 165,000 square-foot of Non-Residential buildings that contain restaurants and retail uses. The project will include garden space which will be irrigated through a Graywater reuse system. The Graywater system will also be used for flushing toilets on the property. The District is submitting these comments based on current rules and policies which are subject to revision by action of the Board of Directors. The District has the following comments:

MPWMD would specifically like to address the findings related to Section 3.7.8, *Sustainability and Conservation*, Section 13, *Hydrology and Water Quality* and Section 19, *Utilities and Service Systems*. The Cumulative Impact Analysis indicate that there is a "Less than Significant Impact" on water supplies as a result of this project. MPWMD concurs with the details provided in the DEIR document regarding the source of water efficiency measures to accommodate the proposed project. A finding of Less than Significant Impact is supported.

4-1

District staff appreciates the opportunity to comment on the City of Pacific Grove's DEIR dated July 2020, for the American Tin Cannery Hotel and Commercial Project. The District concurs that the proposed project will have sufficient water supply to offset the water Capacity projections for the proposed project.

If you have any questions or would like to discuss our comments, please contact Gabriela Bravo or Stephanie Kister Campbell at [gabby@mpwmd.net](mailto:gabby@mpwmd.net) or [skister@mpwmd.net](mailto:skister@mpwmd.net).

Sincerely,

*Stephanie Locke*

Stephanie Locke  
Water Demand Manager

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<sup>1</sup> Capitalized terms are defined in MPWMD Rule 11.



## Letter 5

September 28, 2020

City of Pacific Grove  
Community & Economic Development Department  
300 Forest Avenue, 2nd Floor  
Pacific Grove, CA 94806  
Attention: Rob Mullane, AICP, Consulting Planner

Subject: Review of Draft Environmental Impact Report (EIR) for the American Tin Cannery (ATC) Hotel and Commercial Project at 109/125 Ocean View Boulevard

Dear Mr. Mullane,

The City of Monterey has reviewed the Draft EIR for the ATC Hotel and Commercial project at 109/125 Ocean View Boulevard. The City is overall pleased with the quality and thoroughness of the DEIR. We focused our review of the DEIR on those EIR Sections that could have potential impacts for the City. The City has the following comments on the Transportation Chapter:

1. Transportation Chapter:

- a. As stated in the Transportation Chapter (pdf page 441), the project would not cause significant impact related to VMT; however, the DEIR states "it is highly recommended that the project identify and incorporate a package of Transportation Demand Management (TDM) strategies as outlined in the Project Description and set forth in the project's draft Transportation Demand Management Plan."

5-1

Will the City of Pacific Grove require the TDM Plan as a condition of approval for the Project?

- b. The Draft TDM Plan was provided in the Appendices of the EIR, however this does not address how the TDM Plan will be incorporated into reductions of project trips. This is of concern at Intersection 15, the intersection of Del Monte Avenue/Lighthouse Avenue and Washington Street, which worsens operations that are below acceptable levels in Existing Conditions.

5-2

If the City of Pacific Grove includes this as a condition of approval, will there be clarifications on which TDM measures are used and the corresponding percent trip reduction attributed to each TDM measure recommended in the draft TDM Plan referred to in the Transportation Chapter?

- c. A suggested TDM measure is expanding the MST Trolley into Pacific Grove and adding a stop at the American Tin Cannery Hotel. If this TDM measure is implemented, how will the developer assess their fair share of the MST Trolley Contributions?

5-3

- d. The implementation of TDM measures are recommended but not confirmed, nor is the method of monitoring.

If required, will TDM measures be monitored through a report on a yearly basis? If a yearly report is not preferable, how often will implemented TDM measures be monitored and in what form? Will this report be shared with the City of Monterey?

5-4

- e. In regards to the Existing Trip Generation, in Table 17-6, Existing Site Trip Generation, the site intensity for existing uses is 66,450 square feet of Shopping Center, and High-Turnover restaurant uses. In comparison in Section 4.1.1 Environmental Baseline/Existing Conditions (PDF pg. 88) it states that "The existing conditions and uses within the ATC Tin Cannery commercial building assume that the 146,992 square feet of leasable space have been leased at 54%, which is representative of the average occupancy between 2006 and 2018."

5-5

Please clarify the occupancy rate used to estimate existing trips, as 64,450 square feet represents 45% of the leasable space?

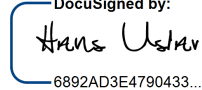
- f. In Table 17-7, Existing + Project Transportation Delay and LOS, Intersection 13 (Intersection of Lighthouse Avenue and David Avenue) had an improvement of 1 second of delay with the addition of project trips.

5-6

Can the consultant provide an explanation for this improvement in delay, with addition of trips to the intersection?

Thank you for the opportunity to review and comment on the DEIR.

Sincerely,

DocuSigned by:  
  
 6892AD3E4790433...

Hans Uslar  
 City Manager  
 City of Monterey  
 831-646-3758

- e: Kimberly Cole, AICP, Community Development Director  
 Andrea Renny, PE, PTOE, Traffic Engineer  
 Marissa Garcia, EIT, Traffic Engineering  
 Christy Sabdo, AICP, Associate Planner



## Monterey Bay Aquarium

886 CANNERY ROW  
MONTEREY, CA 93940  
831.648.4800

# Letter 6

September 28, 2020

Rob Mullane, AICP, Consulting Planner  
City of Pacific Grove  
Community Development Department  
300 Forest Avenue, 2nd Floor  
Pacific Grove, CA 93950.

Via Email: [rmullane@hrandassociates.org](mailto:rmullane@hrandassociates.org)

Dear Mr. Mullane,

The proposed American Tin Cannery (ATC) hotel project represents an important economic opportunity for the City of Pacific Grove and the region's tourism economy. The Aquarium is generally supportive of the concept of transforming the ATC into a vibrant asset that can enhance the visitor experience while providing additional economic opportunity and tax revenues to our community.

6-1

We have reviewed the Draft Environmental Impact Report (DEIR) with a lens as a neighbor with visitor-serving operations that include the care of marine animals. We also examined the environmental impacts and recommended mitigations as an ocean conservation organization. We respectfully submit the following comments:

**Noise and Vibration:** The DEIR identifies significant impact from ground borne vibrations and noise during construction. The Aquarium houses a number of marine animals exterior to the aquarium in quarantine holding tanks when not on exhibit, in addition to sea otters in rehabilitation. We also have a shared interest in the Tuna Research Care Center located on the Hopkins Marine Station adjacent to the aquarium. The DEIR recommends (MM N-3.1) installing vibration monitoring near the tuna research tanks. The Aquarium requests that monitoring devices also be installed at the aquarium quarantine facilities and outdoor holding tanks.

6-2

**Greenhouse Gas Emissions:** The Aquarium applauds the required mitigation of a Transportation Demand Management Plan to reduce commuter trips for employees and guests. The Aquarium has operated an alternative transportation program for over 30 years to reduce traffic congestion and emissions by providing incentives for employees to commute to work in a variety of modes other than a single occupancy vehicle. In addition, the extension of the MST Trolley to the Hotel and throughout Pacific Grove could provide guests with an easy and enjoyable car-free mode of accessing all the Peninsula has to offer. We would be happy to share our experiences with the project planners when they are ready to develop their plan.

6-3



**Hazards and Hazardous Materials:** The Aquarium applauds the efforts to assess the extent of perchloroethylene (PERC) contamination detected in the soil surrounding the dry-cleaning establishment. We take special interest in the completion of the following: Mitigation, containment, and monitoring protocols for PERC which has been detected in the soil surrounding the dry-cleaning establishment. The protocols should include not only the mentioned mitigation strategies to prevent contaminated soil from leaving the site via wind or via equipment and vehicles, but also strategies to mitigate its introduction to storm water run-off and areas in which it could contaminate groundwater (whether the groundwater is present at the time of construction or during future operation).

6-4

**Hydrology and Water Quality:** We note that while there is no groundwater basin located under the project site, groundwater has been observed to accumulate in and pass through the site. As such, we take interest in ensuring that during construction and during operation, all management and mitigation plans take into account the presence of this groundwater, and its potential to receive contaminants.

We take special interest in the completion of the following: Mitigation protocols for the construction and operation of the subterranean parking structure in relation to groundwater and stormwater. The structure has the potential of being built in an area where groundwater does flow or temporarily accumulate, and potential for contamination, particularly by the aforementioned PERC, should be taken into account during construction. In addition, any potential for water drainage or discharge from the structure, whether during construction or operation, should be included in the Storm Water Pollution Prevention Plan (SWPPP). We have an interest in reviewing this plan once drafted.

6-5

**Transportation and Circulation:** The Aquarium has two buildings adjacent to the proposed project site that are accessed from Sloat Avenue. The project plan intends to use Sloat Avenue as a service receiving and delivering entry at the back of the hotel. We have concerns about access and impact to our operational needs at both of our properties.

6-6

In addition, our daily operations require us to have full access to the entrance of the Corporation Yard at the end of Eardley Avenue during construction. We will also be concerned, both during construction and upon the hotel opening, that access for aquarium visitors, both daytime and evening, be given full consideration. We look forward to discussing these concerns during the formation of Conditions of Approval.



## Monterey Bay Aquarium

886 CANNERY ROW  
MONTEREY, CA 93940  
831.648.4800

While not specific to the required mitigation from environmental impacts, we do want to encourage the ATC Hotel project to be a model for sustainable hospitality by employing best practices in green building, including the use of recycled materials and water conservation. We also encourage you to showcase these efforts to the public, where feasible, to increase understanding and adoption.

6-7

We encourage the project to consider procuring power from Central Coast Community Energy (3CE) for the generation of electricity as a comparison to PG&E. 3CE recently adopted a more aggressive renewable electricity strategy to meet the California Renewable Portfolio Standard regulations under SB 100 15 years earlier at a comparable cost to PG&E. (2030 instead of 2045 as required by SB 100) Given the urgency of climate change and its impacts on all of us and the ocean, accelerating the use of renewable electricity is an important sustainability step. Electricity cost expenditures would also support local people and projects with dollars staying in the community.

6-8

We look forward to working with the ATC Hotel project applicant to ensure the project meets the highest standards of quality design, construction and operation that holds the environmental sensitivity of our shared coastline in the highest regard. We expect to be fully engaged in each step of the process and as mentioned, serve as a resource to the project planners on the aforementioned issues of concern.

Sincerely,

A handwritten signature in black ink, appearing to read "Barbara Meister".

Barbara Meister

Public Affairs Director



September 28th, 2020

Rob Mullane, ACIP Consulting Planner  
City of Pacific Grove,  
Community Development Department  
300 Forest Ave., 2<sup>nd</sup> Floor  
Pacific Grove, CA 93950  
mullane@hrandassociates.org

Dear Mr. Mullane,

Stanford University submits the following comments on the City of Pacific Grove's Draft Environmental Impact Report for the American Tin Cannery Hotel and Commercial Project (ATC DEIR).

By way of background, Stanford owns and operates the Hopkins Marine Station, which has served as a laboratory for teaching and research at its current location since 1917. Research at Hopkins Marine Station addresses important questions in marine biology at scales of organization from DNA to ecosystems. Hopkins houses living collections, including tuna and other species that cannot be housed at any other location. These species and laboratory functions are sensitive to vibration, noise, nighttime light and changes in water quality.

In addition, harbor seals use both the west and east beaches at Hopkins Marine Station as a rookery. In March and April, female harbor seals give birth on Hopkins' protected beaches. Females bear one pup each year and nurse it for 4 to 6 weeks before it is weaned. After a pup is born, the mother will leave the pup on the beach while she forages for food in nearby waters. All human interaction with seals and pups is harmful and can result in the injury or death of the animal. Further, noise, light and vibration can cause stress to harbor seals, which can result in injury, death, relocation or abandonment.

It is critically important to protect Hopkins Marine Station and associated beaches from public intrusion, noise, vibration, nighttime light and degradation of water quality. Because the ATC project is proposed to be constructed and operated directly across the street from the Hopkins Marine Station associated beaches, we have focused our comments on project effects and mitigation measures that are most relevant to these concerns.

#### Land Use and Planning

We note that Goal 1 of the City of Pacific Grove General Plan states:

Provide for orderly, well-planned, and balanced development consistent with the historic nature of Pacific Grove, the capacity of the City's infrastructure, and ability to assimilate new growth.

7-1

7-2

7-3

Policy 2 under this goal reads:

Ensure that new development is compatible with adjacent existing development.

Please see the remainder of this letter for suggested measures to ensure that the proposed project is compatible with the nearby Hopkins Marine Station and associated beaches.

7-3  
Cont

#### Aesthetics and Visual Resources

Any spillover night lighting from the proposed ATC project could harm harbor seals using the west and east beaches at Hopkins Marine Station as a rookery.

To prevent significant impacts to biological resources from nighttime lighting, Stanford requests the following additions to MM AES-3:

##### MM AES-3: Light and Glare Reduction

Prior to issuance of building permits, the project shall incorporate anti-reflective (AR) glass products and surfaces selected specifically to minimize reflective glare along the project's eastern/northeastern elevations. In addition, throughout project construction and operation, the project shall use directional lighting, shielding and (if necessary) window tinting to ensure that increased light from the project site does not spill over onto the Hopkins Marine Station and associated beaches at night in a manner that could adversely affect shoreline species. The project's Exterior Lighting Plan shall also be submitted to the Monterey Peninsula Airport Manager for review and approval consistent with ALUC standard conditions. In addition, prior to issuance of building permits, the project's Exterior Lighting Plan along with a study of spillover lighting prepared by a qualified professional shall be submitted to the City of Pacific Grove for review and approval to demonstrate that there will not be an increase in spillover light onto the Hopkins Marine Station and associated beaches from the project site at night compared to pre-project existing conditions, such that there could be an adverse effect on shoreline species.

7-4

#### Air Quality

Stanford agrees that dust control measures during project construction are important and should be implemented. However, we ask that measures be incorporated to ensure that any chemical soil stabilizers do not run off into the Hopkins Marine Station site or nearby areas of Monterey Bay.

7-5

#### Biological Resources

In assessing the potential impacts to harbor seal rookeries, the biological resources section of the ATC DEIR recognizes that seals pup on West Beach (a distance that the ATC DEIR reports is 400 feet from the ATC project site). However, harbor seals also pup on the beaches between the Hopkins Boat Works and the Monterey Aquarium (beaches that are substantially closer to the ATC project site). The impact analysis should be revised to account for seal rookeries on the eastern beaches, closer to the project site. Further, given the closer proximity of harbor seal rookeries to the construction site than

7-6

has been analyzed in the ATC DEIR, we are concerned that construction activities beyond those that are identified in Mitigation Measure BIO-1.2 may result in significant adverse effects that cannot be mitigated absent prohibition of such activities during the harbor seal pupping and weaning seasons.

**7-6  
Cont**

Stanford suggests the following revisions to mitigation measures BIO 1.1, 1.2 and 1.3:

**MM BIO-1.1 Noise Attenuation of [sic] Minimize Effects on Shoreline Species  
During Project Construction**

Prior to the start of demolition work, the project sponsor shall install construction perimeter fencing or similar barriers that incorporate noise attenuating materials (such as noise absorbing fiberglass blankets, tarps, tubular framing, sheathing etc.) along the Dewey Avenue and Ocean View Boulevard perimeters nearest the shoreline, including the entirety of the project boundary that faces Hopkins Marine Station and associated beaches.

**7-7**

Barriers shall interrupt the “line of sight” between the noise source and the protected species. The barriers shall remain in place as long as noise-generating excavation and construction activities continue. This measure should be combined with MM AES-1.1 (construction screening) and MM N-1.2 (noise construction barriers) to provide a single barrier system that addresses both noise and aesthetic issues.

**MM BIO-1.2 Timing of Demolition and Excavation**

Demolition, grading, ~~and excavation~~ of the site for sub grade construction, pile-driving (if any), steel framing (if any), and any other construction activity that disturbs shoreline species shall take place only between June 1 and February 1 (outside the harbor seal pupping and weaning season of February through May) to avoid potential disturbance of the local harbor seal population that may be using the beach areas to the east and west of Hopkins Marine Station.

**7-8**

**MM BIO-1.3 Biological Monitor**

During all construction ~~the initial demolition and excavation~~ phases that generate ~~higher~~ noise and vibration levels that could be perceptible to shoreline species, the project sponsor shall fund the engagement of a qualified biological monitor approved by and under contract to the City to observe and document behavior of both harbor seal and black oystercatcher populations. Activity or behavior that the qualified biological monitor or other qualified biologists (including those at Hopkins Marine Station) consider to be indicative of unusual stress or threatening relocation shall cause immediate work stoppage and notification of the City and project sponsor. Work shall resume only after noise levels are reduced and additional noise/disturbance protection measures are employed and tested in the field for effectiveness to prevent stress, relocation or other adverse effects on shoreline species.

**7-9**

While we appreciate that the ATC DEIR evaluates the potential impacts to shoreline species from noise and vibration during the project's construction phase, the ATC DEIR fails to address effects to shoreline species from noise and vibration during project operations (e.g., HVAC equipment, emergency generators, amplified music from wedding receptions and other outdoor events, etc.). The impact analysis should be revised to address noise and vibration from project operations. In addition, we suggest that the following mitigation measures should be added:

MM BIO-X Noise Attenuation to Minimize Effects on Shoreline Species During Project Operation

Prior to operation of outdoor noise-generating equipment such as HVAC equipment, emergency generators or other noise-producing equipment, the project sponsor shall install noise shields or barriers sufficient to prevent operation of such equipment to increase single event and average daily noise levels at Hopkins Marine Station and associated beaches.

Barriers shall interrupt the "line of sight" between the noise source and the protected species. The barriers shall remain in place as long as noise-generating equipment operates.

MM BIO-X Timing of Outdoor Noise-Generating Events

Outdoor events with amplified sound levels that would be perceptible to shoreline species shall take place only between June 1 and February 1 (outside the harbor seal pupping and weaning season of February through May) to avoid potential disturbance of the local harbor seal population that may be using the beach areas to the east and west of Hopkins Marine Station.

MM BIO-X Ongoing Biological Monitoring

Activity or behavior that a qualified biologist (including those at Hopkins Marine Station) considers to be indicative of unusual stress or threatening relocation shall cause immediate stoppage and notification of the City and project sponsor. The activity or behavior shall resume only after noise levels are reduced and additional noise/disturbance protection measures are employed and tested in the field for effectiveness to prevent stress, relocation or other adverse effects on shoreline species.

Please see our comments on the Aesthetics & Visual Resources and Noise & Vibration sections for additional suggestions regarding mitigation of impacts to biological resources.

Cultural Resources

Stanford University has an active archaeological research program that has interests in potential archaeological resources that may span both the Hopkins Marine Station and the proposed project sites. We are confident that the City of Pacific Grove and the project applicants share Stanford's interest in respecting the cultural values of descendant communities. Based on those shared interests we offer these suggestions regarding:

## MM CR 2.4 Cultural Resources

In order to fully satisfy the intent of a “information recovery” or “recordation” mitigation for cultural resources that may be discovered during project construction, archaeological materials and reports should be housed in appropriate public repositories for future use. The mitigation measures that are adopted as conditions of approval should include a requirement for the permanent curation of cultural materials discovered during project construction at a public repository meeting professional curation standards. Because there is a potential to encounter archaeological deposits associated with the Pt Alones Chinese village site, consultation with Chinese American stakeholders should be undertaken to prepare for the possibility that cultural materials associated with the Chinese village site are encountered during construction.

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## Hazards & Hazardous Resources

The ATC EIR should recognize that hazardous materials in soil disturbed during project construction, and any hazardous materials released during project construction and operation can be bound to sediment and transported offsite in storm water runoff. Absent mitigation, this could lead to transport of contaminated sediment to the Hopkins Marine Station beaches and to the Monterey Bay. Stanford suggests that the ATC EIR should include mitigation measures to ensure that such transport cannot occur.

7-12

## Noise and Vibration

The ATC DEIR includes a set of mitigation measures that are designed to reduce noise effects during project construction. The DEIR states that these measures are to be implemented in tandem with the measures identified in the biological resources chapter to reduce noise effects on shoreline species. To better protect against effects at Hopkins Marine Station and associated beaches during project construction, Stanford requests the following additions to the construction noise mitigation program:

### MM N-1.1 Construction Noise Reduction

Prior to the issuance of demolition or grading permits, the City shall ensure that the project applicant includes the following on all construction plans and contracts for the proposed project and throughout project construction, the project applicant must ensure that the following measures are implemented:

7-13

**Construction Hours.** Limit construction activity to the hours listed in Table 15-9 (10:00 am to 5:00 pm on Sundays and 8:00 am to 6:00 pm on Monday through Saturday).

**Construction Equipment.** Properly maintain construction equipment and ensure that all internal combustion engine driven machinery with intake and exhaust mufflers and engine shrouds (if the equipment had such devices installed as part of its standard equipment package) that are in good condition and appropriate for the equipment. Equipment engine shrouds shall be closed during equipment operation. The developer shall require all contractors, as a condition of contract, to maintain and tune-up all construction equipment to minimize noise emissions.

Vehicle and Equipment Idling. Construction vehicles and equipment shall not be left idling for longer than five minutes when not in use.

Stationary Equipment. All noise-generating stationary equipment such as air compressors or portable power generators shall be located as far as possible from sensitive receptors. Temporary noise barriers shall be constructed to screen stationary noise generating equipment when located near adjoining or nearby sensitive land uses. Sensitive receptors shall include the Hopkins Marine Station and associated beaches. Temporary noise barriers ~~shall~~ could reduce construction noise levels by at least 10 dBA.

Construction Route. All construction traffic to and from the project site shall be routed via designated truck routes where feasible. All construction-related heavy truck traffic in residential areas and along the portion of Ocean Boulevard that is adjacent to the Hopkins Marine Station and associated beaches shall be prohibited ~~where feasible~~. Workers' Radios. All noise from workers' radios shall be controlled to a point that they are not audible at sensitive receptors near the construction activity. Sensitive receptors shall include the Hopkins Marine Station and associated beaches.

Construction Plan. Prior to issuance of any grading and/or building permits, the contractor shall prepare and submit to the City for approval a detailed construction plan identifying the schedule for major noise-generating construction activity. Prior to approval of the construction plan, the City shall share the plan with and solicit input from representatives from the Hopkins Marine Station. The construction plan shall be designed to minimize noise and vibration impacts to sensitive receptors, including the Hopkins Marine Station and associated beaches.

Disturbance Coordinator. A "noise disturbance coordinator" shall be designated by the contractor. The noise disturbance coordinator shall be responsible for responding to any local complaints about construction noise. The noise disturbance coordinator shall determine the cause of the noise complaint (e.g. starting too early, bad muffler, etc.) and shall require that project construction activities cease until all reasonable measures warranted to correct the problem have been ~~be~~ implemented. The project applicant shall conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.

#### MM N-1.2 Noise Barriers

Construction shall use temporary noise barriers along the project boundary to break the line of sight between construction equipment and adjacent sensitive receptors (including the Hopkins Marine Sanctuary and associated beaches) as well as the adjacent Monterey Bay Aquarium offices. The temporary noise barrier shall be designed to reduce construction noise by a minimum of 10 dB. To achieve this, the barrier may consist of steel tubular framing, welded joints, a layer of 18-

**7-13  
Cont**

**7-14**

ounce tarp, a two-inch thick fiberglass blanket, a half-inch thick weather wood asphalt sheathing, and 7/16-inch sturdy board siding. Additionally, to avoid objectionable noise reflections, the source side of the noise barrier shall be lined with an acoustic absorption material. Temporary construction noise barriers shall be used at the following locations where construction noise impacts to sensitive receptors have been identified:

- ☐ Along the northeastern project boundary along Dewey Avenue
- ☐ Along the northern project boundary along Ocean View Boulevard, including the entire frontage of the Hopkins Marine Station and associated beaches.
- ☐ Between the construction area and the Monterey Bay Aquarium administrative office building

This measure shall be implemented with MM BIO-1.1 to provide multi-purpose noise attenuation.

In addition, as explained in our comments on the biological resources chapter, the noise mitigation measures should be extended to address noise from project operations. Given the proximity of the harbor seal rookeries to the project site, all steps must be taken to reduce outdoor noise during the months when pupping and weaning are taking place. Stanford asks that the EIR include the following measure to address noise from project operations:

Outdoor Equipment and Amplified Noise. All noise-generating outdoor equipment such as HVAC equipment, emergency generators, speakers, sub-woofers, and all noise-producing activity such as outdoor events shall be located as far as possible from the Hopkins Marine Station and associated beaches. Noise barriers or shields shall be constructed to prevent noise transmission to the Hopkins Marine Station and associated beaches.

Outdoor Noise Reduction Plan. Prior to issuance of any grading and/or building permits, the applicant shall prepare and submit to the City for approval a detailed plan identifying the siting, shielding and operational steps that will be taken to comply with this mitigation measure. The Outdoor Noise Reduction Plan shall include a study prepared by a qualified professional acoustic engineer demonstrating that project operations will not result in temporary or permanent increases in single event and average sound levels at the Hopkins Marine Station and associated beaches during the period when harbor seal pupping or weaning takes place. Prior to approval of the outdoor noise reduction plan, the City shall share the plan with and solicit input from representatives from the Hopkins Marine Station.

Disturbance Coordinator. A “noise disturbance coordinator” shall be designated by the applicant. The noise disturbance coordinator shall be responsible for responding to any local complaints about project operational noise. The noise

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disturbance coordinator shall determine the cause of the noise complaint (e.g. stationary equipment, amplified noise, outdoor landscaping equipment, etc.) and shall require that the applicant noise-generating activities cease until all reasonable measures warranted to correct the problem have been implemented.

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Cont

Stanford appreciates that the ATC DEIR includes a mitigation measure that requires monitoring to address the potential for vibration to adversely affect research activities at the Hopkins Marine Station. We request the following modifications to ensure that this mitigation is effective:

#### MM N-3.1. Vibration Monitoring

Prior to any ground-disturbing activities, the applicant shall fund the installation of vibration monitoring devices at the nearest Hopkins Marine Station tuna research tank(s). The applicant shall provide evidence acceptable to the City that the vibration monitoring devices have been installed. The purpose of these devices is to allow Marine Station research staff to observe changes in vibration during the construction and excavation phase, if any, relative to ongoing research and observed fish behavior. If specific adverse effects are observed during construction and excavation, representatives of Hopkins Marine Station shall notify the City of Pacific Grove Planning Department, and such effects shall cause immediate work stoppage and notification of the ~~City and~~ project sponsor. Work shall resume only after additional vibration protection measures designed to avoid adverse effects upon the Hopkins Marine Station research facilities are employed and tested.

7-16

#### MM N-3.2 Vibration Management Plan

Prior to any construction or demolition activities, the applicant shall provide a Vibration Management Plan and a vibration study prepared by a qualified engineer or other evidence acceptable to the City that demonstrates that vibration control of demolition and construction activities will be implemented to minimize the effects of vibration at nearby receptors including the Hopkins Marine Station and associated research facilities and beaches. This includes performing high-vibration activities during the middle of the day and spaced as far apart as possible to avoid multiple high-vibration activities at once, equipment choices and construction methods to minimize vibration, or other measures. Vehicle routes ~~shall~~ should use designated truck routes and avoid residential areas and the portion of Ocean View Drive that fronts the Hopkins Marine Station and associated beaches as much as possible.

7-17

#### MM N-3.3 Construction Coordination

Prior to any ground-disturbing activities and throughout project construction, a representative from the applicant's construction team shall meet weekly with representatives from Hopkins Marine Station to review the construction activities anticipated to occur during the next week, identify activities that could result in vibration, review the measures that will be implemented to avoid vibration

7-18  
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impacts at Hopkins Marine Station and associated research facilities and beaches,  
and identify any additional protective measures that should be implemented to  
avoid vibration impacts at Hopkins Marine Station and associated research  
facilities and beaches.

**7-18  
Cont**

We look forward to continuing to work with the City of Pacific Grove and the project applicant to ensure that the proposed project provides economic benefits to the community, while protecting marine and shoreline species at Hopkins Marine Station and associated beaches. Thank you for considering our comments and suggestions.

Sincerely,



Judy Thompson,  
Director of Finance and Operations  
Hopkins Marine Station, Stanford University  
120 Ocean View Blvd.  
Pacific Grove, CA 93950



Jessica von Borck  
Director of Land Use Planning  
LBRE, Stanford University  
415 Broadway Rd. 3<sup>rd</sup> Floor  
Redwood City, CA, 94063-8872

Cc:

Anastazia Aziz, City of Pacific Grove, Community Development Director  
Alyson Hunter, City of Pacific Grove, Senior Planner  
Mark W. Denny, John B. and Jean de Nault Professor of Marine Sciences, Hopkins Marine Station  
Catherine Palter, Stanford University, Associate Vice President, Land Use and Environmental Planning  
Laura Jones, Stanford University, Heritage Services and University Archeologist Director  
Maria Cacho, Stanford University, Senior Environmental Planner  
Barbara Schussman, Perkins Coie LLP, Partner



## Alliance of Monterey Area Preservationists

September 28, 2020

Rob Mullane, AICP, Consulting Planner  
Community and Economic Development Department  
City of Pacific Grove

RE: American Tin Cannery (ATC) Hotel and Commercial Project  
SCH# 2019110152

Board of Directors

Mimi Sheridan, President  
James McCord, Vice President  
Jeffrey Becom, Vice President  
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The American Tin Cannery site is one of the final opportunities to recognize the history of Monterey Bay's fish canning industry with an outstanding and innovative reuse project. The proposed hotel fails to do this.

The Alliance of Monterey Area Preservationists (AMAP) notes that there will be significant impacts to important historic and cultural resources, even though these impacts could be avoided or minimized. Page & Turnbull's report in the DEIR describes three buildings (the office building, the factory and the warehouse) as being historically significant for their association with California's fish canning industry. Despite some alterations, they retain a high degree of integrity and are eligible for listing in the California Register of Historic Places and the Pacific Grove Historic Resources Inventory. Yet, the Preferred Alternative proposes to raze the warehouse and to significantly alter the critically important factory by demolishing the central section.

8-1

The basic character of these buildings, reflecting their history, is as an industrial complex. The proposed plans do not adequately acknowledge this. The most essential character-defining features are the factory's sawtooth roof and clerestory windows, the chevron-topped pilasters and the industrial steel sash throughout. Restoration or replacement in kind, as appropriate, of these features is essential to respect the historic resources. This approach would have the advantage of contributing to the hotel's visual appeal and would capitalize on its Cannery Row location.

The DEIR also points out the site's high sensitivity for the presence of cultural and archaeological resources. The proposed excavation for an underground garage is clearly problematic and should be avoided to reduce adverse impacts on the resources.

8-2

AMAP urges that the plans be revised to better preserve the historic resources and to minimize potential impacts on critical archaeological resources.

*James D. McCord*

Vice President

AMAP, a 501(c)3 corporation dedicated to the appreciation and preservation of the Monterey Area's historic assets for public benefit, supports activities that interpret and share our rich cultural heritage with residents and visitors and encourages them to be advocates for ideas that contribute to the understanding of our cultural, ethnic, artistic, & architectural legacy.



September 28, 2020  
City of Pacific Grove: Robert Mullane, Project Lead

## Letter 9

RE ATC Hotel Project

Dear Mr. Mullane

I write today on behalf of the Monterey Audubon Society's 1000 chapter members many of whom live in the City of Pacific Grove. These comments concern the ATC hotel project proposed for the old Tin Cannery Complex. Our concerns are twofold. First we are very concerned about the extent of the tree removal associated with this project. Second, we can see no reference to bird strike deterrent glass being used in this project. These issues should be resolved as conditions of approval. 9-1

### 1. Trees

The City of Pacific Grove's urban canopy has and continues to be heavily fragmented. Private and public efforts to replace lost tree cover have been limited and insufficient to compensate for continuing attrition of trees. Beyond beautifying the city and providing meaningful mitigating effects against accelerating climate change, the 79 Monterey Cypress trees and other species being removed provide essential foraging and sheltering habitat for migratory and resident songbirds present in Pacific Grove. Native bird species face intensifying declines as a result of habitat loss, predation by cats, glass strikes and climate change. The City and developers operating with the City's blessing have an obligation to take meaningful action to be stewards of the environment. The footprint of the project should be adjusted to allow as many trees as possible to remain intact. Where trees cannot be retained or transplanted 15 gallon or larger cypresses should be planted in the immediate vicinity of the project at 2 – 1 ratio or greater. The trees should then be allowed to grow to their maximal size with minimal trimming and pruning undertaken outside nesting season. The developer should also offset the deleterious effects of the project by contributing funds to maintain and restore the native plant integrity of Pacific Grove's parks or open spaces including George Washington and Greenwood Park. 9-2

### 2. Bird Strike Mitigation

Glass windows kill approximately .5 billion birds per year in North America. The number of birds killed in Pacific Grove is relatively high due to its location on the primary migratory corridor on the west coast. Over the past decade leading cities throughout California have made the use of bird strike deterrent materials throughout new construction. The American Bird Conservancy offers the following guide for City Planners: 9-3

<https://abcbirds.org/article/largest-city-in-northern-california-to-adopt-bird-friendly-building-guidelines/>

Even though the City of Pacific Grove has not yet implemented the guidance into its building code, given the unique impacts of this project, the City can and should make implementation of such measures a condition of approval.

Respectfully,

Blake Matheson, President, Monterey Audubon  
Cc, PG City Council, BNRC

## Letter 10

**Alan Cohen**

P.O. Box 425  
Pacific Grove, CA 93950  
1alanpg1@gmail.com

August 21, 2020

**City of Pacific Grove**

Community Development Department  
2nd Floor  
300 Forest Avenue  
Pacific Grove, CA 93950

Attn: Rob Mullane, AICP, Consulting Planner  
Subject: ATC Draft Hotel Environmental Impact Report

Mr. Mullane:

This letter is in support for the new ATC project.

As you know this property has been underutilized for many years and has been dying a slow death. There are much better uses for this property and I think the hotel project is one of them.

There are many benefits for Pacific Grove especially the financial aspect in keeping with our quality of life.

Since the EIR concluded there is minimal impact to our environment, I strongly support moving ahead with this project, and I hope you will be in agreement.

Sincerely,



Alan Cohen

Former Council Member

# SEVEN GABLES INN

555 Ocean View Boulevard  
Pacific Grove, CA 93950  
www.thesevengablesinn.com  
(831) 372-4341

## Letter 11

August 18, 2020

Attn: Rob Mullane, AICP, Consulting Planner  
<mailto:rmullane@hrandassociates.org>  
Subject: ATC Draft Hotel Environmental Impact Report

Dear Mr. Mullane,

My name is Ed Flatley and I am the co-owner of the Seven Gables Inn. In 2007 the Pacific Grove Chamber of Commerce created the Pacific Grove Hospitality Improvement District that is funded by an assessment of the 23 lodging establishments in town. The HID meets on a regular basis to review hospitality related topics that impact our destination. I am happy to report to you that the district's Advisory Board reviewed the American Tin Cannery proposed hotel project and voted unanimously to support it. Contrary to what may have been stated by individuals who oppose the project, the HID believes that such a development will further enhance the inventory of hotel rooms. It is clearly not a competitor to the 23 properties in town since it will be the only full service hotel. As the Chairman of the HID, I urge you and the City to expedite the approval of the project.

Thank you,



Ed Flatley  
Seven Gables Inn

11-1

August 18, 2020

City of Pacific Grove  
Community Development Department  
2<sup>nd</sup> Floor  
300 Forest Avenue  
Pacific Grove 93950

Att: Rob Mullane, AICP, Consulting Planner  
<mailto:rmullane@hrandassociates.org>  
Subject: ATC Draft Hotel Environmental Impact Report

Mr. Mullane,

I am contacting you regarding the recently released EIR for the new ATC Hotel project. Please continue to support this project.

I am a business owner in Pacific Grove. This project is critical to revitalize our local economy in terms of stimulating business in our downtown, creating new jobs, and providing new tax revenues. A hotel on this site has been contemplated for many years, and Pacific Grove voters supported a ballot measure to allow a hotel to be developed on this property. A new hotel with meeting facilities will encourage business visitors to stay in Pacific Grove instead of staying in other cities and provide meeting space for local organizations and institutions to use. The new hotel represents a win win for everyone.

Pacific Grove will benefit tremendously from this project for generations to come. The City needs to have businesses that will increase revenues that are essential to funding our City services to maintain the quality of life that we want to have. Please continue to move this project forward quickly.

Thank you,  
Sincerely,

A handwritten signature in black ink, appearing to read "Frank Knight", with a long horizontal flourish extending to the right.

Frank Knight  
Pacific Grove Adventures, Inc.

**ATC Hotel Project**

Gale Rawitzer <grawitzer@gmail.com>

Tue 8/18/2020 10:54 AM

To: R Mullane <rmullane@hrandassociates.org>

Mr. Mullane,

I am a life long area resident living in Monterey three blocks from the American Tin Cannery.

I fully support the new ATC Hotel Project. The current building is a partially vacant eyesore and that needs to be replaced with the new hotel project.

The new ATC Hotel is nicely designed for the area and will be a great revenue source for the City of Pacific Grove as well as greatly enhance the local community.

Please move quickly to approve the EIR and get this project moving forward.

Regards, Gale

Gale Rawitzer  
898 Laine Street  
Monterey, CA. 93940  
831-884-5838

**13-1**

**GARY & BECKY VICK, INC.**

40 Winham Street, Salinas, CA 93901 (831) 796-0105 Fax (831) 796-0107



August 26, 2020

City of Pacific Grove  
Community Development Department  
2<sup>nd</sup> Floor  
300 Forest Avenue  
Pacific Grove 93950

Att: Rob Mullane, AICP, Consulting Planner  
<mailto:rmullane@hrandassociates.org>  
Subject: ATC Draft Hotel Environmental Impact Report

Mr. Mullane,

I am contacting you regarding the recently released EIR for the new ATC Hotel project. Please continue to support this project.

I am a business owner in Pacific Grove. This project is critical to revitalize our local economy in terms of stimulating business in our downtown and throughout Pacific Grove, creating new jobs, and providing new tax revenues. A hotel on this site has been contemplated for many years, Pacific Grove voters supported a ballot measure to allow a hotel to be developed on this property. A new hotel with meeting facilities will encourage business visitors to stay in Pacific Grove instead of staying in other cities; and, provide meeting space for local organizations and institutions to use. The new hotel provides another option for visitors.

Pacific Grove will benefit tremendously from this project for generations to come. The City needs to have businesses that will increase revenues that are essential to funding our City services to maintain the quality of life that we want to have. Please continue to move this project forward quickly.

Thank you,

Gary Vick  
President

**ATC Draft Hotel Environmental Impact Report**

Davis, Julie <Julie.Davis@cbnorcal.com>

Thu 8/27/2020 12:56 PM

To: R Mullane <rmullane@hrandassociates.org>

August 27, 2020

City of Pacific Grove  
Community Development Department, 2<sup>nd</sup> Floor  
300 Forest Avenue  
Pacific Grove 93950

Att: Rob Mullane, AICP, Consulting Planner

Mr. Mullane,

I own Vivolo's Chowder House on Central Avenue, we have been in business for over 30 years at this location. I served on the Economic Development Commission for many years and have diligently worked to improve our district. I have watched the old ATC building deteriorate and become an eye sore for our area. The improvement of a beautiful new hotel and retail in our neighborhood is exciting and will bring tax dollars to our city, jobs to our community and revive an area that has suffered. The City of Pacific Grove needs to be competitive with other cities in our area for tax dollars and this project will not only benefit our City but will serve as an attraction and anchor for our neighborhood.

**15-1**

I am delighted that the City is moving forward on this and I urge you to continue to support this project. Please do not hesitate to contact me if I can help, thank you for your time.

*Kind regards,*  
*Julie Vivolo Davis*  
*Vivolo's Chowder House*  
*Coldwell Banker Del Monte Realty*  
*831-594-7283*  
*CBRE #00930161*  
[www.juliedavis.cbintouch.com](http://www.juliedavis.cbintouch.com)  
[Julie.davis@cbnorcal.com](mailto:Julie.davis@cbnorcal.com)

**\*Wire Fraud is Real\*. Before wiring any money, call the intended recipient at a number you know is valid to confirm the instructions.** Additionally, please note that the sender does not have authority to bind a party to a real estate contract via written or verbal communication.

**Proposed Renovation of American Tin Cannery**

Jacqueline Fobes &lt;jtfobes@yahoo.com&gt;

Sat 8/1/2020 7:55 AM

To: R Mullane &lt;rmullane@hrandassociates.org&gt;

Cc: Bill Peake &lt;bpeake@cityofpacificgrove.org&gt;

08-01-2020

Good morning,

Regarding the proposed renovation of the American Tin Cannery to hotels, shops, some housing etc., I would like to say that we do not need nor want the additional traffic and water usage this development would bring.

16-1

That particular area of town is already severely impacted. There are too many people in that small area. The streets are not set up for it. Construction would be a mess that would go on for years. Once something is built and established, how many more people would be funneled into that minuscule area? If you count hotel employees, additional tourists, homeowners, housekeepers and gardeners, you have nothing but constant congestion with cars coming and going, clogging every artery. You are destroying the charm of PG and the very reason that people come here. One more hotel is not going to help PG's financial problems.

16-2

Also, there is no clearly accessible way for people to come into town without going through Monterey or down Highway #68. That means a lot more traffic all over the entire Peninsula. We have too many cars now. Water usage also continues to be an important issue here. Do you really think that someone paying upwards of \$400. a night for a hotel room is going to take a short shower and not want fresh sheets every night?

16-3

There is no easy answer to utilizing that site better. Perhaps just leave it as it is until it falls down. Thank you.

16-4

Sincerely,

Jacqueline Fobes, Ph.D.

**ATC Support Letter**

Smith, Joe <joe.smith@Sothebyshomes.com>

Mon 8/17/2020 4:41 PM

To: R Mullane <rmullane@hrandassociates.org>

City of Pacific Grove

Community Development Department

2<sup>nd</sup> Floor

300 Forest Avenue

Pacific Grove 93950

Att: Rob Mullane, AICP, Consulting Planner

<mailto:rmullane@hrandassociates.org>

Subject: ATC Draft Hotel Environmental Impact Report

Mr. Mullane,

I am contacting you regarding the recently released EIR for the new ATC Hotel project. Please continue to support this project.

I am a business owner in Pacific Grove and a resident for over 60 years. This project is critical to revitalize our local economy in terms of stimulating business in our downtown, creating new jobs, and providing new tax revenues. A hotel on this site has been contemplated for many years, Pacific Grove voters supported a ballot measure to allow a hotel to be developed on this property. A new hotel with meeting facilities will encourage business visitors to stay in Pacific Grove instead of staying in other cities; and, provide meeting space for local organizations and institutions to use. The new hotel provides another option for visitors and business owners who need larger meeting space.

Pacific Grove will benefit tremendously from this project for generations to come. The City needs to have businesses that will increase revenues that are essential to funding our City services to maintain the quality of life that we want to have. Please continue to move this project forward quickly.

Thank you,

**Joe Smith, CRS**

**Certified Residential Specialist**

**Cell: (831) 238-1984**

[Joe.smith@sothebyshomes.com](mailto:Joe.smith@sothebyshomes.com)

Cal-BRE #01335794

*Certified Residential Specialist since 2006*

*2019 President – California Residential Real Estate Council (Formerly CRS)*

*Past Director – Monterey County Association of REALTORS*

*Past State Director – California Association of REALTORS*

Sotheby's International Realty

574 Lighthouse Ave.

Pacific Grove, CA 93950

Offices in Carmel and Carmel Valley

**\*Wire Fraud is Real\*. Before wiring any money, call the intended recipient at a number you know is valid to confirm the instructions.** Additionally, please note that the sender does not have authority to bind a party to a real estate contract via written or verbal communication.

**17-1**

**ATC Draft Hotel Environmental Impact Report**

Kathy Eby <eby.kathy@gmail.com>

Tue 8/18/2020 1:07 PM

To: R Mullane <rmullane@hrandassociates.org>

Dear Mr. Mullane:

I've been a Monterey resident for 28 years and lived in New Monterey (about 4 blocks from the American Tin Cannery) for at least 7 of those years. I've been walking the Recreation Trail in Pacific Grove for my entire Monterey life walking past the American Tin Cannery, which included occasional shopping trips. I've watched that building change with various tenants. It has been under utilized during the entire time I've known and experienced it.

It is time for something new on the property. The new hotel would be a much better use and would enhance our area and improve both Monterey and Pacific Grove economies.

I've been in the hospitality industry for over 30 years and still working in it as an independent contractor. Our area could use more hotel rooms and it would be a great benefit to all the hard working hospitality people in this area.

The City's services would also benefit from the increased revenues to help maintain the quality of life we have in Monterey and Pacific Grove.

I'm hoping you will continue to move this project forward. Thank you for your consideration.

Best Regards,

Kathy Eby, CHSE  
International Trainer & Business Consultant  
**Master Connection Associates**  
"...Dynamic Business Solutions"  
Cell Phone: 831-521-5624

**18-1**

**Letter 19****American Tin Cannery Hotel Project EIR**

Moe Ammar <moeammar@pacificgrove.org>

Fri 8/21/2020 9:33 AM

To: R Mullane <rmullane@hrandassociates.org>

Mr. Mullane,

I have been a resident of the area since 1986. From 1988 to 1993, I lived 3 blocks away from the proposed project. I recall over 50 businesses at the site, mostly premium outlets that attracted thousands of shoppers daily. I was a patron at Tavern on the Bay inside the property that was packed from 11:00 am till closing at 10:00 pm. Historically, the site had generated a huge traffic flow to the Eardly/Ocean View corridor.

I have read the summary of the EIR & based on my years of personal experience with the neighborhood, I am supporting the project for the following reasons:

- . The building is dilapidated & will be repurposed to a good use
- . The EIR was an extensive analysis of all possible impacts. It was detailed & well done
- . The coastal wildlife possible disturbance was addressed
- . The proposed design is fresh & complements the architecture of Pacific Grove & Cannery Row
- . Construction will follow top LEED guidelines
- . The number of rooms is reasonable
- . Parking has been addressed with over 300 spaces, well beyond expectations
- . The traffic flow is resolved & way under the historic use of the property
- . The development will offer a lodging segment that is not available in Pacific Grove. It will be the only 4 star property with all the amenities
- . Comstock Development has an excellent reputation of caring for the environment as a community business leader

I urge you to recommend the approval of this project that will not only enhance the environment of our area, but overall economic wellbeing. Thank you for your consideration & detailed report.  
Sincerely,

**19-1**

Moe Ammar  
President



PO Box 167, Pacific Grove, CA 93950  
(831) 373-3304  
[www.pacificgrove.org](http://www.pacificgrove.org)

August 21, 2020

City of Pacific Grove  
Community Development Department  
2<sup>nd</sup> Floor  
300 Forest Avenue  
Pacific Grove 93950

*fandango*

Att: Rob Mullane, AICP, Consulting Planner  
mailto:rmullane@hrandassociates.org  
Subject: ATC Draft Hotel Environmental Impact Report

Mr. Mullane,


I am writing in support of the new ATC Hotel project. My husband, Pierre, and I have owned and operated our restaurant, Fandango, in Pacific Grove for the almost 35 years. With our longevity in this community, we have seen many development projects come and go over the years. Additionally, my service on the Economic Development Commission has placed me front and center to a wide variety of ideas and initiatives to bring development and economic activity into our city. Much has changed in Pacific Grove during our time here and much has remained the same. With that history in mind, and after reviewing the Executive Summary for the American Tin Cannery hotel development project, I can attest to the positive impact this proposal stands to have on our city.

The American Tin Cannery site is in major need of redevelopment. As a gateway site to our city, I can think of nothing more attractive or inspiring that could be placed there other than the hotel proposed in this Environmental Impact Report in its current design. Additionally, while the traffic impacts during construction will affect some of the roads immediately encircling the site, the traffic and parking impacts the completed project stands to have are great, and worth putting up with to see the project through. The area adjacent to the site is highly traveled by visitors to the Monterey Bay Aquarium and Cannery Row developments and the new hotel would be well served by the crowds of those thoroughfares.

The proposed project would also benefit visitors to the area and local residents with the expansion of available parking via the subterranean parking plan that would make over 300 spaces available, with valet services open to the public, per the parking summary in Chapter 3.7.2. This would relieve pressure on the already congested parking situation in that area, which during busy weekends and high traffic weekdays, can be significant.

This project is a valuable opportunity to have an important new development in our City that we can all benefit from, with mitigable environmental impacts, as detailed in the EIR. Please approve the EIR and move the project forward.

Thank you,

  
Marietta & Pierre Bain  
Owners, Fandango Restaurant

20-1

# Letter 21

## Letter re: DEIR on ATC Hotel Project

MICHELLE KNIGHT <michelle\_knight@sbcglobal.net>

Wed 8/19/2020 5:24 PM

To: R Mullane <rmullane@hrandassociates.org>

August 19, 2020

City of Pacific Grove  
Community Development Department  
2<sup>nd</sup> Floor  
300 Forest Avenue  
Pacific Grove, CA 93950  
Att: Rob Mullane, AICP, Consulting Planner

Re: ATC Hotel Draft Environmental Impact Report

Dear Mr. Mullane,

I am writing to you to comment on the DEIR of the ATC Hotel project and to express my support for forward progress of the ATC Hotel project for the benefit of our town.

I am both a resident and a business owner in the City. I also hold a PhD in Environmental Studies from UCSC and am committed to seeing our City move forward in a responsible and environmentally sensitive way. I believe that the ATC Hotel project, as described in the DEIR and modified as described therein, meets both these criteria.

I see the project as a beautiful addition to our City's landscape – replacing an old, worn building in a state of disrepair. As designed, it will bring a new aesthetic that will freshen our City's entrance from the Monterey border and bring renewed pride.

We could not ask for a more responsible developer. As evidence by the thoughtful design, sustainability measures including constructing the building to LEED gold standards, and even the innovative water saving practices, we are fortunate, indeed, to have this proposal to consider. They are even maintaining a piece of the most notable portion of the original design to maintain the historical context of the site. The DEIR even discusses the concerns of possible disturbance of our coastal wildlife and addresses the policies that need to be implemented to protect them.

Lastly, it is critical to note the important economic benefits that a hotel and revitalized commercial zone here will bring to our City. Especially after this year of COVID challenges, we could not be more appreciative of a strong, well funded project that will bring us enhanced economic opportunities and income to the City for a long time into our future.

Please continue to move this project forward. I wholeheartedly support its approval.

Sincerely,

Michelle Knight  
Resident, 1691 Sunset Drive, PG  
Business Owner, Pacific Grove Adventures, Inc.

21-1

**Ocean View Hotel and Business project**

Nancy Carol Bell <bellnancycarol@gmail.com>

Thu 8/27/2020 10:25 AM

To: R Mullane <rmullane@hrandassociates.org>

I am concerned about increased traffic and parking issues on Ocean View.  
Have you addressed this issue?

Thank you.

Best,

Nancy

--

**Nancy**

**22-1**

August 12, 2020

City of Pacific Grove  
Community Development Department  
2<sup>nd</sup> Floor  
300 Forest Avenue  
Pacific Grove 93950

Att: Rob Mullane, AICP, Consulting Planner  
mailto:rmullane@hrandassociates.org  
Subject: ATC Draft Hotel Environmental Impact Report

Mr. Mullane,

I am contacting you to express my support of the new ATC Hotel project. I have reviewed the EIR's Executive Summary on the City's website and do not have any specific questions regarding its contents. At almost 500 pages, the document is a very thorough and examination of the project and its potential impacts, all of those which are significant include detailed discussion of appropriate mitigation measures.

The existing site is easily the most under-utilized commercial properties in the city. Due to its proximity to the ocean and because it is zoned visitor-commercial under the Pacific Grove General Plan, the project site has enormous redevelopment potential as a hotel. The property's current use, as a retail outlet mall, was once highly successful. However, in the face of decades of economic changes both regionally and nationally in the retail sector, the site no longer adequately supports retail operations and all but a few businesses have moved out. The result is a mostly empty commercial building with little foot-traffic save that provided by the restaurants that occupy end spaces on the site. Therefore, the site is ripe with opportunities for redevelopment.

The new hotel concept is a fresh design that fits in well with other commercial and institutional buildings on Cannery Row and represents a new vision on the most under-utilized property in the



City. A new hotel with meeting facilities will encourage business visitors to stay in Pacific Grove instead of staying in other cities; and, provide meeting space for local organizations and institutions to use. We have a great opportunity to have a beautiful new hotel in our City that we can all be proud of. Please approve the EIR and continue to move the project forward quickly.

**23-1  
Cont**

Thank you,

Peter Munteer

Pacific Grove Resident

# Letter 24

## ATC Project

Steve Gorman <steve@gormanre.com>

Tue 8/18/2020 4:24 PM

To: R Mullane <rmullane@hrandassociates.org>

Cc: bpeake@cityofpacificgrove.org <bpeake@cityofpacificgrove.org>

Mr. Mullane:

I have been a resident of Pacific Grove since 1977 and moved my property management business to PG in 1990. I served on the Architectural Review Board when it went from covering just a few neighborhoods to becoming citywide. I've seen a lot of projects come and go. I believe the ATC Hotel project is an excellent project and support it enthusiastically. I have no financial interest in the project, just an interest in the success of the town of Pacific Grove.

The ATC has been an underutilized resource for quite some time. Now it's become an eyesore and an embarrassment for our town. There are probably some people in our town who feel the ATC should be torn down and turned into open space, but as I'm sure you know that's not realistic. We need a good project at that location, one that will be visually appealing and will provide much-needed revenue for our town. I believe this project successfully walks the tightrope of good design and economic viability.

I encourage the city to do what it can to make this project a reality. Please let me know if you have any questions.

Sincerely,  
Steve Gorman



Gorman Real Estate  
710 Lighthouse Avenue  
Pacific Grove, CA 93950  
831-649-3455  
[www.gormanre.com](http://www.gormanre.com)  
[steve@gormanre.com](mailto:steve@gormanre.com)

24-1



Alyson Hunter &lt;ahunter@cityofpacificgrove.org&gt;

## Fwd: Comments on American Tin Cannery Hotel & Commercial Project Draft EIR

1 message

Anastazia Aziz <aaziz@cityofpacificgrove.org>  
To: Alyson Hunter <ahunter@cityofpacificgrove.org>

Wed, Aug 26, 2020 at 8:25 AM

## Letter 25

Thank you.

### Anastazia Aziz, AICP | Director

City of Pacific Grove | Community Development Department

300 Forest Ave, 2nd Floor Pacific Grove, CA 93950

T: 831-648-3192 Main Reception: 831-648-3190

[www.cityofpacificgrove.org](http://www.cityofpacificgrove.org)

Due to COVID-19 [remote procedures](#) are in place to process City permits including building and planning permits. You can also view the Monterey County Health Officer's updated COVID-19 Shelter Order and FAQs [here](#).

----- Forwarded message -----

From: Thom Akeman &lt;thomakeman@sbcglobal.net&gt;

Date: Tue, Aug 25, 2020 at 9:45 PM

Subject: Comments on American Tin Cannery Hotel &amp; Commercial Project Draft EIR

To: R. Mullane &lt;rmullane@hrandassociates.org&gt;, Anastazia Aziz &lt;aaziz@cityofpacificgrove.org&gt;

### Comments on draft EIR for the proposed ATC Hotel & Commercial Project

From Thom Akeman  
August 25, 2020

The environmental impact report prepared for a proposed hotel complex at the American Tin Cannery in Pacific Grove is almost as massive as the hotel would be – 1,750 pages. Despite it's size, it has some notable omissions that make some of its analyses and conclusions useless.

My particular concern is for the harbor seals that live around Hopkins Marine Station, just across the street from the tin cannery site. I want to know if 2 years of excavation and construction noises – including “ripping” away thousands of tons of granite bedrock -- will drive the popular seals away from the area.

I believe there's a real possibility that would be an unwanted impact of this project and nothing in the draft EIR – what's there and what isn't – convinces me otherwise.

I'm not saying this as an idle onlooker. I've spent thousands of hours watching this group of harbor seals during the past 17 years as a docent with Bay Net, the Monterey Bay National Marine Sanctuary's shoreline group of voluntary naturalists. I've seen more than 1,000 newborn pups in that time, talked about the seals with more than 50,000 visitors, written several newspaper stories about them and helped train other docents. My wife, Kim Akeman, is also a Bay Net docent who has spent more time with the seals than I have, talked to more people than I have and taken thousands of photographs. She maintains a Facebook page, “Harbor Seals of Pacific Grove,” that has 12,000 daily followers.

25-1

We have seen how little it takes sometimes to disturb the harbor seals and drive them off the beaches and rocks where they rest and sleep. Lesser noises along the recreational trail and Ocean View Boulevard can do it – a nail gun putting on roofing across the street, house construction a few doors away, wood chipping nearby, rumbling motorcycles or hot rods, noisy groups passing by, a drone overhead etc.

## Project impacts

It's hard for us to imagine that noisy construction across the street that includes 9 to 10 weeks of busting through an estimated 70,000 tons of granite bedrock, smoothing the slope on the site, and removing a city street wouldn't disrupt the seal colony and send the seals looking for a new home. After all, the harbor seals settled there in the first place because it's a good place to rest. They are nocturnal animals that generally hunt for food in the ocean at night, then get out on rocks and beaches to rest and sleep in the daytime.

The EIR is inadequate because it doesn't say exactly how that bedrock might be removed other than saying "blasting" isn't being proposed. A geotechnical report attached to the EIR concluded the removal "will probably not be possible with conventional construction equipment. Alternative methods will likely be required to remove the very dense bedrock." (*Appendices PDF P. 906; Geotechnical report pages 4 & 7*) The consulting geologists recommended further investigation of the bedrock but I can't find anything further in the massive EIR package.

There is a section (*PDF P. 183; Biological Resources Sect. 7.5.3, page 7-14*) that offers these details: "A unique feature of project construction involves excavation of granite base rock for subsurface parking. This component of the construction program would involve the use of impact hammers, jack hammers, pneumatic tools and excavators to break up and remove the material. Blasting is not proposed." But it doesn't say exactly what equipment would be used or how it will be used to clear away the rock for an underground parking garage that would hold 260 vehicles.

As I understand it, bedrock as much as 15 feet thick is to be removed, (*PDF P. 76-77; Project Description Sect. 3.7.4, pages 3-25 & 3-26*) amounting to an estimated 70,000 tons (*47,110 cubic yards X 1.5 tons, the Googled multiplier*) of rock to be hauled to a landfill. That's an estimated 130 truckloads a day for 45 days – 9 working weeks. (*PDF P. 160; Air Quality Sect. 6.5.3, page 6-18*)

Even without details of how it would be done, the EIR acknowledges the work could create so much noise and vibration it could disturb the harbor seals 400 feet away, and nesting black oyster catchers 500 feet away. (*ibid.*) And the report acknowledges that such disturbance would violate the federal Marine Mammal Protection Act. (*PDF P. 184; same section as above but page 7-15*). But on the very next page it says a noise study says that won't happen.

## Incomplete testing

Unfortunately, the noise study included only one harbor seal site at Hopkins. It's the most popular site to be sure, and the one that usually has the most births in the spring time. It's Hopkins West Beach, a large crescent beach just west of the Hopkins buildings, in full view from the popular recreation trail that stretches alongside it. That beach is protected from the strongest ocean waves by the rocky outcroppings of Point Cabrillo, which is probably why the harbor seals gather there. The EIR says it's 400 feet from the tin cannery property and that's where they measured projected noise impacts from the proposed construction.

But that study overlooked a closer harbor seal site – Fisher Beach, which isn't readily seen from the recreation trail. It's a long beach that stretches generally from the side of the Boat Works building at Hopkins to the side of the Monterey Bay Aquarium. Harbor seals are sometimes on that beach and in the spring pupping months, have turned it into a birthing and nursing site (rookery). Docents have sometimes counted the seals on that beach and during this year's pupping season,

25-1  
Cont

photographed some of the births on the beach. According to Google Earth, the main birthing section of Fisher Beach is only 246 feet across from the proposed hotel site – significantly closer to the noise than the beach in the test.

The noise study also might have included the rocks behind Hopkins where harbor seals frequently rest and sleep on the leeward side. Although they are a bit further away – about 550 feet according to Google Earth, they are more openly exposed and would probably be directly impacted by loud noises from the tin cannery site.

To compare those 3 locations as seals sites, during this spring's pupping season docents counted as many as 177 harbor seals on the West Beach, which was included in the noise study; 82 on the closer Fisher Beach, which wasn't included in the noise study; and 46 on the more exposed rocks, which also weren't included in the noise study. As a point of fact, I mentioned these 3 sites as important to harbor seals in a letter/email I sent during last year's EIR scoping session, (*my letter/email, Nov. 27, 2019; Appendices PDF Pages 69-70*) but the EIR considered only one.

### Questionable mitigations

In addition to the incomplete information, the EIR suggests measures to mitigate disturbance of harbor seals and other marine resources at Hopkins and the Aquarium that are questionable.

For the harbor seals, the noisiest work – including the bedrock removal – wouldn't be done in February, March, April or May in order to protect harbor seal pupping. (*PDF P.186; Biological Resources Sect. 7.5.3, MM BIO-1.2, page 7-17*) That would be good because that's the most delicate period in a harbor seal's life. When nursing seal moms are frightened off the beach by noises or anything else, they may stay away, abandoning their helpless pups to either die from starvation or drown while searching for mom.

However, the pupping season isn't precise. Docents have seen live births at Hopkins as early as January in 5 of the past 8 years. Many new moms are seen nursing into June. Besides, while pupping occurs in spring, the group of harbor seals lives at Hopkins the year around. They aren't migrating animals and they usually stay near their birth places – resting and sleeping during the daytime, hunting for food at night.

Loud construction noises that could continue for as long as 2 years were considered in another proposed mitigation: temporary fencing with noise-absorbing material around the construction site. (*PDF P.378; Noise & Vibrations Sect. 15.5.3, MM N-1.2, page 15-21*) I can't find anything in the draft that indicates such fencing has been tested in such loud circumstances, or used effectively anywhere.

But something similar was tried right here in 2012. The city was working on a sewer line down the middle of Ocean View Boulevard during the spring pupping season. Well-meaning Hopkins officials worried about the noise impact on the harbor seals and their pups on its West Beach so hung a green tarp along the chain-link fence beside the beach. It didn't work. Not only did the tarp not quiet the noise, it kept the seals from seeing how far away it actually was and that spooked them even more. When the disturbance started, the actual work was adjusted to minimize the noise and for as long as that city official remained on staff, noisy work in that area was scheduled around the pupping season.

### Where's the federal permit?

As I said at the beginning, nothing in this draft EIR convinces me that we wouldn't lose the nearby harbor seals because of all the loud noises from this demolition, excavation and construction. That makes me wonder why a federal "take" permit isn't being sought. The report acknowledges that

25-1  
Cont

disturbing the harbor seals would violate the federal Marine Mammal Protection Act, *(PDF P. 184; same section as above but page 7-15)* but says the noise study and their proposed mitigations could avoid that. As I've said, I think the noise study was useless because it was incomplete, and I think the proposed mitigations won't prevent all the disturbances.

This draft EIR doesn't mention that a federal "take" permit might be required. It merely mentions the federal protection of harbor seals and how only NOAA's National Marine Fisheries Service can grant a waiver to disturb them – a "take" permit. But it doesn't suggest this project may need one. *(PDF P. 176; Biological Resources Sect. 7.4.1, page 7-7)*

It lists a number of city permits it needs, a regional water permit, and California Coastal Commission requirements now included in the city's Local Coastal Plan. But for all the impact it may have on the harbor seals, the EIR doesn't list a need for a federal "take" permit. I am not a federal official but I can't imagine this proposed development wouldn't need one.

### **Where would the seals go?**

I'm aware of conversations as far back as 2006 about where the harbor seals might go if they left Hopkins Marine Station, where most of the local colony spends most of its time. They landed at Hopkins in the first place because it's so hospitable -- rocky outcroppings to block the strongest ocean waves, big sandy beaches that are comfortable to sleep on and give birth on. The fence around the campus also keeps countless onlookers and passersby from approaching and disturbing them.

But during the spring pupping season in 2006, West Beach was getting so crowded that some of the pregnant females gathered there left to find another place to give birth. They found a small beach west of there at the bottom of 5<sup>th</sup> Street and after they had their pups, the city put up a temporary fence to protect them. There have been more pups born there every year since, usually about 20% of the year's births.

That westward movement prompted Bay Net docents, marine scientists and city officials to start discussing more possible movements. The next most inviting place for seals seemed to be Lovers Point beach. The point and the pier there block the strongest ocean waves and protect the sandy beaches, just like the natural resources at Hopkins. That prompted the city in 2007 to adopt a harbor seals policy, outlining legal steps that could be taken to try to discourage harbor seal colonization of the city's most popular beach, while also pledging to close any beach or area occupied by any nursing mom and pup pairs. That policy was turned into an ordinance in 2013 after a seal scared away from 5<sup>th</sup> Street went on to Lovers Point and gave birth there, closing that beach until the mom was ready to move her pup back over to the Hopkins area.

Now there is more talk about where the harbor seals might move, this time because noise might drive them away.

--Thom Akeman

[thomakeman@sbcglobal.net](mailto:thomakeman@sbcglobal.net)

228 18<sup>th</sup> St.

Pacific Grove, CA 93950

**25-1  
Cont**

Re: American Tin Cannery Hotel and Commercial Project EIR & DRAFT EIR and all related documents - Public Review

Anthony Ciani <aciani@cianiarchitecture.com>

Fri 8/21/2020 12:28 PM

To: R Mullane <rmullane@hrandassociates.org>

Cc: Anastazia Aziz <aaziz@cityofpacificgrove.org>; state.clearinghouse@opr.ca.gov <state.clearinghouse@opr.ca.gov>; Bill Peake <bpeake@cityofpacificgrove.org>; City Council Members <citycouncil@cityofpacificgrove.org>; David Laredo <dave@laredolaw.net>; Heidi Quinn <heidi@laredolaw.net>; McCoy, Alexandra@Coastal <Alexandra.mccoy@coastal.ca.gov>; Kahn, Kevin@Coastal <Kevin.Kahn@coastal.ca.gov>; Ben Harvey <citymanager@cityofpacificgrove.org>

Dear Rob,

The City's decision to provide a printed copy "loaner" of the Draft EIR and related documents of the proposed ATC Hotel and Commercial Project upon request is a good step toward making the review by interested persons who do not have access to, or knowledge of, website availability. The State's guidelines for Web Content Accessibility 2.0 may satisfy people who can afford a computer and have knowledge and training to use one, but those standards are worthless for those people who don't.

Even though I own a computer and have enough experience to operate it, far and away, I prefer to read and study and take notes of complex documents, especially an EIR and its related Technical Reports, spread out on a table as I learned to do. I believe there may be many people who are similarly inclined and who will greatly appreciate the use of a printed loaner copy or even a printed reference copy that could be made available in a safe and secure room at City Hall.

You say: **"City staff will note this option on the City's CEQA webpage; however, the City does not intend to revise the Notice of Availability or extend the comment deadline."** However, it seems somewhat of an oxymoron to "note this option on the City's CEQA webpage" when the issue in the first place is to accommodate folks who don't use a computer and don't read the City's webpage. Furthermore, how will people know of the availability to take out a printed copy loaner if the City will not revise the "Notice of Availability"? Until you and the City make an effort to better inform the general public and persons who may be interested in this project, which would likely be the largest project in the City's history since the historic American Can Company (ATC) was originally established in 1926; they won't know there is an option to freely access the report in person in order to contribute their knowledge and opinions.

Failure to extend the comment deadline and to publish a revised Notice of Availability and deadline for comments in a local newspaper would be unconscionable and unethical, if not, also violate the letter and spirit of the California Environmental Quality Act (CEQA) law; as well as, its purpose to inform the public for their input as to potential adverse impacts and consideration of alternatives. Avoiding that purpose for some sort of undisclosed obscure reason makes no sense and hardly meets the City's proclamation for "transparency" and "lessons learned" from the fiasco known as Project Bella at the same ATC site in 2017.

As of this writing 12:30 PM on Friday August 21, 2020, the City's webpage for "news" or the specific planning page for the ATC has no additional information on how the public can access the "loaner" you describe. It states:

*"Document Availability: DUE TO SHELTER IN PLACE REQUIREMENTS AND COVID-19 SAFETY PROCEDURES ENACTED BY THE CITY, THE COMMUNITY DEVELOPMENT DEPARTMENT IS*

26-1

**CURRENTLY CLOSED TO THE PUBLIC. HARD COPIES OF DOCUMENTS WILL NOT BE AVAILABLE AT NORMAL PUBLIC LOCATIONS.**

*If individuals would like to purchase their own hard copy of either or both volumes of the document, City staff is working with the FedEx Office located at 799 Lighthouse Ave. in Monterey (Tel: 831.373.2298) to arrange for printed copies to be purchased. Individuals wanting to obtain hard-copies of the Draft EIR should contact FedEx staff directly to make arrangements and note that this is for the City of Pacific Grove's American Tin Cannery Hotel and Commercial Draft EIR."*

I request the City to revise the timeline for public review to commence upon a new notice of availability to be made consistent with the first notice and in compliance with CEQA.

Respectfully,

Tony Ciani  
220 Walnut Street  
Pacific Grove, CA 93950

On Thu, Aug 20, 2020 at 7:28 PM R Mullane <[rmullane@hrandassociates.org](mailto:rmullane@hrandassociates.org)> wrote:

Tony,

Thank you for your emails on this issue. We have checked the guidance OPR provides on their CEQA page , which acknowledges that given the current COVID-19 situation, it is not possible to meet all of the normal provisions for making a printed version of a CEQA document available for public review. That said, the City has decided to make a loaner copy of the Draft EIR available for public review at no charge upon request. City staff will note this option on the City's CEQA webpage; however, the City does not intend to revise the Notice of Availability or extend the comment deadline.

Thank you again for your voicing your concerns.

**Rob Mullane, AICP, Consulting Planner**

HR & Associates  
Phone: (805) 350-3282  
email: [rmullane@hrandassociates.org](mailto:rmullane@hrandassociates.org)

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**From:** Anthony Ciani <[aciani@cianiarchitecture.com](mailto:aciani@cianiarchitecture.com)>  
**Sent:** Thursday, August 20, 2020 1:48 PM  
**To:** R Mullane <[rmullane@hrandassociates.org](mailto:rmullane@hrandassociates.org)>  
**Cc:** Anastazia Aziz <[aaziz@cityofpacificgrove.org](mailto:aaziz@cityofpacificgrove.org)>; [state.clearinghouse@opr.ca.gov](mailto:state.clearinghouse@opr.ca.gov) <[state.clearinghouse@opr.ca.gov](mailto:state.clearinghouse@opr.ca.gov)>; Bill Peake <[bpeake@cityofpacificgrove.org](mailto:bpeake@cityofpacificgrove.org)>; City Council Members <[citycouncil@cityofpacificgrove.org](mailto:citycouncil@cityofpacificgrove.org)>; David Laredo <[dave@laredolaw.net](mailto:dave@laredolaw.net)>; Heidi Quinn <[heidi@laredolaw.net](mailto:heidi@laredolaw.net)>; McCoy, Alexandra@Coastal <[Alexandra.mccoy@coastal.ca.gov](mailto:Alexandra.mccoy@coastal.ca.gov)>; Kahn, Kevin@Coastal <[Kevin.Kahn@coastal.ca.gov](mailto:Kevin.Kahn@coastal.ca.gov)>  
**Subject:** Re: American Tin Cannery Hotel and Commercial Project EIR & DRAFT EIR and all related documents - Public Review

Dear Rob,

I am writing to follow up with my request of August 19, 2020, regarding the location and times to directly access and review the Draft EIR and related documents for the subject property at 125 Ocean View Blvd., etc. I understand that the Covid-19 pandemic has created a unique situation regarding the administrative development permit review procedures, including the CEQA standards. However, I believe equivalent means and methods for public participation must be made available to comply with CEQA.

26-1  
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I also believe the owners/applicants for the subject project are responsible to pay the City for all costs and expenses, etc. to process the permits and their review under a cost-recovery indemnity policy. Therefore, either the applicant or City to be reimbursed by the applicant, should publish printed copies of all of the appropriate documents to allow for public review, and provide a safe location for interested parties to read and study the documents - - to be re-noticed.

The City of Pacific Grove's current online protocols including the "Remote Procedures Documents" and "Covid-19 Procedures", "updated as of July 8, 2020", appears to be out of date and not consistent with the "shelter-in-place" order. I understand the City released the Draft EIR on or about July 30, 2020, which is well after the City's referenced order dated May 1, 2020. In fact, that order had been supplemented on May 8, 2020, before the release date, and May 18 (26), 2020 updates.

The central issue of my request is for the City to provide the address where copies of the proposed project's EIR and all documents referenced in the EIR will be available for public review and is readily accessible to the public during the lead agency's normal working hours; as well as, a clean copy of the project's most recent comprehensive development plans.

Respectfully,

Tony Ciani  
220 Walnut Street  
Pacific Grove, CA 93950  
(858) 454-7141

On Wed, Aug 19, 2020 at 12:29 PM Anthony Ciani <[aciani@cianiarchitecture.com](mailto:aciani@cianiarchitecture.com)> wrote:

Dear Rob:

Regarding the above-referenced project, the City's web site provides:

**"IMPORTANT PROJECT UPDATES:** The City anticipates circulating a Draft Environmental Impact Report for public review in July 2020. Please check back for public review of project documents."

At the bottom of the same page provides electronic links to the documents, however, it does not advise members of the public where they can review a paper copy of the Draft EIR and associated studies and other exhibits.

I have been accustomed to reading printed EIR documents at the public library; other people without access to, or knowledge of using computers must be allowed to review the documents in person. I understand the City's CDD has informed members of the public who have requested a paper copy for several weeks, including most recently, yesterday, that one is not available at the Public Library and none will be made available.

I believe this is unacceptable and may violate CEQA or CEQA Guidelines. OPR provides: (<https://www.calrecycle.ca.gov/swfacilities/permitting/ceqa/documents/eir/draft>)

**"PUBLIC REVIEW OF DRAFT EIR**

26-1  
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The notice shall disclose the following:

- A brief description of the proposed project and its location.
- The starting and ending dates for the review period during which the lead agency will receive comments. If the review period is shortened, the notice shall disclose that fact.
- The date, time, and place of any scheduled public meetings or hearings to be held by the lead agency on the proposed project when known to the lead agency at the time of notice.
- A list of the significant environmental effects anticipated as a result of the project, to the extent which such effects are known to the lead agency at the time of the notice.
- The address where copies of the EIR and all documents referenced in the EIR will be available for public review. This location shall be readily accessible to the public during the lead agency's normal working hours.
- The presence of the site on any of the lists of sites enumerated under [Government Code Section 65962.5](#) including, but not limited to, lists of hazardous waste facilities, land designated as hazardous waste property, hazardous waste disposal sites and others, and the information in the hazardous waste and substances statement required under subsection (f) of that Section."

I request the City immediately publish a paper copy for the interested public's review and publish a new public notice where the EIR and all related documents will be "readily accessible to the public during the lead agency's normal working hours."

I also request that the City extend the public review period to make up for the loss of available time period to review the paper copy documents as required by CEQA or the OPR, as well as, advise the reviewing agencies, City departments, Board Members and Commissioners and OPR, etc. of these changes.

Thank you,

Tony Ciani  
220 Walnut Street  
Pacific Grove, CA 93950

26-1  
Cont

**Letter 27****Re: ATC - DRAFT EIR**

Anthony Ciani &lt;aciani@cianiarchitecture.com&gt;

Thu 8/27/2020 11:56 AM

To: R Mullane &lt;rmullane@hrandassociates.org&gt;

Cc: City Council Members <citycouncil@cityofpacificgrove.org>; state.clearinghouse@opr.ca.gov <state.clearinghouse@opr.ca.gov>; Anastazia Aziz <aaziz@cityofpacificgrove.org>; McCoy, Alexandra@Coastal <Alexandra.mccoy@coastal.ca.gov>; Kahn, Kevin@Coastal <Kevin.Kahn@coastal.ca.gov>; David Laredo <dave@laredolaw.net>; Heidi Quinn <heidi@laredolaw.net>; Bill Peake <bpeake@cityofpacificgrove.org>; City Manager <citymanager@cityofpacificgrove.org>; City Clerk <cityclerk@cityofpacificgrove.org>; waite@monterey.org <waite@monterey.org>; referencedesk@cityofpacificgrove.org <referencedesk@cityofpacificgrove.org>

Dear Rob,

Thank you for your efforts.

Please extend the time frame for public comment on the subject EIR to allow adequate notice to the entire group of citizens who may be interested; more specifically, extend the deadline for comment to be 45 days after the notice that provides for the paper (hard) copies to be checked out, and provides for the EIR to be made available to the public at the Public Library. In the case that the Pacific Grove Public Library is temporarily closed due to activities associated with construction, the City of Monterey's Public Library serves as a free alternative to citizens who are members of the Pacific Grove Library.

Upon further review of the City of Pacific Grove's publication via its electronic means (online webpage) and the provisions in Executive Order N-54-20 pursuant to the California Office and Planning and Research, relating to the requirements for filing, noticing, and posting of CEQA documents; the Executive Order N-54-20 (ORDER) was in effect between April 23, 2020, and June 21, 2020, and lapsed thereafter. Accordingly, *"Public agencies and the public, in general, should look to the provisions in the CEQA statute and Guidelines for requirements relating to filing, noticing, and posting of CEQA documents."* (OPR CEQA DOCUMENT SUBMISSION, current edition). The City published a notice of the availability of the subject ATC Hotel Draft EIR with a review period beginning on July 30, 2020, which is 39 days after the ORDER was no longer effective. Therefore, a printed paper copy of the ATC Hotel EIR and related documents should have been provided for the public's review at the Pacific Grove, which in turn, could have forwarded to the Monterey Public Library to be made accessible to the public. In fact, the latter process is still available for the City to administer.

Furthermore, the OPR CEQA submission requirements make clear that: *"CEQA establishes a floor and not a ceiling for public review and comment periods. Lead and responsible agencies may use their discretion to extend such time periods to allow for additional public review and comments."* Thus, I respectfully insist that the City that all administrative actions to satisfy the purpose and intent of CEQA and its provisions to seek maximum public participation in the preparation, review, and implementation of EIRs.

The City has a legal, moral and ethical responsibility to ensure equity and fairness for all citizens including those members of the community who are less affluent, or those who lack experience and the means required to negotiate the City's electronic administrative process. Equal access to the decision-making process is a central principle of CEQA and our government. I confirmed with the manager and director of the Pacific Grove and Monterey Public Libraries that they are available to cooperate with the City in this effort to reach the public with this important information.

Please post a new Notice of Availability with a revised review period to accommodate the circulation of printed copies through the public library system to commence on the new date of the Notice.

Sincerely,

Tony Ciani

On Thu, Aug 27, 2020 at 8:42 AM R Mullane <[rmullane@hrandassociates.org](mailto:rmullane@hrandassociates.org)> wrote:

Tony,

Thank you for your email. I will confer with City staff, and we should be able to post some additional information about the availability of a loaner copy of the Draft EIR.

27-1

**Rob Mullane, AICP, Consulting Planner**

HR &amp; Associates

Phone: (805) 350-3282

email: [rmullane@hrandassociates.org](mailto:rmullane@hrandassociates.org)**From:** Anthony Ciani <[aciani@cianiarchitecture.com](mailto:aciani@cianiarchitecture.com)>**Sent:** Wednesday, August 26, 2020 4:18 PM**To:** R Mullane <[rmullane@hrandassociates.org](mailto:rmullane@hrandassociates.org)>**Cc:** City Council Members <[citycouncil@cityofpacificgrove.org](mailto:citycouncil@cityofpacificgrove.org)>; [state.clearinghouse@opr.ca.gov](mailto:state.clearinghouse@opr.ca.gov) <[state.clearinghouse@opr.ca.gov](mailto:state.clearinghouse@opr.ca.gov)>; Anastazia Aziz <[aaziz@cityofpacificgrove.org](mailto:aaziz@cityofpacificgrove.org)>; McCoy, Alexandra@Coastal <[Alexandra.mccoy@coastal.ca.gov](mailto:Alexandra.mccoy@coastal.ca.gov)>; Kahn, Kevin@Coastal <[Kevin.Kahn@coastal.ca.gov](mailto:Kevin.Kahn@coastal.ca.gov)>; David Laredo <[dave@laredolaw.net](mailto:dave@laredolaw.net)>; Heidi Quinn <[heidi@laredolaw.net](mailto:heidi@laredolaw.net)>; Bill Peake <[bpeake@cityofpacificgrove.org](mailto:bpeake@cityofpacificgrove.org)>; City Manager <[citymanager@cityofpacificgrove.org](mailto:citymanager@cityofpacificgrove.org)>; City Clerk <[cityclerk@cityofpacificgrove.org](mailto:cityclerk@cityofpacificgrove.org)>**Subject:** ATC - DRAFT EIR

Dear Rob,

When you emailed to inform me on Thursday, August 20, 2020, that:

*"the City has decided to make a loaner copy of the Draft EIR available for public review at no charge upon request. City staff will note this option on the City's CEQA webpage; however, the City does not intend to revise the Notice of Availability or extend the comment deadline."*

I expressed my concern about how that decision to make a loaner copy would be given to the general public or interested persons since the issue of access to computers in order to read the revision online was not a logical solution. Nevertheless, I visited the City's CEQA webpage and found that the City added the wording emphasized below:

Document Availability: DUE TO SHELTER IN PLACE REQUIREMENTS AND COVID-19 SAFETY PROCEDURES ENACTED BY THE CITY, THE COMMUNITY DEVELOPMENT DEPARTMENT IS CURRENTLY CLOSED TO THE PUBLIC. HARD COPIES OF DOCUMENTS WILL NOT BE AVAILABLE AT NORMAL PUBLIC LOCATIONS. **HOWEVER, THE CITY HAS A FULL HARD COPY AVAILABLE ON A "CHECK-OUT" BASIS. CALL ALYSON HUNTER, SENIOR PLANNER, AT 831.648.3127 FOR MORE INFORMATION.**

Without a press release or other means to inform the public about the loaner, how can the public learn about this option? It was suggested to me that the City could post the page on its kiosk on the wall of City Hall facing Laurel Street, so I checked it out two days later on Saturday, August 22, 2020, but the bulletin about the ATC Hotel Draft EIR did NOT mention that "the City had a full hard copy available on a check-out basis." Still, I thought I would give it another day assuming it would be a simple matter to be corrected on Monday; it was not. And, when I checked again today at 4:00 PM (See attached photos)

there was no change and there is no mention of the availability of the Draft EIR hard-copy in the City's Kiosk.

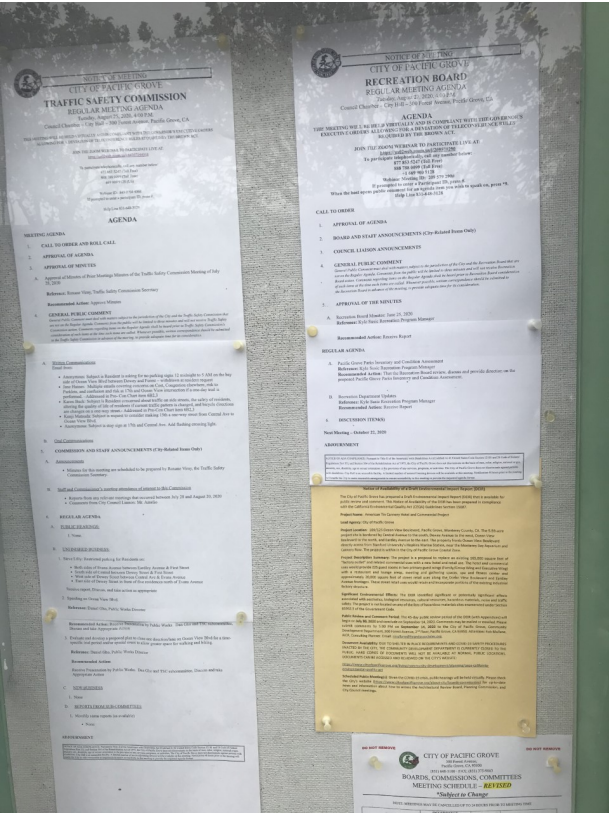
Now, six days later, I ask again, why not? How do you and the City intend to advise the public who do not have a computer or know how to use a computer, that they can check out a hard copy for review?

As I suggested last week, I strongly urge the City to extend the deadline for comments to account for the special circumstances that the City's Library where the public has been able to study printed copies of EIR's in the past, was and still is closed, the availability has been limited to online access only,

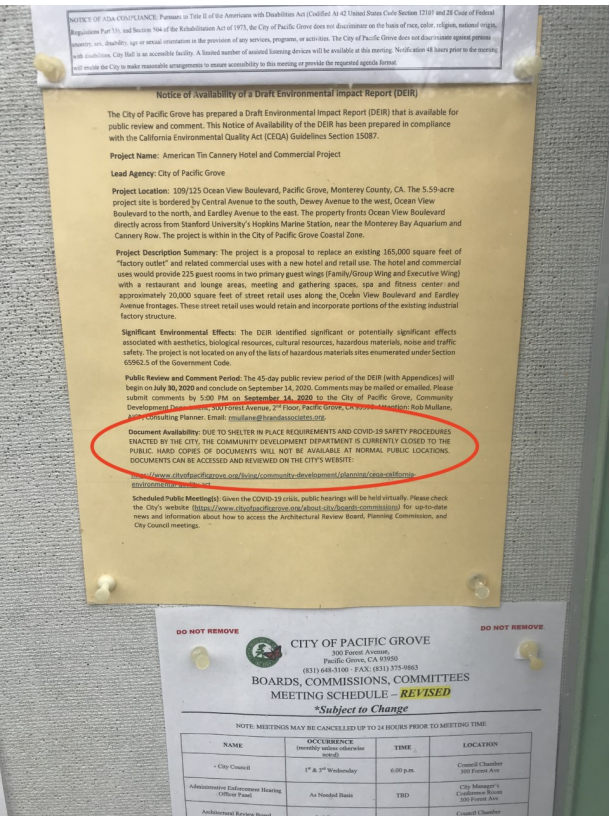
Sincerely,

27-1  
Cont

Tony Ciani



27-1  
Cont



September 2, 2020

Rob Mullane, AICP, Consulting Planner  
Community and Economic Development Department  
City of Pacific Grove  
400 Forest Avenue Pacific Grove, CA 93950  
Via email: [rmullane@hrandassociates.org](mailto:rmullane@hrandassociates.org)

**RE: American Tin Cannery (ATC) Hotel and Commercial Project - Process for City and Coastal Permits and Draft Environmental Impact Report (DEIR)**

Dear Rob:

I am writing to follow up with the emails I sent to you over the last several weeks regarding the availability of the DEIR for public review and to clarify how the City is coordinating the CEQA process with processing the City and Coastal Development Permits for the ATC Hotel and Commercial project. This letter delineates how the City should correct the public review process of the DEIR to satisfy the legal requirements; and to incorporate a key element of the Coastal Development Permit (CDP) and City's public review process, in a timely and meaningful way, during this comprehensive environmental review pursuant to CEQA, City's Local Coastal Program (LCP).

First, I appreciate the cooperation of the City to make a printed paper copy available on a check out basis from the Police Department. I am currently using it and find it exceedingly helpful to study and compare the reference materials with the report compared to scrolling through digital copies of those on my computer. I understood that you would also confer with the City about making another paper copy available at the Public Library for its curb-side pickup. As I told you, the Pacific Grove and Monterey Library directors agreed to work with the City in this effort.

The State Office of Planning and Research (OPR) declared the Governor's order (EXECUTIVE ORDER N-54-20), that was effective April 23, 2020 through June 21, 2020 allowed certain posting, filing and notice requirements under the California Environmental Quality Act (CEQA) to be satisfied through electronic means to allow public access and involvement consistent with COVID-19 public health concerns. The ATC Draft EIR was noticed for public review commencing July 30, 2020 which was well beyond the Governor's 60-day suspension period. Item 8 of the order provides:

*"8) The public filing, posting, notice, and public access requirements set forth in Public Resources Code sections 21092.3 and 21152, and California Code of Regulations, Title 14, sections 15062(c)(2) and (c)(4); 15072(d); 15075 (a),(d), and (e); 15087(d); and 15094(a), (d), and (e), for projects undergoing, or deemed exempt from, California Environmental Quality Act review, are suspended for a period of 60 days. [April 23, 2020 – June 21, 2020] This suspension does not apply to provisions governing the time for public review.*

28-1

*"In the event that any lead agency, responsible agency, or project applicant is operating under any of these suspensions, and the lead agency, responsible agency, or project applicant would otherwise have been required to publicly post or file materials concerning the project with any county clerk, or otherwise make such materials available to the public, the lead agency, responsible agency, or project applicant (as applicable) shall do all of the following:*

*"a) Post such materials on the relevant agency's or applicant's public-facing website for the same period that physical posting would otherwise be required;*

*"b) Submit all materials electronically to the State Clearinghouse CEQA net Web Portal; and*

*"c) Engage in outreach to any individuals and entities known by the lead agency, responsible agency, or project applicant to be parties interested in the project in the manner contemplated by the Public Resources Code sections 21100 et seq. and California Code of Regulations, Title 14, sections 15000 et seq.*

*"In addition to the foregoing, lead agencies, responsible agencies, and project applicants **are also encouraged to pursue additional methods of public notice and outreach as appropriate for projects and communities.**"*  
(Emphasis Added).

I understand the City is following its "remote procedures protocol" and the County's protocol; still, the Public Library system accommodated the need to maintain their services while observing social distancing and other health-related practices. However, the City mistakenly restricted public review of this Draft EIR to only be digital. The City should employ the Public Library system to ensure the public's access to the printed DEIR documents at the Library, not only at the Police Department. The police department is where citizens go for help by the police; *"The mission of the Pacific Grove Public Library is to provide a welcoming place and a balanced collection while preserving the past and planning for the future."* (Quote from: [www.pacificgrovelibrary.org](http://www.pacificgrovelibrary.org))

As described by the State OPR:

*"Public Meetings and Public Review of Documents at Libraries:*

*"As to providing CEQA documents at public libraries, CEQA Guidelines section 15087(g) states that "[l]ead agencies should furnish copies of draft EIRs to public library systems serving the area involved."*  
(Emphasis Added).

28-1  
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I spoke with the directors of our Pacific Grove and Monterey Library system and they stand ready to assist and the City should take all actions to make it so. In order to accommodate an adequate review of the additional printed materials, I strongly urge the City and Applicant adopt and publish a new timeline to be 45 days commencing with the availability at the Library, and for the matter be posted the Pacific Grove City Hall kiosk on Laurel Street, as well as, provide a press release to the local news media, such as the Monterey Herald, Carmel Pine Cone and Cedar Street Times.

28-1  
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Secondly, the applicant submitted a CDP application on July 7, 2020 and the City issued the Notice of Coastal Development Permit (CDP) Application and Determination Letter for the American Tin Cannery Hotel and Commercial Project; Applicant: CCS Pacific Grove, LLC; Address: 109/125 Ocean View Boulevard; APNs: 006-231-001, -004, -005, and -008. The City's letter to the Coastal Commission stated:

*"CCS Pacific Grove, LLC submitted a CDP application on July 7, 2020, for review and action by the City of Pacific Grove Planning Commission. The CDP application supplements prior applications including a Use Permit, Architectural Review, and a Tree Permit for the American Tin Cannery Hotel and Commercial Project."*

*And, "Planning staff will be processing the CDP using the policies of the Land Use Plan and development standards of the Implementation Plan of the recently certified Local Coastal Program (LCP)."*

28-2

One of the key policies of the LCP Land Use Plan (LUP) is the protection of the Scenic Resources in the Coastal Zone as provided for in the development standards of the Implementing Ordinance 23.90.160 and more specifically in Section 23.90.160.B.

***"B. Applications for Development in Scenic Areas.*** *The following documentation and requirements shall be provided for all CDP applications within scenic areas, including those mapped in LUP Figure 4; all development on, seaward, or visible from Ocean View Boulevard, Sunset Drive, and the pedestrian recreational trails seaward of these roads; and any other development that may adversely impact public views:*

***1. Site-specific Visual Analysis. At a minimum, the visual analysis shall include the following:***

*a. A site plan that identifies all public view corridors and pictures of existing public views of and including the project site from public viewing areas, including all before and after public views of and towards the ocean.*

*b. Project plans that confirm height is within the requirements of the zoning district in which it is located. Exceptions are allowed only for chimneys, vents, and similar vertical*

*extensions, not to exceed an additional 4 feet, and not to comprise more than 5 percent of a building's roof area. In all cases, heights may be further limited in order to meet LCP scenic resource protection requirements.*

*c. When **trees defined as major vegetation** are proposed for removal, **ribbons showing the location of the removal must be installed.***

*d. Illustration showing the colors, textures, and architectural styles to show the exterior facades are compatible with development on adjacent blocks and the City's overall architectural character and do not cause the project to stand out from surrounding built and natural features.*

*e. Any other information deemed necessary to determine the visual impact of the proposed project, including but not limited to analysis of the heights of existing buildings within 150 feet of the proposed structure; **story poles and netting showing proposed ridgelines**; and visual simulations to help identify potential visual impacts."*

Furthermore, the **Pacific Grove – Coastal Development Permit Application & Submittal Checklist** (March 2020) states on page 1:

*"Note that the installation of **story poles and netting will be required during the public notice period.**"*

Story Poles are an integral part of the public review of the DEIR that is part of the public notice period for the project application that was submitted on July 7, 2020.

The subject site is located at a prominent entrance to the City of Pacific Grove scenic shoreline with its small-scale profile that contributes to its overall community character which is an important part of the public's viewshed from public vantage points. Story poles provide the most effective means for the general public and decision makers to visualize a proposed development's potential magnitude in observable terms regarding its physical size relative to the scale of the (existing) development and environmental setting. That real-life evaluation is necessary to determine if a proposed project is compatible with the surrounding area or if it could adversely impact public views.

The proposed project plans and reports indicate that many native mature Monterey cypress and Coast Live Oak trees are proposed to be removed. Other non-native mature trees have been naturalized to the site as part of the setting. MC Section 23.90.160.B.1.c. states "**When trees defined as major vegetation are proposed for removal, ribbons showing the location of the removal must be installed.**"

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The general public and decision-makers must make informed decisions to determine if the mandatory CDP findings (MC23.90.080 Required Findings for CDP Approval)<sup>1</sup> can be made in order to approve a project. It is essential that the applicant provide substantial evidence including the placement of story poles and ribbons to describe the existing conditions and magnitude of proposed project, in situ and real life, in a manner that is observable by the general public and the decision-makers. Those provisions must be part of the public's review in order to make meaningful and informed comments per CEQA and the LCP, and to determine if the following LCP findings can be made.

- "A. LCP Consistency. The project is consistent with the LCP.*
- B. Public Views. The project protects or enhances public views.*
- C. Habitat Protection. The project protects vegetation, natural habitats and natural resources consistent with LCP.*
- D. Design Consistency. The design, location, size, and operating characteristics of the proposed development is consistent with applicable LCP design requirements, including design plans and area plans incorporated into the LCP.*
- E. Coastal Access. The project protects or enhances public access to and along the coast.*
- F. Visitor Serving. The project supports the LCP goal of providing for visitor-serving needs as appropriate, including providing low and no cost visitor and recreational facilities.*
- G. Appropriate Use. The project is consistent with the allowed LCP uses associated with the property.*
- H. Coastal Resources. The proposed development protects or enhances coastal resources, where applicable."*<sup>2</sup>

Please advise me how the City and Applicant will address these issues ASAP.

Respectfully,

TC,  
Tony Ciani, 220 Walnut Street, Pacific Grove, CA 93950

Cc: City of Pacific Grove City Council  
Coastal Commission  
State Clearinghouse OPR  
Pacific Grove Public Library  
Monterey Public Library

<sup>1</sup> To approve a CDP, the review authority must find that the development, as proposed and conditioned, is consistent with all applicable LCP policies and standards, including making all the following findings, that themselves shall be based upon substantial evidence:

<sup>2</sup> (Ibid)

# Letter 29

## Mistake? Re: Question in Reviewing the ATC Draft EIR

Cosmo Bua <philemata@gmail.com>

Thu 9/3/2020 10:47 PM

To: R Mullane <rmullane@hrandassociates.org>

To: The City of Pacific Grove

Rob Mullane, AICP, Consulting Planner

Re: Reviewing the ATC Draft EIR: Mistake?

Date: 9/03/20

From: Cosmo Bua

Hi again Mr. Mullane:

Thanks for your reply, but you may have misunderstood my question.

I wrote: **"I have found the letters themselves in two locations, but not the usual answers I've always found in E.I.R.s. Can you tell me where they are located? ... I have been unsuccessful in finding where the E.I.R. responds directly to past public input,"**

What I'm asking is: Where in the EIR, are the responses to that previous public input from the creators of the EIR, to those questions and concerns? Otherwise, unless we have the time and ability to read the entire EIR, we will need to resubmit all of that input.

When you replied **"... in the Final EIR. The letters and a response to each letter will be included."**, does that mean there are not responses to each letter in this Draft EIR.? Am I wrong in believing that having these individual responses in a Draft EIR is the usual expectation?

Cosmo Bua

-

On Thu, Sep 3, 2020 at 5:18 PM R Mullane <[rmullane@hrandassociates.org](mailto:rmullane@hrandassociates.org)> wrote:

Cosmo,

Thank you for your email. The letters that the City received in response to the Notice of Preparation that was released for the project are included as Appendix A to the Draft EIR. See Volume II of the Draft EIR, which includes the appendices. The link to Volume II is:

[https://www.cityofpacificgrove.org/sites/default/files/general-documents/ceqa-california-environmental-quality-act/volume-ii\\_appendices-links.pdf](https://www.cityofpacificgrove.org/sites/default/files/general-documents/ceqa-california-environmental-quality-act/volume-ii_appendices-links.pdf)

'There is a reference to the receipt of these Notice of Preparation letters in Section 1.2 on Page 1-2 of the Draft EIR (Volume I) as well as in Section 2.3.1 on pages 2-3 and 2-4 of the Draft EIR.

Comment letters received on the Draft EIR will also be included in the Final EIR. The letters and a response to each letter will be included. Thank you.

**Rob Mullane, AICP, Consulting Planner**

HR & Associates

Phone: (805) 350-3282

email: [rmullane@hrandassociates.org](mailto:rmullane@hrandassociates.org)

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**From:** Cosmo Bua <[philemata@gmail.com](mailto:philemata@gmail.com)>

**Sent:** Wednesday, September 2, 2020 11:01 AM

**To:** R Mullane <[rmullane@hrandassociates.org](mailto:rmullane@hrandassociates.org)>

**Subject:** Question in Reviewing the ATC Draft EIR

29-1

To: The City of Pacific Grove  
Rob Mullane, AICP, Consulting Planner  
Re: Reviewing the ATC Draft EIR  
Date: 9/02/20  
From: Cosmo Bua

Hi again Mr. Mullane:

I have been unsuccessful in finding where the E.I.R. responds directly to past public input, the letters the general public and organizations have submitted in the past on the project. I have found the letters themselves in two locations, but not the usual answers I've always found in E.I.R.s. Can you tell me where they are located?

Thank you,  
Cosmo Bua

**29-1**  
**Cont**

## Comments regarding DEIR for American Tin Cannery and Hotel Project

Jane Haines &lt;janehaines80@gmail.com&gt;

Tue 9/1/2020 9:18 AM

To: R Mullane &lt;rmullane@hrandassociates.org&gt;

Cc: DeLapa Mike &lt;execdir@landwatch.org&gt;; Bill Peake &lt;bpeake@cityofpacificgrove.org&gt;

1 attachments (236 KB)

NOP response.pdf;

Good morning Mr. Mullane,

The Draft Environmental Impact Report (DEIR) for the American Tin Cannery and Hotel Project largely ignores my December 11 response to the Notice of Preparation, a copy of which is on page 49 of DEIR Volume II and attached. Thus, I supply the information below plus my analysis and recommendation for how the project applicant might lessen the significant environmental impact of bringing 161 new jobs to Pacific Grove at a pay scale too low for employees to afford housing. I copy LandWatch and Mayor Peake on these comments so they will be aware of Comment #5.

30-1

**COMMENT #1: Substantial discrepancy.** The below chart uses figures from DEIR page 3-13 for the Current Project column and the figures from page 3 of the Applied Economic Development Fiscal Analysis for the Proposed Hotel Bella Project in the Project Bella column. The chart shows that the projects are quite similar.

	CURRENT PROJECT	PROJECT BELLA
ROOMS	119,128 sq. ft. (125 rooms)	195,000 sq. ft. (125 rooms)
FOOD/BEVERAGE	6,545 sq. ft.	20,500 sq. ft.
SPA/FITNESS CENTER	8,800 sq. ft.	10,000 sq. ft.
BALLROOM	13,380 sq. ft.	15,000 sq. ft.
RETAIL/MUSEUM	21,570 sq. ft.	5,000 sq. ft.
LOBBY LOUNGE/VISITOR CENTER	2,735 sq. ft.	8,000 sq. ft.
BACK OF HOUSE/CORE & CIRCULATION/RECEPTION & COMMON AREA	72,844 sq. ft.	40,000 sq. ft.
HOTEL INTERIOR	245,032 sq. ft.	293,500 sq. ft.

30-2

However, there is a 174% discrepancy in the projected number of jobs. The DEIR claims the hotel will create 172 jobs on DEIR page 4-4, yet on page 21-2 it says 161 jobs. The fiscal analysis for Project Bella said 300 jobs. Whichever DEIR number is used, there is a significant discrepancy between DEIR claims and Project Bella claims. The square feet in the Project Bella hotel was 20% greater than the hotel analyzed in the DEIR, yet the number of jobs Project Bella anticipated was 174% more.

**COMMENT #2: Growth-inducing effect.** The DEIR states the ATC hotel will create 172 hotel, commercial and restaurant jobs (or 161 depending on which page is referenced), yet it states on page 21-2 that the current project "would not result in substantial growth inducement to the City or region." How can that be? The 161 employees who leave their current jobs in the existing regional labor pool to fill the 161 hotel job slots must be replaced by 161 additional workers. Thus, the creation of 161 new jobs at the ATC hotel *will* induce growth because a new worker will need to substitute for each worker who transfers from his or her current job to work at the new hotel. Thus, there will be at least 161 more people working in Pacific Grove as a result of the new hotel.

30-3

**COMMENT #3: Illogical claim.** The explanation on page 21-2 for the claim that there would be no substantial growth inducement to the City or region states "the project's estimated 161 employees would likely be accommodated within the existing regional labor pool, similar to ATC Outlet's existing employees and other hotel and tourism related employment centers in the region." However, if the current hotel creates 161 *new* jobs and those

30-4

jobs are filled wholly by employees within the existing region, that will create 161 job openings within the region to replace the employees who switched employers.

**COMMENT #4: Homeless employees.** My December 19, 2019 response to the Notice of Preparation (attached) requests "the EIR to explain the likely pay ranges for those jobs," referring to jobs at the ATC hotel. I cannot find that information in the DEIR. Thus, for purposes of this analysis, I will utilize the figure of \$43,913 median annual salary for a California hotel worker, the figure I obtained from <https://www.salary.com/research/salary/posting/hotel-worker-salary/ca>. \$43,913 is \$3,659 monthly. The federal government states that for housing to be affordable, it should cost no more than 30 percent of monthly income. (<https://www.vox.com/2014/4/10/18076868/affordable-housing-explained>) The average rent in Pacific Grove is \$2,240 according to <https://www.rentcafe.com/average-rent-market-trends/us/ca/pacific-grove/>. Thirty percent of \$3,659 month is \$1,097. Since the average rent for a Pacific Grove apartment is \$2,240 monthly, then 161 ATC hotel new jobs will pay substantially less than needed for an affordable home. Thus, a substantial number of hotel employees may be homeless.

30-5

Pursuant to CEQA Guideline 15126.2(b), the Final EIR must disclose that adding 161 new jobs for employees who will earn less than half what they need to rent an apartment may cause the significant project impact by creating scores of homeless employees.

**COMMENT #5: Partial mitigation for unavoidable significant environmental impact.** Creating scores of potentially homeless employees is an unavoidable project impact because it would be unreasonable to expect the hotel to pay double what other hotels pay. However, the impact might be mitigated by the owner, or the owner's agent, meeting with a reputable local non-profit organization dedicated to lessening the affordable housing need in Pacific Grove. LandWatch, to which I will send a copy of this letter, is one such organization and there are others. I recommend that the owner or owner's agent meet with LandWatch or similar organization to see if there's some reasonable action the owner could take to partially mitigate this substantial, unavoidable environmental impact caused by creating scores of new jobs that won't pay enough to rent a home. I request that the Final EIR explain whether the owner, or owner's agent, did this, or did something else to attempt to lessen this substantial physical impact on the City.

30-6

**CONCLUSION:** I strongly support this hotel project because I believe it will greatly benefit Pacific Grove by providing substantial revenue for the City and also because I respect the project applicant's history of environmental stewardship. However, I am disappointed that the DEIR did not provide the information I requested and that it makes unsupported conclusory statements about the topics described herein. I hope for better in the Final EIR.

30-7

# Letter 30 Attachment

**From:** Jane Haines <janehaines80@gmail.com>

**Sent:** Wed, Dec 11, 2019 at 7:55 PM

**To:** rmullane@cityofpacificgrove.org

**Subject:** Response to NOP of an EIR for the American Tin Cannery and Commercial Project

Dear Mr. Mullane,

This email responds to the Notice of Preparation of an EIR for the American Tin Cannery and Commercial Project (SCH Number 2019110152) and requests analysis of the potential environmental impacts of the proposed project caused by adding an estimated 300 new, hotel-type jobs within the Pacific Grove city limits. The number of 300 new hotel-type jobs is derived from the 4/6/2016 Fiscal Analysis of the Proposed Hotel Project Bella Project by Applied Development Economics, Inc. (<https://www.cityofpacificgrove.org/sites/default/files/general-documents/community-economicdevelopment/hotel-bella-fiscal-analysis-040616.pdf>) which concludes that the similarly-sized and similarly-configured Bella Hotel Project, in the same location as the currently proposed hotel project, would employ 300 workers (pgs. 1 and 3).

Specifically, I request that the EIR analyze how many new jobs the currently-proposed project will likely add in the City of Pacific Grove and if that number substantially varies from the 300 estimated for the earlier project, please explain in what ways and why. I request the EIR to explain the likely pay ranges for those jobs and how the potentially significant environmental impacts of adding that many new jobs will be mitigated in order to cause less than significant environmental impacts.

Sincerely,

Jane Haines

601 Ocean View Blvd. Apt. 1

Pacific Grove, CA 93950

August 28, 2020

City of Pacific Grove  
Community Development Department  
2<sup>nd</sup> Floor  
300 Forest Avenue  
Pacific Grove 93950

Att: Rob Mullane, AICP, Consulting Planner  
<mailto:rmullane@hrandassociates.org>  
Subject: ATC Draft Hotel Environmental Impact Report

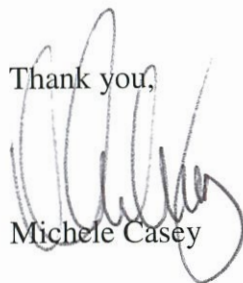
Mr. Mullane,

I am contacting you regarding the recently released EIR for the new ATC Hotel project. Please continue to support this project.

I am co-founder of The Bridge Restoration Ministry and Manager of the Second Chance Thrift Store here in Pacific Grove. This project is critical to revitalize our local economy in terms of stimulating business in our downtown, creating new jobs, and providing new tax revenues. A hotel on this site has been contemplated for many years, Pacific Grove voters supported a ballot measure to allow a hotel to be developed on this property. A new hotel with meeting facilities will encourage business visitors to stay in Pacific Grove instead of staying in other cities; and, provide meeting space for local organizations and institutions to use. The new hotel provides another option for visitors.

Pacific Grove will benefit tremendously from this project for generations to come. The City needs to have businesses that will increase revenues that are essential to funding our City services to maintain the quality of life that we want to have. Please continue to move this project forward quickly.

Thank you,

A handwritten signature in dark ink, appearing to read 'Michele Casey', is written over the typed name.

Michele Casey

# Letter 32

## PG Hotel to be considered.....

Nan Sherburne <nsherb42@gmail.com>

Thu 9/3/2020 2:35 PM

To: R Mullane <rmullane@hrandassociates.org>

Dear Rob Mullane,

I am so against the size of this hotel in that crowded, busy area, and am very concerned about all the environmental impacts it will have. Both during the construction, which will be deadly to so much of our precious wildlife along the coast, and then finally a huge behemoth in our midst, with traffic galore. There is so much traffic along Ocean View already, and the parking and increased flow is going to change forever how the town feels.

32-1

I assume the town wants the additional income..... will we regret putting money first in our choices? Is there no room for a smaller hotel that would bring in their dollars also? Do we want such a huge structure crowding that strip? It seems to have so many things in the plan that do not need to be included (a strip mall???) and the expense of it all could be decreased.

32-2

Thank you for listening.

Nancy Sherburne

Pacific Grove resident

## Adequate Public Review Requires Story Poles and Netting for the American Tin Cannery Hotel and Commercial Project

# Letter 33

Cosmo Bua <philemata@gmail.com>

Sat 9/12/2020 10:20 AM

To: R Mullane <rmullane@hrandassociates.org>; Anastazia Aziz <aaziz@ci.pg.ca.us>; Bill Peake <bpeake@cityofpacificgrove.org>; citycouncil@cityofpacificgrove.org <citycouncil@cityofpacificgrove.org>; Craig, Susan@Coastal <Susan.Craig@coastal.ca.gov>; Alexandra.mccoy@coastal.ca.gov <Alexandra.mccoy@coastal.ca.gov>; tad.stearn@kimley-horn.com <tad.stearn@kimley-horn.com>

To: The City of Pacific Grove:  
 Rob Mullane, AICP, Consulting Planner, HR & Associates,  
 Anastazia Aziz, AICP, Director,  
 Bill Peake, Mayor,  
 Pacific Grove City Councilmembers;  
 Alexandra McCoy, Planner, CA Coastal Commission,  
 Susan Craig, District Manager, Central Coast District, CA Coastal Commission;  
 Tad Stearn, EIR Project Manager, Kimley-Horn and Associates

Re: Require Story Poles and Netting for the American Tin Cannery Hotel and Commercial Project to Enable Adequate Public Review

Date: 9/12/20

From: Cosmo Bua

I read somewhere that: "Story poles are token manifestations of some of the more gross effects" of proposed development. (token = symbolic, perfunctory, slight, nominal, minimal, minor, mild, superficial, inconsequential ...)

That sounds about right to me. I believe especially when something major like this very large, extreme redevelopment of the historic American Tin Cannery property is being planned, the public is entitled to at least this *token representation* for basic transparency. Many residents can not attend or keep up with Board, Commission, or Council meetings. This, together with the minimal required public noticing, means that a lot of what they care about seems to run on without their consent. A project this consequential calls for a sincere effort to inform and involve the public. Requiring story poles and netting is the best way to accomplish this.

I don't understand why story poles and netting are not up attempting to show the mass, scale, and the public view impacts of this project. Attention should have been (should be) drawn to this sweeping redevelopment of a site historic to Pacific Grove and to other surrounding communities. Why refuse to provide what the Local Coastal Plan would obviously recommend where such a large scale change is being proposed? The D.E.I.R. states, ***"Story poles – temporary lightweight poles with netting to demonstrate a proposed building's location and height – were not erected per city direction due to safety concerns."***

What specifically are those safety concerns? Who did this evaluation? Who came to this conclusion? Who made this decision? Who provided this "direction" to the D.E.I.R. preparers? Please send me answers to these questions.

The City of Pacific Grove has given the impression over recent years that it will not allow story poles and netting when evaluating a development through the required public process - in cases when it is obvious beforehand that many residents will feel the project is going to be much too large for its immediate context and for the town. The City seems to work against informing residents and getting them involved in the review process. One way of under informing the public - and of sliding extreme development by residents before they can become fully aware of it - is to give as little indication as possible that there is a major project under consideration in the first place. And, of course, obfuscating its scale, and the full reality of a project's likely effects helps to get it through as well.

A key way this is easily accomplished is with the all-purpose, every-site evaluation that story poles present too serious a safety concern. You wouldn't think that any city you can name specifies their use. There are well known instances of the City refusing to provide appropriate and necessary story poles and netting resulting in overbuilding and even in the damaging of a Cultural Landscape of Historical Importance, a recognized State of California classification.

One example of the abuse of the safety concern to shield a project from sufficient public scrutiny was obvious with the denial of story poles and netting for the Hotel Durell project. In that instance, a resident easily found companies certain that poles

33-1

and netting could be installed safely based on experience they could document. "The City" wasn't interested and felt no need, having been provided this relevant new information, to actually explain or to justify the original decision to deny the poles and netting on the purported grounds of safety concerns. Just the proclamation of this concern has been sufficient, requiring no substantiation.

For the gigantic A.T.C. project, the public's understanding of its mass, scale, impacts on views, and its significant biological effects requires story poles and netting. The City has already been informed of "obvious inaccurate and misleading depictions of the project" currently contained in the D.E.I.R.\*, causing serious doubt that the D.E.I.R. is sufficient for the public to be able to evaluate the sorts of issues which story poles and netting can display so effectively. Especially because the questionable refusal to require story poles has been a significant problem historically, how transparent and fair a review this development gets is a distinct ethical issue for the City of Pacific Grove. The validity of the public review process may be called into question.

\* Lisa Ciani to Rob Mullane et al., Sept 9

**33-1  
Cont**

**Letter 34****ATC proposed hotel Story Poles**

Janet Cohen <janetcohen333@comcast.net>

Mon 9/14/2020 3:22 AM

To: R Mullane <rmullane@hrandassociates.org>; Bill Peake <bpeake@cityofpacificgrove.org>; citycouncil@cityofpacificgrove.org <citycouncil@cityofpacificgrove.org>; Kevin@Coastal Kahn <Kevin.Kahn@coastal.ca.gov>

Cc: Anastazia Aziz <aaziz@cityofpacificgrove.org>; Ben Harvey <citymanager@cityofpacificgrove.org>

Dear Mr. Mullane, Mayor Peake, City Council Members, Coastal Commission Staff Supervisor Kevin Kahn,

Story Poles are imperative to truly visualize the impact of the proposed ATC Hotel from all angles - especially because the land is on a grade and extremely difficult to imagine all public views from two dimensional plans and drawings.

The vote by the public to allow rezoning of this site for hotel use was brought and campaigned to the public by the former proposed Project Bella with the development standards in the initiative vaguely tied to a use permit or the LCP which had not yet been approved.

Project Bella hired people to seek the signatures to place the initiative on the ballot as a Citizen's Initiative that would allow that site to be exempt from a former 1986 Citizen's Initiative Measure C landslide win that had disallowed any new hotel development outside of the R-3-M District in Pacific Grove.

Project Bella failed from inside itself with some of the project players having integrity and dreams of a win/win and other key players failing to live up to their agreements financially.

It was a mess and the City lost a lot of money in the process not to mention the time and effort spent on the work by City staff and the investment of large amounts of personal time by the public in the hopes of ending up with a decent project.

Because of the controversy of Project Bella's failure it is imperative that this hotel effort has complete transparency which would include story poles.

Not being considered safe as the reason to not use them would only be valid if:

1. A "Class A" CA licensed general engineering contractor specializing in story poles evaluated the site and in writing deemed it unsafe.
2. Further, that their evaluation included that cranes instead of story poles for the rear portions in the current parking lot and the parking lot along Ocean View for the section along Dewey also would not be safe from which to string the netting and mentioned specifically in writing.

Pacific Grove deserves this effort. People are dealing with the unprecedented hardships of a global pandemic and the devastating fires and resultant poor air quality throughout the West Coast. Many will not have a major hotel project's development on their radar to follow through zoom meetings.

Visual cues with story poles, however, will at least give people the chance to not be surprised by this large project and the opportunity by this knowing to voice their concerns.

Thank you,  
Janet Cohen

Sent from my iPhone

**34-1**

**Letter 35****Comments on DEIR for American Tin Cannery Hotel and Commercial Project**

Jane Haines &lt;janehaines80@gmail.com&gt;

Tue 9/8/2020 9:11 PM

To: R Mullane &lt;rmullane@hrandassociates.org&gt;

Dear Mr. Mullane,

Thank you for making a paper copy of the DEIR available by a 5-day loan. I appreciate the DEIR's good-faith efforts at disclosure.

In addition to my previous comment requesting mitigation to reduce project impacts caused by creating 171 new jobs for project employees who will be unable to afford housing, I request that the Final EIR respond to the following concerns pertaining to the project's potentially severe noise impacts on seals and oystercatchers.

**35-1**First Concern

**Request for amended definition of "qualified biological monitor" in MM BIO-1-3.** Mitigation Measure BIO-1.3 on DEIR Volume One page 7-17 requires that a "qualified biological monitor approved by and under contract to the City to observe and document behavior of both harbor seal and black oystercatcher population" will determine if or whether construction should be halted for protection of the seals and birds.

I know of no one on City staff qualified to determine whether or not a "biological monitor" has the scientific training needed to assess noise impacts on seals and oystercatchers. Thus, I request that MM BIO-1-3 be amended to define a "qualified biological monitor" as a *"person deemed qualified by the National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA) to assess construction noise impacts on harbor seals and black oystercatchers."*

National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA) is the federal agency assigned to protect seals and oystercatchers and is therefore qualified, unlike any members of Pacific Grove City staff I'm aware of, to determine what training is needed to assess the project's noise impacts on seals and oystercatchers. If the City believes someone on its staff has the suitable training to decide who is, and who is not, qualified to make this determination, the FEIR should identify that staff member and describe his/her credentials which enable him/her to approve selection of the "qualified" biological monitor for this specific purpose, and explain whether or not NMFS and NOAA agree that person(s) are suitably qualified. In other words, the City will utilize only persons approved by NMFS and NOAA for the task of monitoring the stress levels and relocation needs.

**35-2**

Accordingly, I request that MM BIO-1.3 be amended as follows: *"During the initial demolition and excavation phases that generate higher noise and vibration levels, the project sponsor shall fund the engagement of a qualified biological monitor approved by the National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA) and under contract to the City to observe and document behavior of both harbor seal and black oystercatcher populations. Activity or behavior indicative of unusual stress or threatening relocation shall cause immediate work stoppage and notification of the City and project sponsor. Work shall resume only after noise levels are reduced and additional noise/disturbance protection measures are employed and tested in the field for effectiveness."* If NMFS is unwilling to determine person(s) qualified to be the "biological consultant," the Hopkins Marine Station or another scientifically-qualified entity should determine who is qualified to make that determination.

Second Concern

**Request that NMFS be consulted regarding whether or not a "take" license or "harassment authorization" is required.**

On April 6, 2020, the National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce published in the Federal Register notice of a "harassment authorization" authorizing the take of small numbers of marine mammals incidental to construction of the Petroleum and Cement Terminal (PCT), Anchorage, Alaska."

<https://www.federalregister.gov/documents/2020/04/06/2020-07106/takes-of-marine-mammals-incidental-to-specified-activities-taking-marine-mammals-incidental-to> The authorization was needed because construction noise at the Alaska terminal rose to being a "take," which requires either a take permit or "harassment authorization."

**35-3**

The possibility of severe project noise impacts on the seals and oystercatchers is of significant concern to many in the Pacific Grove community, so the final EIR should describe the EIR consultant's interactions with NMFS regarding whether or not a

"take" license, or "harassment authorization" is required during the project's construction period.

Summary.

**I request that the Final EIR report (1) whether or not NMFS or other appropriate federal agency was consulted regarding potential noise impacts on the seals and oystercatchers, (2) whether or not NMFS or other appropriate federal agency will assist in identifying persons suitable to be a "biological consultant" who is qualified to determine whether immediate work stoppage is needed because of unusual stress on the seals and/or oystercatchers and, if not, what scientifically qualified entity will identify persons adequately-trained to perform that task, (3) whether or not the National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA) believes that a "take" license is necessary, and (4) amended wording of MM Bio 1-3.**

35-4

Thank you for this opportunity to comment on the DEIR.

Yours truly,  
Jane Haines

## Comments on the Draft EIR for the proposed ATC Hotel & Commercial Project

From Kim Akeman

September 12, 2020

The following are my comments regarding the massive project proposed at the ATC property. I feel that this hotel does not fit into the character or size of our hometown. What makes Pacific Grove special is the quiet, small-town community feel and beautiful variety of wildlife and nature around us. With that in mind this project, which will build up and out, is too big for that location and our town.

36-1

I have observed and documented the local harbor seal colony for the past 10 plus years and I believe that the noise that will come from this project will cause the seals to flush on a daily basis until they no longer return.

The Draft EIR mentioned the seal rookery at Hopkins West beach but failed to take into consideration the rookery even closer to the project and directly across the street at Fisher beach.

Harbor seals are nocturnal and start coming ashore around 6am every day to rest from their long night of hunting and evading predators. It is extremely important to their health and survival that they get the rest they need during the day. Harbor seals are very skittish and we have observed over the years noises that flush them from the beach. I can say, without a doubt, that the seals would flush from the daily noises of excavation and construction of a development this massive.

36-2

Since this location is the most suitable for harbor seals in the 40 miles between Elkhorn Slough and Point Lobos, that is why they are here at Hopkins where thousands of people – residents and visitors alike – can stop and watch them. And that is why this area is important and needs to be protected.

The EIR states some of the following mitigations to address the disturbances to both the harbor seals and black oystercatchers.

↓ 36-3

### **MM BIO-1.1 Noise Attenuation to Minimize Effects on Shoreline Species**

**Prior to the start of demolition work, the project sponsor shall install construction perimeter fencing or similar barriers that incorporate noise attenuating materials (such as noise absorbing fiberglass blankets, tarps, tubular framing, sheathing etc.) along the Dewey Avenue and Ocean View Boulevard perimeters nearest the shoreline. Barriers shall interrupt the “line of sight” between the noise source and the protected species. The barriers shall remain in place as long as noise-generating excavation and construction activities continue. This measure should be combined with MM AES-1.1 (construction screening) and MM N-1.2 (noise construction barriers) to provide a single barrier system that addresses both noise and aesthetic issues.**

**36-3  
Cont**

We have observed the barriers and tarps used in the past on this colony with zero success. I would like to know where they have been used with harbor seals and been successful. The noises in this area travel differently, depending on the winds and ocean conditions. There have been times when we, the public standing on the rec trail, have not heard construction noises but the seals on the beach have and have responded. Only after walking closer to the cause of the noise were we able to hear what the seals had already reacted to.

### **MM BIO-1.2 Timing of Demolition and Excavation**

**Demolition, grading and excavation of the site for sub grade construction shall take place between June 1 and February 1 (outside the harbor seal pupping and weaning season of February through May) to avoid potential disturbance of the local harbor seal population that may be using the beach area west of Hopkins Marine Station.**

**36-4**

The pregnant seals are especially sensitive to disturbances that can cause miscarriages as early as November. They can birth as late as the end of May and nurse their dependent pups until the end of June.

### **MM BIO-1.3 Biological Monitor**

**During the initial demolition and excavation phases that generate higher noise and vibration levels, the project sponsor shall fund the engagement of a qualified biological monitor approved by and under**

**36-5**



**contract to the City to observe and document behavior of both harbor seal and black oystercatcher populations. Activity or behavior indicative of unusual stress or threatening relocation shall cause immediate work stoppage and notification of the City and project sponsor. Work shall resume only after noise levels are reduced and additional noise/disturbance protection measures are employed and tested in the field for effectiveness.**

This is after-the-fact action that does nothing to mitigate disturbance to harbor seals until the federal Marine Mammal Protection Act has been violated. What kind of mitigation is that? And if work will be stopped until noise levels can be reduced and disturbance protection tested, why weren't the noise levels reduced in the first place and the proposed disturbance protection tested BEFORE the disturbance. Isn't this backwards and not a mitigation at all?

There is another question if this project goes through and there is a roof-top bar. How will that noise and outdoor lighting be mitigated year-round to protect the harbor seals?

36-5  
Cont

### **MM BIO-2.1 Preconstruction Bird Surveys**

**The applicant shall schedule all on-site tree removal and grading to occur between August 31th and March 1st of any given year to avoid the Central Coast bird nesting season. If this schedule is not practical, the project sponsor shall fund the engagement of a qualified biologist to conduct preconstruction nesting bird surveys no more than two weeks prior to removal of trees and grading. If no active bird nests are observed, no additional measures are required. If nesting birds are observed, the biologist will establish a buffer zone where no tree removal or grading will occur until the biologist confirms that all chicks have fledged.**

This proposed mitigation failed to even mention the harbor seals and their closer rookery at Fisher beach.

The seals are very reactive to the noise of chain saws and wood chippers. The fact that the timing is set to go through March 1<sup>st</sup> when very pregnant seals are on all the rookery beaches is a significant impact to them. And the fact that there is a rookery at the end of Dewey street, where many

36-6



trees to be removed are located, is an even more significant impact though it's totally ignored in this Draft EIR. Chain sawing and wood chipping here could cause miscarriages and abandonments.

**36-6  
Cont**

A city contractor did some wood chipping near the West beach earlier this year and the loud noise forced two pregnant seals to miscarry, leaving two dead pups on the beach.

This area is such a biologically sensitive area that I do not think this plan has been thought out completely but it is being rushed. How will the noise of large equipment dumping tons of granite rock into 130 hauling trucks a day for 45 days be mitigated?

**36-7**

During a time of climate change, when the states of California, Oregon and Washington are losing so many trees to wildfires, it is unconscionable for any project to remove 79 mature trees and possibly cause the demise of other trees by diverting water or destroying the roots. Mature trees are the best possible way to combat climate change and are priceless and irreplaceable. Pacific Grove is in a tree deficit and to lose this many mature trees cannot be mitigated in any way. To replace these trees with small trees in other areas does not help us. Ornamental trees in new areas to replace mature trees isn't serving society to combat climate change. It is imperative for the health of our planet, for the animals that migrate through and live here year-round and for the community that resides here, that our mature trees be protected at all costs.

**36-8**

This project is too massive to have a draft EIR so lacking in the knowledge of our local wildlife, their needs and the concerns of our community.

--Kim Akeman

[oceanfoxx@yahoo.com](mailto:oceanfoxx@yahoo.com)

228 18<sup>th</sup> St.

Pacific Grove, CA 93950

## Comments on the Draft EIR for the proposed ATC Hotel & Commercial Project

Kelly Lance  
September 13, 2020

When I first visited Pacific Grove in the early 1990's I felt I found a paradise where people lived in balance with and had respect for the local wildlife. You could look out over the ocean at any point and see sea otters, whales, dolphins, sea birds, the gorgeous rocky shore line full of beautiful and amazing tidal life forms. The neighborhoods continued the serenity where deer peacefully roamed and the trees and parks were filled with birds and butterflies.

37-1

It was my goal to move to the area, I did, and I made Monterey Bay my home so I can enjoy and live amongst nature. The wildlife here wasn't always protected and had only recently made a comeback in the past few decades—any significant and lengthy disturbance could easily reverse this progress.

I spend a lot of time at the harbor seal rookery at Hopkins beach (when we are not in a pandemic). This beach is imperative for the existence of the harbor seals on this side of the bay and it is also used by migrating and molting elephant seals. I have seen all the seals flush from loud noises from landscaping work, loud trucks on the road, excavation equipment, wood chippers, too many people at the fence making too much noise or attempting to climb the fence, people throwing objects over the fence or even going beyond the barrier and hiking behind it and clamoring all over the rocks—not only scaring the seals and otters, but the black oyster catchers as well. Also very disturbing to the seals, are the large crowds of people kayaking and paddle boarding who attempt to enter the bay to Hopkins beach, which always flushes the beach. All of this will grow significantly with a hotel across the street.

37-2

This is why I whole-heartedly disagree with the following impacts and the view in the EIR that they would both be "Less than significant."

**Impact PSR-3:** "The project could increase the usage of existing local parks or other recreational facilities such that physical deterioration of the facility could occur or be accelerated."

**Impact PSR-4:** "The project would not significantly contribute to cumulatively considerable public services and recreation impacts."

### MM BIO-1.1 Noise Attenuation to Minimize Effects on Shoreline Species

*My thoughts*—These noise mitigation efforts will not work. The seals have far more sensitive hearing than we do and they will also feel the vibrations in the water and the shore.

37-3

### MM BIO-1.2 Timing of Demolition and Excavation

*My thoughts*—Thank you for attempting to consider the timing, but harbor seal females are noticeably pregnant through winter and start to miscarry early due to noise and people disturbances.

37-4

**MM BIO-1.3 Biological Monitor**—This project, if allowed to go forward, will need more than one monitor. And once the animals are disturbed it is too late. Shutting down construction once it begins will be costly and will undoubtedly happen. This project should not be allowed to begin in the first place.

37-5

This huge hotel complex will directly affect the Coastal Trail and water activities by bringing many more people to the area who will then not leave the area since they will be staying in the hotel. There will be no rest for the wildlife and no respite from the noise and disturbance. While local businesses may like the additional guests, the wildlife will not. I'd also like to mention that this project is directly across the street from Fisher beach on the ocean side of Hopkins where the seals also rest and give birth.

37-6

***Of all the places to put a hotel of this size, this should not be one of them. The seals in the area are sensitive and will be impacted for many years to come and may leave and not return if they do not feel safe.***

More items—

I definitely do not agree with the idea to dig underground parking. If this project is allowed to go forward this alternative should be used.

37-7

#### **1.4.4 Alternative C: Revised Parking Concept**

—And this should really be considered as an area to avoid:

**Impact TCR-1:** The project has the potential to cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe. --**Significant.**

37-8

—Pacific Grove does not need a huge hotel, this is a small town that already receives large crowds of visitors during peak seasons and holidays. The current visitors are causing impacts that are already being felt by the local seals and black oyster catchers. The noise and vibration disturbances from construction and the increase in the general public on a regular basis will cause undo harm and disturbance to local populations of animals that have only been on the mend in the last few decades.

37-9

Thank you,

Kelly Lance

[kellylanceartist@gmail.com](mailto:kellylanceartist@gmail.com)

# Letter 38

## Public Comment on ATC Project

Kevin Zamzow-Pollock <keving12@berkeley.edu>

Sat 9/12/2020 6:07 PM

To: R Mullane <rmullane@hrandassociates.org>

Dear Mr. Mullane,

I am grateful for the extension of the comment period on the ATC project. I am largely in favor of the ATC project, believing that development on that site will be beneficial for the region in general. However, I have the following specific concerns about the Draft EIR and the proposed project.

**38-1**

### Project Visualizations/Renderings

I know that there has been a lot of discussion about the necessity of story poles prior to construction to give a proper sense of the scale of the building. I agree that story poles would be beneficial, but I recognize the limitations of their use. In their absence however, I would like to see more aerial views/axonometrics, as the only one publicly available seems to be the view from the north presented in the EIR.

Furthermore, some of the graphics are rather misleading. Some of the elevations indicate the presence of trees that are slated to be removed. The heights of proposed trees also seem to change depending on the graphic - they should always be the same, either the height at planting or the height at maturity. Also, the Central Avenue elevation should be under mid-day conditions, like the other elevations. Lastly KVP 8, from out in the bay, is *not* a proper replacement for an Ocean View Avenue elevation, as a significant portion of it is blocked by objects in the foreground, like Hopkins Marine Station. Considering that this is the primary frontage of the development, it deserves a more comprehensive presentation.

**38-2**

I am not implying that these visuals are intentionally misleading, but they are nevertheless shortcomings in the presentation of the project

### Trees

I question the necessity of the removal of so many trees, particularly those on Dewey and Eardley. I would support a plan to avoid removing the trees on Eardley by building a new sidewalk in the current parking lane and demolishing the existing sidewalk to replace it with greenery or outdoor commercial space (which has become particularly desirable in light of COVID). I appreciate that the developer will replace each tree removed with two new trees, but it seems that none of these proposed trees are native to this area. I would urge the planting plan to include more native trees and greenery.

**38-3**

### Water

I would like to start by applauding your green roof and greywater plan and encourage its full implementation. However, I question the necessity of not one, but two, swimming pools, considering the constrained nature of water on site. We must be ready for more frequent extreme droughts in the future and I don't see two swimming pools as being conducive to this. I also have some concerns about the proposal to transport laundry to Salinas where there is a "more ample" water supply. I question this assertion and would at least like to see a source in the EIR for this statement. I also hope that the VMT and GHG impacts of transporting laundry to Salinas and back are being considered.

**38-4**

### Transportation

As a transportation planner myself, I was actually pleasantly surprised by the project's TDM plan. I wholeheartedly support its full and enthusiastic adoption, especially elements that support and incentivize transit for employees and guests, provide carshare, and promote cycling among guests.

**38-5**

As a last note, I wish to speak against Alternative C, just in case it were seriously considered in the future, due to the likely necessity of removing DiMaggio's Cleaners and the aesthetic impacts on Central Avenue.

**38-6**

Once again, I am myself a planner and so I empathize with your position and respect the work you do. I hope that my comments might inform the project's development in a way that improves outcomes for everyone.

Sincerely,

Kevin Zamzow-Pollock

--

Dum Spiro, Spero

*While I Breathe, I Hope*

**Letter 39****Fwd: Story poles needed for ATC**

Lisa Ciani &lt;lisa.ciani@gmail.com&gt;

Wed 9/9/2020 12:19 PM

To: R Mullane &lt;rmullane@hrandassociates.org&gt;

Begin forwarded message:

**From:** Lisa Ciani <lisa.ciani@gmail.com>**Subject:** Story poles needed for ATC**Date:** September 9, 2020 at 12:08:48 PM PDT**To:** Rob Mullane <rmullane@cityofpacificgrove.org>**Cc:** Anastazia Aziz <aaziz@cityofpacificgrove.org>, citycouncil@cityofpacificgrove.org, "Alexandra@Coastal McCoy" <Alexandra.mccoy@coastal.ca.gov>, Kevin Kahn <Kevin.Kahn@coastal.ca.gov>

Dear Rob,

In your letter to my husband on September 3rd, you said staff believes that the renderings in the Draft EIR are sufficient to convey the size and scale of the buildings. I am very surprised by that. I am not an architect or builder, but I can look at the renderings and see obvious examples of inaccurate and misleading depictions of the project, and if those simple, obvious inaccuracies exist, how can we have confidence in the depictions of the size and scale of the buildings?

**39-1**

Look at the Eardley Avenue elevation. Look at all the mature trees along Eardley and Sloat that are slated to be removed. How long would it take for the replacement trees to grow to that size? And those aren't even the types of trees intended to be planted there. The red-flowering eucalyptus are not on their plant list. The trees are not part of the size and scale issues, but they are being misrepresented. Since ALL the trees are planned to be removed, it should be easy to show none of the existing trees, and show trees of the size the project commits to plant there instead.

**39-2**

Look at the Central Avenue elevation. It's depicted with muted twilight. That is not a typical depiction to show people what the project will look like in broad daylight, the usual view. And furthermore, if you enlarge the rendering and look at the shadows, the light is coming from different directions, some places it comes from the right, some places from the left. Sunrise and sunset in the same rendering. And the middle section is dark. Why is that? And there are different scales—look at the tiny people in front of the building. And there are phantom trees where none are proposed to be planted. This rendering aims to give a favorable impression, but not an accurate impression.

**39-3**

Look at the cross-section on page A-11 of the plans. The trees in that drawing appear to be 60 feet tall. That makes the building appear considerably less imposing than it actually would be. And this cross-section view is not consistent with the Central Avenue elevation.

**39-4**

Even the photographs of the KVPs simply don't convey the real life situation, and the text suggests that a tree-less view of blue water is preferable to a stand of Monterey cypress.

**39-5**

The renderings do not begin to convey the information that story poles would convey.

And story poles are likely perfectly safe in that location. The building profile parallel to Central Avenue, located on the parking lot, could be safely staked with story poles. Ask an experienced, reputable story pole contractor who does work for proposed hotels and other 40-foot buildings. PG's building official stated that story poles were unsafe for large commercial buildings--Hotel Durrell, 522 Lighthouse--but this is not on the public street as those projects were.

**39-6**

I request that story poles be provided to give the public a true understanding of what the project size and scale and view impacts will be.

## Story Poles and Netting for American Tin Cannery Project (PUBLIC NOTICE)

Michelle Raine &lt;mor1951x@gmail.com&gt;

Sun 9/13/2020 6:01 PM

To: R Mullane <rmullane@hrandassociates.org>; Anastazia Aziz <aaziz@cityofpacificgrove.org>; bpeake@cityofpacificgrove.org <bpeake@cityofpacificgrove.org>; alexandra.mccoy@coastal.ca.gov <alexandra.mccoy@coastal.ca.gov>; susan.craig@coastal.ca.gov <susan.craig@coastal.ca.gov>; tad.stern@kimley-horn.com <tad.stern@kimley-horn.com>; citycouncil@cityofpacificgrove.org <citycouncil@cityofpacificgrove.org>

To Whom It May Concern:

I would like to concur with the other requests for story polling and netting on the above referenced project. As was pointed out by others, the renderings do seem to be inaccurate in several respects and are definitely inadequate to alert the public of the size and scope of this project.

40-1

I was surprised when I learned that this project was back and was already at the DEIR review stage. I think many Pacific Grove residents, like me, have had our minds on the pandemic, the fires, what is happening to our elections and so many other issues of great local and national import, that this seems to have come out of left field. I also talked to people who I know don't have a computer to tell them about the project and when they tried to get a hard copy of the draft EIR to review, were told that it was not available because of the pandemic. Eventually she was able to get a copy but it was at a very late date, so maybe that's why there was an extension for comments from 9/14/20 to 9/28/20, I believe. Maybe this project was on the agenda previously during the application process, but with no in-person meetings I was not aware of it and I think there are a lot of people like me who have not attended the Zoom council meetings and who aren't aware that a Tin Cannery development is back on the table with a deadline for review.

40-2

I do not understand how these large development proposals are allowed to not provide the flagging and netting when everyone else must comply. I think flagging and netting are a great trigger for the public to be made aware of the size of this project that will have such a great impact on the visual sightlines, traffic and other issues that are raised in this proposal. This will be the first thing that people will see as they enter our charming Victorian little town on the bay side and it will be a very modern and monolithic building with all the mature trees cut down. There may be interior courtyards, but the public will not see those from most sides. This building doesn't honor the era of the cannery that it was named for, nor the Victorian period that Pacific Grove is known for historically. This proposed project is huge (large hotel, ballroom/meeting room, spa/fitness center and 225 room hotel with 304 valet parking spaces for their use) and would encompass the existing 5.59 acre site of the old cannery plus three other adjacent parcels and would subsume Sloat Avenue. It is also very tall and taller than the structures around it. It seems like there is a rush to get this project approved during this pandemic and with fires still burning, without sufficient notice to the many people who will be impacted. The prior project that was planned for this site previously was much smaller with 160 rooms and was Leeds certified. This project is 225 rooms and is not Leeds certified.

40-3

I talked to people last week who work across the street from the cannery building and they weren't aware that a development was back on the table. They, like me, thought that the developer had gone belly up, leaving the City holding the bag for development fees. Rather than having fewer requirements on a project this large, there should meet all notice requirements including flagging and netting and any other method that will give people notice of this proposal. Were there ever public meetings with better renderings of this project with accurate elevations? I believe that what has been done for notice to date for this project is not sufficient for a project that will have as much impact at the ocean entrance to our city. The flagging and netting should be done and even possibly some public hearings with larger renderings that are to scale and accurate. The residents of Pacific Grove should be involved in this process and with the current state of affairs, notice needs to be sufficient for them to be aware of this project and respond to this proposal.

40-4

Thank you very much for your consideration of these comments.

Michelle Raine  
1310 Buena Vista Avenue  
Pacific Grove, CA

# Letter 41

## ATC - Proposed Hotel - DEIR & Story Poles

Anthony Ciani <aciani@cianiarchitecture.com>

Tue 9/8/2020 1:41 PM

To: R Mullane <rmullane@hrandassociates.org>

Cc: City Council Members <citycouncil@cityofpacificgrove.org>; Planning Commission <planningcommission@cityofpacificgrove.org>; McCoy, Alexandra@Coastal <Alexandra.mccoy@coastal.ca.gov>; Kahn, Kevin@Coastal <Kevin.Kahn@coastal.ca.gov>

 1 attachments (199 KB)

ATC-STORY POLES 9-8-2020.pdf;

Dear Rob,

The City established a Story Pole task force in 2018/19 to determine how to implement a meaningful story pole policy. In this case, it appears that the City has unsubstantiated "safety concerns" about using story poles and netting for the entire area of the project. Also, the DEIR "simulations" are too small to be satisfactory representations for a project of this large scale.

This is a major problem for the ongoing citizen public review and will be for the Planning Commissioners and Coastal Commission. Therefore, I strongly urge the City and Applicant to correct this major deficiency in the review process. They are reasonable and proven alternatives for the installation of the story poles. Please see my attached letter.

Sincerely,

Tony Ciani, Architect

41-1

Anthony A. Ciani 220 Walnut Street Pacific Grove, California 93950  
ARCHITECTURE - PLANNING - HISTORIC PRESERVATION - COASTAL CONSULTANT

September 8, 2020

Rob Mullane, AICP, Consulting Planner  
Community and Economic Development Department  
City of Pacific Grove  
400 Forest Avenue Pacific Grove, CA 93950  
Via email: [rmullane@hrandassociates.org](mailto:rmullane@hrandassociates.org)

**RE: American Tin Cannery (ATC) Hotel and Commercial Project - Draft  
Environmental Impact Report (DEIR) and Story Poles**

Dear Rob,

The Impact Assessment Methodology for analyzing the aesthetics of proposed project and setting (DEIR - Vol 1, Chapter 5, Page 5-29) states: ***“Story poles – temporary lightweight poles with netting to demonstrate a proposed building’s location and height – were not erected per city direction due to safety concerns.”*** However, there is no evidence of what “safety concerns” were identified by the city. In fact, the project’s expansive area has a variety of surfaces and conditions that are proven to be acceptable and safe locations for the installation of story poles and netting to provide a reasonable full-size indication of the project’s heights and volumes, etc. Moreover, the City created a story pole task force to address how to implement a story pole policy based on other California City’s experience and adopted procedures.

Licensed companies can contract for those services. For example, **Coastline Story Poles**, is a successful bonded “Class A” licensed general engineering contractor, CA LIC. #993041 that has a proven record and evidence for designing, erecting and maintaining story poles for commercial development, including hotels throughout California. Pursuant to their contract, the story-poles are installed on the project site to represent the size and scale of the proposed structure to follow. The silhouette provided by the story poles helps to assess potential visual impact and neighborhood compatibility. If there are concerns or objections to the building outline, adjustments and modifications to the story poles may be necessary. Story poles are removed upon review and approval of the planning commission.<sup>1</sup>

41-2

Also, there does not appear to have been any on-site simulations members of the viewing public can use to assess the potential impacts to the visual qualities of the environmental setting and scenic coastal resources. What are the City’s procedures? Its “safety concerns” are unsubstantiated; therefore, I request the Applicant and City to immediately carry out the installation of the story poles and netting, and install on-site graphic simulations.

Respectfully, TC Anthony A. Ciani, Architect

Ccs: City Council. City Planning Commission, City CEDD, Coastal Commission

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<sup>1</sup> <https://californiastorypolecontractor.com/>

**Letter 42****Fwd: Public Records Act Request No. 2009-003.**

Jane Haines &lt;janehaines80@gmail.com&gt;

Wed 9/16/2020 4:54 PM

To: R Mullane &lt;rmullane@hrandassociates.org&gt;

Begin forwarded message:

**From:** Jane Haines <janehaines80@gmail.com>**Subject:** Fwd: Public Records Act Request No. 2009-003.**Date:** September 16, 2020 at 4:48:45 PM PDT**To:** Harvey Ben <bharvey@cityofpacificgrove.org>**Cc:** Mullane Rob <rmullane@cityofpacificgrove.org>, Hunter Alyson <ahunter@cityofpacificgrove.org>, "Laredo P.G. City Attorney" <dave@laredolaw.net>, Bill Peake <bpeake@cityofpacificgrove.org>

Dear Mr. Harvey,

The below email to Sandra explains how the City violates the Pacific Grove Coastal Plan in connection with the claim on page 5-29 of the Draft EIR for the ATC hotel, that story poles will not be allowed because of safety concerns. For the reasons explained in the below email, I request the City to withdraw the Draft EIR for the ATC hotel so that page 5-29 can be amended, to allow installation of story poles, and thereafter to recirculate the amended Draft EIR.

I regret this because I'm very enthusiastic about the ATC hotel project and I respect the quality of the Draft EIR. I think it unfortunate that City actions pertaining to story poles will likely hinder the hotel's approval, because not only do I think the hotel will greatly benefit the City, but because I respect the project applicant and his team.

However, the City made the choice to decline installation of story poles. Lisa Ciani's recent letter describes the prejudicial effect of that choice on persons concerned about the hotel's visual impacts. Thus, regretfully I make the above requests.

Sincerely,  
Jane Haines

Begin forwarded message:

**From:** Jane Haines <janehaines80@gmail.com>**Subject:** Re: Public Records Act Request No. 2009-003.**Date:** September 16, 2020 at 4:06:02 PM PDT**To:** Sandra Kandell <skandell@cityofpacificgrove.org>**Cc:** Kerry Lindstrom <klindstrom@cityofpacificgrove.org>

Dear Sandra and Kerry,

The PRR #2009-003 response provides documents irrelevant to Public Records request PRR #2009-003. That request was for "all documents relevant to the City's determination that story poles at the ATC site would pose safety concerns, including the written report related to the referenced determination, the credentials of all person(s) involved in making the determination and any other documents having a bearing on the City's determination."

To be relevant, a document would need to pre-date the City's determination stated in the Draft EIR on page 5-29: "Story poles —...—were not erected per city direction due to safety concerns." The Draft EIR was released on July 30, 2020. Thus, only documents pre-dating July 30, 2020 could be relevant to the referenced decision.

42-1

42-2

PRR #2009-003 response includes the following five documents:

1. A memorandum from John Kuehl dated September 9, 2020. That memorandum is irrelevant because it post-dates the July 30, 2020 release of the Draft EIR containing the decision about not erecting story poles "per city direction due to safety concerns."
2. AICP certification of Anastazia Aziz is irrelevant because Ms. Aziz did not make the referenced decision.
3. A memorandum from Ben Harvey to the City Manager's Story Pole Advisory Committee dated February 19, 2020 is irrelevant because it states the Committee's deliberations do not change the July 15, 2009 Council-approved Story Pole policy.
4. The July 15, 2009 Council-approved policy titled "Applicant Requirements for Project Staking and Story Poles & Identification of Trees or Branches Proposed for Removal" is irrelevant to the ATC hotel, because that policy pertains solely to "all projects involving building additions or modification of height." The ATC hotel does not involve either building additions or modifications of height.
5. The CITY OF PACIFIC GROVE Local Coastal Program (LCP) Implementing Ordinances Adopted by Pacific Grove City Council on January 15, 2020 is relevant to the extent it shows the City violates Coastal Implementation Section 23.90.161(B)(1) pertaining to Site-specific Visual Analysis. That section states that at a minimum, the visual analysis *shall* include: (e) "Any other information deemed necessary to determine the visual impact of the proposed project, including but not limited to analysis of the heights of existing buildings within 150 feet of the proposed structure, story poles and netting showing proposed ridgelines; and visual simulations to help identify potential visual impacts."

**42-2  
Cont**

I'm sending you this email to explain that none of the documents produced are responsive to PRR #2009-003 except the fifth, and its relevance is that it shows the City violates the Coastal Implementation Plan by disallowing story poles for the ATC Draft EIR.

Respectfully yours,  
Jane Haines

On Sep 8, 2020, at 4:22 PM, Sandra Kandell <[skandell@cityofpacificgrove.org](mailto:skandell@cityofpacificgrove.org)> wrote:

**Subject: PRR #2009-003**

Ms. Haines:

Thank you for contacting the City of Pacific Grove.

This email serves to confirm receipt of your Public Records Act request received on *September 8, 2020*, requesting ***all documents relevant to the City's determination that story poles at the ATC site would pose safety concerns, including the written report related to the referenced determination, the credentials of all person(s) involved in making the determination and any other documents having a bearing on the City's determination.***

The City may be unable to perform a reasonable search for the requested records due to the City's local emergency [Resolution](#) which states, among other things, reassignment of staff to deliver essential services necessary to protect life and property of the Pacific Grove community.

The City will of course respond timely and accordingly when possible, and will advise if there will be a delay in responding.

Thank you for your inquiry and we appreciate your patience during these constant changing times.

Sincerely,

Sandra Ann Kandell, CMC  
City Clerk  
City of Pacific Grove  
300 Forest Ave  
Pacific Grove, CA 93950  
(831) 648-3181

***The City of Pacific Grove is open for business!*** While our doors are closed to the public, staff are working and are available to serve the public virtually. You can view the Monterey County Health Officer's updated COVID-19 Shelter Order and FAQs [here](#). We look forward to seeing you at City Hall soon!

*Regarding Public Records Requests: they are deemed received on regular business days. However, as part of the COVID-19 emergency, response times for public records requests may be delayed. We will diligently process any requests as staff time permits.*

**MAKE YOUR VOTE COUNT!**

Register to vote

<https://registertovote.ca.gov/>

Check your voter registration status

<https://voterstatus.sos.ca.gov/>

September 14, 2020

Rob Mullane, AICP, Consulting Planner  
Community and Economic Development Department  
City of Pacific Grove  
400 Forest Avenue Pacific Grove, CA 93950  
Via email: [rmullane@hrandassociates.org](mailto:rmullane@hrandassociates.org)

**RE: American Tin Cannery (ATC) Hotel and Commercial Project - Draft  
Environmental Impact Report (DEIR) – Compliance with CEQA**

Dear Rob,

Letters and emails have been sent to you and members of the Pacific Grove City Council regarding the importance for story poles to be installed **now**, as an essential means and method for residents and interested persons to adequately visualize the proposed ATC Hotel and Commercial development, which may have potential impacts on the aesthetic quality and scenic natural and cultural resources. That level of interest demonstrates the strong will of the community to participate in the decision-making process and highlights key tenets of CEQA's policies for environmental review and the administrative process, including:

- 1) PRC Section 21000. Legislature finds and declares as follows:  
(e) ***“Every citizen has a responsibility to contribute to the preservation and enhancement of the environment.”***
- 2) PRC Section 21001. Additional Legislative Intent:  
(b) ***“Take all action necessary to provide the people of this state with clean air and water, enjoyment of aesthetic, natural, scenic, and historic environmental qualities”***
- 3) PRC Section 21003 (a) ***“Local agencies integrate the requirements of this division with planning and environmental review procedures otherwise required by law or by local practice so that all those procedures, to the maximum feasible extent, run concurrently, rather than consecutively.”***

The public's ability to make an informed analysis and to comment on the project's potential impacts to the aesthetic, natural, scenic, and historic environmental qualities of the setting, must rely on their senses to experience the project's overall size and dimensions situated on the land and space it proposes to occupy. Story poles, certified by a civil engineer are the reasonable means and method for the developer and City to provide an adequate, complete, and good-faith effort to assess the project's design relative to the environment. Reduced artist's renderings on a few pages in the DEIR are equivalent to using an artist's paintings to describe the scale and feeling of the physical association with California's Yosemite National Park compared to a person's first-hand experience.

Moreover, the subjective input of the public is based lay observations of the surrounding area. Story poles are necessary for the public to sufficiently make a true-life assessment of the proposed physical project's changes to the landscape, street scape, and, views of the mature

43-1

September 14, 2020  
Rob Mullane, Planner  
RE: ATC DEIR – Compliance with CEQA

Page 2

trees, blue sky, and sea. Interested members of the public must feel confident in their perceptions to freely contribute their subjective opinions regarding a reasonable choice of the project alternatives discussed in the DEIR. They cannot be expected to have the same degree of confidence evaluating a developer's plans, etc. as a professional designer; yet, their lay perceptions and opinions are very important, and their suggestions may contribute realistic solutions. Prominent architects and landscape architects utilized full size mockups of their concepts, and at times, relying on public participation to judge the public attitudes and perceptions of a potential design solution (For example: Architect Charles Eames, Landscape Architect Lawrence Halprin, and Architect Christopher Alexander).

**43-1  
Cont**

Failure to comply with CEQA in a manner that prevents relevant information, such as the public's response to the display of story poles from being considered, may result in a prejudicial abuse of CEQA and City procedures, and the City's final discretion.

Credibility in the process is essential to the public's confidence in the Final EIR and agency decisions. CEQA requires the meaningful and timely integration of the City's planning and environmental review procedures **now**, not later, to sufficiently assess this project's potential adverse impacts to the scenic quality of the environment.

**43-2**

Therefore, the City and Applicant would be well advised to invest in story poles, **now**, to supplement their current paper analysis of the proposed ATC Hotel and Commercial Complex.

Sincerely,

TC,

Tony Ciani,  
220 Walnut Street, Pacific Grove, CA 93950

CC: City Council, Coastal Commission and OPR

**Fwd: Fw: Harbor Seals of Pacific Grove - American Tin Cannery Hotel and Commercial Project**

Anastazia Aziz <aaziz@cityofpacificgrove.org>

Wed 9/23/2020 2:10 PM

To: R Mullane <rmullane@hrandassociates.org>

 1 attachments (358 KB)

Tin Cannery EIR Response .docx;

Thank you.

### **Anastazia Aziz, AICP | Director**

City of Pacific Grove | Community Development Department

300 Forest Ave, 2nd Floor Pacific Grove, CA 93950

T: 831-648-3192 Main Reception: 831-648-3190

[www.cityofpacificgrove.org](http://www.cityofpacificgrove.org)

*Due to COVID-19 [remote procedures](#) are in place to process City permits including building and planning permits. You can also view the Monterey County Health Officer's updated COVID-19 Shelter Order and FAQs [here](#).*

----- Forwarded message -----

From: **Ashley Gray** <[agrayssfhs@yahoo.com](mailto:agrayssfhs@yahoo.com)>

Date: Wed, Sep 23, 2020 at 1:46 PM

Subject: Fw: Harbor Seals of Pacific Grove - American Tin Cannery Hotel and Commercial Project

To: [aaziz@cityofpacificgrove.org](mailto:aaziz@cityofpacificgrove.org) <[aaziz@cityofpacificgrove.org](mailto:aaziz@cityofpacificgrove.org)>

Dear Ms. Aziz,

I believe the development of the [proposed hotel and commercial project](#) at the American Tin Cannery will lead to the decline or destruction of the established harbor seal colonies in the immediate vicinity at Hopkins West Beach and Fisher Beach.

Before the City of Pacific Grove moves forward with this project, I respectfully request the following:

1. Require additional detail, including any studies that have been conducted, regarding multi-year excavation of up to 18 feet of granite bedrock, with a focus on the effect it would have on local wildlife
2. Ascertain whether California Department of Fish & Wildlife and/or National Oceanic and Atmospheric Administration will entertain issuing two-year long Take Permits to address the constant disturbance and potential loss of two established rookeries within a California Marine Protected Area, inside a National Marine Sanctuary
3. Require completion of a study to determine the near- and long-term impacts of development in this area, in partnership with Hopkins Marine Lab and University of California Santa Cruz' Institute of Marine Sciences and Long Marine Lab

**44-1**

**44-2**

**44-3**

Thank you for your time and consideration.

Sincerely,  
Ashley Gray

**Letter 45****Proposed Tin Cannery Hotel**

Bill Gilreath &lt;bginpg@gmail.com&gt;

Thu 9/24/2020 6:35 PM

To: R Mullane <rmullane@hrandassociates.org>; citycouncil@cityofpacificgrove.org <citycouncil@cityofpacificgrove.org>; alexandra.mccoy@coastal.ca.gov <alexandra.mccoy@coastal.ca.gov>; kevin.kahn@coastal.ca.gov <kevin.kahn@coastal.ca.gov>; stateclearinghouse@opr.ca.gov <stateclearinghouse@opr.ca.gov>; ilwd50@gmail.com <ilwd50@gmail.com>

To: All Concerned

I am trying to visualize the benefits of the Tin Cannery Hotel and I personally see, only some selfish interests being served. I think a community vote is essential.

Let's look into it; PG profit revenues, congestion, environmental impact, infrastructure, resident protection, coastal access, PG Businesses impact and common sense.

Is PG room tax revenue on some 225 rooms which we don't know will be filled on 'any' weekend worth our reputation as one of America's Best Home Towns. Is the developer paying PG a fixed amount to allow this structure? How much? I'm sure PG is not spending any money to enable construction. Does the council see this as a community bonanza or, is it a hopeful boost of revenues? Does the Aquarium look at this as an easy profitable path of foot traffic to their door. For an organization committed to non pollution of the oceans, there endorsement shows little concern for unbearable traffic nightmare congestion, pollution of the air and limiting public access for many to the beauty of our coastline. Many parking places for coastal visitors will be eliminated.

**45-1**

Improved infrastructure? What will be the toll on our Pacific Grove and Monterey County roadways? Two years of construction trucks will be ripping up our streets & dropping tire flattening objects in and waste materials trucked out. There is no easy way in or out of our tranquil, beautiful PG. Prepare for expenses never imagined from physical accidents and both commercial & personal legal suites filed from this terrible mistake. Prepare for traffic Armageddon.

**45-2**

More business transactions in PG? Well certainly not for the businesses eliminated for the hotel. With the traffic gridlocks, residents and tourists will avoid pleasant shopping trips in downtown PG. Even at our most successful county events (AT&T Pebble Beach, Concours D Elegance, etc) rooms are always available. Do you believe this project might not threaten the continuance of some of our lovely butterfly motels, B&B's or charming Victorian Hotels? . Also, is the zoning status of surrounding neighborhood being changed to accommodate this building. If so what is the implication we can assume?

**45-3**

Lessen Congestion? I am visualizing just one corner of hotel property where it will be; Andronico's, Aquarium and Cannery Row entrance...Not a prayer. I also suspect, just based on the history of area to be excavated, there will be a good chance of project delays due to underground toxic material removal. It must be disclosed to the community in full public disclosure. Also, picture yourself driving and going nowhere except for a crawl on both sides of Custom House tunnel, wishing you had not proceeded with this White Elephant (expensive, burdensome and useless possession that is more trouble than it is worth)

**45-4**

Pacific Grove is a National Treasure. We are one of the most beautiful places on earth. You are playing Russian Roulette with our future.

Allowing this huge three story hotel spanning between Ocean View & Central blasting the earth with jack hammers (at what decibel levels) or worse to create private underground parking, uprooting many dozens of trees, eliminating public parking and closing a public roadway (Sloat Ave) is unleashing a nightmare on Pacific Grove that can't be put back in the bottle once open.

**45-5**

Finally, residents and travelers on one-way Sloat Ave. will find themselves forced to turn left on two-way Eardly to Ocean View Blvd. This is also the area hotel parking appears will exit the premises. I assure you a gridlock on Ocean View Blvd never imagined because due-diligence is not being observed in this planning. Possibly a neighborhood fire call or ambulance inhibitor as well, risking the lives of residents.,

I urge you! Do not be the Executioners of the Essence of Pacific Grove.

**American Tin Cannery Development**

bob lippi <bob@BobThePrinter.com>

Wed 9/23/2020 2:26 PM

To: R Mullane <rmullane@hrandassociates.org>; aasiz@cityofpaciifcgrove.org <aasiz@cityofpaciifcgrove.org>; citycouncil@pacificgrove.org <citycouncil@pacificgrove.org>

Dear Pacific Grove City & Council

Regarding the American Tin Cannery Hotel Project

The ATC site is a familiar property that is the gateway to Pacific Grove from Cannery Row. The developers have been working with the property owner and the City to bring forward a new hotel and commercial project that will contribute to revitalizing this important property.

The project has been extensively studied. I hope to see the next step in approval move forward with the completion of the EIR.

Comstock Development, I believe, respects the special qualities and resources of the area and understands the expectations of the community. The hotel and commercial project have been designed to be consistent with the City's adopted policies and requirements.

Here is a list of how this project will benefit Pacific Grove :

- Revenue generation from TOT, increased property and sales tax revenues
- Supports the local economy
- Construction jobs and long term employment opportunities for local residents a range of positions in hospitality.
- Gathering places for guests and locals to enjoy.

Yours,

Bob Lippi

BobThePrinter  
831.899.4038  
P.O. Box 766 \* Seaside,CA 93955

Award of Excellence  
2015 Monterey Chamber  
2016 Carmel Chamber

**46-1**



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**125 Oceanview Blvd., Suite 105 • Pacific Grove, CA 93950 • (831) 372-1125**

September 22, 2020

To Whom It May Concern,

I am in 100% support of the hotel project proposed by the Comstock group for 125 Oceanview Blvd.

After meeting with the Comstock group multiple times, I am convinced they are the perfect team to develop the property. They understand the unique needs of the city of Pacific Grove.

The positive impact of this project on the local economy will be immense. More jobs, increased tax revenue, meeting space for local groups, to mention just a few.

It is the right project at the right time by the right development group.

Please feel free to contact me if I can be of help moving this project forward.

Sincerely,

Craig Bell

Owner

First Awakenings

47-1

**Fwd: September 23, 2020 Meeting, Agenda Item 4. General Public Comment**

----- Forwarded message -----

From: **Cosmo Bua** <[philemata@gmail.com](mailto:philemata@gmail.com)>

Date: Wed, Sep 23, 2020 at 12:59 PM

Subject: September 23, 2020 Meeting, Agenda Item 4. General Public Comment

To: <[ahunter@cityofpacificgrove.org](mailto:ahunter@cityofpacificgrove.org)>

To: Pacific Grove Historic Resources Commission

Re: Historic Resources: The ATC Property vs American Tin Cannery Factory building, Demolition Pending

From: Cosmo Bua

Date: 9/23/20

Commissioners:

I'm writing to support Mr. Ciani's request that this Commission "**act to add the ATC property to the City's HRI by the initiation of the historic resources committee per City code.**" "

As he has noted:

"... findings that are provided in the Page & Turnbull, Inc. treatise, "Historic Resource Technical Report American Tin Cannery" (HRTR-ATC) in the Draft EIR for listing eligibility in the California Register of Historic Places and City of Pacific Grove Historical Resources Inventory of the subject property and buildings:

**1)** "In terms of archaeological resources, the results of the assessment indicate the project location has high sensitivity for both historic and prehistoric resources." (DEIR Vol.1 p 8-36)

**2)** In terms of the historic significance of the ATC buildings: the Office Building, Factory Building and Warehouse Building; appear to be individually eligible for listing in: **(a)** California Register ...; **(b)** Pacific Grove Historic Resources Inventory ...;

I want to make sure that you have been informed that the D.E.I.R. for the American Tin Cannery Hotel and Commercial Project contains the following:

1. "Project actions include demolition of existing structures (except the American Tin Cannery factory building)"

2. **Demolition is justified in his way:**

"Local Coastal Program Policy Policy CRS-9

in order to protect historic structures, unwarranted demolition shall be avoided by implementing standards for demolition.

This policy is intended to protect the historic integrity of individual properties that could be affected by demolition and alteration. The City recognizes the ATC factory building as potentially eligible for historic designation, and has prepared an E.I.R that has described and analyzed in detail the structures to be analyzed."

Thank you for your consideration.  
Cosmo Bua

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Message:

Dear Chair Sawyer and Members of the Historic Resources Committee:

The American Can Company, aka American Tin Cannery (ATC) is the subject of an Environmental Impact Report including, "Historic Resource Technical Report American Tin Cannery" that concludes the site and buildings are eligible for listing in the City's Historic Resources Inventory and the California Register of Historic Places. Local Historian Kent Seavey also wrote a letter supporting the property's eligibility to the HRI and California Register.

The following is a selected summary of the findings that are provided in the Page & Turnbull, Inc. treatise, "Historic Resource Technical Report American Tin Cannery" (HRT-ATC) in the Draft EIR for listing eligibility in the California Register of Historic Places and City of Pacific Grove Historical Resources Inventory of the subject property and buildings:

- 1) "In terms of archaeological resources, the results of the assessment indicate the project location has high sensitivity for both historic and prehistoric resources." (DEIR Vol.1 p 8-36)
- 2) In terms of the historic significance of the ATC buildings: the Office Building, Factory Building and Warehouse Building; appear to be individually eligible for listing in:
  - (a) California Register under Criteria 1 (events): "[T]he American Tin Cannery appears to be individually eligible for listing" (DEIR Vol.1 page 8-25 & 26)
  - (b) Pacific Grove Historic Resources Inventory (Municipal Code §23.76.025) under local eligibility criteria A, C, E, H, and I. (DEIR Vol.1 page 8-26 & 27)
- 3) In terms of their Integrity; "The American Tin Cannery [ATC] retains six out of seven aspects of integrity - location, design, materials, workmanship, and feeling [and association] — and thus retains integrity overall."

Pacific Grove's Historic Preservation Ordinance provides: 23.76.030 Historic resources inventory historic determination – Additions and deletions.

Properties may be added to or deleted from the historic resources inventory either by initiation of the historic resources committee or by submittal of a historic determination application by the property owner.

I am writing to recommend that you act to add the ATC property to the City's HRI by the "initiation of the historic resources committee" per City code.

The Planning division has indicated that instead of an "Initial Screening" of the property to be reviewed by the you (HRC), they are processing this as a Phase I hearing by ARB.

The HRC is qualified and trained to evaluate the historical significance and integrity of the site and buildings, not the Architectural Review Board, therefore I request you to INITIATE the addition of the ATC property to the HRI.

As Mayor Kempe commented several years ago: "properties are with historic or not". HRC is trained and experienced at determining the "historic or not" and ARB is experienced at evaluating the proposed design for development.

Please take the initiative and insist that City Staff put this on YOUR HRC AGENDA FOR YOUR decision to list or not the American Can Company. Thank you for your consideration.

Sincerely,  
Tony Ciani

Re: 3 New Questions, 2 are Re: Transparency Issue

Cosmo Bua <philemata@gmail.com>

Fri 9/25/2020 5:26 PM

To: R Mullane <rmullane@hrandassociates.org>

City of Pacific Grove

Rob Mullane, AICP, Consulting Planner

Rob:

Thank you for *your* latest email.

I've never been in your position. Obviously some question are unwanted, but I would still like answers to these, from my last email:

1. What is the rationale for not extending the public comment period deadline forward from 9/25, if that decision has been made?

***Given that we are talking about the public's ability to have adequate information to evaluate the DEIR before the comment period ends on 9/28, and that displays just went up and the trees to be destroyed have not had ribbons put on them (People really feel the ribbons are important!).***

2. Who has or will make that decision?

***"City staff does not intend to extend the Draft EIR comment period..."***

Can this information be confidential, rather than inconvenient?

Thanks again,

Cosmo Bua

9/25/20

On Fri, Sep 25, 2020 at 4:22 PM R Mullane <[rmullane@hrandassociates.org](mailto:rmullane@hrandassociates.org)> wrote:

Cosmo,

Thank you for your latest email. In response to your questions,

beyond the already extended period that ends on Monday, 9/28/2020 at 5 pm. The on-site displays will continue to be available through the hearings on the project by the Architectural Review Board and Planning Commission.

The encroachment noted along Ocean View Blvd. is an existing encroachment where the existing grade-separated/elevated sidewalk along the Ocean View Blvd. frontage encroaches slightly into the City's Right-of-Way.

Thanks again for your continued interest and participation in this project.

**Rob Mullane, AICP, Consulting Planner**

HR & Associates

Phone: (805) 350-3282

email: [rmullane@hrandassociates.org](mailto:rmullane@hrandassociates.org)

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**From:** Cosmo Bua <[philemata@gmail.com](mailto:philemata@gmail.com)>

**Sent:** Thursday, September 24, 2020 6:20 PM

**To:** R Mullane <[rmullane@hrandassociates.org](mailto:rmullane@hrandassociates.org)>

**Subject:** 3 New Questions, 2 are Re: Transparency Issue

City of Pacific Grove  
Rob Mullane, AICP, Consulting Planner

Rob,

Thank you for informing me of the latest on the ATC Project displays. I'm out of town so I can't give any feedback or opinion about them.

1. Now that the displays are up (? I received an email today saying that as of 1:15 pm today the only one up was on Eardley at Sloat) what is the rationale for not extending the public comment period deadline forward from 9/25, if that decision has been made?
2. Who has or will make that decision?

49-2

On a different subject, The DEIR says:

Also proposed is a long-term lease agreement or similar instrument for development and project use of 19,699 square feet of the southeastern portion of the Sloat Avenue Right-of-Way (ROW), as well as ***an agreement to allow encroachment of approximately 3,000 square feet along the Ocean View Boulevard frontage.*** The remaining portion of Sloat Avenue would require an easement to allow continued access to three existing properties that are not part of the project.

49-3

3. I haven't found where those 3000 feet along the Ocean View Boulevard frontage are to be. What and where exactly is this 3,000 square foot encroachment to be?

Thank you,  
Cosmo Bua

On Thu, Sep 24, 2020 at 11:50 AM R Mullane <[rmullane@hrandassociates.org](mailto:rmullane@hrandassociates.org)> wrote:

Cosmo,

Thank you for your latest email on the American Tin Cannery Hotel and Commercial Project. Your email will be included in the EIR as a comment letter, and it will be responded to in the Final EIR's response to comments section. It will also be shared with the City decision-makers during the public hearings on the project.

Regarding the request for installation of story-poles, City staff have made the determination that story poles should not be installed for this project. Please see the attached memo from the City Building Official.

The displays along the Ocean View Boulevard and Eardley Avenue frontages should be up later today, if they are not already. A third display will be installed in the parking lot next to DiMaggio's Cleaners on Central Avenue this afternoon. Please have a look at the displays and see if they are helpful additions to the figures included in the Draft EIR.

Hearings on the project are anticipated to start next month. You have been placed on the list of interested parties to ensure receipt of any upcoming hearing notices. You may also monitor the City's American Tin Cannery Hotel webpage for updates on the project. The direct link to that page is:

<https://www.cityofpacificgrove.org/living/community-development/planning/american-tin-cannery-atc-hotel-and-commercial-project>

Thank you again for your comments and participation.

**Rob Mullane, AICP, Consulting Planner**

HR & Associates  
Phone: (805) 350-3282  
email: [rmullane@hrandassociates.org](mailto:rmullane@hrandassociates.org)

**From:** Cosmo Bua <[philemata@gmail.com](mailto:philemata@gmail.com)>

**Sent:** Tuesday, September 22, 2020 1:30 PM

**To:** R Mullane <[rmullane@hrandassociates.org](mailto:rmullane@hrandassociates.org)>; [citycouncil@cityofpacificgrove.org](mailto:citycouncil@cityofpacificgrove.org) <[citycouncil@cityofpacificgrove.org](mailto:citycouncil@cityofpacificgrove.org)>; [Alexandra.mccoy@coastal.ca.gov](mailto:Alexandra.mccoy@coastal.ca.gov) <[Alexandra.mccoy@coastal.ca.gov](mailto:Alexandra.mccoy@coastal.ca.gov)>; Craig, Susan@Coastal <[Susan.Craig@coastal.ca.gov](mailto:Susan.Craig@coastal.ca.gov)>; Anastazia Aziz <[aaziz@ci.pg.ca.us](mailto:aaziz@ci.pg.ca.us)>; [tad.stearn@kimley-horn.com](mailto:tad.stearn@kimley-horn.com) <[tad.stearn@kimley-horn.com](mailto:tad.stearn@kimley-horn.com)>

**Subject:** Transparency Issue

To: The City Council of Pacific Grove, R. Mullane, The California Coastal Commission, Kimly-Horn

Re: On-Site Displays or Exhibits for the American Tin Cannery Hotel and Commercial Project

From: Cosmo Bua

Date: 9/22/20

***I understand that the developer will be installing two full-sheet size display renderings of the ATC project at two locations: one along the project site's Ocean View Boulevard frontage, and one along the project site's Eardley Avenue frontage.***

If this is the final decision on appropriately informing the public about the existence and the scale of the proposed ATC project, and of its significant effects, it is of course insufficient. Installing renderings only at the project site will be dishonest. This is because, regardless of their views or desires on this project and any protestations to the contrary, **everyone** involved knows that limiting these displays to the project site will severely limit the public's ability to be informed. This is not reasonable transparency in the interest of soliciting - or allowing - sufficient public input.

More than any of the other recent large developments approved in Pacific Grove this one is proposed for a location where residents are unlikely to be found, and therefore postings there are unlikely to be of much use in informing them. Everyone involved, including you, knows this. I assume that most of you know the legal requirements for noticing and otherwise informing the public about development in more detail than I do. Never-the-less, this posting is not in the spirit of the law.

I've always wondered what machinations go on behind the scenes between P.G. planners, project developers, and City Hall. I have found that the City's evaluations of [E.I.R.s](#), the findings adopted, and the decisions finally made concerning their developments are often factually unsupportable. In this respect, the City of Pacific Grove is far from alone as local governments go. Still, in a town of this size it's more noticeable. The City collaborates with the developer to accommodate the project from beginning to end, including right through the public process, but works against adequately informing residents.

I don't believe story poles would be a safety hazard. But if all you are going to require (or allow) are posters, they obviously should be posted at locations where the public are at all likely to see them, such as those I mentioned in my 9/16 city council general comment: Trader Joe's, Safeway, Grove Market, the Post Office\*, and other downtown places. If for some reason the City can not require these additional postings from the developer, the City should pay for them and put them up. Also, the public comment period for the ATC DEIR must be extended from Sept. 28th adequately forward from the date of the poster installations.

\*not in the original comment

Cosmo Bua

--

*In case you missed it. Here is my email of 9/16*

To: Pacific Grove City Council

Re: General Public Comment 9/16 (agenda item 4)

From: Cosmo Bua

Date: 9/16/20

General Public Comment:

49-4

I understand the City is considering the use of artist renderings or other posters of that sort in place of story poles to inform the public about the American Tin Cannery Hotel and Commercial Project. While I don't agree that these will be sufficient to enable adequate public review, I hope if you use this poster method that they will be put up in places where the public can be found a lot more often than at the ATC site. As opposed to story poles, almost no one will see any postings at the site itself, defeating their purpose. They should go up at numerous places around P.G. such as Trader Joe's, Safeway, Grove Market, and other downtown places, as I can assure you that a great many residents are completely unaware of the existence of the project. Also, please extend the public comment period for the ATC DEIR from Sept. 28th forward from the date of the poster installations.

Thank you,  
Cosmo Bua

**49-4  
Cont**

American Tin Cannery Hotel & Commercial Project

Cynthia Norris <cnorris13@yahoo.com>

Fri 9/25/2020 12:14 PM

To: R Mullane <rmullane@hrandassociates.org>  
Cc: citycouncil@cityofpacificgrove.org <citycouncil@cityofpacificgrove.org>

I am Cynthia Norris. My address is on Central Ave. but my apartment faces Dewey St. across from your proposed hotel project.  
I am adamantly opposed to the ATC hotel project for my & my community's safety, health, traffic & noise pollution concerns.

50-1

Safety concerns:

1. Positioned right next to the Pacific Grove recreation trail.
2. Unsafe for walks, bikes, runners, children, seniors and people with disabilities accessing the trail & Ocean View Blvd. due to an increase in auto & truck traffic.

50-2

Health concerns:

1. Greatly increased harmful auto & truck emissions:
  - carbon monoxide
  - sulfur dioxide
  - nitrogen oxide
  - formaldehyde
  - benzene
  - soot
  - noxious odor

50-3

2. Greatly increases permanent organ damage to people with compromised immune system, which I have along with people with disabilities, children & seniors who use the trail & Ocean View Blvd. daily.

[Why Vehicles' Exhaust Fumes Harmful To Humans? » Science ABC](#)

50-4

**Why Vehicles' Exhaust Fumes Harmful To Humans? » Science ABC**

Sometimes, we like things that are just plain weird and make very little sense in an otherwise sensible world. A...

Excessive auto & truck noise, congestion & traffic.

1. Greatly increases noise & traffic in a small bucolic community while being built as well as when in operation.
2. No longer a safe neighborhood for residents & visitors.

50-5

This project is greatly out of place in the proposed location of Pacific Grove for all the above reasons & more.  
We residents choose to live here because we feel safe, healthy, & enjoy the quiet of our neighborhood in all its picturesque beauty.  
Please don't spoil it for us.

50-6

Thank you,  
Cynthia Norris  
178 Central Ave.  
Pacific Grove, CA  
831 920-1225

**Tin Cannery project**

David Reilly &lt;hpreilly81@gmail.com&gt;

Thu 9/24/2020 12:47 PM

To: R Mullane &lt;rmullane@hrandassociates.org&gt;

Hello Rob. Just want to say I support the project. We need the tax revenue and jobs.

I noticed a discussion on Nextdoor Pacific Grove with the usual split between growth and anti- growth so I thought I would put in my 2 cents

**51-1**

David Reilly

**Fwd: American Tin Cannery Hotel Proposal**

Alyson Hunter &lt;ahunter@cityofpacificgrove.org&gt;

Mon 9/21/2020 8:20 AM

To: R Mullane &lt;rmullane@hrandassociates.org&gt;; Stearn, Tad &lt;Tad.Stearn@kimley-horn.com&gt;

DEIR comment. See below.

Thank you,

**Alyson Hunter, AICP | Senior Planner**

City of Pacific Grove | Community Development Department

300 Forest Ave, 2nd Floor Pacific Grove, CA 93950

T: 831-648-3127 Main Reception: 831-648-3183

[www.cityofpacificgrove.org](http://www.cityofpacificgrove.org) | Planning website: [www.cityofpacificgrove.org/planning/](http://www.cityofpacificgrove.org/planning/)

Due to COVID-19 citizens are strongly encouraged to conduct City business via email and phone. Remote procedures are in place to process City permits including building and planning permits.

<https://www.cityofpacificgrove.org/sites/default/files/general-documents/community-development/remote-procedures050420.pdf> You can view the Monterey County Health Officer's updated COVID-19 Shelter Order and FAQs [here](#).

----- Forwarded message -----

From: **Sandra Kandell** <[skandell@cityofpacificgrove.org](mailto:skandell@cityofpacificgrove.org)>

Date: Sun, Sep 20, 2020 at 1:00 PM

Subject: Fwd: American Tin Cannery Hotel Proposal

To: Anastazia Aziz <[aaziz@cityofpacificgrove.org](mailto:aaziz@cityofpacificgrove.org)>, Alyson Hunter <[ahunter@cityofpacificgrove.org](mailto:ahunter@cityofpacificgrove.org)>

FYI

Sandra Kandell

City Clerk

City of Pacific Grove

Begin forwarded message:

**From:** Elizabeth D <[edoan26@outlook.com](mailto:edoan26@outlook.com)>**Date:** September 20, 2020 at 10:30:28 AM PDT**To:** "[citycouncil@cityofpacificgrove.org](mailto:citycouncil@cityofpacificgrove.org)" <[citycouncil@cityofpacificgrove.org](mailto:citycouncil@cityofpacificgrove.org)>**Subject:** American Tin Cannery Hotel Proposal

Hello,

I am writing in regards to the proposal for the hotel where the tin cannery is currently located. We do not need more hotels especially with the current reopening challenges from COVID for existing properties in the area. Not to mention the negative effects the noise of construction for two years will have on the harbor seals that use that area for a breeding and birthing site. Could you provide more information on how to oppose this proposal.

Kindest regards;

Elizabeth Doan

52-1

## VISUALS FOR ATC PROJECT: RENDERINGS SIZE, TREE TAGGING

Inge Lorentzen Daumer &lt;ilwd50@gmail.com&gt;

Fri 9/18/2020 5:32 PM

To: R Mullane &lt;rmullane@hrandassociates.org&gt;

Cc: jkuehl@cityofpacificgrove.org &lt;jkuehl@cityofpacificgrove.org&gt;

 1 attachments (412 KB)

WAKE-UP P.G.! LOOK WHAT'S COMING!.jpg;

Dear Rob Mullane,

Full sized renderings are not nearly large enough to convey the impacts! We need almost Billboard size renderings, especially on the Eardley/Central entrance to our city with the back "view" of the 3rd story Executive Building with the removal of the iconic protected Cypress trees...I noticed today that no trees are tagged (marked with ribbon) to show the public! This just isn't good enough...we should have Story Poles.

53-1

Sincerely,

Inge Lorentzen Daumer  
Sloat Ave. Resident and homeowner

Virus-free. [www.avg.com](http://www.avg.com)



## ATC PROJECT "POSTERS"...

Inge Lorentzen Daumer &lt;ilwd50@gmail.com&gt;

Thu 9/24/2020 5:03 PM

To: R Mullane &lt;rmullane@hrandassociates.org&gt;; ahunter@cityofpacificgrove.org &lt;ahunter@cityofpacificgrove.org&gt;

Dear Rob Mullane,

The placement of your renditions, at 2 locations (at the ATC), I would liken to trying to put out a forest fire with a water bottle...  
Ineffective! Please get real about Public Noticing with visuals! Way too little, way too Late!

54-1

Sincerely,

Inge Lorentzen Daumer

Virus-free. [www.avg.com](http://www.avg.com)

**Fw: American Tin Cannery Hotel**

Judith Cabral <jaccabral@yahoo.com>

Fri 9/25/2020 4:04 PM

To: R Mullane <rmullane@hrandassociates.org>

----- Forwarded Message -----

**From:** Judith Cabral <jaccabral@yahoo.com>

**To:** rmullane@hrandassociates.org <rmullane@hrandassociates.org>

**Cc:**

**Sent:** Friday, September 25, 2020, 03:47:37 PM PDT

**Subject:** American Tin Cannery Hotel

Well, it seems the last "home town" has decided to go big or go home as the old saying goes. A 260 room and conference center definitely falls in that category. I get it, it's all about the money.

But tell me, is the corner of Oceanview Blvd. and Eardley the perfect spot in Pacific Grove for this behemoth 377,461 square foot project? Do you or any of the City Council members for that matter ever travel Oceanview and Eardley or Central Ave in the summer? It is all ready gridlock. Now you want to drop in another 300 plus cars, 600 people into that very same area.

It's not like "car week" when we must endure a couple of weeks of congestion and chaos. It is something we will have to endure for month after month because as we all know, tourist season pretty much never ends.

Do you even care what this very large footprint is going to do to an already fragile coast and its inhabitants? Will the Harbor Seals on Hopkins Beach go the way of the Monarch Butterflies? Just disappear? The Harbor Seals habitat on Hopkins Beach is frequently disrupted by careless, thoughtless people intruding upon their solace. Its sanctuary is defended now only by dedicated volunteers because our small town, understaffed Police Department is unable to patrol that area with any regularity.

Yes, understaffed. This tourist season was a glowing example of that. Closed beaches and parks were over run, with loads of trash left behind and all rules ignored. Rarely saw any police making even a token attempt to enforce the rules.

Pacific Grove is selling it's soul for the big bucks. Don't call PG the "last hometown" ever again. PG will become just another coastal tourist trap like every other southern California town.

Judith Cabral

55-1

**ATC Latest Hotel Ideas**

Jacqueline Fobes &lt;jtfobes@yahoo.com&gt;

Tue 9/22/2020 12:04 PM

To: R Mullane &lt;rmullane@hrandassociates.org&gt;; Bill Peake &lt;bpeake@cityofpacificgrove.org&gt;

09-22-2020.

Dear Sir,

We are responding to the DEIR for the hotel project being considered at the American Tin Cannery site. How many times do we have to do this? Developers keep coming up every few years with the plans for the same old unattractive monstrous huge hotel. People who love the town keep responding with concerns about the increased traffic, the congestion, the noise, the unsafe numbers of people coming and going in and out, the welfare of the marine animals rookeries... Need we go on? What part of this do these greedy developers not get?

**56-1**

More importantly, what part of this doesn't the city understand? How many more times do we go down this road? We know Pacific Grove needs money. People comprehend that. None of us are desperate enough to burden future generations with all of the problems associated with this current large development. People just do not want a huge hotel, but perhaps would agree to a smaller boutique hotel, a small attractive mixed business and condo development, with attractive walkways and plantings, not large, something that actually fits in with the local Victorian style of nearby homes. We do not need two swimming pools and a spa in a cool ocean environment that rarely gets above 70F. Also getting the hotel traffic (guests, employees) in and out of the town impacts every single person on this Peninsula. Roads are small, narrow, and already full of cars. There is no where for additional vehicles to go now.

**56-2**

One of the things the horrific wildfires this year made us all aware of is how our safety is endangered when the town has too many tourists. There are basically only two ways in and out of Pacific Grove, ways that could be clogged with vehicles, preventing people from getting out in an emergency. We do not need to encourage more tourists. Another issue is the trash and environmental damage that tourists leave behind. Big Sur is a prime example. Tourists should not be the "bread and butter" that supports this town. Get some new ideas.

**56-3**

Please re-think this proposal.  
Thank you for your consideration.

Jacqueline Fobes, Ph.D.  
James Fobes, Ph.D.

Hotel

Holcomb, John S FAC (CIV) [REDACTED]

Wed 9/23/2020 2:06 PM

To: R Mullane <rmullane@hrandassociates.org>

Disgusting! What's the point of pubic comments, you're not going to listen and just carry on with what you want to do. Why not double the size so we can use more water and log jam Lighthouse even more.

57-1

**American Tin Cannery Hotel Project**

Keegan Barry-Holson <keegan.barryholson@gmail.com>

Mon 9/21/2020 9:58 PM

To: R Mullane <rmullane@hrandassociates.org>

Mr. Mullane,

I do not know you, but I hope my message brings light to the incredibly fragile nature of the harbor seal habitat in Pacific Grove, CA. I understand that there is a plan to build another hotel in the area, the American Tin Cannery Hotel. This is truly devastating news. Although I understand that most people just want to make money, there are greater and more important things in life. The seals already have so many human-related struggles. They deal with decreasing fish populations, rising water temperature, increased noise and human activity (including in their "protected" area at Hopkins Marine Station). If you think this project will not harm them, you are surely wrong. This is impossible. These animals deserve to be protected. It is incredibly disheartening to me that so many people could care less about doing what's right for the environment and the animals that were there long before we were.

Please, consider stopping this project.

I love the area, but I will not stay in this hotel if this moves forward. And, I will make it my goal to deter anyone who considers it.

Yours truly,

Keegan Barry-Holson, MD

**58-1**

Fwd: ATC Hotel - Public Comment - Request for Story Poles and more- for Sept 28, 2020

Kimberly Brown <thegoodkimberly@comcast.net>

Fri 9/18/2020 5:38 PM

To: R Mullane <rmullane@brandassociates.org>

Begin forwarded message:

**From:** Kimberly Brown <[thegoodkimberly@comcast.net](mailto:thegoodkimberly@comcast.net)>

**Subject:** ATC Hotel - Public Comment - Request for Story Poles and more- for Sept 28, 2020

**Date:** September 18, 2020 at 5:32:58 PM PDT

**To:** [citymanager@cityofpacificgrove.org](mailto:citymanager@cityofpacificgrove.org), [citycouncil@cityofpacificgrove.org](mailto:citycouncil@cityofpacificgrove.org), [dave@laredolaw.net](mailto:dave@laredolaw.net), [heidi@laredolaw.net](mailto:heidi@laredolaw.net), [aaziz@cityofpacificgrove.org](mailto:aaziz@cityofpacificgrove.org), [ahunter@cityofpacificgrove.org](mailto:ahunter@cityofpacificgrove.org), [rmullane@brandassociates.org](mailto:rmullane@brandassociates.org)

**Cc:** [alexandra.mccoy@coastal.ca.gov](mailto:alexandra.mccoy@coastal.ca.gov), [Kevin.Kahn@coastal.ca.gov](mailto:Kevin.Kahn@coastal.ca.gov), Lisa Ciani <[lisa.ciani@gmail.com](mailto:lisa.ciani@gmail.com)>

To All Concerned,

I am a homeowner and registered voter in the City of Pacific Grove. I wanted a commercial enterprise to take over the existing American Tin Cannery property. However, I am extremely concerned and disappointed with the magnitude of the proposed hotel: two wings, swimming pools, underground parking for 260 cars and the removal of 79 trees. NO this is not what I voted for.

59-1

My husband and I are currently in the middle of remodeling our home to include the addition of a second story. We now have a beautiful view of the ocean, trees, and neighboring houses. However, we have no idea if this view recently available to us will be obliterated by the proposed ATC hotel. There are no story poles.

The reasoning not to have story poles due to being too hazardous to the public tells me straight away that the project is too dangerous for the environment and the community to proceed with the proposed plan. For me to understand the full context of the plan, I am expected to read 1500 pages at the Police Station. This project is not transparent to the public.

59-2

If I am not mistaken, the Monterey Bay Aquarium, a nonprofit organization had story poles for their expansion. I recall seeing them and wondering what the project would be. It didn't appear to interfere with the existing architecture and wasn't an "eye sore".

Furthermore, I can't imagine where the 79 trees slated for removal are located. They are not marked in anyway to let the public who use the recreation trail know that the trees providing shade, rest, relaxation, and home to countless species will be destroyed. I am requesting that each and every tree to be removed be tagged visually with signage stating "to be destroyed". This will give all current tourists and residents on the Monterey Peninsula knowledge of what is coming to Pacific Grove. What they are enjoying in that moment will never be the same.

59-3

I appreciate your due diligence in being more transparent with this horrendous project. I also ask that the developers and all involved to rethink and redesign the ATC Hotel to fit with the environment and our community.

Sincerely,

Kimberly Brown  
316 10th Street  
Pacific Grove, CA

**Fwd: Correction from Sept 17, 2020 Public Comment Letter -Pacific Grove American Tin Cannery Hotel**

Kimberly Brown &lt;thegoodkimberly@comcast.net&gt;

Sun 9/20/2020 8:03 AM

To: R Mullane &lt;rmullane@hrandassociates.org&gt;

Begin forwarded message:

**From:** Kimberly Brown <[thegoodkimberly@comcast.net](mailto:thegoodkimberly@comcast.net)>**Subject:** Fwd:Correction from Sept 17, 2020 Public Comment Letter -Pacific Grove American Tin Cannery Hotel**Date:** September 20, 2020 at 7:59:58 AM PDT**To:** [citymanager@cityofpacificgrove.org](mailto:citymanager@cityofpacificgrove.org), [citycouncil@cityofpacificgrove.org](mailto:citycouncil@cityofpacificgrove.org), [dave@laredolaw.net](mailto:dave@laredolaw.net), [heidi@laredolaw.net](mailto:heidi@laredolaw.net), [aaziz@cityofpacificgrove.org](mailto:aaziz@cityofpacificgrove.org), [ahunter@cityofpacificgrove.org](mailto:ahunter@cityofpacificgrove.org)**Cc:** [alexandra.mccoy@coastal.ca.gov](mailto:alexandra.mccoy@coastal.ca.gov), [Kevin.Kahn@coastal.ca.gov](mailto:Kevin.Kahn@coastal.ca.gov), Lisa Ciani <[lisa.ciani@gmail.com](mailto:lisa.ciani@gmail.com)>

To All Concerned,

On September 17, 2020, I submitted a letter for public comment. In the letter I wrote,

...."For me to understand the full context of the plan,  
I am expected to read 1500 pages at the Police  
Station."...

I stand corrected. On Sept. 20, 2020, I received an e-  
mail which included the link to the DEIR. The  
website is as follows:

<https://www.cityofpacificgrove.org/living/community-development/planning/ceqa-california-environmental-quality-act>

I truly appreciate the accessibility to the DEIR.

With gratitude,

Kimberly Brown  
Pacific Grove Resident  
316 10th Street

**60-1**

## Harbor Seals of Pacific Grove - American Tin Cannery Hotel and Commercial Project

Kris Lannin Liang &lt;grlbordr@yahoo.com&gt;

Wed 9/23/2020 12:43 PM

To: aaziz@cityofpacificgrove.org &lt;aaziz@cityofpacificgrove.org&gt;

Cc: donne.brownsey@coastal.ca.gov <donne.brownsey@coastal.ca.gov>; caryl.hart@coastal.ca.gov <caryl.hart@coastal.ca.gov>; effie.turnbull-sanders@coastal.ca.gov <effie.turnbull-sanders@coastal.ca.gov>; sara.aminzadeh@coastal.ca.gov <sara.aminzadeh@coastal.ca.gov>; katie.rice@coastal.ca.gov <katie.rice@coastal.ca.gov>; carole.groom@coastal.ca.gov <carole.groom@coastal.ca.gov>; Maricela.morales@coastal.ca.gov <Maricela.morales@coastal.ca.gov>; watanabe@stanford.edu <watanabe@stanford.edu>; elahi@stanford.edu <elahi@stanford.edu>; larry.crowder@stanford.edu <larry.crowder@stanford.edu>; bblock@standord.edu <bblock@standord.edu>; aaziz@cityofpacificgrove.org <aaziz@cityofpacificgrove.org>; nthometz@usfca.edu <nthometz@usfca.edu>; max.delaney@noaa.gov <max.delaney@noaa.gov>; R Mullane <rmullane@hrandassociates.org>; aaziz@cityofpacificgrove.org <aaziz@cityofpacificgrove.org>; ahunter@cityofpacificgrove.org <ahunter@cityofpacificgrove.org>; citycouncil@cityofpacificgrove.org <citycouncil@cityofpacificgrove.org>; dave@laredolaw.org <dave@laredolaw.org>; heidi@laredolaw.org <heidi@laredolaw.org>

 1 attachments (358 KB)

Tin Cannery EIR Response .docx;

Dear Ms. Aziz,

Please find **attached** my comments regarding the proposed American Tin Cannery Hotel and Commercial Project. I believe the development of the [proposed hotel and commercial project](#) at the American Tin Cannery will lead to the decline or destruction of the established harbor seal colonies in the immediate vicinity at Hopkins West Beach and Fisher Beach.

Before the City of Pacific Grove moves forward with this project, I respectfully request the following:

1. Require additional detail, including any studies that have been conducted, regarding multi-year excavation of up to 18 feet of granite bedrock, with a focus on the effect it would have on local wildlife
2. Ascertain whether California Department of Fish & Wildlife and/or National Oceanic and Atmospheric Administration will entertain issuing two-year long Take Permits to address the constant disturbance and potential loss of two established rookeries within a California Marine Protected Area, inside a National Marine Sanctuary
3. Require completion of a study to determine the near- and long-term impacts of development in this area, in partnership with Hopkins Marine Lab and University of California Santa Cruz' Institute of Marine Sciences and Long Marine Lab

Thank you for your time and consideration.

Sincerely,  
Kris Lannin Liang

61-1

September 23, 2020

Ms. Anatasia Aziz  
Chief City Planner  
City of Pacific Grove  
Pacific Grove, CA

Re: American Tin Cannery Hotel and Commercial Project  
Draft EIR | July 2020

Dear Ms. Aziz,

I believe the **development of the [proposed hotel and commercial project](#) at the American Tin Cannery will lead to the decline or destruction of the established harbor seal colonies in the immediate vicinity at Hopkins West Beach and Fisher Beach – both of which are vital haul-out and birthing sites for up to 400 federally protected harbor seals.** West Beach is also a nesting site for black oystercatchers, a keystone species and indicator of the overall health of the rocky intertidal community under the jurisdiction of the California Coastal National Monument. Both haul-out sites are rated “high” on Pacific Grove’s [“Land Habitat Sensitivity Map”](#) (page 53).

61-2

The Coastal Act defines Environmentally Sensitive Habitat Areas as “any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments” (Public Resources Code §30107.5).



61-3

*An adult Black Oystercatcher with its two chicks in the harbor seal rookery at Hopkins Marine Station. The Black Oystercatcher is a charismatic bird that feeds and nests on the shores of Pacific Grove. Pairs establish territories that they defend vigorously. Pacific Grove citizen volunteers monitor their nesting success after being trained in a program coordinated by the Pacific Grove Museum of Natural History. Photo by Kim Worrell*

**Image included in Pacific Grove’s Local Coastal Plan (March 2020)**

Pacific Grove’s economy is tied to the beauty of its natural resources. Listed as number two on Pacific Grove City Council’s [“Goals and Tactics, Vision and Mission Statements”](#) is “Environmental Stewardship” – key to this mission is preserving monarch butterfly, bird and marine mammal habitat. According to the Pacific Grove Museum of Natural History, [the best place to view harbor seals](#) is THE area that will be most impacted by the development of this

61-4



project. [The Harbor Seals of Pacific Grove](#)'s 12,000+ followers are further evidence of the connection the community, and visitors from around the world, have to the city's iconic animals.

61-4  
Cont

Before the City of Pacific Grove paves the way to a legacy of sacrificing its public scenic view area and natural resources in favor of oversized development and, in order to avoid a repeat of controversy, expense and legal investigation surrounding the last attempt to develop this site, please consider the following:

61-5

1. Require additional detail, including any studies that have been conducted, regarding multi-year excavation of up to 18 feet of granite bedrock, totaling approximately 46,700 cubic yards of material, with a focus on the effect it would have on local wildlife
2. Ascertain whether California Department of Fish & Wildlife and/or National Oceanic and Atmospheric Administration will entertain issuing two-year long Take Permits to address the constant disturbance and potential loss of two established rookeries within a California Marine Protected Area, inside a National Marine Sanctuary
3. Require completion of a study to determine the near- and long-term impacts of development in this area, in partnership with Hopkins Marine Lab and University of California Santa Cruz' Institute of Marine Sciences and Long Marine Lab

61-6

61-7

Thank you for your time and consideration.

Sincerely,



Kris Lannin Liang

cc: Ms. Sara Aminzadeh, Commissioner, California Coastal Commission  
Dr. Barbara Block, Hopkins Marine Lab  
Ms. Donne Brownsey, Vice Chair, California Coastal Commission  
Dr. Larry Crowder, Hopkins Marine Lab  
Mr. Max Delaney, Resource Protection Specialist, Greater Farallones Marine Sanctuary  
Dr. Robin Elahi, Hopkins Marine Lab  
Ms. Carole Groom, Commissioner, California Coastal Commission  
Ms. Caryl Hart, Commissioner, California Coastal Commission  
Ms. Maricela Morales, Alternate for Carole Groom, California Coastal Commission  
Mr. Bill Peake, Mayor of Pacific Grove  
Ms. Katie Rice, Commissioner, California Coastal Commission  
Ms. Susanne Rust, Los Angeles Times  
Dr. Jillian Sills, Pinniped Lab, University of California Santa Cruz  
Dr. Nicole Thometz, Thometz Lab, University of San Francisco  
Ms. Effie Turnbull-Sanders, Commissioner, California Coastal Commission  
Dr. James Watanabe, Hopkins Marine Station  
Mr. Justin Viezbicke, California Stranding Coordinator, NOAA

Fwd: Public Comment re: ATC hotel project (Form submission from: Contact the Historic Resources Committee)

Alyson Hunter <ahunter@cityofpacificgrove.org>

Thu 9/24/2020 1:30 PM

To: R Mullane <rmullane@hrandassociates.org>; Stearn, Tad <Tad.Stearn@kimley-horn.com>

FYI

Thank you,

**Alyson Hunter, AICP | Senior Planner**

City of Pacific Grove | Community Development Department

300 Forest Ave, 2nd Floor Pacific Grove, CA 93950

T: 831-648-3127 Main Reception: 831-648-3183

[www.cityofpacificgrove.org](http://www.cityofpacificgrove.org) | Planning website: [www.cityofpacificgrove.org/planning/](http://www.cityofpacificgrove.org/planning/)

*Due to COVID-19 citizens are strongly encouraged to conduct City business via email and phone. Remote procedures are in place to process City permits including building and planning permits.*

<https://www.cityofpacificgrove.org/sites/default/files/general-documents/community-development/remote-procedures050420.pdf> You can view the Monterey County Health Officer's updated COVID-19 Shelter Order and FAQs [here](#).

----- Forwarded message -----

From: **City of Pacific Grove Website** <[website@cityofpacificgrove.org](mailto:website@cityofpacificgrove.org)>

Date: Thu, Sep 24, 2020 at 1:06 PM

Subject: Public Comment re: ATC hotel project (Form submission from: Contact the Historic Resources Committee)

To: <[ahunter@cityofpacificgrove.org](mailto:ahunter@cityofpacificgrove.org)>

Name: Lisa Ciani

Email: [lisa.ciani@gmail.com](mailto:lisa.ciani@gmail.com)

Message:

Dear HRC Members,

Here is the text of my General Public Comment about the ATC hotel project at the American Can Company site at yesterday's meeting:

As you know, the draft EIR for the ATC hotel project is out for public review, although much of the public is unaware of it due to the City's position that story poles are dangerous, and their failure to provide alternatives to story poles or any conspicuous graphics for the general public in a timely way. We're told they might get some onsite displays up by today, with the public review period for the 1,700-page DEIR ending this coming Monday, the 28th.

The American Can Company buildings are not currently on the HRI, despite having been listed there in 2004. In a letter dated June 9th, 2005, Community Development Director Jon Biggs informed Bill Grimm, CEO of the Cannery Row Company, that the property had previously been "inadvertently added" to the HRI. Without due process and without notice to the public, the Community Development Department subsequently amended the HRI to remove 125 Ocean View Blvd. Nevertheless, Page & Turnbull wrote that the property was on the HRI when they prepared the Historic Context Statement in 2011.

In any case, since 125 Ocean View is apparently not currently on the HRI, the project is not coming to you for review. Instead, it is going to ARB on October 20th, and they will make a recommendation to the Planning Commission for the Coastal Development Permit.

The Page & Turnbull technical report on the property for the draft EIR is strongly supportive of its historic significance and integrity and makes it clear that the hotel project as currently designed does not meet Secretary of Interior's Standards and would result in unavoidable significant adverse impacts. I encourage HRC to request that ARB hold a joint meeting to review the ATC hotel project, in light of HRC's significantly greater expertise in reviewing historic reports and evaluating consistency with Secretary of Interior's Standards. And in light of the importance of this site.

62-1

9/24/2020

Mail - R Mullane - Outlook

Thank you for considering my comment, and I hope you can collaborate with ARB in some way to prevent the loss of integrity and physical loss of PG's connection to Monterey Bay's historic fishing and canning industry. I believe the City is very short-sighted in undervaluing the economic benefit of the historic American Can Company buildings in any commercial project.

**62-1  
Cont**

Sincerely,  
Lisa Ciani

Attached File:

Submitted on Thursday, September 24, 2020 - 1:05 pm

**Re: ATC DEIR**

Lisa Ciani <lisa.ciani@gmail.com>

Fri 9/25/2020 3:21 PM

To: R Mullane <rmullane@hrandassociates.org>

Cc: citycouncil@cityofpacificgrove.org <citycouncil@cityofpacificgrove.org>; Ben Harvey <citymanager@cityofpacificgrove.org>; dave@laredolaw.net <dave@laredolaw.net>; heidi@laredolaw.net <heidi@laredolaw.net>; Anastazia Aziz <aaziz@cityofpacificgrove.org>

Rob,

I found two posters with renderings from the DEIR, one on Ocean View Blvd near Eardley and one on Eardley at Sloat—the same misleading renderings as in the plans, and not very large. I could see no poster on Central Ave when I drove slowly by there twice, but my husband finally located the inconspicuous poster. It shows only one of the four views that are displayed on the other posters, the twilight view from Central. In other words, it doesn't display the whole project. This is not a good faith effort to provide an alternative to story poles. It's further evidence of the City's and/or applicant's reluctance to inform the public about this project.

Furthermore, I see NO ribbons on trees as required in LCP IP section 23.90.160.B.1.c, despite your writing to my husband on September 3rd the following:

"Thank you for noting the tree-marking component for trees proposed for removal. I will be contacting the applicant team to have them make arrangements for such tree-marking."

Where are the required tree ribbons?

As a reminder, IP section 23.90.160, which is now part of PG's municipal code, states:

"B. Applications for Development in Scenic Areas. The following documentation and requirements shall be provided for all CDP applications within scenic areas, including those mapped in LUP Figure 4; all development on, seaward, or visible from Ocean View Boulevard, Sunset Drive, and the pedestrian recreational trails seaward of these roads; and any other development that may adversely impact public views:

"1. Site-specific Visual Analysis. At a minimum, the visual analysis shall include the following:....

"c. When trees defined as major vegetation are proposed for removal, ribbons showing the location of the removal MUST be installed." (emphasis added)

Monterey cypress, all 52 of them, and most of the other trees slated for removal (79 trees in total), fit the definition of major vegetation in the LCP and/or "protected" trees in the City's municipal code.

Perhaps you are at a distance and unaware of the lack of follow-through on the part of the "applicant team". I do not believe the City is doing its job effectively if it is not confirming the applicant's follow-through. And I do not believe the citizens of Pacific Grove are getting the information that's legally required at the DEIR phase in order to understand this project and its impacts.

Lisa

> On Sep 24, 2020, at 12:23 PM, R Mullane <rmullane@hrandassociates.org> wrote:

>

> Lisa,

>

> I was forwarded your September 22nd email to the Mayor and City Council and wanted to provide an update on the on-site displays that are being installed for the American Tin Cannery Hotel and Commercial Project.

>

> The displays along the Ocean View Boulevard and Eardley Avenue frontages should be up later today, if they are not already. A third display will be installed in the parking lot next to DiMaggio's Cleaners on Central Avenue this afternoon. Please have a look at the displays and see if they are helpful additions to the figures included in the Draft EIR.

>

> Hearings on the project are anticipated to start next month. You have been placed on the list of interested parties to ensure

receipt of any upcoming hearing notices. You may also monitor the City's American Tin Cannery Hotel webpage for updates on the project. The direct link to that page is:

> <https://www.cityofpacificgrove.org/living/community-development/planning/american-tin-cannery-atc-hotel-and-commercial-project>

>

> Thank you again for your comments and participation.

>

> Rob Mullane, AICP, Consulting Planner

>

> HR & Associates

> Phone: (805) 350-3282

> email: [rmullane@hrandassociates.org](mailto:rmullane@hrandassociates.org)

>

>

> From: Alyson Hunter <[ahunter@cityofpacificgrove.org](mailto:ahunter@cityofpacificgrove.org)>

> Sent: Tuesday, September 22, 2020 2:47 PM

> To: Heidi Quinn <[heidi@laredolaw.net](mailto:heidi@laredolaw.net)>; R Mullane <[rmullane@hrandassociates.org](mailto:rmullane@hrandassociates.org)>

> Cc: Anastazia Aziz <[aaziz@cityofpacificgrove.org](mailto:aaziz@cityofpacificgrove.org)>

> Subject: Re: FW: ATC DEIR

>

> Thanks - I'm forwarding to Rob and filing.

>

> Thank you,

>

> Alyson Hunter, AICP | Senior Planner

> City of Pacific Grove | Community Development Department

> 300 Forest Ave, 2nd Floor Pacific Grove, CA 93950

> T: 831-648-3127 Main Reception: 831-648-3183

> [www.cityofpacificgrove.org](http://www.cityofpacificgrove.org) | Planning website: [www.cityofpacificgrove.org/planning/](http://www.cityofpacificgrove.org/planning/)

>

> Due to COVID-19 citizens are strongly encouraged to conduct City business via email and phone. Remote procedures are in place to process City permits including building and planning permits.

> <https://www.cityofpacificgrove.org/sites/default/files/general-documents/community-development/remote-procedures050420.pdf> You can view the Monterey County Health Officer's updated COVID-19 Shelter Order and FAQs here.

>

>

>

> On Tue, Sep 22, 2020 at 2:39 PM Heidi Quinn <[heidi@laredolaw.net](mailto:heidi@laredolaw.net)> wrote:

>

>

> From: Lisa Ciani <[lisa.ciani@gmail.com](mailto:lisa.ciani@gmail.com)>

> Sent: Tuesday, September 22, 2020 12:39 PM

> To: [citycouncil@cityofpacificgrove.org](mailto:citycouncil@cityofpacificgrove.org); David Laredo <[dave@laredolaw.net](mailto:dave@laredolaw.net)>; Heidi Quinn <[heidi@laredolaw.net](mailto:heidi@laredolaw.net)>

> Subject: ATC DEIR

>

> Dear Mayor Peake and Council Members,

>

> I spoke at the September 16th Council meeting about what appears to be a deliberate effort to keep the public in the dark about the ATC hotel project, the draft EIR for that project, and the size and scale and view impacts of that project. You must be aware that a hotel project at ATC is a matter of significant public interest and that it requires greater than usual effort to get the word out during COVID-19 restrictions. But instead, the City has been reluctant to expend any effort on transparent practices. They did not even provide the online notice on the City's homepage that is normally afforded to DEIRs of this level of public concern.

>

> Yesterday, for the first time, the City posted on their homepage the only notice they've posted there about the DEIR for the ATC hotel project—the Revised Notice of Availability—with a week remaining for public comment! They actually posted it twice, for good measure, as you can see in the screenshot below. The notices are dated September 21st, so there's no mistaking how delayed the posting is—the DEIR was released on July 30th, with no Notice of Availability posted on the homepage until yesterday's revised version. As long as I can remember, the City has always posted DEIRs for important projects in the NEWS

section on the homepage—when they were released, not when the public review period was almost over. During COVID-19 restrictions, the May 28th Perkins Park Landscape Plan Community meeting was posted in the News section of the homepage—is the ATC hotel project not that important? CEQA review is a process that’s supposed to encourage the public’s input to help assure that all the potential adverse impacts are analyzed and mitigated. The last newspaper article about the ATC project was in February. How transparent has the City been with regard to the ATC DEIR?

>

> And we’re still waiting for alternatives to story poles, which have been deemed too dangerous—perhaps too dangerous for residents to see....?

>

> Sincerely,

> Lisa Ciani

>

> <Screen Shot 2020-09-21 at 8.33.03 PM.png>

----- Forwarded message -----

From: **Ross Family** <[familyross@comcast.net](mailto:familyross@comcast.net)>

Date: Wed, Sep 23, 2020 at 3:24 PM

Subject: ATC

To: <[citycouncil@cityofpacificgrove.org](mailto:citycouncil@cityofpacificgrove.org)>

The proposed hotel going in to the current ATC site is obscene! It is completely out of scale to the surrounding area, it will be a massive water gulp, it destroys dozens of mature trees, and it puts sensitive marine mammals (most notably seals pupping along the cove at Hopkins) at risk. From an aesthetic point of view, it looks like a massive luxury hotel, available in any upscale community in the US, not a charming piece of history that fits well with the surrounding environment. Please preserve our animals, our community, our water (really? A massive hotel, with pools, a huge laundry requirement and restaurants, when community residents have to jump through flaming hoops to add a toilet), our roadways (from further congestion) and the charm and uniqueness of our city. Can this be scaled way back? Or better yet, aborted in favor of something that will actually serve the community in which it exists? It is an abomination in its current iteration.

Lesah Ross

**64-1**

Sent from my iPhone

**American Tin Cannery project**

Lois Shedlowski <edshed@comcast.net>

Wed 9/23/2020 9:38 AM

To: R Mullane <rmullane@hrandassociates.org>

We are writing to add our voices to those that approve the conversion of the ATC.

We have had the privilege of living a few blocks "up the hill" from the site for the past 36 years. During this time, we have watched other properties in the area flourish, i.e. the Aquarium, the Plaza and the Clement to name a few.

We would like to see the City of Pacific Grove benefit from another revitalization project such as the pending ATC undertaking. We would expect the following "positives" for the city to happen as a result:

1. Increased property, sales and other related taxes.
2. Increased tourism appeal. In that the ATC has been mostly vacant for years, in its current condition the building definitely does not contribute to the ambience of the area in any way. In fact, we would say it is a major deterrent in the quest to attract visitors.
3. Increased employment opportunities for our citizenry.

Thank you for your consideration of the above.

Sincerely, Ed and Lois Shedlowski

**65-1**

**Marilyn J. Schultz**

649 Jewell Ave

Pacific Grove, CA 93950

(831) 915-5500

marilyn.schultz@thebarnyard.com

September 25 , 2020

**Via email to:**

[rmullane@hrandassociates.org](mailto:rmullane@hrandassociates.org)

[aaziz@cityofpacificgrove.org](mailto:aaziz@cityofpacificgrove.org)

City of Pacific Grove

Community Development Department – 2<sup>nd</sup> Floor

Attn: Rob Mullane, AICP, Consulting Planner

300 Forest Avenue

Pacific Grove 93950

**Re: American Tin Cannery Hotel & Commercial Project – Draft EIR**

Dear Mr. Mullane,

I have reviewed the Draft EIR prepared by Kimley-Horn for the project and want to express my support for this project. The City of Pacific Grove should be ecstatic to be approached by developers who want to build such a stunning addition to our city, and the future TOT revenues are the shot in the arm the city budget has long awaited. This is a win-win.

From everything I can see in the report, they have been thorough, thoughtful, and sensitive to every conceivable concern. There will always be those who disagree for the sake of disagreement, but I think this is the best project we could hope for along our oceanfront.

I for one am willing to put up with a little construction disruption to be able to enjoy the end result. I was particularly impressed with the sound barriers so that both the birds and the marine mammals won't be unduly disturbed and the presence of a "noise disturbance coordinator." They have thought this through down to the smallest detail.

I support the proposed landscaping plan, tree removals and plantings, as well as the stepped building elevations, how it fits into the character of the neighborhood, and its massing. The ATC building itself is long past its prime and the proposed street view not only honors its previous architectural interest, it improves on it.

This former auto upholstery factory has a chance for a new life, one that helps our economy and the people in our community who could benefit from the jobs it provides in many sectors. I hope our townspeople will actively support preserving the echoes of the past within a new and improved design. Let's get it done while we have the chance, because projects of this caliber do not come along for our town very often, and maybe not ever again. I hope there are no further delays. It deserves a smooth process so that we can all enjoy it in our lifetimes.

Sincerely,



Marilyn Schultz

DEIR

Melissa Stepien &lt;stepienmelissa@gmail.com&gt;

Tue 9/22/2020 3:50 PM

To: R Mullane &lt;rmullane@hrandassociates.org&gt;

Mr. Consulting Planner,

I am thoroughly shocked by the American Tin Cannery Hotel proposal. The detrimental environmental impact the construction of this tourist industry destination will have on the marine life at Hopkins rookery cannot be overstated. As a care technician with The Marine Mammal Center, I beg you to consider that wildlife residents are already struggling with the effects of climate change, including ocean acidification due to carbon emissions, plastic pollution, and overfishing.

The plan calls for 18 to 24 months of continual excavation, grading, and construction noises that will disrupt the harbor seals and discourage them from returning. This is unacceptable.

The Hopkins rookery is an integral part of a **Marine Protected Area**, initiated in the 1930's by Dr. Julia Platt, mayor of Pacific Grove and marine biologist. The ruin of this beach, where the nocturnal harbor seals rest, is in direct opposition to everything she believed in and fought for. It goes against everything I believe in and have fought for, including the rescue, rehabilitation and release of vulnerable marine mammals.

Thank you,  
Melissa Stepien

67-1

[www.pacificgrove.org](http://www.pacificgrove.org)

# Letter 68



Begin forwarded message:

**From:** Mark Stevens <[markstevensfinepianos@gmail.com](mailto:markstevensfinepianos@gmail.com)>

**Subject:** American Tin Cannery Development Project

**Date:** September 11, 2020 at 4:44:37 PM PDT

**To:** Bill Peake <[bpeake@cityofpacificgrove.org](mailto:bpeake@cityofpacificgrove.org)>

**Cc:** Ben Harvey <[bharvey@cityofpacificgrove.org](mailto:bharvey@cityofpacificgrove.org)>, Amy Tomlinson <[atomlinson@cityofpacificgrove.org](mailto:atomlinson@cityofpacificgrove.org)>, [nsmith@cityofpacificgrove.org](mailto:nsmith@cityofpacificgrove.org), [rhuit@cityofpacificgrove.org](mailto:rhuit@cityofpacificgrove.org), Joe Amelio <[jamelio@cityofpacificgrove.org](mailto:jamelio@cityofpacificgrove.org)>, Jenny McAdams <[jmcadams@cityofpacificgrove.org](mailto:jmcadams@cityofpacificgrove.org)>, Cynthia Garfield <[cgarfield@cityofpacificgrove.org](mailto:cgarfield@cityofpacificgrove.org)>

Dear Mayor Peake, City Manager Harvey, and City Council Members.

I'm a business owner and resident of Pacific Grove and support the American Tin Cannery project. There is a certain nostalgia over the cannery and for a former way of life which no longer exists. I'm reminded of when the new development project was proposed for 520 Lighthouse and the nostalgia expressed before the City Council. Indeed, I recall someone lamenting the tearing down of the building because John Steinbeck spent time there. I was in the assembly that evening and I wondered did Steinbeck get the oil changed in his car, buy a Coke from the pop machine, use the men's room? Who cares and so much for nostalgia. I was glad when that eyesore was demolished about a month ago and construction began on the new development. Perhaps some of you recall that my piano store was housed in that building for over three years and the rent was very affordable. However, in the interest of progress and image of our downtown, I gladly packed up and moved to the space on Fountain Avenue in spite of the inconvenience and greater expense to me.

68-1

In closing, I applaud the vision for transforming a dilapidated, underused, misappropriated, and valuable parcel of property into a beautiful and modern structure that will reflect positively on our community for years to come. Out with the old, in with the new, onward and upward! *Mark Stevens*

**68-1  
Cont**

*Mark Stevens Fine Pianos*

169 Fountain Avenue

Pacific Grove, CA 93950

831-324-7777

Nancy Runyon  
1195 Hoffman Avenue  
Monterey, CA 93940

September 27, 2020

Rob Mullane, AICP, Consulting Planner  
Community and Economic Development Department  
City of Pacific Grove  
400 Forest Avenue Pacific Grove, CA 93950  
Email: rmullane@hrandassociates.org

RE: Comments on American Tin Cannery (ATC) Hotel and Commercial Project – Draft Environmental Impact Report (DEIR), SCH# 2019110152

## Historic Preservation:

As an active Historic Preservationist for over 40 years it is obvious that the American Tin Cannery buildings (Cannery, Warehouse and Office) are historically and architecturally significant and retain their historic integrity. The Page & Turnbull report, “**Historic Resource Technical Report American Tin Cannery**”, in the DEIR, found the buildings eligible for the California Register of Historic Places. The Pacific Grove Local Coastal plan requires that historic structures shall be protected to the fullest extent possible.

Fortunately, for the applicant, these buildings can be fully protected and easily adapted to hotel conference & meeting rooms, ballroom, restaurants and lobby spaces. Unfortunately for the applicant and citizens, they have not fully protected and incorporated the existing historic buildings into their plans. In fact, they appear to ignore the historic character, which if kept would make them the most attractive to visit.

Historic Preservation is something to be proud of. Historic buildings give one a sense of place. It has been well documented that history travelers stay longer and spend more money. This site can easily be a genuine adaptive re-use in the successful tradition of Ghirardelli Square, the Cannery, and the Argonaut and Presidio Hotels in San Francisco. If you want a piece of the Cannery Row business, keep its architecture authentic.

The ATC complex is Pacific Grove’s only buildings that connects them with the Cannery Row National Historic District which begins on the next block. The success of the Monterey Bay Aquarium’s rehabilitation of an historic cannery and other Cannery Row buildings of character should be something a hotel should want to keep. The proposed “Mid-Century Modern” design enveloping the historic buildings is wrong for so many reasons. All 3 historic buildings should be preserved, restored and rehabilitated retaining their historic character and integrity, without courtyards cut into them intending to destroy it.

## Archaeology:

Excavations for underground parking---really?!!! If this site is not already designated as an Area of High Archaeological Sensitivity it will be as soon as you start to dig. The beautiful cove across the street surely attracted Native Americans and the site was a Chinese fishing village that was burnt down in 1906. Stanford University has found artifacts at Hopkins Marine Station at their recent digs just across the street.

The California Coastal Commission (CCC) denied large basements on the Carmel Coast in July. Too many 2,000+ year old remains were being discovered by landscapers. Any project on this site should not be doing any more excavation than for foundation footings---even then with MLD and archaeological monitoring. The CCC and Pacific Grove’s LCP do not allow desecration of Native American sites.

69-1

69-2

**Sea Level Rise** might also suggest that any excavation is not a great idea. I received an emergency alert about 25 foot waves on Thursday. Building down is a bad idea on the coast where we are beginning to talk about raising up buildings, levees or retreating. And isn't this site on granite bedrock, like my home up the hill?

69-3

### **Traffic and Environmental Justice:**

The proposed project would be a horrible neighbor for so many reasons. The added traffic of this proposed hotel would be a tremendous burden to already congested roads. While the current pandemic has sometimes improved our traffic, along Ocean View it has become worse. It doesn't matter what traffic studies show to those of us who live here. We know what just the Aquarium traffic does. You can't put in enough traffic signals to solve the problems that will be created by 225 hotel rooms and conferences (if we have them again).

Without a signal installed at Central and Eardley, how will the hotel's traffic even get out onto Central? They can't all snake through the Andronico's parking lot like locals do now to avoid the back-up.

An automobile entrance on Ocean View will back up traffic all along the coast where tourists are looking at the view and not paying the best attention to the road. With Sea Level Rise who knows how long cars will even be allowed on Ocean View. One way only may be coming soon.

Removing the Sloat Street block through traffic will cause neighbors who live on one way streets, Sloat and Dewey, to have to go to Ocean View and try to join or cross the traffic--- just to leave their homes. And having commercial trucks use Dewey also is a horrible additional impact to the residential neighbors. A crosswalk to the beach will only make it more difficult to turn right off Dewey but might help left turning. Few tourists bother to use crosswalks or corners anyway.

69-4

Maybe Pacific Grove will keep its "Last Home Town" feel because this project is on the edge of their town. But New Monterey's Lighthouse Avenue, 1 block away from this project, will have all the burden of the project's additional traffic and greenhouse gases. Lighthouse Avenue through the tunnel in Monterey already has over-congested, undersized traffic lanes, where gridlock and accidents are common. David Avenue in Monterey, the other main artery leading to this project from Highway 1, is only two lanes wide and all residential. Pacific Grove residents, visitors, workers and service trucks must travel through Monterey to go anywhere, so they too will feel these negative impacts. The hotel or conference guests will add to the gridlock and accidents that hurts Lighthouse Avenue/Monterey businesses. This project may benefit the City of Pacific Grove financially, but will cause economic injustice as well as environmental injustice to the residents and businesses of its neighbors in New Monterey.

### **Alternatives:**

The DEIR Alternative A, Limited Alteration of the ATC Factory buildings would be the Environmentally Superior Alternative, after No Project. This is the only alternative that would mitigate an otherwise significant unavoidable impact. Any "Alterations" though should not destroy the ATC's integrity as historic and cultural resources. Any acceptable plans for the site should preserve, restore and re-use the existing buildings.

69-5

Instead of "No Project", I suggest a "not this project" or redesign with fewer impacts to historic and cultural resources, better plans to reduce negative impacts to local traffic and taking out fewer beautiful Cypress trees needed to clean the air. A smaller project would result in less traffic, less greenhouse gasses, less tree removal, less trash removal, less excavation---and be less of a bad neighbor. The impacts on Monterey are not just.

Please add me to your list of interested parties for notice of all actions on the American Tin Cannery.

*Nancy Runyon*

Email: [nancy@nancyrunyon.com](mailto:nancy@nancyrunyon.com)

**Fwd: American Tin Cannery project**

Alyson Hunter &lt;ahunter@cityofpacificgrove.org&gt;

Fri 9/25/2020 8:37 AM

To: R Mullane &lt;rmullane@hrandassociates.org&gt;; Stearn, Tad &lt;Tad.Stearn@kimley-horn.com&gt;

FYI

Thank you,

**Alyson Hunter, AICP | Senior Planner**

City of Pacific Grove | Community Development Department

300 Forest Ave, 2nd Floor Pacific Grove, CA 93950

T: 831-648-3127 Main Reception: 831-648-3183

[www.cityofpacificgrove.org](http://www.cityofpacificgrove.org) | Planning website: [www.cityofpacificgrove.org/planning/](http://www.cityofpacificgrove.org/planning/)

Due to COVID-19 citizens are strongly encouraged to conduct City business via email and phone. Remote procedures are in place to process City permits including building and planning permits.

<https://www.cityofpacificgrove.org/sites/default/files/general-documents/community-development/remote-procedures050420.pdf> You can view the Monterey County Health Officer's updated COVID-19 Shelter Order and FAQs [here](#).

----- Forwarded message -----

From: **Sandra Earl** <[sandra@earlfamily.com](mailto:sandra@earlfamily.com)>

Date: Thu, Sep 24, 2020 at 5:16 PM

Subject: American Tin Cannery project

To: <[ahunter@cityofpacificgrove.org](mailto:ahunter@cityofpacificgrove.org)>

I would like to say that I am appalled at the size of the proposed hotel project for this site. In reviewing the plans for this outrageous hotel complex I want to note that there is no mention of the resulting traffic impact of such a development. Currently the section of Lighthouse Avenue directly above the project is always overcrowded and backed up for blocks before traffic can proceed down Lighthouse past David Avenue. And that stretch of Lighthouse in New Monterey has the unfortunate moniker of the busiest road in Monterey. And Oceanview Blvd. in front of the Tim Cannery is heavily trafficked as well. This project and its hundreds of parking places will have a disastrous impact on PG traffic, let alone its impact on PG's general quality of life.

This project has no business being located in Pacific Grove. It will do more harm to PG than the Holman Building and adjacent developments downtown have already done. Why does Pacific Grove want to turn a delightful small town into a crowded, congested, upscale and decidedly out-of-character unrecognizable place. We love this town and hate what changes are being proposed here.

Sincerely,

Sandra Earl

Sent from my iPad

**70-1**

**Fwd: Harbor Seals of Pacific Grove - American Tin Cannery Hotel and Commercial Project**

Anastazia Aziz &lt;aaziz@cityofpacificgrove.org&gt;

Fri 9/25/2020 2:40 PM

To: R Mullane &lt;rmullane@hrandassociates.org&gt;; Alyson Hunter &lt;ahunter@cityofpacificgrove.org&gt;

**Letter 71**

Thank you.

**Anastazia Aziz, AICP | Director**

City of Pacific Grove | Community Development Department

300 Forest Ave, 2nd Floor Pacific Grove, CA 93950

T: 831-648-3192 Main Reception: 831-648-3190

[www.cityofpacificgrove.org](http://www.cityofpacificgrove.org)

Due to COVID-19 [remote procedures](#) are in place to process City permits including building and planning permits. You can also view the Monterey County Health Officer's updated COVID-19 Shelter Order and FAQs [here](#).

----- Forwarded message -----

From: **Stan Jensen** <[stanj@run100s.com](mailto:stanj@run100s.com)>

Date: Fri, Sep 25, 2020 at 2:31 PM

Subject: Harbor Seals of Pacific Grove - American Tin Cannery Hotel and Commercial Project

To: <[aaziz@cityofpacificgrove.org](mailto:aaziz@cityofpacificgrove.org)>

Dear Ms. Aziz,

I believe the development of the [proposed hotel and commercial project](#) at the American Tin Cannery will lead to the decline or destruction of the established harbor seal colonies in the immediate vicinity at Hopkins West Beach and Fisher Beach.

Before the City of Pacific Grove moves forward with this project, I respectfully request the following:

1. Require additional detail, including any studies that have been conducted, regarding multi-year excavation of up to 18 feet of granite bedrock, with a focus on the effect it would have on local wildlife;
2. Ascertain whether California Department of Fish & Wildlife and/or National Oceanic and Atmospheric Administration will entertain issuing two-year long Take Permits to address the constant disturbance and potential loss of two established rookeries within a California Marine Protected Area, inside a National Marine Sanctuary; and
3. Require completion of a study to determine the near- and long-term impacts of development in this area, in partnership with Hopkins Marine Lab and University of California Santa Cruz' Institute of Marine Sciences and Long Marine Lab.

Thank you for your time and consideration.

Sincerely,

Stan Jensen

--

Stan Jensen, 327 Greenway Dr., Pacifica, CA 94044-2920  
<http://www.Run100s.com/> <mailto:StanJ@Run100s.com>

Virus-free. [www.avg.com](http://www.avg.com)**71-1****71-2****71-3**

**Fwd: September 23, 2020 Agenda Item 4. Public Comment - American Tin Cannery (Form submission from: Contact the Historic Resources Committee)**

Alyson Hunter <ahunter@cityofpacificgrove.org>

Wed 9/23/2020 8:03 AM

To: R Mullane <rmullane@hrandassociates.org>

FYI

Thank you,

**Alyson Hunter, AICP | Senior Planner**

City of Pacific Grove | Community Development Department

300 Forest Ave, 2nd Floor Pacific Grove, CA 93950

T: 831-648-3127 Main Reception: 831-648-3183

[www.cityofpacificgrove.org](http://www.cityofpacificgrove.org) | Planning website: [www.cityofpacificgrove.org/planning/](http://www.cityofpacificgrove.org/planning/)

*Due to COVID-19 citizens are strongly encouraged to conduct City business via email and phone. Remote procedures are in place to process City permits including building and planning permits.*

<https://www.cityofpacificgrove.org/sites/default/files/general-documents/community-development/remote-procedures050420.pdf> You can view the Monterey County Health Officer's updated COVID-19 Shelter Order and FAQs [here](#).

----- Forwarded message -----

From: **City of Pacific Grove Website** <[website@cityofpacificgrove.org](mailto:website@cityofpacificgrove.org)>

Date: Tue, Sep 22, 2020 at 9:03 PM

Subject: September 23, 2020 Agenda Item 4. Public Comment - American Tin Cannery (Form submission from: Contact the Historic Resources Committee)

To: <[ahunter@cityofpacificgrove.org](mailto:ahunter@cityofpacificgrove.org)>

Name: Anthony Ciani

Email: [aciani@cianiarchitecture.com](mailto:aciani@cianiarchitecture.com)

Message:

Dear Chair Sawyer and Members of the Historic Resources Committee:

The American Can Company, aka AmericanTin Cannery (ATC) is the subject of an Environmental Impact Report including, "Historic Resource Technical Report American Tin Cannery" that concludes the site and buildings are eligible for listing in the City's Historic Resources Inventory and the California Register of Historic Places. Local Historian Kent Seavey also wrote a letter supporting the property's eligibility to the HRI and California Register.

The following is a selected summary of the findings that are provided in the Page & Turnbull, Inc. treatise, "Historic Resource Technical Report American Tin Cannery" (HRTR-ATC) in the Draft EIR for listing eligibility in the California Register of Historic Places and City of Pacific Grove Historical Resources Inventory of the subject property and buildings:

- 1) "In terms of archaeological resources, the results of the assessment indicate the project location has high sensitivity for both historic and prehistoric resources." (DEIR Vol.1 p 8-36)
- 2) In terms of the historic significance of the ATC buildings: the Office Building, Factory Building and Warehouse Building; appear to be individually eligible for listing in:
  - (a) California Register under Criteria 1 (events): "[T]he American Tin Cannery appears to be individually eligible for listing" (DEIR Vol.1 page 8-25 & 26)
  - (b) Pacific Grove Historic Resources Inventory (Municipal Code §23.76.025) under local eligibility criteria A, C, E, H, and I. (DEIR Vol.1 page 8-26 & 27)
- 3) In terms of their Integrity; "The American Tin Cannery [ATC] retains six out of seven aspects of integrity - location, design, materials, workmanship, and feeling [and association] — and thus retains integrity overall."

**72-1**

Pacific Grove's Historic Preservation Ordinance provides: 23.76.030 Historic resources inventory historic determination – Additions and deletions.

Properties may be added to or deleted from the historic resources inventory either by initiation of the historic resources committee or by submittal of a historic determination application by the property owner.

I am writing to recommend that you act to add the ATC property to the City's HRI by the "initiation of the historic resources committee" per City code.

The Planning division has indicated that instead of an "Initial Screening" of the property to be reviewed by the you (HRC), they are processing this as a Phase I hearing by ARB.

The HRC is qualified and trained to evaluate the historical significance and integrity of the site and buildings, not the Architectural Review Board, therefore I request you to INITIATE the addition of the ATC property to the HRI.

As Mayor Kempe commented several years ago: "properties are with historic or not". HRC is trained and experienced at determining the "historic or not" and ARB is experienced at evaluating the proposed design for development.

Please take the initiative and insist that City Staff put this on YOUR HRC AGENDA FOR YOUR decision to list or not the American Can Company.

Thank you for your consideration.

Sincerely,

Tony Ciani

Attached File:

Submitted on Tuesday, September 22, 2020 - 9:03 pm

72-1  
Cont

**ATC - ON SITE EXHIBITS AND TREE MARKINGS**

Anthony Ciani <aciani@cianiarchitecture.com>

Fri 9/25/2020 2:45 PM

To: R Mullane <rmullane@hrandassociates.org>

Cc: City Clerk <cityclerk@cityofpacificgrove.org>

Dear Rob,

The poster boards have been installed at Eardley and Sloat, on Ocean View Blvd., and at the parking lot of the cleaner. I believe it would be appropriate to install a set at the Visitor Information parking lot, too. And, at an adult eye level rather than low as is the one at the cleaners.

They are a standard drawing size, but hardly a large format which would provide a better understanding.

I am concerned that the applicant and City fail to grasp the importance of timeliness regarding this information and mandatory marking of the major trees proposed for removal. On the other hand, believing that the applicant may be motivated by self-interest; it could be they wish to avoid calling attending to the huge loss that would occur.

Nevertheless, as I wrote to you Three weeks ago (Sept. 2) it is the law. MC 23.90.160.b. 1. Site-specific Visual Analysis. At a minimum, the visual analysis shall include the following:

c. When trees defined as major vegetation are proposed for removal, **ribbons showing the location of the removal must be installed.**

The goal of the ribbons is to inform in a timely manner so they can contribute their knowledge and opinions about the removal of the trees. Also, as I commented about this specific case two weeks ago, this project is the active subject of an EIR pursuant to CEQA and relevant to its intent to assess the potential adverse impacts of the entire project at the earliest phase, including public input:

1) PRC Section 21000. Legislature finds and declares as follows: (e) "Every citizen has a responsibility to contribute to the preservation and enhancement of the environment."

2) PRC Section 21001. Additional Legislative Intent: (b) "Take all action necessary to provide the people of this state with clean air and water, enjoyment of aesthetic, natural, scenic, and historic environmental qualities"

3) PRC Section 21003

**it is the policy of the state that:**

**a) "Local agencies integrate the requirements of this division with planning and environmental review procedures otherwise required by law or by local practice so that all those procedures, to the maximum feasible extent, run concurrently, rather than consecutively."**

With regard to the ATC project and the City's administrative procedures per PRC 21003(a) to incorporate its planning procedures and environmental procedures to run concurrently, I am formally advising you and the city (by way of a copy of this email to the City Clerk) to take all administrative actions to comply with CEQA and the local municipal code.

Sincerely,

**PG resident in support of the ATC hotel project**

Taylor Schultz &lt;taylorjschultz@gmail.com&gt;

Fri 9/25/2020 11:15 AM

To: R Mullane &lt;rmullane@hrandassociates.org&gt;; aaziz@cityofpacificgrove.org &lt;aaziz@cityofpacificgrove.org&gt;

Hello! I am writing to you today as a normally quiet Pagrovian to support the hotel project that's being considered for the Tin Cannery property. I was born and raised here. I've lived in Pacific Grove for 30 of my 34 years and my mother still lives in the house I grew up in at Lovers Point. I now live just three blocks up from my childhood home. Since the pandemic has kept us all closer to home, like so many I have started walking Pacific Grove more and more to get some fresh air and exercise. I have fallen more in love with this city as a result. On these walks, I often take the same route I've been running since I was twelve -- the Rec Trail. I start at Lovers Point and end each mile-long lap at the Tin Cannery, so I get to see the current state of the Tin Cannery property often. It is a dilapidated eyesore. Just thinking about going inside it to see the interior's current condition and lack of vibrancy now makes me sad. As the gatehouse of Pacific Grove along the most important (oceanfront) stretch of our city's border, it suggests that the area (and Pacific Grove) is deserted and way past its prime. I would be so glad and so proud to see this beautiful, thoughtfully designed hotel arrive there to bring splendor (and visitors to admire it) to that site and to our town.

I love Pacific Grove and the small town charm it maintains through our collective championing of history and architectural beauty. The Tin Cannery is not emblematic of this town's beauty or vitality. Please consider this note as my support of the revitalization of that property with the current hotel project application you're reviewing.

Thank you for all your hard work for our city.

Sincerely,  
Taylor Schultz

**74-1**

**Pacific Grove American Tin Cannery Property**

Zoe Shoats &lt;zz@montereybay.net&gt;

Wed 9/23/2020 5:19 PM

To: R Mullane &lt;rmullane@hrandassociates.org&gt;

Dear Mr. Mullane, et al:

I am writing in opposition to the current development plans for the existing American Tin Cannery site. Story poles have not been erected to show the public how large the proposed development would be.

In addition, traffic mitigation has not been resolved in an already congested area. Not to mention that there are only two routes in/out of New Monterey and Pacific Grove. This project would endanger the public in adding more congestion to one of the two routes.

I strongly oppose this project, but would support a much smaller development in its place.

Thank you,  
Zoë Shoats  
Pacific Grove resident

**75-1**

American Tin Cannery Draft Environmental Impact Report Comments

From: Amanda Preece

September 28, 2020

## 1. Trees (Fig. 3-9, Impact BIO-3):

a. The concept that mitigation is achieved when the replacement trees mature is not guaranteed. Many replanted trees fail to mature in urban settings due to lack of maintenance and care, including negative effects from water stress and mechanical damage. The removal of mature trees, causing a 30-50-year stretch of time where the site is not as biologically useful to canopy dwelling-insectivorous birds is substantial. And the assumption that simply re-planting another tree counteracts the loss is not logical. I have seen this repeatedly around town: replanted trees are not cared for and the money and effort put into it goes to waste and the beneficial habitat that was there is gone.

76-1

b. The design of the new building seemingly never allowed for the concept of leaving trees and working around them. Thus 79 trees will be removed. At the very least, the removed trees should be replaced with native trees, not exotics. This is specified in the city municipal code (12.20.070). Non-native tree species, even the drought-resistant ones, are not as beneficial to native birds and insects as native species. Many of our native birds and insects hang on by a thread, being globally in decline or projected to decline because of climate change. The residents of Pacific Grove do not want to contribute to species decline, no matter how small of an infraction. This may “just” be 79 trees, but these development projects occur repeatedly, all over the state, and these minor but numerous losses add up.

76-2

Instead of planting multiple non-native tree species as listed in Fig. 3-9 (Melaleuca sp., Olive Tree and Loquat (why?)) all over what had been a beneficial Monterey cypress patch, why not plant other native trees that have evolved to grow here and provide habitat for the many urban wildlife species (mammals all the way to insects) who have had to adapt to living in our cities plus the many migratory and semi-urban species that try to live on the periphery of our urban landscape. Example of suitable trees are Monterey pine, Monterey cypress, coast live oak, toyon, coffeeberry, *Ceanothus* sp., and coast silktassle. These plants are easily obtained from local native plant nurseries. And of course the various landscaped areas of the building complex should also include predominantly native plants.

76-3

## 2. Windows

- a. The building design does not take into account the effects of large glass windows to migrating bird species. Undoubtedly, even the average residential building in Pacific Grove causes multiple bird deaths due to window strikes annually. Cumulatively, nearly 1 billion birds die from hitting windows every year across the United States. And this shocking number is itself an underestimate, since most dead or stunned birds are quickly scavenged. The Monterey Bay Aquarium recently opened their new education building just down the road from the American Tin Cannery site. They did their due diligence and installed bird-safe windows designed by a company called Ornilux on their very glass-covered building. The American Bird Conservancy has other options listed on their website to help reduce window collisions. This is low-hanging fruit, and it makes a difference. The simple choice to buy the slightly more expensive glass for the windows can be used as a public relations tool to show how “eco-friendly” the city or developer is. Please consider it.

Thank you for allowing me to comment. I hope this process truly does allow for residents to feel heard and influences the decisions made by city staff and administrators as it relates to development in our town.

Re: -American Tin Cannery Hotel and Commercial Project Draft EIR - City of Pacific Grove

Anne Wheelis <annewheelis@comcast.net>

Mon 9/28/2020 4:42 PM

To: R Mullane <rmullane@hrandassociates.org>

651 Sinex Ave. Apt L 113  
Pacific Grove, CA 93950  
September 28, 2020

City of Pacific Grove  
Community Development Department  
300 Forest Avenue, Second Floor  
Pacific Grove, CA 93950

Attention: Rob Mullane, AICP, Consulting Planner

Re: American Tin Cannery Hotel and Commercial Project  
Comments on Draft EIR/July 2020

Following are my comments on the referenced EIR:

**Impact AQ-2:** What is the scientific documentation of the effect of “non-toxic chemical soil stabilizers” on the quality of water run-off? Given that the project site is so close to the final destination of the storm water runoff system, any runoff from the site will not be diluted much by runoff that enters the drain further up Early Avenue or Dewey St. Has the dilution of and resultant impact of the chemical soil stabilizers been analyzed by the length of the run of the storm drain?

77-1

**Impact BIO-2:** The windows of the finished project should be required to be designed with bird deterrent technology, as suggested in the sustainability plan.

77-2

**Impact CR-2: MM CR-2.1** should describe the frequency of “archaeological and paleontological sensitivity training.” Given the number of subcontractors and crews that will be performing work, a single training will not be sufficient to ensure that all persons have received the necessary information. Instruction should be provided in languages necessary to insure that all employees working on the project understand the requirements for archaeological and paleontological monitoring and the authority that the monitors have to halt work.

77-3

**Impact HAZ-6:** I strongly disagree with the statement that “the project would not significantly impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.” There are two ways out of Pacific Grove and new Monterey: the Lighthouse Avenue route through the tunnel to Monterey and access to Highway 1 or Highway 68 E, and Highway 68/Holman Highway to Highway 1. ALL other roads in Pacific Grove and new Monterey feed into those two access routes. Adding construction crews and heavy slow moving equipment to those evacuation routes during construction, and the potential of 600 guests and hotel staff plus retail staff and customers after construction will impair the evacuation of residents in Pacific Grove and new Monterey. These lessons are still being learned in the fires of 2020.

77-4

**Impact TCR-1: MM TCR 1.1** does not clearly describe the role and responsibility of the Project Archeologist in responding to the discovery of tribal cultural resources during project construction. The description omits reference to the presence of the Project Archeologist for all ground disturbance, as is described in MM CR 2.3. The radius from which ceasing ground disturbance upon discovery of a tribal cultural resource is inconsistent between MM CR 2.3 and MM TCR 1.1.

77-5

Thank you for your attention to these comments

Sincerely,  
Anne Wheelis

On 09/04/2020 5:24 PM R Mullane <rmullane@hrandassociates.org> wrote:

To: Interested Parties in the American Tin Cannery Hotel and Commercial Project EIR

Good afternoon. You are receiving this email because you have expressed interest in the American Tin Cannery Hotel and Commercial Project in the City of Pacific Grove or have commented on the Notice of Preparation for the associated Environmental Impact Report (EIR).

The City of Pacific Grove, as lead CEQA agency for this EIR, has extended the deadline for public review comments on the Draft EIR. **The deadline has been extended two weeks to 5:00 pm on September 28, 2020.**

Attached is the revised Notice of Availability with a link to the Draft EIR files on the City's website as well as information on how to comment on the Draft EIR. The link to the appropriate page of the City's website is also below :

<https://www.cityofpacificgrove.org/living/community-development/planning/ceqa-california-environmental-quality-act>

Please note that printed copies of the Draft EIR are available for public review as indicated in the revised Notice of Availability. Printed copies are also available for purchase at the FedEx store at 799 Lighthouse Avenue, Monterey, CA (phone: 831-373-2298). Please refer to the revised Notice of Availability for more information.

Thank you for your interest in the project.

**Rob Mullane, AICP, Consulting Planner**

HR & Associates

Phone: (805) 227-4359

email: [rmullane@hrandassociates.org](mailto:rmullane@hrandassociates.org)

September 28, 2020

Rob Mullane, Consulting Planner  
City of Pacific Grove  
300 Forest Avenue  
Pacific Grove CA 93950  
[rmullane@hrandassociates.org](mailto:rmullane@hrandassociates.org)

**Re: Comments for Draft Environmental Impact Report  
American Tin Cannery (ATC) Hotel and Commercial Project**

Dear Mr. Mullane,

Once again the public is introduced to a proposed hotel and retail complex on, over, and beyond the American Tin Cannery. I sincerely hope it is presented using the shock and awe technique. The ATC Draft EIR mirrors other mitigation reports which consist of overwhelming amounts of documents appearing to make insignificant mole hills out of significant, mountainous environmental impacts. Mitigations for many of them are inadequate, including parking, noise (and permanent increase of noise and traffic in the neighborhood), vibration, degradation of existing roads, loss of view shed and trees, harm to sea and avian life, and toxic hazards. Detailed reports about toxic air contamination and pollution were included, but not enough about underground hazards. Only a limited geotechnical report (p. 371, Vol 11) was provided. However, it contained enough facts and comments to reinforce my abject fear and loathing of the permanent negative effects the entire project will have on everything and everyone surrounding it. There are underground hazards which should never be ignored or taken lightly.

78-1

**WHERE THERE IS GRANITE THERE IS RADON.** Whether **digging, trenching, or blasting unweathered and/or weathered granite bedrock**, toxic gases spread out and can seep into existing or created cracks and fissures. They can get trapped in enclosed spaces, including basements, garages, homes, man holes, and sewer pipes. It is paramount all residents, property owners, and business owners within at least 400 feet of the area be notified of major ground disturbances and the importance of installing carbon monoxide detectors. The builders should be required to prove this information is provided within the 400 ft zone.

78-2

Choosing not to blast 15 feet of bedrock to build a 250 space underground parking structure next to Ocean View Blvd is a wise choice. Blasting and removing bedrock so close to coastal cliffs includes instant loss of loose soils, high potential of damage to nearby building foundations, and inevitable weakening of surrounding granite. There is no guarantee serious toxins would not seep through altered soils and bedrock along the cliffs and shoreline. Although it pales in comparison to contaminating harbor seal beaches or rock amid which black oyster catchers nest, another reason to move this garage elsewhere is water runs downhill easily and often in Pacific Grove. The possibility of unexpected flooding due to pipes bursting, or misguided storm water runoff exists.

78-3

Overall, the proposed project is too large but I expect you already have another set of plans ready. However, in response to the *Alternatives to the Project in the DEIR Executive Summary*, I urge support for an additional alternative:

#### **1.4.5 Alternative D:**

From A: Yes to more historic preservation of the front façade

From B: YES to eliminating level 6, but not any parking spaces

From C: YES to not building an underground parking lot next to Ocean View Blvd.

YES to providing parking levels off Central Avenue. More than two.

ALSO: Building as much sound proofing as possible along Dewey Avenue and widening Dewey Avenue since it is intended to be used for service deliveries.

Thank you for the additional time periods in which to comment on the ATC DEIR.

78-4

Sincerely,

Barbara Thomas  
1024 Egan Avenue  
Pacific Grove CA 93950  
Fishtaless@sbcglobal.net



---

To: City of Pacific Grove  
RE: American Tin Cannery Hotel and Commercial Project  
From: Christie Cromeenes  
Date: 9/28/2020

To Whom it May Concern;

I'm writing today in support of the project proposed for the American Tin Cannery. Here at the Central Coast Builders Association, we work hard every day to promote fair industry practices and support projects that make sense for our community.

Preserving and renovating the historic structure along with beautifying and improving the surrounding areas, this project will bring a new sense of sophistication to the area while preserving its historic character.

This is why CCBA encourages the City of Pacific Grove to utilize the developer's willingness to take on such an important project for our community. With new job creation, enormous tax revenue benefits to the City, and a unique opportunity to redevelop an underutilized area, this is a critical project for the future of the peninsula and Monterey County as a whole.

I implore you to approve the EIR and move this project forward to completion.

I thank you for your time and consideration on this matter.

Kind Regards,

*C. Cromeenes*

Christie Cromeenes  
Executive Director – CCBA  
christie@ccbabuilds.com

79-1

**Letter 80****American Tin Cannery**

Colleen Ingram &lt;colleen.ingram@gmail.com&gt;

Mon 9/28/2020 4:30 PM

To: R Mullane &lt;rmullane@hrandassociates.org&gt;; citycouncil@cityofpacificgrove.org &lt;citycouncil@cityofpacificgrove.org&gt;

Greetings,

I was not going to comment on this project. However, at the last minute, I drove to the site today to view the project scope displays. There are several things about this project that are concerning. Because I waited until the final hour to weigh in, I am going to make this short and as clear as possible.

1 - **COVID19 has devastated the hospitality industry.** According to the Motley Fool: The leisure and hospitality industries faced the most outsized impact in their ability to continue working. Approximately 69% of the people who work in this field, "have faced either a reduction in hours, a workplace closure, or a layoff." Does it make sense to build a new hotel knowing that our existing hotels are struggling to remain?

**80-1**

2 - **We have affordable housing issues in Pacific Grove.** Water rights are scarce and affordable housing is even more scarce. Should this water be used for an extra large hotel?

**80-2**

3 - **Trees are precious - We are Pacific Grove.** The number of mature trees that offer natural wind buffer and act as part of our unique microclimate being lost to this project is a mistake. This changes the aesthetic and environmental dynamic of that space.

**80-3**

4 - **The scope of this project is far too large and does not fit in with the historic Cannery buildings.** The Aquarium structure kept the cannery presence of Cannery Row. The ATC also has that history that should be valued and preserved in some way. It is understood that the building is fragile and cannot hold such a construction. However, the height, architecture, and footprint of the building should remain within its current boundaries if it is to blend in with the existing homes, and businesses that surround it. We have to remember that this structure affects our community home owners that live close by.

**80-4**

In addition, the displays of this project are so difficult to interpret, that they are basically useless. The standard story poles with connecting netting may be a hazard, but there could be something else used that would visually translate much more successfully than the displays that are currently posted.

**80-5**

It is not too late to re-evaluate what should be allowed at the ATC site.

Thank You,  
Colleen Ingram  
Pacific Grove resident

**No hotel**

Susan <rsllsimin@sbcglobal.net>

Mon 9/28/2020 3:34 PM

To: R Mullane <rmullane@hrandassociates.org>

I am writing to express my opinion of NOT wanting this large hotel built in the old Canary. More time for public opinion is needed and the orange netting with poles need to go up.

**81-1**

Thank You,  
Carole Laine

Sent from my iPhone

**Opposing ATC hotel project in PG**

camilla Mitchell <koefoed@hotmail.com>

Mon 9/28/2020 2:57 PM

To: R Mullane <rmullane@hrandassociates.org>

Cc: citycouncil@cityofpacificgrove.org <citycouncil@cityofpacificgrove.org>; citymanager@cityofpacificgrove.org <citymanager@cityofpacificgrove.org>

To Rob Mullane, AICP, Consulting Planner,

I would like to express my concern and opposition to the proposed project. This project seems massively oversized for the area and what logistics are able to bear. What about water, traffic? This seems to have grave implications for and potentially lead to large environmental destruction — for both land and sea creatures, both during construction and forevermore.

**82-1**

I am deeply concerned about the lack of transparency and public information. I would encourage story poles to be placed so citizens have a chance to see what the scale of this project really is and then have an open dialogue with the many who will be impacted by this.

**82-2**

Sincerely

Camilla Mitchell

**Project Bella 2**

Clay Moltz &lt;jcmoltz@gmail.com&gt;

Sun 9/27/2020 11:27 AM

To: R Mullane &lt;rmullane@hrandassociates.org&gt;

Cc: Citycouncil@cityofpacificgrove.org &lt;Citycouncil@cityofpacificgrove.org&gt;; citymanager@cityofpacificgrove.org &lt;citymanager@cityofpacificgrove.org&gt;

Dear Mr. Mullane,

I am writing to register my strong opposition to the new version of Project Bella. Its scale and ethos are totally out of character with site, the original intent of the plan, and the city itself. First, the project is exploiting the prior approval of a much smaller project. This new project should have to go before the voters of Pacific Grove. Second, the prior project emphasized its green character and its consistency with the cannery's history. This plan is the opposite of eco-friendly (which should be the hallmark of a town with the word "Grove" in its name), shockingly mowing down one of the most scenic "brands" of the entrance to our town—a beautiful stand of cypress trees. These trees must be maintained. Third, any project in this location should look like a cannery and reflect and include the history of the site in a respectful manner. This design fails to do so.

As a 27-year resident, homeowner, taxpayer, and voter, I strongly oppose this project and call for a thorough redesign and reconsideration by the citizens of Pacific Grove in a referendum.

Thank you for taking these points seriously in your considerations and acting upon them.

Sincerely,

Prof. Clay Moltz  
431 Spruce Ave.  
PG

**83-1**

## Comments on EIR for ATC hotel

**Letter 84**

carmolar@aol.com <carmolar@aol.com>

Mon 9/28/2020 4:08 PM

To: R Mullane <rmullane@hrandassociates.org>

The proposed project will have very negative impacts on traffic in that area as the roads are not built for that scale of occupancy there, I don't know how the water needs are going to be met since we have an illegal water situation going on with sourcing of the current water supply, and most importantly the pupping grounds of the harbor seals across the street would be severely impacted by the excavation and construction. A much smaller project would not have these detrimental impacts.

**84-1**

Respectfully,  
Carrie Mowatt-Larssen  
515 7th Street  
Pacific Grove, CA

**Call for Public Comments, re: American Tin Cannery Site**

Christina Rodriguez &lt;mail@christinarodriguez.com&gt;

Sun 9/27/2020 3:08 PM

To: R Mullane &lt;rmullane@hrandassociates.org&gt;; ahunter@cityofpacificgrove.org &lt;ahunter@cityofpacificgrove.org&gt;

Hello,

As a design school graduate and Pacific Grove resident, I can appreciate all the effort that went into the American Tin Cannery Site proposal and note the clear ambition in its modern design. However, the initiative just doesn't reflect the natural and cultural ecosystem in which it would be placed and thus shouldn't be supported in its present iteration.

As other architects and scientists have mentioned, these hotel buildings are massively out of scale for the site and surrounding area, and their construction would make the irrevocable disturbance of the harbor seals nearby a surety. I agree with the multitude of critical comments previously submitted by other residents, and remain unconvinced by the meager assurances regarding ecological footprint, waste runoff, water usage, and more.

It's important to remember that no one comes to Pacific Grove to view the hotels, they come for the coastal beauty, the wildlife, and the natural calm. This project would endanger the very natural resources this town claims to prize.

Thank you for your time.

--

Christina Rodriguez

[www.christinarodriguez.com](http://www.christinarodriguez.com)**85-1**

**proposed American Tin Cannery replacement**

Cari Rotoli &lt;cmrotoli@comcast.net&gt;

Mon 9/28/2020 12:02 PM

To: R Mullane &lt;rmullane@hrandassociates.org&gt;

Dear Mr. Mullane,

My husband and I recently moved to Pacific Grove from the Bay Area. We returned here after 26 years away (Bay Area was where the work was) and we bought our home in the First Addition because we love this area - we love its quiet charm, its natural beauty and its unique community.

**86-1**

I write today to express my strong opposition to the hotel complex being proposed adjacent to the old American Tin Cannery.

The design shown on the boards shows a Motel 6 type design. Barren of natural beauty. It doesn't show the trees that are to replace the ones to be destroyed. Two trees to replace the one. Where are the 158 trees in the design? I am still trying to learn more about what is being proposed, but so far I am very disappointed in this project. We were not given ample time to research, ask questions and provide comments. The stated design is an insult to our community and the environment.

**86-2**

Please do what you can to revise the plans to reflect a clearer design that is in harmony with the surrounding neighborhood and natural environment. Just look at Asilomar - it can be done! This version, at least from what we can tell from the limited and rushed information provided to the community thus far, is CRAP!

**86-3**

You and your team can do better than this. Please. Do better than this.

Sincerely,

Cari Rotoli

430 Laurel Ave

Pacific Grove, CA 93950

cmrotoli@comcast.net

**Commitments on the DEIR on ATC**

Douglas Downs <dougdowns74@icloud.com>

Sun 9/27/2020 12:24 PM

To: R Mullane <rmullane@hrandassociates.org>

Cc: citycouncil@cityofpacificgrove.org <citycouncil@cityofpacificgrove.org>

Dear Rob Mullane, Members of the City Council of Pacific Grove,

After studying the DEIR I would like to make the following comments:

>>This project is grotesquely too large for the area in which you intend to put it. The Bella project was too large and totally misrepresented by the City to the voters a few years ago, but this project is so much larger and so much more destructive of that part of Pacific Grove than the much smaller Bella project would have been.

**87-1**

>>Much of the historic tin cannery buildings will be permanently altered beyond recognition.

**87-2**

>>79 mature trees will be removed, including 52 Monterey cypresses! This is truly appalling in a city that is losing many of its native tree habitat at an alarming rate already!

**87-3**

>>In a time of perpetual water shortages the idea of putting two swimming pools virtually right next to the ocean makes no sense and demonstrates the complete lack of respect for Pacific Grove and this unique historical location.

**87-4**

>>We all know that the traffic situation in that area will be a nightmare on weekends and that has been woefully inadequately addressed in this DEIR.

**87-5**

>>As required by the Local Coastal Program this project should have provided some affordable visitor accommodations and so far it does not.

**87-6**

This project should not be advanced until these and many other objects to it have been properly addressed.

We who have lived here most of our lives are truly appalled and outraged that the city of Pacific Grove would allow such a project to happen!

**87-7**

Thank you,  
Douglas and Anne Downs  
405 Alder Street  
Pacific Grove, Ca.93950  
831 375-3650

**ATC HOTEL PROJECT**

Deenachiro <deenachiro@gmail.com>

Mon 9/28/2020 4:29 PM

To: R Mullane <rmullane@hrandassociates.org>; citycouncil@cityofpacificgrove.org <citycouncil@cityofpacificgrove.org>

Cc: citycouncil@cityofpacificgrove.org <citycouncil@cityofpacificgrove.org>; Ben Harvey <citymanager@cityofpacificgrove.org>

To Whom It May Concern:

It is disturbing that in these troubled times so many projects are being railroaded through the city council without citizen consultation. Given that Pacific Grove is touted as America's last hometown, these projects such as the cannabis dispensary and the huge ATC hotel project (which has been voted down by citizens several times before) keep popping up into focus after what seems to be lip service communication to the city residents. The size of this hotel, water projections and environmental impact are among many factors that must be discussed in detail before replacing a historical building on the coastline.

**88-1**

Please put this to a citizen vote.

Thank you.

Deena Hakim, DC

Pacific Grove Business Owner.

Sent from my iPhone

**Letter 89****ATC Hotel project**

DENNIS J STANFORD <stanford.d@sbcglobal.net>

Mon 9/28/2020 2:22 PM

To: R Mullane <rmullane@hrandassociates.org>

Cc: citycouncil@cityofpacificgrove.org <citycouncil@cityofpacificgrove.org>; citymanager@cityofpacificgrove.org <citymanager@cityofpacificgrove.org>

Dear Folks, City Council, City Manager, et al.

It has been brought to our attention that tomorrow September 28th is the deadline for public comment on the proposed American Tin Cannery hotel project. We are sending this email to voice our opposition to the project.

It's too big for the small community of Pacific Grove. It does not fit the culture of this community.

It would stress the transportation system. Lighthouse already gets overcrowded during busy times. The roads are not built to handle the traffic it would create.

We understand we could lose historical buildings and cypress trees in the process of building a hotel of that size.

With the eventual failure of the Bella project this seems an even riskier venture.

We feel a much more modest proposal would be a better fit for this community.

Dennis and Michaelle Stanford  
361 Lighthouse Ave

**89-1**

## Tin Cannery Development - SLOW IT DOWN

Deborah Stewart &lt;diverdeb69@gmail.com&gt;

Mon 9/28/2020 4:22 PM

To: Ellen Sorkin &lt;diverdeb51@sbcglobal.net&gt;; R Mullane &lt;rmullane@hrandassociates.org&gt;

Dear Mr. Mullane

I have been a long time resident of the peninsula (since 1965) and am a physician and homeowner in Pacific Grove near the butterfly trees. I stay here for the small town charm, the incredible beauty and diversity, as well as the unique community of artists, professionals, students, scientists, and many others.

90-1

I am writing to express my extremely strong opposition to the hotel complex being proposed in the area of the American Tin Cannery. We need a proper public comment period as required by law.

As I study the design, I see a design bereft of the natural beauty which brings so many visitors to our peninsula. Where are the trees being taken out? (over 150). What impact will this have on our resident harbor seal population and the extremely valuable Stanford based Hopkins Marine station, as well as adding to the horrendous congestion already in that area of Cannery Row. We have not been given a clear design, and adequate time to evaluate the degree of harmony with the natural beauty of the area.

90-2

As an illustration, this type of development can be done, perhaps not as large a scale, but the Asilomar complex is a worldwide beacon of beauty set completely within the natural settings and not disrupting it.

90-3

This plan must be slowed down. I am sure you can do better than this

Sincerely,

Deborah Stewart

**American Tin Cannery (ATC) Hotel Project: Stop Trying to Sneak in Hotel Projects**

David van Sunder &lt;david@vansunder.com&gt;

Mon 9/28/2020 11:12 AM

To: R Mullane &lt;rmullane@hrandassociates.org&gt;

Cc: citycouncil@cityofpacificgrove.org &lt;citycouncil@cityofpacificgrove.org&gt;

I'm getting very tired of the City trying to sneak in projects that the people of the City don't want. I'm especially tired of these massive hotel projects that don't fit the City of Pacific Grove or its people.

The project as proposed is way over-sized and not compatible with the character of PG, even though it would become the Lighthouse Avenue entrance to the City. It would destroy much of the significant historic buildings where the cans were manufactured for the canning industry on Cannery Row. The project also intends to haul off the reinforced concrete from those well-built structures to the landfill instead of re-using all the historic buildings.

**91-1**

The project would clear the site of its entire tree population—79 mature trees, including 52 Monterey cypresses—to be replaced by mostly commercial landscaping type trees and NO Monterey cypress, although they take credit on their landscaping plan for 3 existing cypresses on a neighboring property, page 84/490, volume 1).

**91-2**

The project would excavate dense granite for underground parking right across the street from harbor seal habitat and bird rookeries for 9 to 10 weeks at the start of construction with unrealistic noise mitigations. Even the DEIR's Geological Report states that more geological investigation is needed to "develop design-level geo-technical recommendations and criteria for planning, design, and construction" and "to better understand the economics" of construction. (Appendix G, pages 373-381/1189, volume 2). This is hardly reassuring! Think seismic impacts!

**91-3**

The City should not allow a city street (Sloat Avenue) to be used for the project, even with a lease agreement. On top of that, think of the traffic problems the project would create both during construction and once the hotel is in operation.

**91-4**

No thought was given to the people who live in the city, just to the developers and tax revenue for the City. The City is here for us not the other way around.

**91-5**

Sincerely Pacific Grove Resident, Business Owner & Parent,

David van Sunder

**ATC Hotel and Commercial Proposal**

Elin Dolowich &lt;edolowich@gmail.com&gt;

Mon 9/28/2020 1:49 PM

To: R Mullane &lt;rmullane@hrandassociates.org&gt;

Cc: citycouncil@cityofpacificgrove.org &lt;citycouncil@cityofpacificgrove.org&gt;; citymanager@cityofpacificgrove.org &lt;citymanager@cityofpacificgrove.org&gt;

 1 attachments (22 KB)

ATC Proposal heigh.jpg;

Hello:

Please accept this letter expressing my strong disapproval of the project as proposed for the American Tin Cannery site. This project proposal is an absolute monstrosity and in no way fits with the character of Pacific Grove. This site sits across from a very sensitive environmental sanctuary. The construction alone will have detrimental consequences to that protected space. Why is this necessary? Why can't PG find a developer that is willing to incorporate the rich history of our cannery building in its current state and height? It's time we stop allowing out of towners to reshape our landscape. The picture below showing the height of the proposed building as the "entrance" to our little beach town is just flat out laughable. WHY IS THIS A GOOD IDEA? Please do not continue to allow wealthy out-of-town developers destroy our oceanfront with large buildings that ruin our natural ocean views.

**92-1**

Best,  
Elin Dolowich

--

**NOTICE: CONFIDENTIAL MATERIAL**

The information contained in this electronic transmission and any accompanying attachment is confidential. If you are not the intended recipient set forth above in the greeting please destroy this email and any additional attachments. Your cooperation and consideration in this regard will be greatly appreciated

**American Tin Cannery Hotel**

Evynn LeValley Photography &lt;evynn@evynnlevalley.com&gt;

Thu 9/24/2020 10:28 AM

**To:** R Mullane <rmullane@hrandassociates.org>

Hello,

I have been made aware of a new hotel proposal in an area that will not only demolish 70+ trees, but will greatly affect our local harbor seals. The greed of humans, willing to destroy habitats and ecosystems is heartbreaking.

I truly hope the city has a conscience, and that this project is halted immediately.

Thank you for taking the time to weigh the many benefits of keeping this land protected.

Kindly,  
Evynn

--

[www.evynnlevalley.com](http://www.evynnlevalley.com)**93-1**

Tin Cannery complex comment

Gretchen Jordan <gretchen.jordan@comcast.net>

Mon 9/28/2020 2:47 PM

To: R Mullane <rmullane@hrandassociates.org>

Hello.

I hope the environmental impact statement has correctly assessed the impact on the nearby Harbor seals of this very large Tin Cannery project from its initial construction through to use. The seals depend on this protected area to raise their pups and rest safely. They are already struggling given rising sea temperatures and changes in the food chain due to climate change. The constant noise of construction so close to the Sanctuary is likely to drive them away.

94-1

A second concern is building all these buildings so close to the water's edge. Here in Beach Tract we are told to expect Ocean View Blvd. to be a single lane by 2050 due to sea level rise. How can it be much different two miles away?

94-2

A third concern is the huge increase in traffic and the drastic change in the look of our small town. Sometimes tax revenue should not be the only criteria for development.

94-3

Thank you for considering my comments.

Sincerely,  
Gretchen Jordan

Gretchen B Jordan  
Pacific Grove, CA 93950  
(Office) 831-920-2790  
(Mobile) 505-720-7098

**Harbor Seals of Pacific Grove and the American Tin Cannery Hotel and Commercial Project**

Helen M. WORKMAN <hworkman@berkeley.edu>

Sun 9/27/2020 8:43 PM

To: aaziz@cityofpacificgrove.org <aaziz@cityofpacificgrove.org>; ahunter@cityofpacificgrove.org <ahunter@cityofpacificgrove.org>; R Mullane <rmullane@hrandassociates.org>

Dear Ms. Aziz, Ms. Hunter, and Mr. Mullane,

I am writing in regards to the proposed hotel and commercial project at the American Tin Cannery. I am very concerned about the negative effects it would have on the harbor seal colonies in the vicinity of Hopkins West Beach and Fisher Beach, and potentially the demise of the colonies.

I have been a volunteer in the Harbor Seal Hospital at the Marine Mammal Center in Sausalito for six years. Many of our patients are admitted from the Monterey and Pacific Grove area, and many of our rehabilitated animals are released near there. Many find their way to the Hopkins Beach area where they recover, join the rookery, and breed. Harbor Seals are very sensitive animals and are highly susceptible to stress which can seriously affect their health, including human disturbance and noise. Even at the Center, the harbor seal hospital is situated away from the main facilities and away from public view to lessen any disturbances and noise, and those of us who work with them are trained to perform any handling of them quietly and with the least amount of handling or disturbance.

Please note I am writing on my own behalf based upon my experience and observations. Before proceeding with the project, I urge the City of Pacific Grove and the developers to consult with the experts at TMMC in Sausalito, the California Department of Fish & Wildlife, and NOAA (National Oceanic and Atmospheric Administration) for their input to address the impact this development will have on two established rookeries, both within a California Marine Protected Area and a National Marine Sanctuary. In addition, I hope you will seek input from the Hopkins Marine Lab and UC Santa Cruz' Institute of Marine Sciences and Long Marine Lab.

The seal colonies and other wildlife in the Pacific Grove and Monterey area are a gift to the residents and to the public. I feel we have the responsibility to protect them.

Thank you for the opportunity to comment and for your consideration.

Respectfully submitted,

Helen Workman

**95-1**

Please allow sufficient time as required by law for the local community to respond to this project !

96-1

hljgft <hljgft@sbcglobal.net>

Mon 9/28/2020 3:45 PM

To: R Mullane <rmullane@hrandassociates.org>

Sent from my Samsung Galaxy smartphone.

**Letter 97****Fwd: PUBLIC COMMENTS ON DEIR for ATC HOTEL AND COMMERCIAL PROJECT.**

Inge Lorentzen Daumer &lt;ilwd50@gmail.com&gt;

Mon 9/28/2020 4:56 PM

To: R Mullane <rmullane@hrandassociates.org>; rmullane@cityofpacificgrove.org <rmullane@cityofpacificgrove.org>; alexandra.mccoy@coastal.ca.gov <alexandra.mccoy@coastal.ca.gov>; Kevin.Kahn@coastal.ca.gov <Kevin.Kahn@coastal.ca.gov>; Mayor Bill Peake <bpeake@cityofpacificgrove.org>; Anastazia Aziz <aaziz@cityofpacificgrove.org>; ahunter@cityofpacificgrove.org <ahunter@cityofpacificgrove.org>

From: **Inge Lorentzen Daumer** <ilwd50@gmail.com>

Date: Mon, Sep 28, 2020 at 4:48 PM

Subject: Fwd: PUBLIC COMMENTS ON DEIR for ATC HOTEL AND COMMERCIAL PROJECT.

Dear Mr. Mullane and City Officials and Staff,

As a Pacific Grove resident who has lived most of my life in my Grandparents home (bought the year I was born, over 70 years ago) located on Sloat Ave., 3 houses West of the proposed ATC Hotel and Commercial Project, I feel I am intimately familiar with the area slated for redevelopment. I find the DEIR woefully inadequate and mis-leading.

The Project has started off on the wrong foot by not correcting, immediately, on all the documents and reports, the name of Dewey "Street" to the Correct Dewey Avenue. The Technical Reports most often have the name wrong, creating a mish-mash of nomenclature.

The description of Project Location is mis-leading in its description of "The property is one block northeast of and one-half block from the jurisdictional boundary with the City of Monterey." This entire project is West of any jurisdictional boundary of the City of Monterey.

The way that this DEIR, of over 1,679 pages was first issued for Public Review and comment was only on-line. No hard-copies were even available on a limited basis, well into the Review period, until the Public pushed-back. Only in this last week of slightly extended public review have Any depictions, very inadequate in size, been installed at the project site. Story Pole installation requirements were "deemed to be unsafe" by City Officials, thereby limiting any Public Outreach/Awareness of the immense size and visuals of this major project. I find the developers are doing their very best to keep the Public in the dark. Why are they afraid of real public scrutiny?

Major deficiencies occur in proposed mitigations for Noise, Traffic flow and volume, treatment of Historical Status of each building to be demolished, either partially or wholly, Views, Biological Resources. The simple conclusion...this project needs a redesign to be compatible with Pacific Grove! In its current design, it only fits somewhere in New Monterey's Cannery Row, which we are Not. We need a scaled-down less massive design, fully utilizing the Historic Buildings, retention of healthy protected Cypress trees, publicly accessible amenities, and far less impact on the established Residential Neighborhood (which has lived in basic harmony with the ATC, in all its incarnations, for over 70 years). The DEIR clearly states that "...the project would result in an intensification of uses at the project site...the project would result in a change of use at the project site". This site also had a change in zoning to allow Hotel use, which had never been allowed previously. As such, it will be subject to Condition 2 of the SWRCB moratorium, as Dave Stoldt somewhat alluded to in his MPWMD Review letter: "The moratorium on expanded water service Connections may affect the American Tin Cannery Hotel Project."

Under Aesthetics, "significant and unavoidable" loss of views by building placement is simply unacceptable and Not "generally consistent" with the surrounding areas. Loss of all current trees on site (especially protected Monterey Cypress) is also unacceptable, as any replacement trees will take years to once again contribute to air quality and tree canopy size. I have grown up and old with these trees! Whereas the renderings of the project depict large trees (generally as large as what they want to remove), that is not Reality and very mis-leading, with no way to fully mitigate that loss.

Under Noise, I find their assessments and mitigation measures to be disingenuous. There is simply no way that building a protective fence around the site with some baffling elements incorporated is going to protect the Seals pupping on the HMS beach, the Oystercatchers nesting in the rocky-tidal areas, the ongoing scientific studies at HMS, and the Established, older Residential Neighborhood, of which I am a part. Sound carries greatly here by the shore, and winds change direction all the time. Our largest noise impact currently comes from Traffic, which has greatly lessened due to Covid-19 restrictions. During Special Events we can hear noise coming from Lover's Point and from Cannery Row, and always from the Recreation Trail.

The excavation of solid Granite bedrock, starting from 4.4' down to 16' would be unbearable, "mitigations" notwithstanding, and studies were done with a "Limited Geotechnical Phase II Exploration". It looks like the deepest underground excavation for Parking Garages would be right adjacent to my Residential Neighborhood and the Seal pupping Beach at HMS. Are Contractors, "Biological Monitors" and a "Noise Coordinator" telephone number, really going to follow rules and conditions and act in a timely manner? My long experience says: NO. It is stated several times in different studies in the DEIR that it must be coordinated, monitored and evaluated "with the City" and is only as good as the "hotel operator". My apologies for having little faith in the Process!

The over 2 years of estimated Construction time, with a high-walled construction site, heavy trucks damaging our roads daily with haul-off of tons of excavated and demolished debris, constant noise of Heavy Equipment would be unbearable and take away all rights of "quiet enjoyment" of our homes while lowering property values.

When it comes to the partial closure and demolishing of the through-way Sloat Ave. to create a Service Entrance:

I find in the **Cal Sts & Hy Code 8300 et seq. laws regarding "Vacation" , meaning "the complete or partial abandonment or termination of the public right to use a street, highway, or public service easement".**

**"Municipal authorities may not vacate any portion of public street for sole benefit of private individuals. A municipality cannot barter away streets and alleys...for the interest of private individuals..."**

Since the U.S. Supreme Court has deemed Corporations are Individuals, it follows that Pacific Grove cannot barter away Sloat Ave. for the use of the ATC Hotel and Commercial Project.

**97-8  
Cont**

The way that the DEIR presents the Service entrance and Traffic Flow would open up the entirety of Sloat Ave. to Commercial Truck Traffic, through our Residential Neighborhood. Several Design Elements shall be included prior to approval of final improvement plans. They are listed on page 17-47 of the Transportation and Circulation study for the DEIR.

**97-9**

The 'complete' Traffic Studies IDAX are fraught with mistakes. As an example, they did not depict an accurate configuration of Sloat Ave. in their diagram and counts of the intersection of 1st and Central Ave. Sloat is a One-Way Avenue only allowing Ingress, not Egress. going eastward. IDAX portrays land configurations emptying into the intersection, which is definitely not accurate!

**97-10**

In conclusion of my brief analysis, I would say:

Re-design project so Historic Resources are not demolished and retain their integrity.

Re-design for an open-buffer space between the Residential blocks on Dewey Ave. and any Hotel Units.

Redesign to include and retain healthy, protected Cypress trees.

Lower the height of the Executive Wing building to retain the iconic Public Views.

Less rooms = less Parking excavations needed. Move all vehicle entrances to Eardley Ave. by the Commercial Surroundings.

**97-11**

Try to fit into the Community Surroundings instead of creating a Visual Blight! Where are the Public Ammenities and benefits? This is my life, my home!

Sincerely,

Inge Lorentzen Daumer  
Sloat Ave. Pacific Grove, CA



Virus-free. [www.avg.com](http://www.avg.com)

Pacific Grove Hotel at Tin Cannery

Patrice Bell <pbell@toast.net>

Sun 9/27/2020 1:37 PM

To: R Mullane <rmullane@hrandassociates.org>

We oppose the new hotel on the grounds that it is not needed. Most of the tourists come from the Bay area and do not stay overnight. Additionally, the current hotels and bed/breakfast in Pacific Grove rarely, if ever, exceed demand. | 98-1

The intersection of Laurel and Ocean View is horrific as it is, the walking/bike path is so crowded now with tourists that it is difficult to pleasantly walk in / along the path. Social media has brought more and more people to our tiny peninsula and we simply do not have the infrastructure to support all of these additional influx of tourists. And you want to encourage more to come down - we think not! | 98-2

A 2 year construction period is totally unrealistic to say nothing of what it would do to our roads, noise, and quality of life for us residents that live hear. | 98-3

What is needed is a mixed use housing project that the city could provide for people employed by the city. That is justifiable - another hotel by an out of area developer is not. | 98-4

We request removing the hotel request.

Sincerely,  
John and Patrice Bell  
43 year Pacific Grove residents

## B E C O M FINE ART & DESIGN

### AMERICAN TIN CANNERY PROJECT COMMENTS ON THE DRAFT EIR (JULY 2020)

September 27, 2020

Rob Mullane, AICP, Consulting Planner  
Community and Economic Development Department City of Pacific Grove  
400 Forest Avenue Pacific Grove, CA 93950

Via email: [rmullane@hrandassociates.org](mailto:rmullane@hrandassociates.org)

RE: American Tin Cannery (ATC) Hotel and Commercial Project –

Draft Environmental Impact Report (DEIR) Comments

Dear Mr. Mullane:

#### **INTRODUCTION**

Thank you for the opportunity to comment on the scope and content of the environmental impact report to be prepared for the American Tin Cannery Hotel and Commercial Project.

As someone with a professional background and personal devotion to the preservation of historic resources, I will confine my comments to this area of the DEIR.

The redevelopment of the American Tin Cannery site is a tremendous opportunity to recognize and celebrate the vital history of Monterey Bay's fishing industry to our area with a project that fully reuses the historic buildings within a new hotel/retail complex. The proposed project fails to respond to this opportunity on many levels. None of the alternatives presented are an adequate reflection of the history or current conditions of the site and its setting.

I ask that the owners and their representatives go back to the drawing board and come up with a new design that will meet the Pacific Grove's Architectural Review Guidelines, Pacific Grove's General Plan goals, Local Coastal Plan goals, and the Secretary of the Interiors Standards for Restoration and Adaptive Reuse. We, the citizens of Pacific Grove and the Monterey Bay Area, deserve and demand something much better than the current proposal.

I submit the following comments to emphasize the importance of recognizing and protecting the cultural and architectural resources of the American Tin Cannery (ATC) property and surrounding area for their contribution to the City of Pacific Grove. The ATC, formerly the American Can Company, (ACC), circa 1927, provided the City of Pacific Grove with tremendous economic value that, with care, can continue into the future.

**Comment #1:** The extensive Page and Turnbull historic assessment clearly states that the Factory Building, the Warehouse Building, and the Office Building are all significant historical assets that retain their historic integrity and are therefore eligible for listing on the California Register of Historic Places as well as the local Historic Resources Inventory. Considering the national importance of the Monterey fishing/canning industry to World War II efforts and the literary importance of John Steinbeck's Cannery Row, the ATC site may well be eligible for inclusion on the National Register of Historic Places as well.

I feel strongly — and I am backed up by the Page and Turnbull Historic Analysis — that the current proposal is inconsistent with the Secretary of Interior Standards for the treatment of Historic Structures. If this proposal moves forward, it runs the risk of being held up and ultimately reversed on appeal by citizens' efforts to hold Pacific Grove accountable for following its own regulations for historic preservation and adherence to the Secretary of Interior Standards.

That said, the remaining buildings of the ATC must be retained, restored, and reused as part of any proposed hotel/retail project for this site. The current proposal would decimate these resources, unnecessarily demolishing the Warehouse Building and destroying the center of the Factory Building. The modest remaining historic remnants would be overwhelmed by the scale and style of the proposal. We need a new alternative design that respects what remains of our cultural history at this site for citizens and visitors into the future.

**Comment #2:** The American Can Company is a cluster of buildings that were designed and built to fulfill different roles on the same site. The proposed project destroys this important aspect of the historic character of this industrial complex in its setting and replaces it with a large-scale, unified structure that is out of keeping with the history and scale of the existing historic complex.

**Comment #3:** As stated in the DEIR, the current proposal is for a group of modern structures. But why build a new version of "modern" that has no relationship to our unique region? The existing structures are the epitome of modernism: These purpose-built, exposed concrete and glass buildings, aglow with natural light and ventilation, expressed through iconic saw-toothed roof, industrial steel-sash windows, and corrugated metal siding are as modern now as when they were first built, ninety-three years ago.

The new project should (1) Retain and restore each of the historic buildings for reuse; (2) Reduce the scale of any new construction so that it does not overwhelm the historic building complex; (3) Reflect the scale, style, materials, and details of the original buildings in all new construction. This is not to say there cannot be new interpretations of the details of the ACC, but what went before should definitely be acknowledged in the new design.

**Comment #4:** A new design that incorporates the historic building complex and respects the existing scale of the site and its neighborhood will better meet the stated "Project Objectives," specifically Goals #6 & #8.

Goal #6 Create an architectural design program for the site that is responsive to program needs, is contextually appropriate, and that will present a distinctive and attractive gateway transition into the City.

Goal #8 Implement a hotel and commercial project consistent with the vision and policies of the City of Pacific Grove Local Coastal Program.

The change to a true historic adaptive reuse design of a reduced scale will be a better fit for Pacific Grove, as well as more in keeping with the goals of our historic City. It will also enhance the time visitors spend in PG and therefore contribute significantly to Pacific Grove's revenue without losing PG's unique qualities.

**Comment #5:** The concept of photographic and written documentation of what is to be lost as a mitigation for the unnecessary loss is an insult to those who care about our history and to all future generations. The DEIR states that the loss of Historic Resources is "Significant and Unavoidable."

99-2

99-3

This “fact” is only true if the current design is followed. I believe implementing the proposed design would be a grave and unnecessary error on the part of Pacific Grove government, staff, and the developers. The ATC site is a great opportunity for a unique project that would celebrate the heritage of Pacific Grove and the fishing industry that was an integral part of our development — a legacy that will otherwise be lost forever.

The only time this type of “documentation” is an appropriate mitigation for historic demolition is when the loss has already occurred. So please drop the idea that this is somehow an appropriate or useful option to preservation. It is not.

The proposed “Public Interpretive Display” would be a boon to the hotel and the City and should still be carried out. But not as a mitigation for historic loss. Rather, this public display should further tie the renovated hotel structures to the history of the site for the public and hotel patrons to realize the significance of the Monterey fishing industry to local, State, and National history.

**Comment #6:** It is difficult for the average citizen, or even those accustomed to reviewing architectural plans and renderings, to truly appreciate the huge difference in scale that the new project would impose. Figure 5-5 does a good job of attempting to show what will come, but without the story poles and netting that is typically required for all development — even small residential additions in Pacific Grove — we are all at a disadvantage. This same issue has been fought over and over in Pacific Grove for the last twenty years. Only through some type of full-scale, on-site display of both scale and height can the public truly understand the proposal's effects.

Back in 2002, the same issue of large commercial buildings being exempt from the requirement to erect netting was fought over at all stages of the proposed development for the Holman Hotel. The initial proposal was to demolish the entire block that contains the Holman Building as well as all parking lots and associated buildings and replace it with a zero-lot line, seven-story building. In the end, despite various efforts to stop netting from going up, the citizen outcry eventually led to the erection of a series of aluminum poles topped with helium balloons and netting to represent the height and mass of the proposal. This modified netting was left up only briefly, but the effect was immediate and consequential. The special election to change the zoning in order to allow for the seven-story hotel went down in flames. As a result, the historic Holman Building was saved and restored and the hotel concept was greatly reduced in scale and re-designed to more carefully fit into its historic neighborhood. I ask that prior to any proposed development being approved for this site, some form of on-site, full-scale story poles and netting be installed.

**Comment #7:** The mass and scale of the proposed project appears to substantially interfere with existing scenic and panoramic views from public pedestrian and vehicular vantage points. In my walking tour of the area of the project, as well as how it is presented in the DEIR, I believe without more significant opportunity for the general public to see the scale of the proposed project through some version of netting as proposed above in Comment #6, citizens will be shocked and dismayed at the radical change to views and the surrounding neighborhood of small homes and retail structures.

A new proposal must be brought forward that will be more considerate of the existing neighborhood scale.

**Comment #8:** The proposal intends to remove a substantial number of mature trees that contribute to the overall scenic and historic quality of the site and adjacent streetscapes. With a more careful design that incorporates these mature, valued trees as a priority, both the project and the City will benefit. If the scale of the development is reduced to better fit into the existing neighborhood, the existing mature Monterey Cypress and Live Oaks can be incorporated into the new design.

**Comment #9:** The proposal talks about LEED certification and Green practices being followed for this project. How is demolishing structurally sound buildings and hauling the massive amount of waste off to our overstressed landfill in any way compatible with a “green” project? The Environmental Impact Report should consider how to reuse these historic buildings as part of the proposal. The EIR should not “green-

99-3  
Cont

99-4

99-5

99-6

wash” the project with no true intention of following best practices for our current and future environmental crises.

**Comment #10:** Last but certainly not the least of my Comments, please recognize that The City of Pacific Grove Architectural Review Guidelines should have been followed from the very start in the design of this project. They were not.

While The Guidelines were primarily developed for residential projects, the Architectural Review Board has consistently utilized them for all commercial projects in the past. As a long-term, professional member of both the Architectural Review Board and the Historic Resources Committee, I can state with authority that this proposed project is in direct conflict with a number of clear, unambiguous Guidelines that must be followed before this project is granted approval by the ARB and the City. Thus far, all of these Guidelines have been overlooked by the project applicants.

### Section 1: Neighborhood Compatibility

Guideline #1: “The mass and height of a new building should blend well with neighboring structures and not overwhelm them with disproportionate size or a design that is out of character.” (See Comment #2 above)

Guideline #9: Attempt to preserve some portion of neighbor’s views by carefully positioning or limiting the width, depth, or height of proposed building elements. (Again, see Comment #2 above)

Guideline #15: Open space and landscaped areas should blend visually with adjacent properties. (See Comment #8 above)

Guideline #16: An effort should be made to preserve significant public view corridors. (See Comment #7 above)

Guideline #19: Avoid excessive cut and fill. (The proposal includes massive cut/blasting into granite bedrock for parking. Other options must be explored!)

### Section 2: Preservation of Significant Trees

Guideline #21: The design and siting of a dwelling should take into consideration all existing trees in order to avoid unneeded cutting and trimming. (See my Comment # 8 above)

### Section 3: Mass and Scale of a Structure

Guideline # 24: A new structure should appear similar in scale to those seen as traditional in the neighborhood. (See Comment #2 above)

Guideline #27: A building should be in scale with its site. Take care to provide enough open space around a structure to complement its design, allow for sunlight and air, and preserve the character of the neighborhood. (See my Comment #7 above)

Guideline #28: An addition should complement and balance the overall form, mass, and composition of the existing building. By using less than the allowed maximum lot coverage and incorporating a variable footprint within the required setbacks, a more interesting structure can result with more room for landscaping. (The proposed design intends to cover the entire site without concern for the existing mature trees or smaller scale neighborhood homes and structures. This is inappropriate. See Comment #8 above)

Guideline #30: Avoid designs that incorporate large, unbroken roof surface that run parallel to the street. (If the building and roof forms for the new hotel were broken into smaller sections, it could help to lessen the scale difference with the existing neighborhood and the existing original ATC buildings.)

Guideline #35: Design a façade to appear similar in scale and character to those in its context. (The current design lacks any sense of contextual scale and human scale. See Comment #7 above)

Appendix 1: Working with Buildings on the Historic Resources Inventory.

1. Neighborhood Context: ... Any additions to historic buildings must take into account the effect of the proposed addition on the existing neighborhood.
4. Compatibility of New Work with Old: Additions and remodels should be compatible with the original historic building forms, scale, and materials and not compromise the architectural integrity of the original.

CONCLUSION: This project is Pacific Grove's one and only chance to hold onto our cultural history. To lose this treasure would be a backward-thinking approach to development. Pursuing current development ideas incorporating historic preservation and adaptive reuse would yield a more unique, valuable project and allow our community to hold on to our cultural patrimony. We already have chain hotels aplenty in the region. Why not pursue an alternative design that will be a better fit to our historic region and more of a draw for travelers interested in the history of our area?

Should the proposed design move forward, my chief concern is the extensive damage that would be done to the important Historic Resource of the last major Monterey Bay fisheries structure that remains in Pacific Grove's care. This destruction is unnecessary and will leave future generations questioning "What were they thinking?" Why destroy this historic resource when preservation and adaptive reuse will leave our heritage intact while still providing for a hotel/retail project that is a true reflection of the heritage of Cannery Row and the generations of sardine fishing and canning industries that built the Monterey Peninsula.

The site is large enough to accommodate a hotel and ample retail space while retaining the historic Cannery Factory and Warehouse structures. The developers can have it all; imagination is all that is lacking. With a more thoughtful design in keeping with the goals of retaining the historic structures while weaving in mature trees, parking, and hotel amenities, everyone wins.

Sincerely,

*Jeffrey N. Becom*

Jeffrey Becom  
Pacific Grove homeowner  
currently residing in Carmel Valley

**American Tin Cannery Hotel Project - Public Comment**

Joseph Bileci &lt;j.e.bileci@gmail.com&gt;

Sun 9/27/2020 8:22 AM

To: Anastazia Aziz <aaziz@cityofpacificgrove.org>; ahunter@cityofpacificgrove.org <ahunter@cityofpacificgrove.org>; R Mullane <rmullane@hrandassociates.org>; Kevin.Kahn@coastal.ca.gov <Kevin.Kahn@coastal.ca.gov>

To all:

Please consider the following in regard to the above-referenced proposed project::

1. Story poles should be required to provide proper notice to residents regarding the dimensions of the project. I drive the commute from Pacific Grove to Monterey every weekday and I was unaware of the dimensions until a neighbor recently alerted me to them. In a critical viewshed area such as this, size does matter;

**100-1**

2. The water use issue is critical. The long-time water shortage on the peninsula has yet to be solved. The increase in water use from the current use to the proposed use has to be calculated realistically, and an acceptable source for the increased volume has to be specifically identified, with primary consideration given to the water needs of residents;

**100-2**

3. The traffic along the Pacific Grove-Monterey Lighthouse Avenue corridor prior to the Covid-19 pandemic was already a significant problem. For example, during late afternoon on Friday, this corridor was often gridlocked, and it has actually taken me an hour to drive from Pacific Grove to Monterey. Recent state legislation severely limiting local planning regarding accessory dwelling units is resulting in more residents and more traffic. It is unlikely that the existing roads can realistically and safely support the increase in traffic from guests and employees resulting from the project;

**100-3**

4. In conjunction with the installation of story poles, the trees to be removed need to be marked to provide proper notice to residents of the extent of mature tree removal required for the project. Further, the replacement requirement of 5-gallon trees for fully mature trees is inadequate. These trees are not being removed because they present a hazard, but merely because they are in an inconvenient location. If they are removed, they should be replaced with sufficiently large tree specimens to at least approach replacement of the volume of canopy loss;

**100-4**

5. Minimizing construction disturbance to nearby residents, as well as wildlife, is critical;

**100-5**

6. Any long term lease agreement with the City of Pacific Grove should be negotiated by a qualified professional representing the City's long-term interests.

**100-6**

Respectfully submitted,

Joseph Bileci Jr.  
Pacific Grove Resident

**Thoughts on being a good neighbor and the ATC and why trees help everyone**

Janet Cohen &lt;janetcohen333@comcast.net&gt;

Sat 9/26/2020 11:35 AM

To: R Mullane <rmullane@hrandassociates.org>; Bill Peake <bpeake@cityofpacificgrove.org>; citycouncil@cityofpacificgrove.org <citycouncil@cityofpacificgrove.org>; Ben Harvey <citymanager@cityofpacificgrove.org>; Anastazia Aziz <aaziz@cityofpacificgrove.org>; Kevin@Coastal Kahn <Kevin.Kahn@coastal.ca.gov>

Think back to the worst place you ever lived and ask yourself, "Was noise part of the equation?" For me it was next to a bowling alley where I could actually hear the pins and even a very loud blower cleaning the parking lot at 4:00 am every night under my bedroom window because of the treeless parking lot with zero setback.

Now think, "How many times did I hear someone in PG say a large hotel was appropriate at the ATC site because it was at the edge of town and PG needs the money? Also think, where in PG did that person live?"

But, unlike Cannery Row's main drag that is noisy and separate from residential homes except for a few, the ATC has neighbors that reside on two sides of its' perimeter.

Changing from retail hours to hotel use will heavily impact the adjoining residential district on the Dewey Street side and the booming underground excavation for a parking lot will have unknown frightening impacts on the harbor seals and other sea life living on the Ocean View perimeter of the ATC, home to Stanford's Hopkins Lab research team that diligently works to save our ocean.

So it's not nothing.

Questions as to how noise can be mitigated for the Dewey Avenue side residential neighborhood:

1. Will there be noise limits put in place by the hotel itself or the City after a certain time as 10:00 pm?
2. Is there an alternative location for the service entrance as from Eardley instead of Dewey?
3. Can service entry times be limited from 8 am, (9 am weekends) to 10 pm?

Questions as to how excavation noise can be mitigated for harbor seals and other sea and wildlife during construction especially from underground excavation:

1. What impacts are scientifically already known to animal life from noise?
2. What are the recommendations if any for decreasing negative consequences on ocean life due to underground construction extreme noise?
3. Are the destructive consequences worth losing marine animals or should the hotel reconsider its parking parameters and number of guest rooms?

Further, because living trees help mitigate structural massing in ways that nothing else can:

1. Why do all of the trees on the ATC site have to be destroyed?
2. Aren't there any other alternatives?
3. If a tree is taken down will two be planted to replace it?
4. What size tree will be the minimum size for any new tree so it does not take 10-30 years to grow to the size of the one lost?
5. Will a row of trees be planted to mitigate the impact of the ATC buildings massing along the rear perimeter parallel to and visible from Central Avenue?
  - a. What size setback will there be between the buildings property line along Central Avenue and the adjoining proposed ATC structures?
  - b. Can trees be planted all along this setback in order to mitigate the massing view from Central Avenue of the higher wall of buildings of the ATC Hotel rearing up behind the now single story commercial properties along Central which would also benefit the hotel?

c. Can more trees also be planted along the Dewey Street ATC side to mitigate noise and other visual impacts?

101-5  
Cont

d. How do trees enhance the Eardley side of the ATC proposed hotel and mitigate the large bluff visually from the hotel site too?

The value of the ATC site for a hotel is of course in the largely ensured from future development view of the ocean because of Hopkins and the steady stream of visitors to the world famous Monterey Bay Aquarium.

101-6

The protected quiet cove access to the ocean directly in front of the ATC property seaward ultimately led to the development of Hopkins and the Monterey Bay Aquarium.

Besides the thousands of years of early people fishing the cove, it was also the home to an important Chinese fishing village that had whole families for over 50 years. From the mid 1850's until May, 1907 this community developed and lived along the cove pulling up their sampans on the sand in the morning after fishing for squid all night, contributing to the local economy by introducing viable commercial fishing to the Monterey Peninsula until a year after a suspicious fire in May 1906 burned many of the homes. The the loss of a year long civil action to rebuild forced the remaining residents to leave.

This fire that displaced a whole group of people and resultant controversy was actually pivotal in the coastal land not being developed for single family homes but instead for scientific use first to the University of California and then to Stanford for marine research and the rear part of the Chinese fishing village site being developed by the American Can Company.

101-7

There are large historic photos currently up in the ATC of the Chinese fishing village because it extended back through the ATC site. None of the structures on the ATC portion were burned in the the 1906 fire.

Thus, of course archaeological monitoring will be required during any digging or excavation throughout the hotel development.

Also, of importance will be including Gerry Low- Sabado, a fifth generation descendant of the Chinese fishing village as a cultural consultant.

She is well known to Stanford, the Aquarium and Foursquare Development in Cannery Row for this important part of our local history and has consulted throughout the area from Point Lobos where her family first arrived at Whalers Cove from China by sea and her great grandmother, Quock Mui, was born becoming the first Chinese American in Monterey County.

Quock Mui later lived in the Pacific Grove Chinese fishing village whose land the ATC site now sits upon and after the fire forced her family's departure moved to land which later became part of Cannery Row.

Ms. Low-Sabado can be reached at 510-378-0999.

The resultant positive outcome for the world of this land use by Hopkins and the Monterey Aquarium for ocean research, education and advocacy that may save us all is a high bar for an adjacent hotel on land tied to this history too to be part of and benefit from but worthy of reaching for in multiple carefully thought out mitigations that will pay off in known and unknown outcomes that will make a difference.

101-8

Thank you,  
Janet Cohen  
243 Asilomar Avenue  
Pacific Grove, CA

**ATC Hotel - will it be truly part of PG or only income?**

Janet Cohen <janetcohen333@comcast.net>

Mon 9/28/2020 10:28 AM

To: R Mullane <rmullane@hrandassociates.org>; citycouncil@cityofpacificgrove.org <citycouncil@cityofpacificgrove.org>; City Manager <citymanager@cityofpacificgrove.org>; Anastazia Aziz <aaziz@cityofpacificgrove.org>; Kevin@Coastal Kahn <Kevin.Kahn@coastal.ca.gov>; Bill Peake <bpeake@cityofpacificgrove.org>

Project Bella had one thing right that came from those on the team that thought they were actually building a hotel (versus one of the investment partners, whose intent it appears unbeknownst to the other partners was always to get City and Coastal approval and sell the proposed project). Then the money, (that was never really there), ran out leaving the City of Pacific Grove with a large bill and an even greater amount of wasted time of both staff and citizens.

Those that thought they were actually building Project Bella recognized that the ATC location was adjacent to a place worthy of recognition as a World Heritage Site.

I would argue that the ATC is actually worthy of being part of this World Heritage Site dream too along with Hopkins and the Aquarium from its' shared land connection to the Chinese fishing village and later like the Aquarium, the ATC site buildings built on the original Chinese fishing village site were tied to the rise and fall of the massive sardine industry.

The Monterey Bay Aquarium had a wonderful 15 minute deck show for the last 4 or 5 year summers before Covid called "Turning the Tide."

Through video interviews, historic photos and live actors an important story was told as a cautionary tale about the earliest fishing historically in the Monterey Bay through the wildly booming sardine fishing and canning industry and ultimate bust from overfishing decimating the sardine population.

As the ATC was the American Can Company that was built for manufacturing and providing the cans for Cannery Row's packing and shipping of sardines, it was an integral part of that experience.

Saving most of the factory saw tooth roof building in the current ATC proposed hotel plans and recognizing its' unique architecture helps to keep that part of our history and important ocean conservancy lesson alive.

But, It would be an improvement to leave the saw tooth roof factory building's entire original footprint rather than cut out a large junk for the pedestrian entry.

(Note: The outside front deck along Ocean View Blvd. was not part of the original, but built in the early 1970's).

The ATC site history is connected to the rise and fall of Cannery Row's sardine industry, but it is separated from the current day Cannery Row's busyness physically and lies in Pacific Grove.

The proposed hotel will sit on the opposite side of the Aquarium away from the hectic pace of Cannery Row. Facing the ocean it looks directly across the open quiet campus of Stanford's Hopkins Marine Research Lab along Ocean View Boulevard which will also ensure the hotel blue water views.

On the Eardley Avenue perimeter of the ATC site is a high bluff atop which is a market, large parking lot and a drive through restaurant.

On the rear of the parcel is a large parking lot that runs parallel to mostly single story commercial buildings along Central Avenue.

On the Dewey Avenue perimeter is a residential district.

Thus, the surrounding density of the ATC site is greatly decreased from that of Cannery Row's many shops and restaurants and not truly urban (except in traffic congestion from visitors.)

Located physically out of Cannery Row, the ATC gives visitors a different experience with all that Pacific Grove has to offer and a beautiful recreation trail along the ocean for miles.

**102-1****102-2****102-3**

This is worth emphasizing both for the hotel's own success and for Pacific Grove. Do you want this hotel to be a Cannery Row extension or to be part of Pacific Grove?

It does make a difference in the design of the hotel. Will it successfully become part of PG where we have family gatherings and events and relatives stay because it is part of our community or will it be only income?

I would vote for aiming for a win-win model over only income.

Why not have extreme noise restrictions to save the harbor seals and more trees as mentioned in an earlier letter?

Why not have height really limited to 40 feet including mechanical equipment and elevator shafts rather than closer to 50 feet in reality?

Why not think harder about protecting the residential district on the Dewey Avenue perimeter? Rather than sacrificing a neighborhood to the income cause, instead use mitigations as: decreasing the height of the proposed structures along Dewey Avenue, (as is required in the R-3 -M District when hotels or motels are in close proximity to residential homes), relocating the service entrance and limiting noise after 10:00pm.

Many pieces ultimately decide the success of any project where overtime one sees lasting quality. Quality that is valued both in a community and also as a place people will seek out to come and and soak in the past and present, as The Ahwahnee achieved in Yosemite. That is probably too high a mark, but the idea behind reaching high is that in a hundred years the ATC Hotel truly feels somehow that it fits right and reflects and enhances this historically significant place alongside Hopkins Marine Lab in Pacific Grove and The Monterey Bay Aquarium whose research and education together may ultimately save the planet.

Thank you,  
Janet Cohen

**102-3  
Cont****102-4****102-5**

citycouncil@cityofpacificgrove.org; citymanager@cityofpacificgrove.org

Janet Colson <pgdoglover@comcast.net>

Sun 9/27/2020 4:24 PM

To: R Mullane <rmullane@hrandassociates.org>

Hello All —

I write to express my concerns (and yes, dismay) at this proposed development at an already congested part of Pacific Grove. I'm not sure what is more concerning — the size and expanse of the development or the lack of any transparency on the part of our appointed and elected officials, all of whom have failed to adequately bring this project to the attention of the citizens they purport to represent. I urge everyone to go back to the drawing board and bring forth a project better suited to the location in question and in full transparency.

**103-1**

Thank you.

Janet Colson

**PG Resident Grievance**

JD CORPUS &lt;joandcorpus@aol.com&gt;

Mon 9/28/2020 11:11 AM

To: R Mullane &lt;rmullane@hrandassociates.org&gt;

Dear Mr Mullane,

Please recognize and evidence your support for my grievances regarding the American Tin Cannery Project.

The following are my comments regarding the project proposed at the ATC property. I feel that this hotel is too big for Pacific Grove, the last hometown. This is a city of trees and amazing wildlife. None of the options proposed mitigate the disturbance to wildlife or help with the destruction of 79 mature trees.

The Draft EIR fails to take into consideration the rookery directly across the street at Fisher beach.

Harbor seals are nocturnal and therefore must sleep during the day. Hopkins Beach and the area around Hopkins Marine Station is the safest and most appropriate for this colony of seals. You have not stated just how you plan to remove this large amount of granite rock. You mention having monitors there to watch the wildlife but once the disturbance happens it is already too late to mitigate it. So, just how do you plan to remove that much granite, with 130 truckloads a day going from that site and not disturb the seals on a daily basis? Putting up netting/perimeter fencing to block sound has not worked in the past and at this location, sounds travel in different ways, at different times of the day. We cherish this colony of seals and understand how sensitive they are to human disturbances. This project in this current form will drive the colony away. You also need to get a "take permit" to do this work because it will disturb the seals.

This EIR states some of the following mitigations to address the disturbances to both the harbor seals and black oystercatchers.

**MM BIO-1.2 Timing of Demolition and Excavation**

Demolition, grading and excavation of the site for sub grade construction shall take place between June 1 and February 1 (outside the harbor seal pupping and weaning season of February through May) to avoid potential disturbance of the local harbor seal population that may be using the beach area west of Hopkins Marine Station.

The timing for this demolition and excavation will disturb the very sensitive pregnant seals that will soon be resting back at Hopkins beach within a month. They have no other place to go and come from other areas at this time of the year to prepare to give birth. It is not just from March to the end of June but rather the pregnant seals are here beginning as early as October to prepare for birth.

**MM BIO-2.1 Preconstruction Bird Surveys**

The applicant shall schedule all on-site tree removal and grading to occur between August 31st and March 1st of any given year to avoid the Central Coast bird nesting season. If this schedule is not practical, the project sponsor shall fund the engagement of a qualified biologist to conduct preconstruction nesting bird surveys no more than two weeks prior to removal of trees and grading. If no active bird nests are observed, no additional measures are required. If nesting birds are observed, the biologist will establish a buffer zone where no tree removal or grading will occur until the biologist confirms that all chicks have fledged.

Again this proposed mitigation failed to mention the harbor seal rookery at Fisher beach. Harbor seals are very sensitive to loud noises such as chainsaws and wood chippers. The timing of doing this tree work could very easily cause the pregnant seals to abort their pups. It is unfortunate that you have chosen this site to do this kind of massive work because this is an extremely sensitive area for the wildlife, harbor seals, black oystercatchers, deer, and more.

With climate change raging, I cannot even imagine why you would consider removing 79 mature trees. This cannot be mitigated because whether you pay money to take down the trees with no replacement or you replant somewhere else, we will have lost the trees that matter to life on this planet forever and trees that are currently doing the most to combat climate change. The proposed newly planted trees may or may not make it where they are planted, because their chances are lessened by the effects of climate change and they will take years to get to the effectiveness these trees are doing now. So, how do you plan to mitigate that kind of loss? You cannot!

I ask that you downsize this project, work with the trees already there, remove the underground parking and leave Sloat street. Protect the reason that makes this place so special to begin with, the environment and the wildlife that live in it.

104-1

104-2

104-3

104-4

104-5

September 28, 2020

Rob Mullane, AICP, Consulting Planner  
<rmullane@hrandassociates.org>

Dear Mr. Mullane,

The achilles heel of the draft EIR's otherwise good-faith environmental review of the ATC project is the City's direction that erection of story poles cannot be used due to safety concerns. (DEIR §5.6.1, pg. 5-29.)

The City-approved Coastal Implementation requirement at §23.90.161(B)(1) *mandates* story poles for a project within the Coastal Zone. It states that at a *minimum* the visual analysis *shall* include:

(e) "Any other information deemed necessary to determine the visual impact of the proposed project, including but not limited to analysis of the heights of existing buildings within 150 feet of the proposed structure, story poles and netting showing proposed ridge lines; and visual simulations to help identify potential visual impacts."

## THE DEIR SKEWS PORTRAYAL OF PROJECT VISUAL IMPACTS

Lisa Ciani's September 9 letter explains the following ways in which the DEIR skews visual analysis:

"The trees are not part of the size and scale issues, but they are being misrepresented. Since ALL the trees are planned to be removed, it should be easy to show none of the existing trees, and show trees of the size the project commits to plant there instead.

Look at the Central Avenue elevation. It's depicted with muted twilight. That is not a typical depiction to show people what the project will look like in broad daylight, the usual view. And furthermore, **if you enlarge the rendering and look at the shadows, the light is coming from different directions, some places it comes**

105-1

105-2

from the right, some places from the left. Sunrise and sunset in the same rendering. And the middle section is dark. Why is that? And there are different scales—look at the tiny people in front of the building. And there are phantom trees where none are proposed to be planted. This rendering aims to give a favorable impression, but not an accurate impression.

Look at the cross-section on page A-11 of the plans. The trees in that drawing appear to be 60 feet tall. That makes the building appear considerably less imposing than it actually would be. And this cross-section view is not consistent with the Central Avenue elevation.” [Bold added.]

Ms.Ciani demonstrates that the DEIR provides a prejudicially-skewed portrayal of the project’s visual impacts.

### NO EVIDENCE OF SAFETY CONCERNS

On September 8, I submitted Public Records Request #2009-003 requesting all documents relevant to the City’s position on story poles. My request states:

“This is a public records request for all documents relevant to the City’s determination that story poles at the ATC site would pose safety concerns, a statement which appears on page 5-29 of the draft EIR for the currently circulating “American Tin Cannery Hotel and Commercial Project:”

“Story poles — temporary lightweight poles with netting to demonstrate a proposed building’s location and height — were not erected per city direction due to safety concerns.”

This request includes, but is not limited to, the written report related to the referenced determination, the credentials of all person(s) involved in making the determination e.g. engineer’s license number(s), AICP credentials, etc. and any other documents having a

105-2  
Cont

105-3

bearing on the City's determination about the referenced safety concerns."

The City responded on September 15 with four documents which, at best, represent clumsy pretense that the City had valid reasons for its purported safety concerns.

105-3  
Cont

### Irrelevance

To be relevant, a responsive document would need to pre-date the July 30 release of the DEIR, it would need to be a statement by the person who made the safety determination, and it would need to apply to new construction. Instead of relevant documents, the City provided:

- a memorandum from John Kuehl **dated September 9, 2020**, which is six weeks after July 30,
- AICP certification of Anastazia Aziz, however Ms. Aziz did not make the referenced decision
- a Feb. 19, 2020 memorandum from Ben Harvey to the City Manager's Story Pole Advisory Committee which states the Committee's deliberations do not change the July 15, 2009 Council-approved Story Pole policy.
- the July 15, 2009 Council-approved story pole policy titled "Applicant Requirements for Project Staking and Story Poles & Identification of Trees or Branches Proposed for Removal." That policy pertains *solely* to "all projects involving building additions or modification of height." The ATC hotel does not involve either building additions or modifications of height.
- the Pacific Grove Local Coastal Plan implementing ordinances adopted on January 15, 2020, which is precisely the document that mandates story poles.

105-4

On September 16, I notified the City Clerk and City Manager the City failed to produce evidence of a good-faith-based safety concern. I received no additional documents showing a valid concern.

## **Revision and recirculation required**

I regret the City's cavalier handling of the story pole issue because I consider this a good project that will benefit the City of Pacific Grove. However, an EIR must represent a good faith effort at full disclosure. (CEQA Guideline 15204). Unfortunately, the City's purported "safety concern" prevents the DEIR from complying with the Coastal Plan requirement §23.90.161(B)(1). and Ms. Ciani has demonstrated the prejudicially-skewed DEIR analysis of visual impacts. Thus, the California Environmental Quality Act requires revision of the DEIR visual impact analysis and recirculation of the DEIR.

**105-4  
Cont**

Sincerely,  
Jane Haines

**Letter 106****ATC DEIR**

Jung Hwa K. <familythatshopstogether@gmail.com>

Mon 9/28/2020 4:58 PM

To: R Mullane <rmullane@hrandassociates.org>

Please respond to the following questions regarding the Draft EIR of the American Tin Cannery (ATC) Hotel and Commercial Project dated July 2020 in vol. 1:

1. What data supports the statements on page 4-4 that the project a) could generate about 172 jobs and b) that the employees would be from regional residents? Please list the towns that the regional residents refers to. Relatedly, how and where will the employees travel to the jobs? If they're parking, where will they park their vehicles?
2. In reference to p. 7-17, please describe the specific analysis that is planned and any that have already been done regarding the impact of the ATC project to the ocean and sea life, including the harbor seal population and oysters and cetaceans and sea otters. Noise affects wildlife in the ocean and the ocean itself during all phases of construction and operation. What data supports that less than significant impact will occur? What data from seismic surveys support that less than significant impact will occur?

**106-1****106-2**

Please state when story poles and specific data that describe how the noise and traffic and water use generated from the construction and operation of this project will be mitigated and over what specific periods of time.

**106-3**

Respectfully,

Jung Hwa Kim

Fwd: Request from Kleiss to extend the public review of DEIR of ATC building during this time of Covid Pandemic.

# Letter 107

Anastazia Aziz <aaziz@cityofpacificgrove.org>

Tue 9/29/2020 1:26 PM

To: R Mullane <rmullane@hrandassociates.org>; Alyson Hunter <ahunter@cityofpacificgrove.org>

Thank you.

## Anastazia Aziz, AICP | Director

City of Pacific Grove | Community Development Department

300 Forest Ave, 2nd Floor Pacific Grove, CA 93950

T: 831-648-3192 Main Reception: 831-648-3190

[www.cityofpacificgrove.org](http://www.cityofpacificgrove.org)

Due to COVID-19 [remote procedures](#) are in place to process City permits including building and planning permits. You can also view the Monterey County Health Officer's updated COVID-19 Shelter Order and FAQs [here](#).

----- Forwarded message -----

From: **Kerry Lindstrom** <[klindstrom@cityofpacificgrove.org](mailto:klindstrom@cityofpacificgrove.org)>

Date: Tue, Sep 29, 2020 at 11:46 AM

Subject: Fwd: Request from Kleiss to extend the public review of DEIR of ATC building during this time of Covid Pandemic.

To: Anastazia Aziz <[aaziz@cityofpacificgrove.org](mailto:aaziz@cityofpacificgrove.org)>

Public comment.

## Kerry Lindstrom, CMC

Deputy City Clerk

City of Pacific Grove

300 Forest Avenue, CA 93950

831-648-3109

*City Hall Business Hours: Mon - Thurs., 8am - 5pm. Closed on Fridays.*

----- Forwarded message -----

From: 'Jill c' via **City Council Members** <[citycouncil@cityofpacificgrove.org](mailto:citycouncil@cityofpacificgrove.org)>

Date: Mon, Sep 28, 2020 at 4:44 PM

Subject: Request from Kleiss to extend the public review of DEIR of ATC building during this time of Covid Pandemic.

To: <[citycouncil@cityofpacificgrove.org](mailto:citycouncil@cityofpacificgrove.org)>, <[dave@laredolaw.net](mailto:dave@laredolaw.net)>, <[heidi@laredolaw.net](mailto:heidi@laredolaw.net)>

Cc: Sally Aberg <[forthecolors@comcast.net](mailto:forthecolors@comcast.net)>, Lisa Ciani <[lisa.ciani@gmail.com](mailto:lisa.ciani@gmail.com)>

Dear Mayor and City Council Members,

Once again there is an opportunity for you to represent the residents. During this pandemic, with limited access to DEIR copies because copies are not available, or because residents are unable to access them due to their own health concerns in this pandemic. To provide full transparency, the public needs to have more time to review this extensive document and provide commentary. One extension was good. Another extension would mean that, perhaps, you do listen to the residents. Thank you for considering this request in such short notice.

Jill Kleiss

Sent from my iPad

107-1

**ATC Project Public Comments**

Janette Loomis <janetteloomis@hotmail.com>

Sun 9/27/2020 7:58 AM

To: citycouncil@cityofpacificgrove.org <citycouncil@cityofpacificgrove.org>; R Mullane <rmullane@hrandassociates.org>; Rob Mullane <rmullane@cityofpacificgrove.org>

Cc: Jan Loomis <janetteloomis@hotmail.com>

Dear Council and Mr. Mullane,

As a resident of Pacific Grove, I am deeply concerned about the proposed hotel slated for the American Tin Cannery site. While I am not opposed to a project to replace the decaying American Tin Cannery, I have serious concerns about this particular project. Here are my concerns, in no particular order:

1. The size and scale of the project and the resulting issues that surround a project of this size.
2. The potential disturbances of protected Harbor Seals and species of concern, Black Oystercatchers.
3. The lack of public space slated for the project.
4. The removal of 79 mature trees.
5. The lack of story-poles and adequate notification of the public.
6. The lack of transparency on the part of the City of Pacific Grove.

**108-1**

With the history of the previous hotel project being poorly managed but the City, it would seem to me that this project would have much more transparency and communication which has not been the case.

1. Size and scale of project. One has to ask the question, does the City of Pacific Grove truly need a hotel of this magnitude? With affordable housing and a lack of rentals within our city, is it wise to be adding a massive hotel? Have we adequately addressed the traffic issues (keeping in mind we already have a significant traffic issue on weekends, especially during holidays and summer)?

**108-2**

2. Animal disturbances. There does not seem to be a clear procedure for animal (Harbor Seals and Black Oystercatcher), disturbances, how they are documented and the subsequent action plan? The 'qualified biological monitor' is also not clearly defined. What makes a biological monitor qualified? Can they just be a local volunteer? City employee? This very important task will need to be managed by a professional biologist who specializes in animal disturbances.

**108-3**

3. Lack of public space. It appears that there is no public access for this project and no public space proposed. Why did the City not consider having commercial space (retail) on the ground floor with public spaces incorporated into the plan and then housing (condominiums, some affordable) above? What about the model such as the Ferry Building in San Francisco or Stanley Marketplace in (Aurora) Denver with added housing above?

**108-4**

4. Removal of established trees, the majority of these trees protected per code. How can the City allow this many trees to be removed and replaced with non-like trees (in 5 gallon containers?) Monterey Cypress are a native, important tree along our coastal area and the removal of these very old trees will take years to replace. Not only does this destroy nesting and migratory bird habitats, it removes trees that the City desperately needs to keep. Are the trees being removed for convenience for the developer? How can they claim these trees 'lack the stratified understory' and thus no longer be considered sensitive resources?

**108-5**

- 5 & 6. Lack of story-poles and adequate notification of the public. How can a project of this magnitude not mandate story-poles? How do adjacent communities (Pebble Beach Co.) for example, require story-poles for every new large project and we don't? Citing a safety issue is simply untrue. It begs the question what is this project hiding? And not marking the trees for removal during the timeline that the project requires?

**108-6**

There are just too many red flags for my comfort level and this lack of transparency on the part of the City is making me wonder what is really going on. I am asking please for an extension of the public comment period as the renderings have just gone up last week and the trees slated for removal remain unmarked.

**108-7**

In closing, I ask that all members of the City Council and Mayor carefully examine this project and listen very carefully to the public comments.

Respectfully,

**DEIR Response - American Tin Cannery Hotel Development (proposed))**

Michelle Raine &lt;mor1951x@gmail.com&gt;

Mon 9/28/2020 12:21 PM

To: citycouncil@cityofpacificgrove.org <citycouncil@cityofpacificgrove.org>; dave@laredolaw.net <dave@laredolaw.net>; heidi@laredolaw.net <heidi@laredolaw.net>; R Mullane <rmullane@hrandassociates.org>

**City of Pacific Grove**  
**Community Development Department**  
**300 Forest Avenue, 2nd Floor**  
**Pacific Grove, CA 93950**

**Attention: Rob Mullane, AICP, Consulting Planner**

Dear Mr. Mullane,

My name is Jim Raine. We bought a home in Pacific Grove in 2014 after I retired from the construction industry and from one of the largest drilling and blasting companies on the West Coast. During that time I worked on many development projects that required achieving subterranean elevations. During my employment, I worked with development plans, EIRs, the Army Corp of Engineers and with both Federal and State regulations and requirements to meet all regulations for these projects.

**109-1**

This is the first big project with Pacific Grove being the lead agency for a development in the Coastal Zone. They spent the last 2-3 years getting these plans and regulations written, yet are not following their newly approved Land Use Plan and policies, Local Coastal Plan and Implementation Plan policies and implementing ordinances and their own General Plan and policies.

This particular DEIR is vague in the actual methodology that will be used for the site preparation and removal of overburden and the bedrock to accommodate this 225 room hotel development and underground parking for 260 cars. After enumerating the problems, their conclusion is "less than significant impact" on almost every issue raised. Within the Geology and Soils section of the DEIR, the developers are emphatic that no drilling or blasting will be required. Years of experience in rock removal for development projects tells me that there is no way to achieve the elevations outlined without blasting. The environmental studies should have had a comprehensive drilling program to locate underground bedrock as part of this DEIR. Possibly the newest standard of using LIDAR to map underground rock formations could be employed. Without a comprehensive mapping of the bedrock formations, I don't see how the rock can be dismissed as insignificant. Drilling is mentioned for the project, but to what end? There is no explanation of what is being achieved because you don't just drill holes to have holes. Precise and accurate information on how much rock is proposed to be removed is necessary and will impact all the reports contained in this DEIR. Regardless of how the rock is ultimately removed there is no mention of seismic monitoring devices being placed at all nearby houses and businesses and on critical underground piping, such as sewer, gas and water. These are standards employed by most major earthmoving and construction companies when working in an urban environment. This is really necessary to protect not only the businesses and homes, but to show due diligence for the protection of person and property and help insulate against lawsuits that happen in these situations. The DEIR vaguely mentioned that if the elevations could not be met, they would pursue a different course which is not outlined and does not address any possible environmental and legal issues that would result from this change. This brings us back to the problem of not having an underground mapping of the rock to be removed.

**109-2**

I could find nothing about testing and studies for hazardous material in the soils. Since the building has been there for almost 100 years as an industrial business, testing should be done to determine if there are contaminants that can be brought up and released into the ocean through runoff from the site when the rains come. Hazardous materials cannot be released into our storm drains for ultimate release into the ocean and could result in a serious violation of regulations for discharge. This could also result in fines for the developer and the City and possibly other legal actions.

**109-3**

Traffic and road studies and mapping of the bedrock are inadequate to determine the actual number of truck trips to remove overburden, rock and demolition debris to an off-site disposal area and the many truck deliveries to the site. They list the number of tons of debris and overburden to be hauled, but without adequate mapping of the bedrock, these numbers cannot be accurate. Massive amounts of dirt, dust, road damage and noise will be generated during the 24 month construction period. Dampening and covering loads and cleaning trucks before leaving the site raises concerns of where that water washing will be done and if any hazardous materials will end up in the bay and could result in environmental violations. More testing and study must be done of the soils at depths involved in the excavation to test for hazardous materials and other toxic substances.

109-4

Adjacent to this proposed development are many beautiful homes. These property tax paying residents will not be happy with the noise, dust, hazardous materials, vibration and other problems with a large construction project next to their homes for a two year period. Even after construction is complete, living next to a huge hotel with outdoor lighting at night instead of the moon and stars is not a change that anyone is likely to be happy with in this beautiful residential neighborhood. I will not try to speak for them but will just let them submit their comments and lawsuits.

109-5

I now spend my days enjoying this beautiful area and volunteering as a shoreline naturalist. The marine mammal protection act violations and threat to the harbor seal rookery and haul out sites that this project will generate are dismissed as "not significant" in spite of the fact that these protections are enshrined in the recently enacted Local Coastal Plan, the Pacific Grove Land Use plan and General Plan.

I have prepared my own comments but want to join in and affirm the comments submitted by my wife, Michelle Raine, and those of Thom and Kim Akeman.

Thank you for your consideration of my comments.

James Raine  
1310 Buena Vista Avenue  
Pacific Grove, CA  
831 747-1666

**Federally protected species impacted by Hotel Project**

Joshua Reyes <reyesjoshuacruz@gmail.com>

Mon 9/28/2020 4:37 PM

To: R Mullane <rmullane@hrandassociates.org>; citymanager@pacificgrove.org <citymanager@pacificgrove.org>; citycouncil@cityofpacificgrove.org <citycouncil@cityofpacificgrove.org>; aaziz@cityofpacificgrove.org <aaziz@cityofpacificgrove.org>; ahunter@cityofpacificgrove.org <ahunter@cityofpacificgrove.org>; Kevin.Kahn@coastal.ca.gov <Kevin.Kahn@coastal.ca.gov>; alexandra.mccoy@coastal.ca.gov <alexandra.mccoy@coastal.ca.gov>; dave@laredolaw.net <dave@laredolaw.net>; heidi@laredolaw.net <heidi@laredolaw.net>

Hello,

There is serious concern that Sea Otters housed at Hopkins, under the parking deck of the back lot at the aquarium, and on the Roof of the main aquarium will be negatively impacted by the construction noises and day to day noise pollution brought on by the operation of the proposed hotel.

More often than not, otters pups are housed just across the street from the Tin Cannery.

Please acknowledge that you have been made aware of federally protected species in proximity to the site of the proposed hotel.

I would appreciate any information regarding what is known of the impact they will face.

Thank you

**110-1**

**ATC Hotel project**

jstarsolutions <jstarsolutions@aol.com>

Mon 9/28/2020 4:46 PM

To: R Mullane <rmullane@hrandassociates.org>

Dear Mr. Mullaney,

I'm writing as a local 16-year PG resident, currently living adjacent to the ATC on Dewey.

I was shocked to learn of the devastation planned to remove 100+ trees surrounding the ATC project, & surprised an actual Hotel is still in the works during these distressed times!

Having been in Hospitality Sales for over 40 years, 25 of which have been at hotels on the Monterey Peninsula, including Pebble Beach Resorts & Asilomar, I'm appalled that our community would support another competitive hotel property when so many existing hotels are struggling to remain open! There is "0" group business, so everyone is relying on transient business to fill them. And how do you think thats been going for properties like Asilomar which was an 85% group property? Not good, I assure you!

Also, how & where are the Coastal Commission's approvals for the removal of so many trees? They won't even allow Pebble Beach to cut up fallen trees, much less take a tree down unless its diseased, & these trees that I view out my window daily, are very healthy!

I've been retired for 2 years, & the thought of hearing daily construction for several years...not being able to open my windows to breath our fresh Monterey Bay air ...and see the devastation of historic trees...is unacceptable! Not to mention the dust particles traveling in the air that are sure to be filled with asbestos from that old structure...do you have a substantial contingency fund set aside to pay for my medical bills when I sue the City for negligence related to health issues from this construction project, or my estate sues upon my possible demise? Does that sound outrageous.... well can you 100% guarantee my health & safety from such a large project at my front door? No, I don't think so!

I assure you...I am going to be a very vocal resident & will not be quietly allowing another small town to fall into submission to corporate monies, all in the name of making more tax dollars for PG and at the expense of my well being, and that of my neighbors, & the beautiful Monterey pines!

WE DO NOT NEED ANOTHER HOTEL...WE DO NOT NEED TO DESTROY NATURE IN THE NAME OF GREED & TAXES!!! STOP THIS INSANITY NOW & GET CREATIVE WITH OTHER OPTIONS!

A VERY CONCERNED RESIDENT,

Jackie Shaffer  
841-277-8568

Sent from my Verizon, Samsung Galaxy smartphone

**111-1****111-2****111-3****111-4**

**Water Usage- Offsite Laundry Service - ATC Hotel - Public Comment**

Kimberly Brown &lt;thegoodkimberly@comcast.net&gt;

Sun 9/27/2020 4:09 PM

To: citycouncil@cityofpacificgrove.org <citycouncil@cityofpacificgrove.org>; citymanager@cityofpacificgrove.org <citymanager@cityofpacificgrove.org>; dave@laredolaw.net <dave@laredolaw.net>; heidi@laredolaw.net <heidi@laredolaw.net>; aaziz@cityofpacificgrove.org <aaziz@cityofpacificgrove.org>; ahunter@cityofpacificgrove.org <ahunter@cityofpacificgrove.org>; R Mullane <rmullane@hrandassociates.org>

Cc: alexandra.mccoy@coastal.ca.gov <alexandra.mccoy@coastal.ca.gov>; Kevin.Kahn@coastal.ca.gov <Kevin.Kahn@coastal.ca.gov>; Lisa Ciani <lisa.ciani@gmail.com>; jdittman@yahoo.com <jdittman@yahoo.com>

September 27, 2020

To All Concerned,

According to page 1179 of the Draft Environmental Impact Report, it is estimated that having laundry done at offsite facilities will reduce water usage by 3.06 AFY (8 pounds of laundry per room). There are 225 rooms projected. However, the calculation chart doesn't show projected water usage for the linens or the towels generated by the restaurant, pool, fitness club & spa. Therefore, the 3.06 AFY savings is invalid. Regardless of which entity does the laundry, the amount of water used doesn't change. The rendering to the public an accurate accounting of the water usage is the responsibility of the ATC Hotel no matter who does the laundry.

**112-1**

I hope you will take this into account in the Final Environmental Impact Report.

Sincerely,

Kimberly Brown  
Pacific Grove Resident and Registered Voter

EIR

Gersten <kevingersten@netscape.net>

Sun 9/27/2020 10:57 PM

To: R Mullane <rmullane@hrandassociates.org>; ahunter@cityofpacificgrove.org <ahunter@cityofpacificgrove.org>

Dear Mr. Rob Mullane,

Thank you for providing the opportunity to comment on the EIR and considering the following information/suggestions.

Data analysis can lead to incorrect conclusions if the improper assumptions are used. There are a number of issues with the data presented:

1. traffic analysis: This was performed on Nov 20, 2019. As this was the week before Thanksgiving, it represents an estimate of local only travel rather than including the typical volumes (local + tourist) the area sees. As a result, the data analysis significantly underestimates traffic issues for the area. During prime time (eg 3:00 pm -7:00 pm) in peak months it can take 30 minutes to travel by car on Central/Lighthouse from the Cannery to Fisherman's wharf (approx 1.5 miles). This creates gridlock on the adjoining/parallel streets. Failure to appropriately assess traffic levels that occur multiple months/year creates critical flaws in the current EIR's assessment of transportation/circulation, noise, and emergency evacuation.

113-1
2. noise: the measurement of noise at L2 on 9/13/19 is impacted by trash collection occurring at the Cannery during "nighttime" hours and typically is loud enough to wake up local residents. While this currently occurs once a week, similar events created by hotel deliveries/delivery traffic on Dewey/Sloat will significantly and negatively impact the adjacent residential areas. This could be mitigated in part by requiring pickups/deliveries at the planned Sloat dock to only occur from 9:00 am-5:00 pm on weekdays and 10:00 am - 5:00 pm on weekends. Preferentially using the planned secondary loading zone on Ocean or relocating the loading dock to the parking area off central would also minimize the impact (note these requirements would also aid adjacent residential access to/from their homes).

113-2
3. Parking: the EIR does not take into account the impact of the planned project on parking in adjacent residential areas. These areas will be significantly impacted (noise, traffic, decreased spots for resident use) during the 2 year construction phase (workers parking in these locations) as well as by hotel guests/employees looking to avoid paying for valet parking or lack of available hotel parking. These adjacent residential areas should become residential permit only parking with the hotel responsible for providing parking for construction workers, hotel guests/employees and meeting coastal access requirements. The EIR already discusses how hotel parking planning/promises fail to meet expectations (Clement-Monterey). The Ritz Carlton in Half Moon Bay is another regional example (promised but failed to provide parking for local access). It should also be noted that the "worst case hotel parking" scenario will occur more frequently than presented given the large number of significant tourist events that occur in the area (Concours, Big Sur Marathon, Pebble Beach Food and Wine Festival, Monterey Jazz festival, etc)

113-3

Sincerely,

Kevin Gersten

**I oppose the American Tin Project Proposal**

Kristen K &lt;kmkelle.mail@gmail.com&gt;

Mon 9/28/2020 2:50 PM

To: R Mullane &lt;rmullane@hrandassociates.org&gt;

Hi,

I'm writing to voice my opposition to the current development proposal for the American Tin Cannery. As a PGHS student, I had several summer jobs there, and have lived and worked in the neighborhood on and off since the 80's.

The proposed development is far too big. Both the number of rooms and the form factor of the building are ridiculous for the location. Please join me in opposing this project, which seems poised to dwarf Project Bella in its disastrousness.

Thanks,

Kristen Kelleher  
3rd Edition, Pacific Grove

**114-1**

Attention Mayor and Council

Karin <wisteriagma@comcast.net>

Mon 9/28/2020 1:18 PM

To: R Mullane <rmullane@hrandassociates.org>; citycouncil@cityofpacificgrove.org <citycouncil@cityofpacificgrove.org>; dave@laredolaw.net <dave@laredolaw.net>; heidi@laredolaw.net <heidi@laredolaw.net>

Cc: lisa.ciani@gmail.com <lisa.ciani@gmail.com>; Wendi Giles <wendigiles510@gmail.com>; Luke Coletti <ljc@groknet.net>

Regarding the ATC Site, I stand with Lisa and her tireless advocacy for a project review. The size is outrageous.

The project is:

way over-sized

not compatible with the character of PG, even though it will become the Lighthouse Avenue entrance to the City

destroys much of the significant historic buildings where the cans were manufactured for the canning industry on Cannery Row

intends to haul off the reinforced concrete from those well-built structures to the landfill instead of re-using all the historic buildings

clears the site of its entire tree population—79 mature trees, including 52 Monterey cypresses—to be replaced by mostly commercial landscaping type trees and NO Monterey cypress, although they take credit on their landscaping plan for 3 existing cypresses on a neighboring property, page 84/490, volume 1)

excavates dense granite for underground parking right across the street from harbor seal habitat and bird rookeries for 9 to 10 weeks at the start of construction;

noise mitigations surely are not realistic! Even the DEIR's Geological Report states that more geological investigation is needed to "develop design-level geo-technical recommendations and criteria for planning, design, and construction" and "to better understand the economics" of construction. (Appendix G, pages 373-381/1189, volume 2). This is hardly reassuring! Think seismic impacts!

no one yet knows what this extent of excavation would encounter (remember that the original Chinese fishing village was located right here!)

two swimming pools are a rather absurd amenity in PG's summer weather / fog

the City should not allow a city street (Sloat Avenue) to be used for the project, even with a lease agreement

the traffic problems the project would create both during construction and once the hotel is in operation

the proposal currently has no solution to providing affordable visitor accommodations as required by the Local Coastal Program

and what about sea water rise?

environmental destruction beyond belief — for both land and sea creatures, both during construction and forevermore

Historical degradation of one of the last remnants of our area's fish canning era

Traffic problems beyond description — keep in mind, the Aquarium is right there across from the ATC site

All of this mass would sit at the entrance to Pacific Grove.

Just imagine the traffic at Lighthouse and Central and at Lighthouse and David!

115-1



Thank you for your time,

Karin Locke

Pacific Grove resident

**"We're reaching the point where the Earth will have to end the burden we've placed on her, if we don't lift the burden ourselves."**

— Steven M. Greer

Sent from [Mail](#) for Windows 10

American Tin Cannery Project

Karen Neyman <kenrietto@yahoo.com>

Sat 9/26/2020 9:09 PM

To: R Mullane <rmullane@hrandassociates.org>; ahunter@cityofpacificgrove.org <ahunter@cityofpacificgrove.org>

I have a few concerns about the American Tin Cannery Project:

- 116-1

1. Removal of healthy mature trees (Lets keep the Grove in PG!)

2. Potential Impact of drilling to the harbor seals that call Hopkins (both West and East beaches) home!

3. Traffic Impact in an already congested area.

Keep it to scale! No doubt Pebble Beach will do a classy job with the resort/ conferance facility, but if you can't put up the story poles, sort of feels like maybe the plan is inappropriately big.

116-2

Thanks for listening!

-Karen Neyman  
910 Short Street  
Pacific Grove

*Your Focus Determines Your Reality*

# Letter 117

Fwd: American Tin Cannery EIR comment

Alyson Hunter <ahunter@cityofpacificgrove.org>

Mon 9/28/2020 5:04 PM

To: R Mullane <rmullane@hrandassociates.org>

Thank you,

**Alyson Hunter, AICP | Senior Planner**

City of Pacific Grove | Community Development Department

300 Forest Ave, 2nd Floor Pacific Grove, CA 93950

T: 831-648-3127 Main Reception: 831-648-3183

[www.cityofpacificgrove.org](http://www.cityofpacificgrove.org) | Planning website: [www.cityofpacificgrove.org/planning/](http://www.cityofpacificgrove.org/planning/)

Due to COVID-19 citizens are strongly encouraged to conduct City business via email and phone. Remote procedures are in place to process City permits including building and planning permits.

<https://www.cityofpacificgrove.org/sites/default/files/general-documents/community-development/remote-procedures050420.pdf> You can view the Monterey County Health Officer's updated COVID-19 Shelter Order and FAQs [here](#).

----- Forwarded message -----

From: **KL Parker** <[klparker@berkeley.edu](mailto:klparker@berkeley.edu)>

Date: Mon, Sep 28, 2020 at 4:59 PM

Subject: American Tin Cannery EIR comment

To: <[heidi@laredolaw.net](mailto:heidi@laredolaw.net)>, <[dave@laredolaw.net](mailto:dave@laredolaw.net)>, <[alexandra.mccoy@coastal.ca.gov](mailto:alexandra.mccoy@coastal.ca.gov)>, <[Kevin.Kahn@coastal.ca.gov](mailto:Kevin.Kahn@coastal.ca.gov)>, <[ahunter@cityofpacificgrove.org](mailto:ahunter@cityofpacificgrove.org)>, <[aaziz@cityofpacificgrove.org](mailto:aaziz@cityofpacificgrove.org)>, <[citycouncil@cityofpacificgrove.org](mailto:citycouncil@cityofpacificgrove.org)>, <[citymanager@pacificgrove.org](mailto:citymanager@pacificgrove.org)>

To whom it may concern:

My family and I are new transplants to Pacific Grove, and have learned there is a proposed project underway at the American Tin Cannery location.

I'm emailing to ask for a *proper* public comment period as required by law, and that the city extend the comment period beyond today.

Covid-19 had decimated the tourism and travel industry. Relevant think tanks have even declared there is no known period when this industry will recover. Ergo, please follow the law and extend the comment period to allow the community to read through & digest the 700+ pages of EIR.

Gratefully,  
K.L. Parker

117-1

## Proposed American Tin Cannery Project

Wilda Northrop <wildayikes@aol.com>

Sun 9/27/2020 5:23 PM

To: R Mullane <rmullane@hrandassociates.org>

Cc: citycouncil@cityofpacificgrove.org <citycouncil@cityofpacificgrove.org>; citymanager@cityofpacificgrove.org <citymanager@cityofpacificgrove.org>

 1 attachments (107 KB)

Hotel Project Info.pdf;

Dear Sirs,

We have been residents of Pacific Grove for 46 years. Our children went to school here, and we have always been involved with the heritage and the value of this unique town.

We have received information about this project that is very upsetting to us for the reasons mentioned in the attached pdf file.

Respectfully,

Lowell and Wilda Northrop  
312 Central Ave  
Pacific Grove, CA

Sent from my iPad

118-1

The **largest, most quality-of-residential-life-changing project ever to hit Pacific**

**Grove** (yes, even more so than Nader Agha's original hotel plan—remember NO ON F?)

Far too many Pagrovians are still totally unaware of this proposed hotel...and there are reasons that this is so.

The hotel developers and the City do not want any resistance to this project.

They don't want us to respond to the Draft Environmental Impact Report (DEIR).

But if we do not express our dismay, it will appear that our quiet "City of Homes" does not oppose their plans.

Think of this new proposal, known as the American Tin Cannery (ATC) Hotel Project, as "The Original Bella Project, on Steroids."

**What does this project look like?**

118-1  
Cont

118-2

225 rooms  
3-stories height  
See picture attached below.

## **What does this project demand?**

Removal of over 79 trees (including protected Monterey Cypresses)

Excavation through solid bedrock for 260 underground parking spaces

“Take-over” of one block of Sloat Avenue (the portion currently behind the ATC building, turning it into a Service Entrance)

Construction time is estimated at two years

**YIKES!**

The DEIR is in TWO VOLUMES!

Volume One runs 490 pages.

Volume Two runs over 1,000 pages in Technical Reports.

**What was this project allowed a free pass on —things that are required of all other construction projects in PG?**

No story-poles—not even the helium balloons that were so useful in revealing the Holman Hotel project’s mass

No tree ribbons to call out these natural environment losses

118-3

**What will this project “gift” to Pacific Grove (besides new tax revenue, which in this New Covid World Order of greatly diminished travel, is no longer a given!)?**

Environmental destruction beyond belief — for both land and sea creatures, *both during construction and forevermore*

Historical degradation of one of the last remnants of our area’s fish canning era

118-4



Traffic problems beyond description — keep in mind, the Aquarium is right there across from the ATC site

118-4  
Cont

All of this mass would sit at the entrance to Pacific Grove.

Just imagine the traffic at Lighthouse and Central and at Lighthouse and David!

The champion “resisters” in my eyes, who all together have worked hundreds of hours already on behalf of PG residents, finally won their argument that the City MUST erect large-scale renderings of this project’s plans in order to notify the public of what’s intended for this huge site.

118-5

You can go and view these two “displays” for approximately the next 48 hours on one of two corners of this development area: one near the dry cleaners across from Vivolo’s Chowder House and the other at the back corner of Nob Hill Market and Ocean View.



NOTE: And had those champion “resisters” I mentioned just above not worked tirelessly to get the deadline extended until September 28 at 5 pm, our comments would have been due on September 14, *before* any large-scale renderings had been available for us to study!

118-5  
Cont

Don’t despair. Even though only the “champions”—with their extensive professional knowledge—have taken the time to go through the entire DEIR page by page, you don’t need to.

**The project is:**  
  
**way over-sized**

118-6



**not compatible with the character of PG,  
even though it will become the Lighthouse  
Avenue entrance to the City**

**destroys much of the significant historic  
buildings where the cans were manufactured  
for the canning industry on Cannery Row**

**intends to haul off the reinforced concrete  
from those well-built structures to the landfill  
instead of re-using all the historic buildings**

**clears the site of its entire tree population—  
79 mature trees, including 52 Monterey  
cypresses—to be replaced by mostly  
commercial landscaping type trees and NO  
Monterey cypress, although they take credit  
on their landscaping plan for 3 existing  
cypresses on a neighboring property, page  
84/490, volume 1)**

**excavates dense granite for underground  
parking right across the street from harbor**

seal habitat and bird rookeries for 9 to 10 weeks at the start of construction; noise mitigations surely are not realistic! Even the DEIR's Geological Report states that more geological investigation is needed to "develop design-level geo-technical recommendations and criteria for planning, design, and construction" and "to better understand the economics" of construction. (Appendix G, pages 373-381/1189, volume 2). This is *hardly reassuring*! Think seismic impacts!

no one yet knows what this extent of excavation would encounter (remember that the original Chinese fishing village was located right here!)

two swimming pools are a rather absurd amenity in PG's summer weather / fog



**the City should not allow a city street (Sloat Avenue) to be used for the project, even with a lease agreement**

**the traffic problems the project would create both during construction and once the hotel is in operation**

**the proposal currently has no solution to providing affordable visitor accommodations as required by the Local Coastal Program**

**and what about sea water rise?**

## Re: ATC DEIR

Lisa Ciani &lt;lisa.ciani@gmail.com&gt;

Sat 9/26/2020 3:36 PM

To: R Mullane &lt;rmullane@hrandassociates.org&gt;

Cc: citycouncil@cityofpacificgrove.org &lt;citycouncil@cityofpacificgrove.org&gt;; Ben Harvey &lt;citymanager@cityofpacificgrove.org&gt;; dave@laredolaw.net &lt;dave@laredolaw.net&gt;; heidi@laredolaw.net &lt;heidi@laredolaw.net&gt;; Anastazia Aziz &lt;aaziz@cityofpacificgrove.org&gt;

Rob,

Thank you for your email.

Today, September 26th, you are promising an update on the anticipated timing of ribbons being placed on the trees that we were first assured on September 3rd would be arranged. That was well ahead of the public review deadline of September 28th. And on September 18th, you wrote to my husband regarding the on-site displays:

"The applicant team hopes to have these [full-sheet size displays of the project's renderings] installed sometime next week - most likely in the first half of the work week. City staff can also include a notice that these displays have been installed and where to view them on the bulletin board outside City Hall and on the website sometime next week. If any of these plans change, I can provide you with another update."

My husband has not been updated on a change in the noticing plans. I see no notice about the displays on either the CEQA website or the ATC webpage, and there is no notice on the City Hall bulletin board as of 2:15 this afternoon about the installation of the displays. Granted, you only said City staff "can" provide those notices. But the implication was that staff would do so. In any case, there will obviously be no notice until the public review deadline at best. And what are the chances of anyone seeing notices in time to check out the displays and respond before the 5:00 deadline if notices are posted on Monday? The City is not acting in good faith to inform the public about the project.

With the public review period for the DEIR ending on Monday, there are currently no tree ribbons despite their being required by the LCP for the visual analysis, as I documented yesterday, and therefore required for the DEIR Aesthetics section, to show the general public the trees to be removed. And there are only two full display boards at the huge project site (Eardley at Sloat, Ocean View at Eardley), posted Thursday afternoon, and only 1/4 of a display board on Central Avenue, posted late Thursday or Friday, so that the project is only partially displayed there, and the display is below eye level and difficult to "read". The Central Avenue elevation rendering is the only one displayed in the parking lot on Central; the renderings of the other three elevations (Ocean View, Eardley, and Dewey) are not provided there. The Central Avenue rendering is the one with a combination of dawn and dusk lighting depicted, with a mysterious shadowed area in the middle. Consequently, the rendering makes the existing buildings imperceptible, and therefore doesn't allow for a meaningful comparison of neighboring and proposed buildings. In any case, renderings of all 4 elevations need to be posted at that location, at eye level.

The public needs to have a reasonable amount of time to discover and study the on-site displays before the public review period closes. THE PUBLIC REVIEW PERIOD NEEDS TO BE EXTENDED to be two weeks beyond the date when the applicant provides the public with at least three COMPLETE display boards, which are a poor substitute for story poles as it is, AND ribbons on the trees that are proposed for removal.

Lisa

> On Sep 26, 2020, at 7:12 AM, R Mullane <rmullane@hrandassociates.org> wrote:

>

> Lisa,

>

> Thank you for this additional comment. I will follow up with the applicant team and get an update on the anticipated timing of affixing ribbons to the trees proposed for removal.

>

> Rob Mullane, AICP, Consulting Planner

>

> HR & Associates

> Phone: (805) 350-3282

> email: rmullane@hrandassociates.org

>

119-1

>  
> From: Lisa Ciani <lisa.ciani@gmail.com>  
> Sent: Friday, September 25, 2020 3:21 PM  
> To: R Mullane <rmullane@hrandassociates.org>  
> Cc: citycouncil@cityofpacificgrove.org <citycouncil@cityofpacificgrove.org>; Ben Harvey  
<citymanager@cityofpacificgrove.org>; dave@laredolaw.net <dave@laredolaw.net>; heidi@laredolaw.net  
<heidi@laredolaw.net>; Anastazia Aziz <aaziz@cityofpacificgrove.org>  
> Subject: Re: ATC DEIR  
>  
> Rob,  
>  
> I found two posters with renderings from the DEIR, one on Ocean View Blvd near Eardley and one on Eardley at Sloat—the same misleading renderings as in the plans, and not very large. I could see no poster on Central Ave when I drove slowly by there twice, but my husband finally located the inconspicuous poster. It shows only one of the four views that are displayed on the other posters, the twilight view from Central. In other words, it doesn't display the whole project. This is not a good faith effort to provide an alternative to story poles. It's further evidence of the City's and/or applicant's reluctance to inform the public about this project.  
>  
> Furthermore, I see NO ribbons on trees as required in LCP IP section 23.90.160.B.1.c, despite your writing to my husband on September 3rd the following:  
>  
> "Thank you for noting the tree-marking component for trees proposed for removal. I will be contacting the applicant team to have them make arrangements for such tree-marking."  
>  
> Where are the required tree ribbons?  
>  
> As a reminder, IP section 23.90.160, which is now part of PG's municipal code, states:  
>  
> "B. Applications for Development in Scenic Areas. The following documentation and requirements shall be provided for all CDP applications within scenic areas, including those mapped in LUP Figure 4; all development on, seaward, or visible from Ocean View Boulevard, Sunset Drive, and the pedestrian recreational trails seaward of these roads; and any other development that may adversely impact public views:  
>  
> "1. Site-specific Visual Analysis. At a minimum, the visual analysis shall include the following:....  
>  
> "c. When trees defined as major vegetation are proposed for removal, ribbons showing the location of the removal MUST be installed." (emphasis added)  
>  
> Monterey cypress, all 52 of them, and most of the other trees slated for removal (79 trees in total), fit the definition of major vegetation in the LCP and/or "protected" trees in the City's municipal code.  
>  
> Perhaps you are at a distance and unaware of the lack of follow-through on the part of the "applicant team". I do not believe the City is doing its job effectively if it is not confirming the applicant's follow-through. And I do not believe the citizens of Pacific Grove are getting the information that's legally required at the DEIR phase in order to understand this project and its impacts.  
>  
> Lisa  
>  
>  
> > On Sep 24, 2020, at 12:23 PM, R Mullane <rmullane@hrandassociates.org> wrote:  
> >  
> > Lisa,  
> >  
> > I was forwarded your September 22nd email to the Mayor and City Council and wanted to provide an update on the on-site displays that are being installed for the American Tin Cannery Hotel and Commercial Project.  
> >  
> > The displays along the Ocean View Boulevard and Eardley Avenue frontages should be up later today, if they are not already. A third display will be installed in the parking lot next to DiMaggio's Cleaners on Central Avenue this afternoon. Please have a look at the displays and see if they are helpful additions to the figures included in the Draft EIR.

119-1  
Cont



> >  
> > Hearings on the project are anticipated to start next month. You have been placed on the list of interested parties to ensure receipt of any upcoming hearing notices. You may also monitor the City's American Tin Cannery Hotel webpage for updates on the project. The direct link to that page is:  
> > <https://www.cityofpacificgrove.org/living/community-development/planning/american-tin-cannery-atc-hotel-and-commercial-project>  
> >  
> > Thank you again for your comments and participation.  
> >  
> > Rob Mullane, AICP, Consulting Planner  
> >  
> > HR & Associates  
> > Phone: (805) 350-3282  
> > email: [rmullane@hrandassociates.org](mailto:rmullane@hrandassociates.org)  
> >  
> >  
> > From: Alyson Hunter <[ahunter@cityofpacificgrove.org](mailto:ahunter@cityofpacificgrove.org)>  
> > Sent: Tuesday, September 22, 2020 2:47 PM  
> > To: Heidi Quinn <[heidi@laredolaw.net](mailto:heidi@laredolaw.net)>; R Mullane <[rmullane@hrandassociates.org](mailto:rmullane@hrandassociates.org)>  
> > Cc: Anastazia Aziz <[aaziz@cityofpacificgrove.org](mailto:aaziz@cityofpacificgrove.org)>  
> > Subject: Re: FW: ATC DEIR  
> >  
> > Thanks - I'm forwarding to Rob and filing.  
> >  
> > Thank you,  
> >  
> > Alyson Hunter, AICP | Senior Planner  
> > City of Pacific Grove | Community Development Department  
> > 300 Forest Ave, 2nd Floor Pacific Grove, CA 93950  
> > T: 831-648-3127 Main Reception: 831-648-3183  
> > [www.cityofpacificgrove.org](http://www.cityofpacificgrove.org) | Planning website: [www.cityofpacificgrove.org/planning/](http://www.cityofpacificgrove.org/planning/)  
> > -----  
> > Due to COVID-19 citizens are strongly encouraged to conduct City business via email and phone. Remote procedures are in place to process City permits including building and planning permits.  
> > <https://www.cityofpacificgrove.org/sites/default/files/general-documents/community-development/remote-procedures050420.pdf> You can view the Monterey County Health Officer's updated COVID-19 Shelter Order and FAQs here.  
> >  
> >  
> >  
> > On Tue, Sep 22, 2020 at 2:39 PM Heidi Quinn <[heidi@laredolaw.net](mailto:heidi@laredolaw.net)> wrote:  
> >  
> >  
> >  
> > From: Lisa Ciani <[lisa.ciani@gmail.com](mailto:lisa.ciani@gmail.com)>  
> > Sent: Tuesday, September 22, 2020 12:39 PM  
> > To: [citycouncil@cityofpacificgrove.org](mailto:citycouncil@cityofpacificgrove.org); David Laredo <[dave@laredolaw.net](mailto:dave@laredolaw.net)>; Heidi Quinn <[heidi@laredolaw.net](mailto:heidi@laredolaw.net)>  
> > Subject: ATC DEIR  
> >  
> >  
> > Dear Mayor Peake and Council Members,  
> >  
> > I spoke at the September 16th Council meeting about what appears to be a deliberate effort to keep the public in the dark about the ATC hotel project, the draft EIR for that project, and the size and scale and view impacts of that project. You must be aware that a hotel project at ATC is a matter of significant public interest and that it requires greater than usual effort to get the word out during COVID-19 restrictions. But instead, the City has been reluctant to expend any effort on transparent practices. They did not even provide the online notice on the City's homepage that is normally afforded to DEIRs of this level of public concern.  
> >  
> > Yesterday, for the first time, the City posted on their homepage the only notice they've posted there about the DEIR for the ATC hotel project—the Revised Notice of Availability—with a week remaining for public comment! They actually posted it twice, for good measure, as you can see in the screenshot below. The notices are dated September 21st, so there's no mistaking how

119-1  
Cont

delayed the posting is—the DEIR was released on July 30th, with no Notice of Availability posted on the homepage until yesterday's revised version. As long as I can remember, the City has always posted DEIRs for important projects in the NEWS section on the homepage—when they were released, not when the public review period was almost over. During COVID-19 restrictions, the May 28th Perkins Park Landscape Plan Community meeting was posted in the News section of the homepage—is the ATC hotel project not that important? CEQA review is a process that's supposed to encourage the public's input to help assure that all the potential adverse impacts are analyzed and mitigated. The last newspaper article about the ATC project was in February. How transparent has the City been with regard to the ATC DEIR?

> >

> > And we're still waiting for alternatives to story poles, which have been deemed too dangerous—perhaps too dangerous for residents to see....?

> >

> > Sincerely,

> > Lisa Ciani

> >

> > <Screen Shot 2020-09-21 at 8.33.03 PM.png>

**119-1  
Cont**

September 28, 2020

Rob Mullane, AICP, Consulting Planner  
Community Development Department  
City of Pacific Grove  
300 Forest Avenue Pacific Grove, CA 93950  
Via email: [rmullane@hrandassociates.org](mailto:rmullane@hrandassociates.org)

**RE: American Tin Cannery (ATC) Hotel and Commercial Project - Draft Environmental Impact Report (DEIR) Public Comment**

Dear Rob:

I appreciate the opportunity to comment on the draft EIR for the ATC hotel and commercial project in hopes that a better project will result from my comments and those of others.

While a hotel/commercial project could be an acceptable use of the ATC property, particularly as an adaptive reuse of the historic buildings there, the massive design of the proposed project creates significant adverse impacts of many different kinds: aesthetic, air quality, biological resources, historic resources, energy conservation, geology, greenhouse gas emissions, noise & vibration, transportation and circulation, and utilities, at the least.

120-1

The City and/or applicant has failed to provide any representation of the project on the site to notify the public until finally erecting 2 ¼ display boards 3 or 4 days before the close of the public review period. They've been unwilling to provide story poles, or any alternative that would provide sufficient information to the public, especially during COVID-19 reductions in travel around town by responsible residents. And they've failed to put the legally required ribbons on trees per LCP IP Section 23.90.160. All of this is a strong indication that there is a major insensitivity to the community character of Pacific Grove and to the concerns of its residents. Legal notice in the newspaper has not been seen by anyone I've talked to. Getting hard copies of the DEIR made available to the public, as would normally be possible at the Library, required persistent pressure by citizens. Below is a timeline of the City's slow "progress" toward informing residents in a minimal way about the project.

120-2

**TIMELINE:**

**July 30** – DEIR released, online only, with September 14 public comment period end date; NOT posted on City's homepage

(The Notice of Availability on the City's CEQA page reads with respect to hard copies: "If individuals would like to purchase their own hard copy of either or both volumes of the document, City staff is working with the FedEx Office located at 799 Lighthouse Ave. in Monterey (Tel: 831.373.2298) to arrange for printed copies to be purchased. Individuals wanting to obtain hard-copies of the Draft EIR should contact FedEx staff directly to make arrangements and note that this is for the City of Pacific Grove's American Tin Cannery Hotel and Commercial Draft EIR." (FedEx personnel at that location are currently emphatically not

120-3



aware of this arrangement but upon request, indicated that the cost to print a color copy of a 1,700-page document would be \$910.05 plus binding.)

**August 17** – Member of public who requested a hard copy due to lack of a computer was told none would be made available.

**August 20** – R. Mullane reported that COVID-19 guidance OPR provides on their CEQA page acknowledges that given the current COVID-19 situation, it is not possible to meet all of the normal provisions for making a printed version of a CEQA document available for public review; nevertheless, City of PG decided to make one hard copy available for 5-day checkout from the police station following public comment at City Council meeting. (Note: CEQA COVID-19 guidance expired on June 21, 2020, more than a month before the DEIR was released.)

**August 21** – Notice of availability of hard copy posted online

**August 26** – Notice of availability of hard copy not yet posted on outdoor City Hall bulletin board (for those who have no computer, the ones who would most need a hard copy)

**September 3** – Public comment period extended to September 28; R. Mullane requested applicant make arrangements for tree ribbons per LCP IP Section 23.90.160, and said request for story poles is being considered, but renderings in plan set were considered sufficient to convey size and scale of proposed buildings.

**September 8** – R. Mullane again reported City staff would confer about installation of story poles.

**September 14** – R. Mullane reported City staff determined story poles should not be installed due to safety considerations per Building Official's 9/9/20 memo in response to Director Aziz's request; staff looking at providing other visual exhibits.

**September 18** – R. Mullane reported applicant preparing full-sheet size displays of plan renderings

**September 24** – Two on-site displays installed (on Ocean View near Eardley, and on Eardley near Sloat) in the afternoon with renderings of four elevations, and a third on Central with a rendering of a single elevation—public notice was not posted online or on City Hall bulletin board as promised

**September 26** – R. Mullane reported "update on the anticipated timing of affixing ribbons to the trees proposed for removal" would be requested from applicant (see Sept. 3 report from RM when tree ribbons were first requested of applicant).

**September 28** – Public review period for ATC DEIR is due to end – no ribbons have been provided on trees slated for removal

120-3  
Cont

## AESTHETICS

I disagree with AES-1 asserting no significant impact in terms of affecting or altering views as seen from a scenic vista. In fact, views from the Recreation Trail and the water would be

120-4



adversely impacted by the massive development. There are adverse impacts to aesthetic/scenic resources of many different types:

- 1) Demolition of historic buildings and the context they provide—historic resources are aesthetic/visual resources (LCP LUP SCE-3) and their demolition or defacement would result in the loss of historic visual resources;
- 2) Removal of the entire tree population of the property, including a total of 52 Monterey cypress trees, which are supposed to be preserved as character-defining trees for Pacific Grove—Monterey cypress stands are supposed to be maintained and enhanced in the Coastal Zone, and replanting of the same species in the same vicinity is required (LCP LUP BIO-7, BIO-18, BIO-19);
- 3) Views from Central Avenue to the sea, which are currently filtered through beautiful stands of “character-defining” Monterey cypresses, will be replaced with views through and around 3-story new buildings (since there are no story poles to give a real-life representation of the views, the photo simulations in the DEIR have to suffice, and they give a negative impression);
- 4) The massive design is out of character with Pacific Grove’s small town, low-scale residential character (General Plan, Land Use, Chapter 2; LCP LUP Section 3.1 Community Design) and needs to be broken up to allow for smaller components and preservation of a majority, if not all, of the character-defining and “protected” trees.

**120-4  
Cont**

The analysis of aesthetics completely ignores LCP policy SCE-3, which states, “Where appropriate, protect special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses or are locally important historic areas.” Clearly, the gateway to Pacific Grove on the northeast, from the Cannery Row area of Monterey is an area of historic importance, not just locally, but also of statewide (see Page & Turnbull “Historic Resources Technical Report”) and national significance.

**120-5**

The setting and the surrounding area include:

- the site of the old Chinese fishing village where ATC and Hopkins Marine Station (HMS) are sited, and the Early Chinese Fishermen’s interpretive panel on a granite boulder along the HMS fence;
- the adaptive reuse of Hovden Cannery for the Monterey Bay Aquarium, and the adjacent Cannery Row;
- the historic Monterey Boatworks building and two historic fishing boats, at HMS, which also includes the historic Agassiz Hall and other buildings being considered for historic designation (such as Loeb Hall).

**120-6**

Pacific Grove benefits from the tourists who want to enjoy the tranquility and natural beauty of PG's rustic Recreation Trail and coastal trail beyond that, in contrast to the concrete expanse of Monterey's section of Recreation Trail or pedestrian- and traffic-congested Cannery Row.

In this humble historic setting, Pacific Grove needs a hotel and commercial project that would re-use the well-built and well-designed buildings, both those identified as historic and the NAFI building (Building #3) which is not yet identified as historic. Simply re-using part of the Can Company building and the office building (#0, Archie's) strips the American Can Company complex of its significance. Sloat Avenue needs to remain a public street to preserve the traffic lane when Ocean View is backed up, with the trees remaining along the street. Sloat can be bridged, as it is now, which is compatible with the historic character of the site. Retaining Sloat as a public street would break up the huge mass of the project and preserve aesthetic resources as well as retaining the public's right-of-way.

120-7

AES-3 regarding glare reduction provides no evidence that the non-reflective glass would be sufficiently effective to reduce the effects of glare from all that glass.

120-8

There is no Coastal Community Character Assessment in the DEIR per LCP IP Section 23.90.180.C.1, and the lack of this assessment is compounded by the lack of story poles (deemed unsafe, yet with no evidence that a story pole contractor was consulted). There is no justification for the determinations that the visual impacts are less than significant. The significance criteria in DEIR section 5.6.1 state that:

"An impact of the project would be considered significant and would require mitigation if it would meet one or more of the following criteria.

- Cause a substantial adverse effect on a scenic vista.
- Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway.
- Substantially degrade the existing visual character, coastal scenic resources, or quality of public views of the site and its surroundings. (Public views are those that are experienced from publicly accessible vantage points.)"

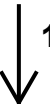
This project would substantially degrade the existing visual character, coastal scenic resources, and quality of public views of the site and its surroundings, including trees and historic buildings, as described above.

120-9

#### **AIR QUALITY:**

There will be dust, extravagant amounts of it due to the wasteful plan to remove useful reinforced concrete buildings, two of them that are identified as historic (part of Building #1 is

120-10



proposed for removal), and the other which qualifies as historic as well, based on my experience writing the historical report for the submission of a successful nomination form to the National Register. Removal of a significant portion of Sloat Avenue may also contribute to production of dust.

If the demolition work is done during wildfire season, which could be an extended season like we've experienced this year, then we may have copious amounts of dust mixing with smoke from wildfires. A plan is needed to NOT generate dust when AQI is above 50, for public safety. Since work interruptions would likely be very costly, it would be prudent to plan on not creating excessive amounts of dust. That could be accomplished by designing a smaller, more compatible project, more consistent with the historic context of the canneries for which ATC, the American Can Company, supplied the cans. This would allow the dust to be reduced to a minimum.

120-10  
Cont

#### **BIOLOGICAL RESOURCES:**

##### **1) TREES:**

The Mitigation Measures are not consistent with the Biological Resources Technical Memorandum and Habitat Assessment and the Tree Resource Assessment and Preliminary Landscape Plan, and it is very difficult to go back and forth to figure out how to address the inconsistencies.

Regarding trees, while the Preliminary Landscape Plan gives the impression that the 79 trees to be removed for construction will be replaced 1:1, although not with comparable trees, in fact the Mitigation Measure in MM BIO-3.2 allows for payment of In-Lieu Fees instead of tree replacement, or "replacing" somewhere else. In other words, the applicant can wipe out the urban forest, the entire tree population, on this huge property at a highly scenic and focal entrance to the City on the coastal road and across the street from Monterey Bay and plant trees that are not at all comparable to the character-defining and "protected" trees being removed, AND/OR pay an in-lieu fee to plant trees somewhere else, or not even that.

Removing the entire tree population of the property, 79 mature trees (or 86, depending on the section you read), is a highly insensitive plan, particularly ignoring the protected status of stands of iconic Monterey cypress, 52 total, as well as other native and otherwise beneficial trees. The design shows little sensitivity to the building site, with no plan that would preserve the cypress stands. It would just clear the site of all the "protected" trees and any others. This aspect of the project alone is devastating to community character. (The trees have been neglected by the property owners, as have

120-11



the buildings, and all would benefit from reasonable care.) I see no explanation of why the Biological and Tree Resource Assessments both speak of 86 trees to be removed, rather than 79, including 59 Monterey cypresses and 4 Coast live oaks. And the biologist states, “The project will remove a portion of the City’s urban forest.” This violates the City’s responsibility for protecting its urban forest and Pacific Grove’s community character.

Also, the Preliminary Landscape Plan lists 3 existing Monterey cypresses that are NOT on the project site. They’re on a neighboring property, and it’s duplicitous to include them on the project’s landscape plan. There are NO Monterey cypress trees planned to remain on the property—none of the existing trees, and no replacement trees. The stands of cypresses that are so characteristic of Pacific Grove’s coastline and provide a wonderful sense of PG from Central Avenue, and a historic ambiance, would all be destroyed, along with every other tree on the property. The City’s short-sighted plan to let the applicants incorporate a portion of Sloat Avenue into their project is part of the problem. Sloat Avenue needs to remain a public street. The trees need to remain along the street. Sloat can be bridged, as it is now, which is compatible with the historic character of the site.

In place of mature cypresses, red flowering eucalyptus, and a few others, there are planned to be 28 Melaleuca nesophila, 19 olive trees, 14 Cajeput trees, 10 Bronze loquats, and 8 Strawberry trees. Melaleuca nesophila is a lovely shrub or small accent tree, but definitely not a replacement for mature cypresses, nor are the 19 olive trees. They’re attractive landscape trees not particularly associated with Pacific Grove (most of the ones I’ve seen are not thriving). The (14) Melaleuca quinquenervia (Cajeput trees), are a popular commercial landscape tree, again with no association with Pacific Grove; and 10 Bronze Loquat trees, no association with Pacific Grove. Only the Strawberry Trees are a popular tree that is seen throughout Pacific Grove and thrives here, and 8 is plenty.

The plan is to strip the property of all its “protected” native tree species and the mature Red Flowering eucalyptus trees that are a beautiful flowering tree seen in various parks and gardens in Pacific Grove and along Pine Avenue. They create a delightful streetscape of 8 trees with brilliant long-lasting flowers along Eardley gracing the east wall of Archie’s Diner and continuing up Eardley as viewed when you enter Pacific Grove from Monterey on Wave Street. Instead the applicants propose 3 Cajeput Trees on that block, which have subtle, soft yellow flowers with no particular character as relates to Pacific Grove, and 8 more of them are planned to line Dewey, in place of the cypress trees at

120-11  
Cont



the corners of Ocean View and Sloat, which will presumably be sacrificed for the plan to widen Dewey.

The tree plan is unacceptable, and the project renderings are not consistent with the Preliminary Landscape Plan. The Eardley elevation depicts the existing trees in the proposed elevation despite the fact that they are all designated to be removed to replace the sidewalk. Consider creating a boardwalk instead of replacing the concrete sidewalk. Or consider another alternative. The eucalyptus there should not be removed.

120-11

Note: Wrapping the trunks of the cypresses on the neighboring property near Central is not sufficient protection. There needs to be fencing that protects the *canopy* of the 3 cypresses, and the CRZ if the pavement is going to be demolished. The fencing and any other necessary protection should continue throughout demolition and construction.

- 2) **LEED STANDARDS:** The letter of determination sent to the Coastal Commission on August 17 by Rob Mullane, states that, “The Project respects the community’s environmental values and will be constructed and operated in accordance with the LEED standards and strive to meet LEED Gold standards. I haven’t found that in the DEIR. In any case, it doesn’t seem possible to achieve LEED standards when the project will haul off so much reinforced concrete to the landfill unnecessarily. Sustainable practices during operation of the hotel and businesses would certainly be appreciated but could not make up for the extraordinary waste that would be generated during construction.

120-12

- 3) **WILDLIFE - HARBOR SEALS, BLACK OYSTERCATCHERS, AND PIGEON GUILLEMOTS:** Having spent many hours observing Harbor seals at Hopkins, while monitoring Black Oystercatchers, I am very aware of how sensitive they are to loud construction noise. They get used to many human sounds, not all of them, but machinery easily spooks them. If construction noise is continual, it amounts to harassment. Some harbor seals are using Fisher Beach directly across Ocean View Blvd from ATC, as a rookery in addition to the west beach. This needs to be addressed in the EIR.

120-13

Black Oystercatchers (BLOs) have been adversely affected by both recreational and scientific drones during nesting season. Drones a quarter of a mile away can flush a BLO from its nest. When they’ve flushed, they often do not return to their nest for as much as half an hour. I am not aware of any data regarding how BLOs react to construction noise. Avoiding demolition of reinforced concrete structures and prolonged excavation of granite during harbor seal pupping season does not protect

120-14



BLOYS throughout their nesting season which generally extends from March into September. They often have two or three nesting attempts during a season.

120-14  
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There is no mention in the DEIR, including the Biological Resources Technical Memorandum and Habitat Assessment of the colony of Pigeon Guillemots (sea birds) that nest under the Aquarium immediately adjacent to Fisher Beach—that needs to be corrected. The Aquarium staff should be consulted regarding the Pigeon Guillemot nesting season. It's hard to know whether construction noise and vibration would be magnified by the concrete formations under the building. A biological monitor would need to be able to monitor all three of these species, with no quick access between the west beach and Fisher beach. Would a single monitor be able to adequately monitor all three species? There are not enough volunteer monitors for the Central Coast Black Oystercatcher Project to provide day-long daily monitoring during the demolition and excavation. And I see that a monitor is only planned for "the initial demolition and excavation phases that generate higher noise and vibration levels". Is that sufficient for the harbor seals at the west beach? Is it sufficient for the harbor seals at Fisher Beach? If the harbor seals leave Pacific Grove as a result of the extraordinary noise and vibration impacts over a prolonged period of time, there's no opportunity to reverse that. Certainly, the project would not be redesigned once it's underway.

120-15

The Marine Sanctuary's current draft Management Plan addresses concerns about the cumulative impacts of all the stresses on marine mammals created by increasing human use of the shoreline and waters of the Bay, and they describe coastal development as increasingly adding to all the stresses. A project with the extraordinary noise and vibration impacts this project proposes, both in demolition of (perfectly useful) reinforced concrete buildings (the NAFA building, the historic warehouse, and part of the historic can factory) and in excavating into the dense granite for the underground parking structure, is way beyond anything we've experienced in Pacific Grove.

120-16

The DEIR is cavalier in proposing that fiberglass fabric plus another layer of material will reduce the sound sufficiently to avoid disturbance to the coastal wildlife. It recognizes part of the harbor seal pupping season but not the Black Oystercatcher breeding and nesting season which is generally March into September. There are 3 Black Oystercatcher nesting pairs on the Hopkins campus and another pair that nests on the bluffs to the southwest of the west seal beach.

120-17

The selection of a biological monitor or monitors should be undertaken in consultation with the Marine Sanctuary and the Central Coast Black Oystercatcher Project (Herrick

↓ 120-18

Hanks) and California Coastal National Monument (Bill Standley), at a minimum. However, it's not clear that the mitigation plan is realistic in terms of expecting a biological monitor to watch both Fisher Beach and the west beach at Hopkins. The mitigation says the monitor will observe "unusual stress" or "threat of relocation" and stop work if that's observed. What would that look like? If there are "additional noise/disturbance protection measures" that would be employed in the case of unusual stress or threat of seals relocating, those should be listed and evaluated in the EIR, not considered when work has been interrupted. Clearly, the applicant would not be patient about holding up the project to solve the problem at that point, and what if there's no solution? Better not to get into that bind. (See more in the geology section about further tests that Haro Kasunich said would be needed to "develop design-level geotechnical recommendations and criteria for planning, design, and construction".) There is not adequate evaluation of the actual techniques for and extent of excavation into the granite for the parking structure at the level of Dewey and Ocean View in order to assess the impacts. The assertion of reducing impacts to less than significant is not a realistic assessment with so little information.

**120-18  
Cont**

MM BIO-1.2 says, "Demolition, grading and excavation of the site for sub grade construction shall take place between June 1 and February 1 (outside the harbor seal pupping and weaning season of February through May) to avoid potential disturbance of the local harbor seal population that may be using the beach area west of Hopkins Marine Station." This does not take into account the Black Oystercatchers, or Pigeon Guillemots. The Biological Resources Technical Memorandum and Habitat Assessment says, "Schedule the noisiest construction at the closest point to the shoreline where seals and oystercatchers breed to occur during their non- breeding seasons which is from September 15 to February 1." So, the mitigation measure is not based on the biologists' recommendations. This is unacceptable.

**120-19**

#### **CULTURAL AND HISTORIC RESOURCES:**

The plan to preserve part of the historic can factory and offices is an improvement over the previous Project Bella, but Secretary of Interior's Standards are being disregarded. There is a failure to value the historic buildings for their importance to the community's history and for the attraction that historic buildings provide for tourism and the City's economy. Page & Turnbull have written a very good report for the most part, and identify the significant, unavoidable adverse impacts of losing all or part of the historic buildings. However, their Project Recommendations mistakenly conclude that the adverse impacts can be reduced to

**120-20**

“not significant” with one of three compromises. Just as Page & Turnbull have made some erroneous conclusions regarding their recommendations for removal of some buildings from the City’s HRI in their 2019 survey (which the Historic Resources Committee has reversed in public hearings), Page & Turnbull have made an erroneous conclusion regarding the expendability of the historic warehouse at ATC. It would be one thing if adaptive re-use were not possible for the warehouse building, but that is not the case. The project’s brutish approach simply doesn’t respect the historic setting of the project or the historic property itself. Page & Turnbull may have decided that a compromise is the pragmatic approach, but that compromise throws away considerations of Pacific Grove’s historic character.

120-20  
Cont

HABS documentation would be appropriate if buildings were too far deteriorated to be reused and building techniques and architectural features needed to be documented. But the buildings are intact and able to be restored and re-used.

#### **ENERGY CONSERVATION:**

Destroying historic, reinforced concrete buildings with excellent potential for rehabilitation and adaptive re-use, and hauling them away to the landfill is “wasteful” and “unnecessary consumption of energy resources during project construction”. It would have a huge adverse impact that cannot be reduced to less than significant. It’s not an acceptable plan.

120-21

#### **GEOLOGY AND SOILS:**

The 2018 geotechnical report by Haro Kasunich states on page 7 that, “Further investigation will be required to develop design-level geotechnical recommendations and criteria for planning, design, and construction.” And it goes on to say that further investigation is recommended “to better understand the economics related to the geotechnical aspects of construction”. So, the challenges of excavating in dense granite are not yet clearly understood. While this is apparently not a concern of the Geology and Soils impact analysis, it is an indication of the inability to fully assess the impacts of the proposed project at this time, and the potential for the City to approve incremental revisions to the project on an administrative basis (as they have done with the Holman condominium project).

120-22

Also, will all the granite excavated for the underground parking structure be hauled away to the landfill?

**GREENHOUSE GAS EMISSIONS:**

The trips required to haul all the reinforced concrete debris from the historic buildings to be demolished PLUS all the granite to be excavated for the underground parking structure cannot be ignored. Why is that impact not addressed?

120-23

**HAZARDS AND HAZARDOUS MATERIALS:**

According to the Phase I Environmental Site Assessment (ESA), there have been leaks of chlorinated dry-cleaning solvent PERC from the dry cleaners' property onto the ATC site (pay parking lot) and historic industrial uses may also affect the soil under the buildings. It says if redevelopment occurs there, soil and ground water management will be required during construction plus structural engineering controls. Environmental cleaning would have to take place to avoid contaminants getting into the sewer system. Presumably that also means to avoid runoff into the Bay. The report goes on to say that the cleaners' own property likely contains even greater contamination and may be subject to regulatory action.

Does the City have the staff to assure that the mitigations are carried out appropriately? We learned with the Holman project that the developer/contractor failed to carry out asbestos removal properly and was untruthful about it. Finding out about that violation after the fact is too late. Fines are not the point. That project was a couple of blocks from City Hall and should have been easy to monitor. How can we have any assurance that toxic clean-up will be carried out properly at the ATC property? We no longer have an Environmental Programs Manager, and when we did, was he assigned to this sort of monitoring? What about the code compliance officer? MM HAZ-2.2 and MM HAZ 2.3 only require the City to review and approve mitigation plans. What provision is made for monitoring of follow-through? I don't see that in mitigations.

120-24

**LAND USE AND PLANNING:**

Pacific Grove should be requiring affordable housing in all large projects. The NAFI building (Building #3) could be used for affordable housing, while also providing a transition to the residential neighborhoods across Dewey to the west. (In any case, the NAFI building should be retained and adaptively re-used.)

120-25

Sloat Avenue should remain a public street. That would contribute to breaking up the massive project into smaller components, more compatible with Pacific Grove's small-scale residential and commercial character. As currently designed, the project has many significant adverse impacts on the community. It does not recognize the economic value of the historic buildings in

120-26



terms of community character and Pacific Grove’s unique charm. Industrial buildings are being revitalized all over the country into delightful residential and commercial spaces. This would conserve resources and avoid adverse impacts related to destroying part of the façade and interior of the historic factory building, destroying the entire historic warehouse building, and destroying the NAFI building, all reinforced concrete structures. The City is irresponsible if it accepts this project just because it represents a lot of Transient Occupancy Tax revenue, without conditioning approval on much more environmentally and socioeconomically sound provisions. The applicant’s experience is in housing, not hotels. This project needs some affordable housing, which the applicant should be able to provide. As it is, there is not even a plan yet for affordable visitor accommodations. This project as designed is not in Pacific Grove’s best interests and does not meet LCP requirements.

120-26  
Cont

Also, does the plan to “widen” Dewey Avenue require removing the sidewalk, as suggested by the Dewey Avenue elevation? The Dewey widening plan (MM TRA-3.1) needs to be described and any removal of sidewalk needs to be evaluated for its impacts.

#### **NOISE AND VIBRATION:**

MM N-1.2 states, “The temporary noise barrier shall be designed to reduce construction noise by a minimum of 10 dB. To achieve this, the barrier may consist of steel tubular framing, welded joints, a layer of 18-ounce tarp, a two-inch thick fiberglass blanket, a half-inch thick weatherwood asphalt sheathing, and 7/16-inch sturdy board siding. Additionally, to avoid objectionable noise reflections, the source side of the noise barrier shall be lined with an acoustic absorption material.”

120-27

It’s not clear that this description is the one included in MM BIO-1.1, and it’s not clear if the noise reduction for wildlife will be adequate, as I’ve discussed in the Biological Resources section. Also, it only says it will reduce construction noise by a minimum of 10 dB. It doesn’t say what the the noise-reduction goal/requirement is.

MM N-3.1 states, “Prior to any ground-disturbing activities, the applicant shall fund the installation of vibration monitoring devices at the nearest Hopkins Marine Station tuna research tank(s). The applicant shall provide evidence acceptable to the City that the vibration monitoring devices have been installed.”

120-28

Who at the city has expertise to determine that appropriate vibration monitoring devices have been installed? If work has to be stopped due to adverse effects of excavation vibration, what additional vibration protection measures can be employed? They should be listed here and



considered as part of the analysis. The basic ground borne vibration reduction measures are poorly described to begin with.

120-28  
Cont

**TRANSPORTATION AND CIRCULATION:**

The intersection at Central and Eardley is already a serious traffic concern, with the community frustrated by backed-up traffic and neighbors asking Traffic and Safety Commission for relief. Clearly, both construction traffic (how many truckloads of demolition debris and excavation material is estimated will be hauled away over 9-10 weeks of preliminary work?) and hotel traffic promise to exacerbate the traffic issues in the area, impacting both Central Avenue and Ocean View Blvd. This is a serious adverse impact for residents both on a daily basis and for emergency evacuation with limited escape routes. It also has the potential to prevent visitors from coming into Pacific Grove's historic downtown and discouraging tourism.

120-29

Congestion on Ocean View Blvd will be increased by the hotel entrance there, with no escape route via Sloat to Eardley as is currently available, and with Eardley/Central congestion increased as well. Ocean View is an important access route to Pacific Grove for tourists, and congestion there will likely reduce the tourist influx the City depends on.

**TRIBAL CULTURAL RESOURCES:**

Mitigations should be reviewed and approved by OCEN leadership or revised to meet their approval.

120-30

**UTILITIES – WATER:**

While residents are threatened with the prospect of water rationing in the future, perhaps near future, as our water options continue to be subject to controversy, this project proposes 2 swimming pools and a large spa. The pools are likely to be significantly underutilized in our cool climate. Are the pools advisable or necessary? Are the project's water use projections realistic?

120-31

**ALTERNATIVES:**

The Alternatives proposed in the DEIR fail to consider a very different approach to a hotel/commercial project there. For a project to be suitable for the site and for the community, it needs to start from a vision of respect for the humble cultural setting of the former Chinese fishing village, along with Hopkins Marine Station and its historic buildings and other structures

120-32

and artifacts, the Marine Sanctuary/California Current which has been under consideration as a UNESCO World Heritage Site, the national significance of the American Can Company buildings, their related structures, and their connection to the sardine fishery, Cannery Row, and the adaptive re-use of the Hovden Cannery for the Monterey Bay Aquarium—and of course, the extraordinary natural beauty of the sea and shoreline and its wildlife.

**120-32  
Cont**

The City and applicant need to re-think this project and make MAJOR revisions to create a humble, charming hotel and commercial design that reflects the unique character of Pacific Grove and all the resources associated with the American Can Company setting, including the City's urban forest there. It can be big, but not massive. The City of Pacific Grove needs to recognize the value of this site not just in terms of transient occupancy tax and the like, but in the economic value it can continue to generate as the significance of all the related history continues to become more meaningful over time with climate change upon us and Pacific Grove's connection to ocean resources and conservation.

**120-33**

The failure of the City and applicants to provide story poles or adequate alternatives to assist the public in evaluating the size and scale of the proposed project and its impact on public views, and to provide tree ribbons to assist in understanding the impact of the loss of the entire tree population of the property—or even alert the wider public about the project during the public review period—is disgraceful!

Sincerely,  
Lisa Ciani

220 Walnut Street  
Pacific Grove, CA 93950

**DEIR for ATC hotel project**

Laura Hamill <laura@writingevolution.com>

Mon 9/28/2020 8:03 AM

To: R Mullane <rmullane@hrandassociates.org>

I oppose the project's "rush to the gate" that has transpired by

1. Not having the DEIR posted/available in a customary space where the residents could take the entire 30 days and review. It was moved twice - an ever moving target. If you really want us to have the time and space for a thoughtful review - make it available in a customary place with plenty of notice and availability.

2. The fact that it is already scheduled for a handoff to the planning group mere weeks BEFORE an election further embraces the "rush to the gate" attitude by the city. You want us to elect leaders with thoughtful and careful review - the same should be made for this large project. Wait until after the election. Be worthy of your constituents.

Laura Hamill

292 Junipero Avenue

Pacific Grove, CA 93950

(831) 200-6894

**121-1**

RECEIVED

SEP 28 2020

CITY OF PACIFIC GROVE  
COMMUNITY DEV DEPT

09-26-2020  
Pacific Grove, CA

**Letter 122**

Dear Mr. Rob Mullane, AICP, Consulting Planner.

I am commenting on the current DEIR on the American Lin Cannery Hotel Project.

As I mentioned in my 12-13-19 letter, I do not believe this project should be built.

It is too dangerous for the nearby harbor seals. The noise alone would drive them away whether or not they were about to give birth. They might never return. Is this the way to care for protected marine mammals?

122-1

At a time of global warming, when millions of trees have been destroyed by fire, we need to keep our mature 75+ trees giving us all oxygen — not removing them & replacing them with small, ornamental trees.

122-2

Pacific Grove residents would also be adversely impacted by noise & air pollution.

122-3

Don't allow this project to be built.

Thank you for reading my letter.

Sincerely,  
Lynn Mason

831-372-8897  
P.O. Drawer 9  
Pacific Grove, CA  
93950

## Letter 123

## Tin Cannery

Marge Brigadier &lt;czchica66@gmail.com&gt;

Mon 9/28/2020 3:21 PM

To: R Mullane <rmullane@hrandassociates.org>; Cc: citycouncil@cityofpacificgrove.org <citycouncil@cityofpacificgrove.org>; Ben Harvey <citymanager@cityofpacificgrove.org>; dave@laredolaw.net <dave@laredolaw.net>; heidi@laredolaw.net <heidi@laredolaw.net>; Anastazia Aziz <aaziz@cityofpacificgrove.org>

I have several reasons to oppose the Tin Cannery hotel.

The excavation and construction will surely drive the harbor seals to abandon their home at Hopkins Marine Station. We have lost half of our local seals over the last few years due to lack of food. Causing them to leave their safe little cove will further decimate their numbers. We have a unique situation that allows people to view the wildlife up close and many people come back every April for the spectacle.

123-1

A couple of years ago I posted a video of our plump seal pups, and just yesterday someone left a comment that seems perfect: "Best ways to encourage tourists to come, in order of **increasing** effectiveness: - Infrastructures. - A good nightlife. - A vibrant cultural environment. - Nature, animals and Wildlife Parks. - Amazing monuments. - Chonky baby seadoggoz.(some people call seals sea dogs)"

Traffic is already terrible in the area and parking is a big issue. Those living near the site will find parking on their streets to be unbearable.

123-2

I do not understand how this can be considered when there is no water available for the project. I would be furious if I was a homeowner on the water waiting list while the council is pushing for approval of this hotel.

123-3

The fact that story poles will not be put up tells me that you are aware of the reaction you would get.

123-4

Marge Brigadier

Sent from my iPad

**Fwd: American Tin Cannery Project Public Comments**

Michael Broome &lt;mebpg12@gmail.com&gt;

Mon 9/28/2020 10:23 AM

To: R Mullane &lt;rmullane@hrandassociates.org&gt;

----- Forwarded message -----

From: **Michael Broome** <[mebpg12@gmail.com](mailto:mebpg12@gmail.com)>

Date: Mon, Sep 28, 2020 at 9:55 AM

Subject: American Tin Cannery Project Public Comments

To: <[citycouncil@cityofpacificgrove.org](mailto:citycouncil@cityofpacificgrove.org)>, <[rmullane@cityofpacificgrove.org](mailto:rmullane@cityofpacificgrove.org)>

Dear City Council Members and Mr. Millane,

I wish to express my issues regarding the proposed hotel at the American Tin Cannery.

I am a volunteer BayNet person who helps interpret the local wildlife behaviour for out of town visitors as well as local residents. I would hate to have to tell visitors that the big hotel they are staying at caused our famous Harbor Seal birthing beach (Hopkins) to be abandoned after decades and decades of use, caused by the ear-splitting construction noise and vibrations the expectant mothers and young seals have never experienced before.

Even though there is a chain link fence keeping people away from the beach, the seals are very nervous if people are loud and they swim away, often leaving the pups on the beach alone. They will come back to the beach after a small disturbance, but the many months of consistent very loud noise and vibrations will most surely cause them to

not to come back at all.

This is why Pacific Grove is such a special small town to live in.

**124-1**

I am also upset that 79 mostly MATURE trees will have to be cut down for this project to be completed. This is an unacceptable plan and the number of affected trees must be mitigated. Planting small 2-3 foot replacements will not replace these mature trees and many will not make it to maturity anyway.

**124-2**

Thank you

Michael Broome  
Pacific Grove resident .

**Please Stop the Madness -The American Tin Cannery Project**

Michelle Gonsalves &lt;michellegonsalves@maykir.com&gt;

Mon 9/28/2020 4:54 PM

To: R Mullane &lt;rmullane@hrandassociates.org&gt;

Cc: citycouncil@cityofpacificgrove.org &lt;citycouncil@cityofpacificgrove.org&gt;; citymanager@cityofpacificgrove.org &lt;citymanager@cityofpacificgrove.org&gt;

Dear City of Pacific Grove and Mr. Mullane,

I am writing as a greatly concerned long-time citizen of Pacific Grove in protest of the monstrous American Tin Cannery Project. I just learned today that this was the last day that the city was accepting comments on this project — so my letter will be brief. I write to ask that the city not approve this project that will literally destroy this historical building and site only to replace it with a gargantuan structure that is grossly out of character with the City of Pacific Grove. It is incomprehensible that this proposal would be considered as a benefit to our lovely town and community. When will the destruction stop? When will PG learn to focus on restoration of commercial properties as opposed to just requiring residents to restore and abide by tight regulations on their private residences. Is it not feasible to consider a project that restores and thoughtfully expands this site in a manner that accentuates the lovely history of our community? Can we look to what has been done in other cities (San Francisco's Pier 39, for example)? A marketplace with small shops and restaurants within the same building (restored), possibly outdoor seating overlooking the coastline) would be far more appropriate. But instead we are on our way to a project that will not only serve to destroy the very essence of our city, but also the real reason that tourists flock to our area in the first place (much like we have already done with Cannery Row). Please do not approve this project. It is grossly oversized, not compatible with the character of Pacific Grove, destroys much of the significant historic buildings where the cans were manufactured for the canning industry, decimates the entire tree population of 79 mature trees - including our treasured Monterey Cypress, only to be replaced by unattractive generic landscaping. It will be a sight that could be dropped anywhere else or any commercial business park in America - nothing will tie it to Pacific Grove. It does not belong here. Please stop the madness and save Pacific Grove!

Sincerely,

Michelle Gonsalves and Michael Kirch

122 13TH Street, Pacific Grove

**125-1**

**Tin Cannery Hotel comments**

May Jernigan <mjernigan95@gmail.com>

Sun 9/27/2020 9:40 PM

To: R Mullane <rmullane@hrandassociates.org>

Hello,

I'm writing to comment for the seals of Hopkins beach, and urge you to consider not moving ahead with the tin cannery hotel project.

As a student in Monterey, it was my pleasure to have opportunities to visit Hopkins beach- especially during pupping season. I learned much about how disruptive human activity is for the seals giving birth and rearing young in this special spot. The seals have had a rough go in the history of Monterey, and the fact that they have come back is incredibly important—and we need to protect them. They are priceless.

From my own personal experiences at Hopkins, everything from loud motorcycles to home construction across the street disturbed the mother seals. Babies can be abandoned, mothers have no where to go. They need a quiet secluded area, and a construction zone would have a catastrophic event on them.

This is important ecologically as well as morally, it's a sanctuary in the middle of a busy city where we can still find some solace and peace in nature.

For Pacific Grove to put a stop to this project would ensure that they care utmost for the lives and safety of the animals that call PG home, and that profits don't come before conservation.

Thank you for reading and considering my input,

May Jernigan  
CSUMB alumni

**126-1**

**Comment on the Tin Cannery Proposed New Site / Development**

MegM <megmcwhinn@gmail.com>

Mon 9/28/2020 4:30 PM

To: R Mullane <rmullane@hrandassociates.org>; ahunter@cityofpacificgrove.or <ahunter@cityofpacificgrove.or>

Hello Alison,

I'm a science degree-holding PG resident. I'm opposed to the development of this space at the Cannery Row Retail area. Lodging is beyond well covered in the area. There is no need for this expense, loss of trees and stress on wildlife. Hotel space is a generic commodity well covered in the surrounding area. What's not generic - and only here in spades - is the sealife and nature anyone and watch and enjoy. Habor seals are incredibly sensitive to disturbance and our native cypress takes generations to regrow. They could possibly vacate the beach for good. Development is a long term losing plan for the essence of Pacific Grove. It's that very essence that attracts outside tourist dollars - not a new hotel.

Thank you, Meg McWhinney

**127-1**

**Proposed development of American Tin Cannery site**

Melanie Moreno <melaniemoreno@yahoo.com>

Mon 9/28/2020 12:44 PM

To: R Mullane <rmullane@hrandassociates.org>; ahunter@cityofpacificgrove.org <ahunter@cityofpacificgrove.org>; citycouncil@cityofpacificgrove.org <citycouncil@cityofpacificgrove.org>

Dear Alyson Hunter, Rob Mullane, and Pacific Grove City Council members,

I am appalled that the City of Pacific Grove, known for its legacy of excellent environmental stewardship, would consider permitting the massive development of the American Tin Cannery site.

Aside from the obvious impacts to an already overwhelmed traffic corridor and neighborhood streets, the impact of this proposed development to the sensitive wildlife areas nearby would be enormous. The harbor seal rookery at Hopkins Beach, less than a block away from the development site would be catastrophic. The seals spend the day on this beach resting because they must hunt at night. Each time loud noises from construction or traffic reach the seals, they must flee into the ocean and stay in 54° water for several hours to be sure the area is free of predators. During the pupping season dozens of harbor seal pups would be separated from their mothers. Countless animals would die as a result of the continual disturbances from construction and the resulting increase in traffic. To bring so many tourists into such a concentrated area would create yet more disturbances for the only harbor seal rookery in the Monterey/Pacific Grove area. Tourists already routinely disregard boundary warnings and enter beaches during the pupping season. If you put hundreds of tourists right next to the rookery, the impact will be profound.

Not only will this out-of-proportion to Pacific Grove development affect coastal wildlife, the plans call for removal of dozens of legacy trees! Do the architects not know how to draft plans that keep these magnificent trees intact and healthy? Did the city not require it? Does the City of Pacific Grove no longer value the natural beauty of our extraordinary community?

I understand that Pacific Grove is concerned about the potential income generated by this development. Must we sell our souls to get it?

Sincerely,

Melanie Moreno

**128-1****128-2**

**American Tin Cannery Hotel (Proposed) - Request for Extension of Comment Period**

Michelle Raine <mor1951x@gmail.com>

Mon 9/28/2020 1:54 PM

To: R Mullane <rmullane@hrandassociates.org>; citycouncil@cityofpacificgrove.org <citycouncil@cityofpacificgrove.org>; dave@laredolaw.net <dave@laredolaw.net>; heidi@laredolaw.net <heidi@laredolaw.net>

**City of Pacific Grove****Community Development Department**

**300 Forest Avenue, 2nd Floor, Pacific Grove, CA 93950**

**Attention: Rob Mullane, AICP, Consulting Planner**

**Email: [rmullane@hrandassociates.org](mailto:rmullane@hrandassociates.org)**

**RE: ATC Hotel (proposed)**

**Lack of Notice/Request for Extension of Comment Period**

Date: September 28, 2020

Dear Mr. Mullane,

I would like to strenuously object to the lack of notice for this huge development project on our coast. Because of medical issues from November until March of this year, I was not even aware that this hotel development was back and had a DEIR out for review until the first part of this month. I have spoken with neighbors and friends since I learned about this project and many of them are also totally unaware that a hotel development at the American Tin Cannery location is back before the planning department and that there is a DEIR with comments due today.

Most of America has been focusing on issues of great import like the fires all over the county, the pandemic, being out of job, trying to run a business in the time of Covid 19, and our upcoming elections. Instead of going out of your way to make sure people who could be affected by this huge development are aware, your department has gone out of its way to be even less transparent and provide only minimal required notice; not provide a hard copy of the DEIR for those with no computer access (the Library is closed now too because of remodeling); no story poles and netting because of "safety" concerns, and a few very recently posted display boards at the site itself. Notice about these display boards was supposed to be given on the CEQA website and/or ATC webpage and a notice was to be placed on the City Hall bulletin board. As of 9/26/20, that had not been done. I would like to know what methods were used to test installation of at least one story pole for this large development to determine what the safety concerns were? When people are driving by they are unlikely to notice bulletin boards, but they do see story poles and netting that are required for every other development in Pacific Grove. How many people will even see the notice about the new display boards on the bulletin board at City Hall since City Hall is closed and all City Hall meetings are being done on Zoom and not in person? The mandatory requirement for ribbons for the removal of trees on the site and next to the site have not been done either, in spite of promises to do so on September 3rd. Here is the notice that was posted online about the availability of the DEIR and documents for this project:

Document Availability: DUE TO SHELTER IN PLACE REQUIREMENTS AND COVID-19 SAFETY PROCEDURES ENACTED BY THE CITY, THE COMMUNITY DEVELOPMENT DEPARTMENT IS CURRENTLY CLOSED TO THE PUBLIC. HARD COPIES OF DOCUMENTS WILL NOT BE AVAILABLE AT NORMAL PUBLIC LOCATIONS. DOCUMENTS CAN BE ACCESSED AND REVIEWED ON THE CITY'S WEBSITE:

This notice has been amended and after much badgering. Hard copies of the DEIR were finally supplied to check out for those requesting them in early September sometime and the comment period was extended until 9/28/2020.

This project is located just ½ block from the boundary with the City of Monterey and there are so many residents and businesses that will be negatively impacted by this project in the City of Monterey, I believe that notice is just insufficient for a project of this size and in this very sensitive location.

**129-1**

The Cedar Street Times (the Pacific Grove free paper) dated September 25 - October 2, 2020 finally had a front page article about the review period ending today. Really too late to comment. I have been working on this since September 10th and I still feel I need more time to consolidate my comments, but will be sending them later today anyway.

Pacific Grove is now the lead agency for projects in the Coastal Zone and this is their first big project in their new role. I have been very disappointed with this DEIR, but I will be posting my comments shortly anyway. I think you should reconsider a better way to notify the areas along these haul routes and businesses within at least a mile or two from this proposed development.

Thank you for your consideration of this request.

Michelle Raine  
1310 Buena Vista Avenue  
Pacific Grove, CA  
831 747-1666

**129-1  
Cont**

**ATC Hotel - DEIR Comments**

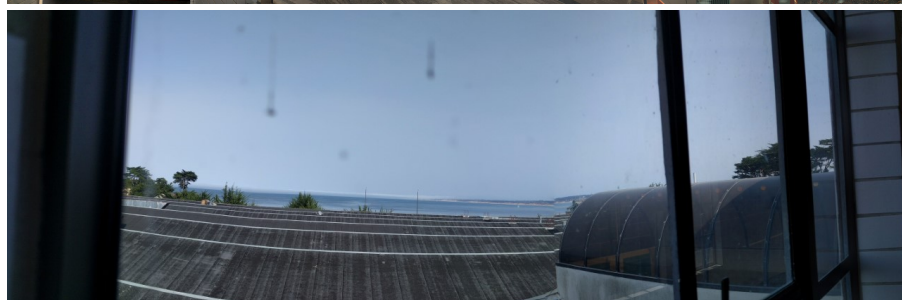
Michelle Raine <mor1951x@gmail.com>

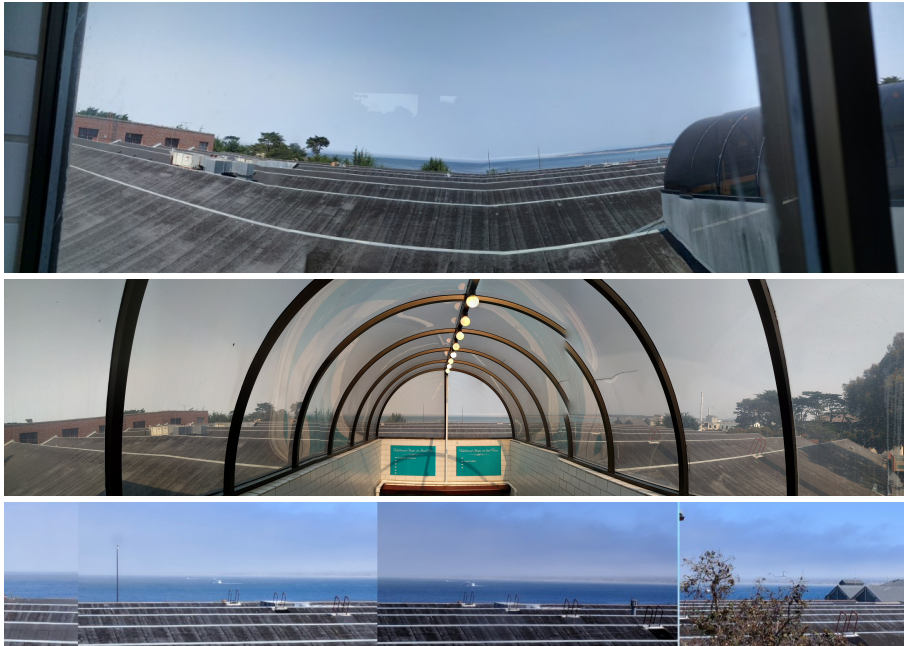
Mon 9/28/2020 4:05 PM

To: R Mullane <rmullane@hrandassociates.org>; citycouncil@cityofpacificgrove.org <citycouncil@cityofpacificgrove.org>; dave@laredolaw.net <dave@laredolaw.net>; heidi@laredolaw.net <heidi@laredolaw.net>

📎 1 attachments (199 KB)

Final of DEIR for ATC.pdf;





City of Pacific Grove  
Community Development Department  
300 Forest Avenue, 2nd Floor, Pacific Grove, CA 93950

Attention: Rob Mullane, AICP, Consulting Planner  
Email: [rmullane@hrandassociates.org](mailto:rmullane@hrandassociates.org)

RE: ATC Hotel (proposed) - DEIR Comments

Date: September 28, 2020

## **DEIR COMMENTS**

### **3.0 PROJECT DESCRIPTION**

Interiors of this hotel have not been provided. Are the two swimming pools, a fitness center and a spa only for hotel customers? The 90% build out of this project on their much enlarged site is only authorized in the LCP IP if the project contains specific public amenities but it doesn't list those public spaces and amenities. No specific businesses or end users of the retail space have been identified and there must be some accounting for those impacts in the DEIR. You cannot piecemeal these impacts and they need to be considered as part of this development. I think a lot of businesses in Pacific Grove have been disrupted by this pandemic and our existing businesses are hurting. It is important to know how this approximately 20,000 square feet of retail space will be used and if there are intended clients and types of businesses in mind. This is important information to know in determining if this is the best option for the use of all these parcels within the coastal zone for the residents of Pacific Grove and the public at large. Is this really the best place for a spa and fitness center? We have water issues in this area and swimming pools, spas and fitness centers are very water intensive. We currently have no fitness centers open and some possibly folding up. We are eating in makeshift outdoor spaces during this pandemic. How much longer will it go on? We need a pandemic update on all this truck traffic with people eating out in the open on the street. Construction for the proposed project would begin 2021 and last approximately 18-24 months. The timeline for control of Covid 19 and return to normal business practices is mid to late 2021. There is a definite conflict between this project and the required adjustment of businesses for operation during this pandemic.

130-1

The applicant is seeking a Use Permit, Architectural Approval and Tree Permit applications, and a Coastal Development Permit. The project also includes a long-term lease agreement or similar instrument for use of a portion of Sloat Avenue and encroachment onto Ocean View Boulevard. Under what authority is the City authorized to enter into a long term lease agreement with a private party for a city street and limit access to residences that use that street for access to their homes?

130-2

Construction activities are anticipated to last approximately 18 to 24 months and initial site grading, preparation and excavation is expected to last approximately nine to ten weeks. They propose that construction activities would generally occur Monday through Friday and be limited to the hours of 8:00 a.m. to 7:00 p.m. on weekdays and from 9:00 a.m. to 4:00 p.m. on Saturdays. No work would take place on Sundays or federal, state or local holidays. This is ridiculous. Seals do not have hours like humans. **The hours of work for humans are the hours of sleep for seals.** Because of the location being their haul out beach, this would be analogous to construction being scheduled next to your bedroom at night. This is where the seals sleep during the day. Absolutely no regard has been given for the animals that reside in this area and the people writing this report have deferred biological study on the problems until after the DEIR has been approved and a permit is granted. They have given about one sentence of interest to their impacts on the seals, their rookery and haul out area. The information that they have cited is insufficient, incorrect and inadequate. This puts the cart before the horse. I do not think these significant issues can be overcome and must be studied and included in depth in the DEIR.

130-3

The existing ATC is located on 2.864 acres. With the addition of the other parcels and portions of Sloat Avenue for this development, the total acreage is 5.59 acres. **That makes the footprint for this development almost twice the size of the existing one.** They also are developing it to 90% of the land capacity. The project is oversized for the location and acreage and will create traffic problems in neighboring communities and businesses on Lighthouse in New Monterey and on traffic routes to Highway 1. There has been totally insufficient notice to many people who will be adversely affected by this development because of the traffic, dust, noise and other impacts. This site is located only ½ block from the Monterey city limits and there are already many PG residents who are not aware of this proposed development. We need public hearings with stakeholders, business people and residents in a large area around this proposed development. The Aquarium has been closed for months now and the lack of business is already hurting them. What will another two years of construction across the street do to them?. All of the reports in this DEIR were prepared pre-pandemic and they need to be updated because of all the problems with existing struggling businesses. Special care is needed to address negative impacts that could push more businesses over the edge. Surrounding businesses are trying to eat outdoors. Dust and hazardous materials in the air would not be a good combination for outdoor dining.

130-4

They only mention the on-site equipment in the demolition and site prep phase. The biggest problem is going to be the number of trucks hauling demolition debris, overburden and construction materials to and from the site. This will create a traffic boondoggle at the ocean entrance to the City during construction and even after, during times of high usage and when there is any problem or work on Hwy 68. We just lived through the Highway 68 improvements with the roundabouts and all know how bad this can get. Adding all these truck trips to Lighthouse and environs will be horrible especially for all the local businesses that are trying to deal with the pandemic and dine al fresco. I believe that the reports on this are inadequate and deal mainly with operational traffic.

130-5

### 3.4 Requested Entitlements, Permits and Easements

CCS Pacific Grove Manager, LLC, has filed applications with the City of Pacific Grove for approval of a Use Permit, Architectural Approval, Coastal Development Permit and **Tree Permit** applications. Also proposed is a **long-term lease agreement or similar instrument for development and project use of 19,699 square feet of the southeastern portion of the Sloat Avenue Right-of-Way (ROW), as well as an agreement to allow encroachment of approximately 3,000 square feet along the Ocean View Boulevard frontage. The remaining portion of Sloat Avenue would require an easement to allow continued access to three existing properties that are not part of the project.** Project construction and operation would require all associated grading, building and occupancy permits. As the lead agency, the City of Pacific Grove has the ultimate authority for project approval or denial. A **Water Permit from Monterey Peninsula Water Management District (MPWMD)** is also required for the construction of this project.

130-6

### Local Coastal Program Zoning and Implementation

*The City's Zoning Ordinance implements the land use designations of the General Plan. The Implementation Plan (IP) of the LCP sets forth the zoning requirements for areas within the Coastal Zone, and the IP has been codified as Chapter 23.90 of the City's Municipal Code. The project site is zoned as C-V-ATC and C-2, with specific development and design standards for Visitor Serving (V-S), including for the American Tin Cannery project site. The IP's standards that are specific to the American Tin Cannery project site are set forth in Subsection 23.90.180.C.5.g of the City's Municipal Code. City staff, in reviewing the project, must consider these regulations and standards.*

Under what authority does PG have the right to give a long term lease of a city street (and cut off three residences)? Why is the City giving away a street and encumbering the City for how long in this lease? What if this developer fails? Is this transferable? Too many questions about these "deals" that have been struck and too little information is getting to the public about those deals. Why are they asking for a waiver for setbacks for 3000 square feet of frontage? Why does the lead agency think this is a good plan? This report needs more detail and why this encroachment is necessary or preferred. This is one of only two designated scenic streets in Pacific Grove. The lead agency is acting like they are part of the development team. I have talked to several PG residents and others who will be affected and they are not aware that this project is back and in the DEIR review process. They are taking advantage of this pandemic, the fires and the myriad other issues (our elections) to get things through while everyone is engaged elsewhere. I think Pacific Grove is leaving itself open for litigation if they cut off access to a city street and private homes for the benefit of a private hotel.

130-7

From Luke Coletti's scoping letter:

For the water permit the District will require the City to make CEQA findings in support of a determination of "special circumstances". If actual water use exceeds the preliminary Water Use Capacity estimate, then the District will debit the Jurisdiction's Allocation (PGLWP entitlement - MPWMD Ord 168). Prior to issuance of the Water Permit by the District, the Jurisdiction must

130-8

acknowledge in writing the potential debit to its Allocation, as well as authorize the District to issue a Water Permit based on a finding of Special Circumstances consistent with CEQA compliance for the proposed Project.

The Water Demand Analysis must be done prior to any approval of this DEIR. What special circumstances exist for this private development to risk a potential debit to our public water allocation? Our water supply is on the line here for a private enterprise venture. There are too many water intensives features in this project and full analysis needs to be done and included in the DEIR. The residents of Pacific Grove need more information on this water deal and how it might affect our water allotment in the future.

130-8  
Cont

We have tree ordinances and much has been discussed and studied by the City to protect our existing tree canopy. Trees that are 50-60 years old cannot be replaced in our lifetimes. A stand of Cypress trees should not be cut down and none of these are being replaced. Instead they have a rendering of trees that will not exist or are depicted of a size that won't be used. Under what special circumstance is a tree permit to be issued for this project as proposed? Because the "forest" is fragmented, that does not mean you should be able to cut every tree on the property and even take down street trees that might shield this project from direct view. Every day I drive around and see more and more beautiful mature trees that are taken down. On paper you value trees, but your intent is what shows and it is not good. We need an accounting and inventory of where every tree is located, both on the site and on the neighboring streets that will be cut down so that the public is aware of the full impact and import of how the skyline and views will be altered by this project. I just learned on 9/26/20 that the promised ribbons on all the trees that are to be cut down has still not been done and this is mandatory.

130-9

This proposed development does not comply with the General Plan goals and protections of scenic views and resources outlined in LUP Scenic Views 2.3.2 Coastal Act Policies:

### **City of Pacific Grove General Plan 5.5.3 Local**

#### **Land Use**

Goal 2: Repair and upgrade the City's infrastructure.

- Policy 1: Seek to preserve Pacific Grove's traditional "hometown" qualities.
- Policy 2: Ensure that new development is compatible with adjacent existing development.
- Policy 4: Enhance city entrances and major commercial nodes.

#### **Urban Structure and Design**

Goal 2: Enhance the relationship between the city and the Pacific Ocean and Monterey Bay.

Goal 3: Maintain and enhance the quality of the city's landscape and streetscape.

- Policy 8: Endeavor to protect the tree canopy created by mature trees by planting replacement trees.
- Policy 9: Use street trees to enhance and soften the visual character of major streets within the city.

#### **Natural Resources**

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Goal 3: Preserve public visual access to the ocean. selection of building materials, and protection or replanting of trees that are “visually integral” to the scenic quality of the coastline.

#### PG LUP Policies 2.1.4 - Coastal Hazards and Sea Level Rise

*The following Land Use Plan policies on shoreline hazards supplement existing City policies and regulations by providing for: **New development and redevelopment that is sited and designed to be safe from potential coastal hazards and in a manner that may not require future shoreline protective devices;***

Excerpt from letter of Moses Cuprill - Coastal Engineering Analysis and Evaluation of Potential Coastal Hazards (DEIR Appendix):

*“Hopkins Marine Station is the oldest marine science station on the west coast and was established on its present site in 1917, over a century ago. **It is anticipated that over time, as coastal hazards threaten the facility, they will take appropriate remediation to protect this historic and valuable facility,** further reducing the potential for wave run-up related threats to the areas landward of the station, **including the planned hotel site.** We have estimated wave forces along the coastal bluff at Cross Section A from the present through the year 2100 and have determined that these forces are and will be considered ordinary for design of coastal armoring in that location for the foreseeable future. **In other words, it is and will be feasible to design armoring to protect the Hopkins Marine Station if deemed necessary in the future.**”*

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So rather than design something that will be safe from potential coastal hazards, they will just rely on Hopkins to get armoring to protect their facility and that will protect their underground parking from being flooded as well? All of their experts seem to use boilerplate statistics and facts and are not very thorough or specific to this project.

#### PG LUP Scenic Views 2.3.2 Coastal Act Policies - Scenic Resources

The Coastal Act addresses visual access and protects the visual qualities of coastal areas as a resource of public importance. As stated in Public Resources Code §30251, “Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural landforms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. **New development in highly scenic areas** such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government **shall be subordinate to the character of its setting.**” Scenic Areas designated by the City as having special scenic significance are to be protected; however, it is also the policy of the

130-11

City to consider and protect the visual quality of all scenic areas that are part of the public viewshed, whether designated or not, as a resource of public importance.

When you actually look at the pictures of the existing site, there is charm that exists here and could be taken advantage of, like Ghiradelli Square in San Francisco. Inside it is sweltering and muggy when hot and cold and damp when it is cold. I often wondered why the owner did not make better use of the property, but that was by design, I believe. If you let it molder and turn into an eyesore, then it is easy to make the argument that a bigger and glitzier development would be superior to what exists. Improvements could be done with much less demolition and destruction and on a smaller scale. This monster will stick out like a sore thumb and is not subordinate to the setting. I know the City of Seaside still regrets the big ugly hotel that you can see for miles. Please don't do that here. We need story poles for the Executive Wing side that will face Central Ave and that the public will have to look at forever instead of trees and ocean. We need much better renderings of the actual elevations without fake trees added to soften the actual appearance of what will be the reality of this development on opening day. We need public hearings so that people in Monterey on the Lighthouse corridor can be involved along with the residents of Pacific Grove. We must weigh all the pluses and minuses of this development and look at it through the future lens of what we now know about pandemics and climate change and how this will affect demands and businesses going forward. Who benefits and who will be hurt by this development and what is the highest and best use of this coastal treasure, located within the coastal zone of the MBNMS? We currently have a viewpoint for watching local seal rookeries and nesting areas for black oystercatchers that would unquestionably be negatively affected, the very heavily used and wonderful coastal recreation trail and we have the Aquarium almost across the street. Why is the lead agency not following their own general plan goals and coastal act policies and who is benefitting? Setback rules cannot just be waived and set-aside. There is not enough information in this report to make an informed decision. This is the entrance to our City and Pagrovians love our seals and our birds, we love the unspoiled ocean views and do not want a Cannery Row extension at our City's ocean entrance. How much access will there be to the public in this high-end hotel? This area is a resource of great public importance and should not be turned into another enclave for the only the wealthy elite.

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### 3.6 Project Components

The street retail uses would retain and incorporate portions of the existing industrial structure complex. No specific businesses or end users of the retail space have been identified. Why has nothing about the "retail businesses or end users been included in the DEIR? I think it is an important factor that needs to be considered by the decision makers and the public. What kinds of stores will be there? Are these stores open to the public? What is the price point of the commercial space? Are existing tenants given any preference? How much traffic will they bring and is parking sufficient with fewer spaces available?

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How can this be reviewed in a vacuum? These issues need to be disclosed and addressed. This is very important for residents to make informed decisions on what will be located here, how does PG benefit and at what costs to the residents of PG? There is public access to the current spaces, but how much public space will there be in the new development? My understanding is that this Hotel will be upwards of \$700 per night. There certainly will be other effects that should be discussed and commented on when the nature and draw of these commercial spaces is made clear. You cannot piecemeal this development and the DEIR is deficient since it fails to look at the cumulative effects of these commercial spaces.

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## INTRODUCTION TO ENVIRONMENTAL ANALYSIS

### 4.2 Effects not found to be significant

#### 4.2.3 Population and Housing

While the proposed project would not displace residential housing or people per se, it does displace existing businesses that are not likely to be able to afford new rents. It also removes parking from an area that is already short of parking for the remaining businesses.

130-13

#### ***U.S., California and AMBAG Region Demographic Trends to 2040-AMBAG 2018***

*The AMBAG region has more residents per job than the state or nation and that is expected to continue to 2040. AMBAG residents commute to jobs outside the region, principally to jobs in Santa Clara County. This net out-commuting means there are residents in the region not connected to AMBAG region job growth. Net out-commuting surged between 1990 and 2000 as the “dot.com boom” pushed Silicon Valley (Santa Clara County) job levels higher. Out-commuting declined after 2000 as jobs levels in Silicon Valley fell. The Association of Bay Area Governments projected a 28.2 percent increase in Santa Clara County jobs between 2010 and 2035, which, combined with high housing prices in Santa Clara County, will increase the incentive for people to search for cheaper housing in portions of the AMBAG region.*

130-14

This DEIR asserts that PG will have a 16% job increase over the next 20 years and they will be a part of that statistic, yet they state “*project employees would likely consist of service and hospitality staff already living regionally, rather than resulting in a new influx of employees within the City*”. Thus the increase in employment of 16% that they cite would not necessarily be from the local population and more likely from surrounding areas, not PG residents, so that 16% increase they want credit for being a part of, is not even applicable. Since these employees will likely be from outside the City of Pacific Grove, their claim that the proposed hotel would not directly induce substantial, unplanned population growth might be true, but they will be providing no great employment benefit to Pacific Grove residents either, while burdening them with two years of construction problems and the long term problems of traffic, parking, noise, lighting and damage to the local wildlife and loss of native trees. While they could generate approximately 172 hotel, commercial and restaurant jobs regionally, these jobs are not premium pay jobs and would



probably require some, if not most, of the jobs to be filled by people outside of Pacific Grove and will induce more traffic and parking problems for the City in an already congested area. This is also going to create real problems for the people who live in the neighborhoods next to this development as far as congestion and parking long term and forever. This does not even touch on the problems of two years of construction. If you look at the jobs that are available in Pacific Grove like tourism, restaurant, small businesses, their rate of growth are much lower than the 16% cited. In light of the above demographic trends, this AMBAG report indicates that this region will become a bedroom community for Santa Clara County. While the jobs that are cited for this proposed project are jobs that would likely benefit the entire AMBAG region, they are not a direct benefit to Pacific Grove residents, while they will suffer the most burden and loss from this development. This area has narrow streets and limited parking and this project will just amplify and increase those problems. The location is too small for this very large proposed project and has too many other environmental issues with this site in particular, for this location to be a viable option. Those jobs could be just as easily provided with this project located elsewhere. The fact that they want to put this oversized project in an area that is already strapped for parking and where public use and demand is extreme makes their conclusion that there would be no impact incorrect.

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### 4.3 Cumulative Impacts

All of these reports were done “pre-pandemic” and do not address the cumulative effects of construction on businesses that have been closed for some time. Many are just trying to re-opening and will suffer negative traffic and other impacts from this proposed project immediately upon the start of construction. We also have to consider the very real and present problems of climate change and whether the 90% development, that is twice the size of the existing one and located next to some of our local seal pupping and haul out areas, is really the best use of this area. Any undermining of the granite underpinning so close to the shoreline is questionable, let alone for an underground parking lot. Water demand for the project as proposed is probably high but this report gives insufficient analysis of the demand. The paid consultant is already talking about coastal armoring (not for them, of course, because private development is not allowed to do that) by Hopkins Marine Station that they will benefit from. New development and redevelopment should be sited and designed to be safe from potential coastal hazards and in a manner that may not require future shoreline protective devices. This project is already planning on coastal armoring to be installed to protect Hopkins Marine Station which they will benefit from to protect their own underground garage. This is just a bad location for an underground parking garage. They bring few jobs for local residents and they bring a myriad of other problems including traffic, noise, pollution and the diminution of our local animal habitat and tree canopy. There is also a very jarring visual impact at the entrance to our City with the added height and breadth of this project and does nothing to preserve Pacific Grove’s traditional “hometown” qualities. The building design is done to give the most rooms with the most views and does not honor the original structures or Pacific Grove’s Victorian past. It is just an overlarge eyesore.

130-15

## AESTHETICS

#### 5.4.1 City-Wide Visual Landscape

The City is characterized by its historic buildings, quaint neighborhoods, urban forests and stands of trees, Monarch butterfly habitat, rugged coastline, and dramatic ocean views. Pacific Grove's scenic resources within the Coastal Zone include nearly continuous unobstructed views of the sea and sea life in the Bay. Year-round residents and visitors enjoy the recreation trail and the sandy beaches at Lovers Point. This project honors none of these. The modern built-out facade that is proposed, creates a monolithic presence that blocks your first coastline views as you enter the City limits on Central Avenue and certainly alters the cityscape that visitors see of Pacific Grove from the tour boats and sailing in the Bay. I see no historical reference to any period in Pacific Grove history in the architecture of this building. All trees, including mature cypress trees and stands of cypress are to be cut down and replaced with smaller decorative varieties. There is no differentiation between an 8" diameter and a 55" trunk diameter tree in their report. They are all being cut down and we are even losing street trees with no accounting for their size and the visual appearance of this area after they are cut.

**5.4.3 Scenic Vistas** In the immediate vicinity of the project site, ocean views from the recreation trail provide ocean vistas. From the hills inland of the project site, views are primarily from private property. With the exception of views from public roadways, **there are no obvious public vistas such as elevated parks, vista/lookout points, or similar visits in the immediate vicinity of the ATC project site.**

**(I will try to attach photos of views from ATC walkway to show that there ARE obvious public vistas, contrary to what the DEIR indicates)**

130-16

#### 5.4.4. Key Viewpoints (KVPs)

*KVP 1 – Ocean View Boulevard/Monterey Bay Coastal Recreation Trail (north of project site). The changes in appearance to the project site from this location would focus on the replacement of the warehouse and NAFI building with the Group/Family Wing of the hotel. **The proposed hotel would be 37 feet above existing grade at its highest point, which is comparable to the height of the existing warehouse and NAFI building. By comparison, the new structures would be more prominent from this viewpoint, primarily because the NAFI building is set back approximately 120 feet from Ocean View Boulevard, while the new building would be about 30 feet from the roadway, but in terms of visual character, aesthetic changes from this location would be less than significant. The new structures would have a newer, more modern appearance, and would be of a similar mass and scale. These changes would not be considered a substantial degradation of the visual character.** [This is from Section 5.6.3 under Operations]*

*Viewer Exposure: High. In this location approaching the Monterey Bay Aquarium, daily visual exposure to the site from Ocean View Boulevard and the recreation trail would typically be high. The site is highly visible, heavily traveled, and visual for a long duration while traveling in this*



*direction. However, this exposure is tempered by the low visual quality of the viewpoint. Duration would obviously be longer for pedestrians and bicyclists.*

*Overall Visual Sensitivity: Low to Moderate. While viewer exposure is high, the quality of the existing views of the structures with a focal point away from the coastline renders the overall sensitivity of the viewpoint as low to moderate.*

If you look at **Figure 5.2** it shows the outline of the project going all the way to the road along the frontage, but the specifics of the encroachment mentioned under permits in Section 3.4 of the DEIR have no details. Section 5.4.4 is the first mention of KVP 1 and does not mention the encroachment. **Subsection 23.90.180.C.5.g of the City's Municipal Code** mentioned on Page 337 in Section 14.4.2 Zoning and Implementation purports to control but I could not find that Code Section in the PG Muni Code on-line. Someone thought that a new muni code was passed on 9/16/20 that covers this, but I have not seen the code because it is not on-line yet and I have not had time to try to contact the lead person on this as it is a weekend to find out how this came before the City Council. They do not discuss this encroachment in the first reference to KVP 1 in Section 5.4.4 but it is finally found in Section 5.6.3 under operations as stated above. It seems they are trying to bury the lead here. If they have passed a new Municipal Code to facilitate this project, I would like the details of this and why. The City had a special election and rezoned this property to allow for a hotel and got stuck for the costs because the previous developer went belly up. **Now it appears that they may be enacting a new Muni Code for this development. Why?** **This waiver for the setback doesn't follow PG LUP 2.3.2 for Scenic Resources, or the PG General Plan 5.5.3 Local or the following LCP Policies SCE-2, SCE-3, SCE-5 that are listed in Table 14-1 (pages 14-12 and 14-13) in Section 14 Land Use Planning under Subsection 14.6 References. What overriding circumstance would allow them to grant an encroachment that is clearly not allowed under LCP and LUP policies.** There seems to be a need for more transparency and notice with this entire project.

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I saw comments from Will Bee dated 12/12/19 that were sent for the scoping session regarding a possible problem with how the starting baseline measurements were arrived at by measuring from the middle of the street instead of the property line. I am not sure that I know exactly what he means, but hope this issue was addressed and if has not been, it should be addressed.

#### **LCP Policies (from Table 14-1 Local Program Consistency Analysis)**

***SCE-2 Preserving and enhancing the scenic qualities of the Coastal Zone is a priority in all City actions and decisions. Development that could adversely impact public views and scenic coastal areas shall only be allowed where it protects, preserves, and, if feasible, enhances such scenic and visual qualities.***

*Consistent. The project site complies with the Visitor Serving Commercial Development standards with respect to site coverage, setbacks, and building heights as identified in the LCP Implementation Plan. The project will also replace warehouse structures with structures of enhanced architecture and design.*

130-17



**SCE-3 Where appropriate, protect special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses or are locally important historic areas.**

Consistent. The project will modify, but retain, the ATC factory structure, identified as a structure eligible for historic status.

**SCE-5 The City will designate scenic areas of the Coastal Zone, including those areas in Policy SCE- 3, as areas having special scenic significance requiring the imposition of project-specific development standards designed to protect these scenic areas (refer to Figure 4, Scenic Areas).** Development standards for such special scenic significance areas shall include, but are not limited to, **special siting and design criteria including height and story limitations, bulk and scale limitations**, screening and landscaping requirements, natural materials and color requirements, **minimizing lighting that spills into nighttime public views, avoiding glares from windows and reflective surfaces**, requirements to prepare landscaping plans utilizing drought tolerant and native plants that protect and enhance scenic resources; **minimizing land coverage, grading, and structure height; and maximizing setbacks from adjacent open space areas**. Clustering to maximize open space views may also be considered. Development within visually prominent settings, including those identified on Figure 4, and **on all parcels that abut Ocean View Boulevard and Sunset Drive**, shall be sited and designed to avoid blocking or having a significant adverse impact on significant public views, including by situating buildings, access roads, and related development in a manner and configuration that maximized public viewshed protection, and through such measures **as height and story limitations, and bulk and scale limitations**. Clustering development to maximize open space views may also be considered.

Consistent. The ATC Tin Cannery site complies with the Visitor Serving Commercial design standards for site coverage and for building height as identified in the LCP Implementation Plan. The plan as proposed is consistent with these standards, and does not block or have a significant adverse impact on significant public views. See EIR Chapter 5, Aesthetics Policy

This writer of this DEIR finds this project consistent with these policies, but I don't think they are consistent. They will be demolishing much of the historic building and retaining artifacts and pictures to create an archive. That is not the same as honoring a historic building by keeping and respectfully modifying it. The site is twice as large as the existing ATC development and they will be utilizing 90% of the much larger site, they are not increasing setbacks, but are actually **decreasing** setbacks and have asked for a waiver for 3000 feet of setbacks on Ocean View Blvd for this development. The proposed project is not similar in size and is being moved CLOSER to one of only two designated scenic drives and this new huge building will create a canyon "effect". How will this larger face and height affect how sound travels? None of this is good. **What extenuating circumstance exists to consider a waiver that is at odds with their recently adopted LCP Policies?** A recent Municipal Code was passed on 9/16/20 that might have to do with this issue. This section should be

130-17  
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amended to reflect the correct code reference and to explain why the lead agency is implementing code changes for a project that has not been approved.

#### KVP 8 – Inland View from Monterey Bay

*Views from Monterey Bay: This analysis also reviewed several viewpoints from the grounds of the Monterey Bay Aquarium, specifically the publicly (visitor) accessible concrete viewing platforms on the north end of aquarium, were generally out of the way from the main traffic pattern of aquarium visitors and observed to be scarcely used even during a busy weekend. The upper platform has a more direct view of the project site and attracts more visitors outside; exterior. There is an upper platform accessed through the Splash Zone, and a lower platform that wraps around the aquarium's main level. While these locations provide interesting views of the project site from a location accessible by aquarium visitors, the locations from where the ATC site could be seen were generally out of the way from the main traffic pattern of aquarium visitors and observed to be scarcely used even during a busy weekend. The upper platform has a more direct view of the project site and attracts more visitors outside; however, visitor attention is naturally directed toward the water, sea life and sights within the bay rather than back inland toward the shoreline. Views from these locations are shown in Figure 5-3; **however, they were not selected as "key viewpoints" of the project site for the reasons stated above.***

The **mission** of the Aquarium is to inspire conservation of the ocean. It is a place for young children to learn about the wonders of the ocean before they are able to explore it on their own. It is a teaching facility for many, many schools and other organizations. It fosters conservation of resources and protection of species. It is a place to train and learn for those wanting to make oceanography a career. It is a place for people with a love of the ocean and the marine ecosystem to volunteer. The ocean is the largest ecosystem on Earth and it is the planet's life support system.

The fact that they have not chosen this as a "key viewpoint" and the fact that they only looked at the number of people who were at these view sites on **just two days** (11/17/19 and 11/21/19) just **shows how skewed and inadequate this report is.** Typical November weather would not have many people or tour groups outside viewing. As a teaching tool, describing the factories and death of this Bay are significant. Read The Death and Life of Monterey Bay if you want to find out how far we have come since the 1950's and how easy it is to destroy this fragile ecosystem. The Aquarium is a teaching tool and the history of this Bay shows how easy it is to destroy an entire ecosystem and how many years of management it took to restore it. When you look out those platforms to show people where this happened, the historic Boathouse at Hoskins will no longer be flanked by the historic cannery structure, they will be dwarfed by an ultra-modern 240 room hotel that does not fit with this environment in any way and bears no resemblance to the structure it replaces. When visitors come to our area and have a tour, they ask about the history of the area and learn that it was an industrial area for canning fish and the Bay was almost dead. This is the revival story of this whole area. As a Bay Net docent I have recounted this many times to visitors. Nature can heal itself if we let it.

### 5.5.3 Local City of Pacific Grove General Plan

The Pacific Grove General Plan designates two scenic drives in the city: Ocean View Boulevard and Sunset Drive between Ocean View Boulevard and Asilomar Avenue. The project site directly on the frontage of Ocean View Boulevard. **This proposed project does not conform to the General Plan as follows:**

#### Land Use

Goal 2: Repair and upgrade the City's infrastructure.

- Policy 1: **Seek to preserve Pacific Grove's traditional "hometown" qualities.**
- Policy 2: **Ensure that new development is compatible with adjacent existing development.**

#### Urban Structure and Design

Goal 1: Emphasize and promote the overall visual attractiveness of Pacific Grove.

- Policy 1: **Develop a cohesive and aesthetically pleasing urban structure for Pacific Grove.**
- Policy 2: Continue to **require citywide architectural review for all new structures**, and for exterior changes to existing structures.
- Policy 3: **Improve the visual quality of Pacific Grove's major boulevards.**
- Policy 4: **Enhance city entrances and major commercial nodes.**

Goal 2: **Enhance the relationship between the city and the Pacific Ocean and Monterey Bay.**

Goal 3: **Maintain and enhance the quality of the city's landscape and streetscape.**

- Policy 8: **Endeavor to protect the tree canopy created by mature trees by planting replacement trees.**
- Policy 9: **Use street trees to enhance and soften the visual character of major streets within the city.**

#### Natural Resources

Goal 3: **Preserve public visual access to the ocean. selection of building materials, and protection or replanting of trees that are "visually integral" to the scenic quality of the coastline.**

I can find no architectural review in this DEIR. Has there been a review as required or is that something else that will be done later?

### 5.6.1 Significance Criteria

*An impact of the project would be considered significant and would require mitigation if it would meet one or more of the following criteria:*

- **Cause a substantial adverse effect on a scenic vista.**
- **Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway.**
- **Substantially degrade the existing visual character, coastal scenic resources, or quality of public views of the site and its surroundings. (Public views are those that are experienced from publicly accessible vantage points.)**
- **In an urbanized area, conflict with applicable zoning and other regulations governing scenic quality.**

- **Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area.**

*A significant aesthetic impact could occur if the proposed project's incremental aesthetic impact would be cumulatively considerable (sic) considered?*

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**This project's impacts should be considered cumulatively and the impact IS considerable.**

### **Impact Assessment Methodology**

*To determine potential impacts, the impact significance criteria identified above were applied to the construction and operation of the proposed project. Impacts are identified as being either short-term or long-term in nature.*

***An adverse aesthetic (visual) impact occurs within public view when: (1) an action perceptibly changes existing features of the physical environment so that they no longer appear to be characteristic of the subject locality or region; (2) an action introduces new features to the physical environment that are perceptibly uncharacteristic of the region and/or locale; or (3) aesthetic features of the landscape become less visible (i.e. partially or totally blocked from view) or are removed. Changes that seem uncharacteristic are those that appear out of place, discordant, or distracting. The degree of the aesthetic impact depends upon how noticeable the adverse change may be, and conclusions can be subjective.***

130-21

All opinions are subjective but saying there are **NO significant environmental impacts after mitigation is really stretching things beyond subjectivity into patronage. Out of 60 Significant and Less Than Significant issues identified with this project, only two were found to be Significant and Unavoidable after mitigation:** The disturbance of the construction and changes to this scenic area and the destruction of the historic structure itself. Their mitigation is to provide screened fencing during construction and to create an archive of photos and a public display of artifacts of what this area once was. They say absolutely nothing about the loss of our seal rookeries and negative impacts on the local seal and bird populations. They propose protections for the seals that do nothing to protect them and will not work. Loud noises can cause the entire beach to flush. Seals sleep all day and hunt all night. Seals do not have bankers hours and this beach is their bedroom. Their hours of construction over a two year period will disturb them every day that noisy work happens and will definitely harm the local seal population. It could endanger their health through stress and lack of proper resting periods during the day or just drive them away permanently. **This must be addressed in the DEIR.**

### **5.6.3 Impacts of the Proposed Project**

**The pictures KVP 1 - KVP 8 are all inadequate to notify the public of the full extent of the proposed changes, the number and amount of trees that will be removed and how the elevations of the new construction will affect the horizon views especially when all the trees**

130-22

are gone. **No story poles, even though required, have been provided to notify the public of the extent of the changes due to unstated “safety concerns”.** They discuss views from traveling motorists having no concern or loss with any of the changes. Where is the discussion of how the people who live here will respond to these changes as they walk to the store? No trees, no views, just the flat face of a huge building. Not once, do they discuss the loss of this many mature trees as anything of consequence. They seem to have the notion that a tree is just an obstruction to a view and has no value in and of itself. Each and every picture and issue is reduced to “not significant” after mitigation. Their mitigation is cutting down every tree and grading the entire site, removing tons of debris of the historic cannery they have demolished with other overburden and building this huge monolithic building. **It seems that the hotel itself is their mitigation.** The only view they feel is significant is the view of Pacific Grove from the ocean and they dismiss that too because it won't be seen by that many people. This proposed development, when completed, will be visible on the other side of the bay from the glare on the glass. Something as ugly as the Dream Inn (or whatever it is called now) could never get approval now. As we approach Pacific Grove on Lighthouse Avenue, how far away will we see this development? We need to know and these story poles should be provided. Obviously, it will drastically change the oceanview of Pacific Grove, as this project will dominate the space and dwarf the Hopkins Boatworks and other historic buildings. It will be the first thing you see as you enter Pacific Grove on Lighthouse Avenue and is outsized for this location and space. They plan to double the size of the existing ATC and raise the elevation to 48' (including units on top that are supposed to be screened). This is too tall and too large. **It does not comply with the General Plan goals and protections of scenic views and resources outlined in LUP Scenic Views 2.3.2 Coastal Act Policies.**

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The DEIR states: *“The primary “scenic vista” associated with the ATC hotel project is the open, dramatic view from the Monterey Bay, (looking) inland toward the project (KVP 8). As described and shown in the existing setting, this vista shows the topography of Pacific Grove in the background, the ATC buildings in the foreground, a thick canopy and tree line of urban forest, and the dramatic, rocky coastline. Besides public roadways, there are **no fixed public vistas or viewing areas in the vicinity (such as designated turnouts or public parks) with a view of the project site. Vistas provided from public roadways at higher elevations looking toward the project site are mostly screened by buildings, trees and other obstructions”.** However, later in the DEIR they allude to public views from the Aquarium's upper deck that are away from the main traffic areas (Figure 5-3).*

130-23

**Photo KVP 8 and Figure 5-3 show how much this will be viewable from the Aquarium and from the ocean. The fact that not many people take boat trips or use the deck platforms at the Aquarium and look back at the intertidal areas and shoreline is not justification to list these issues as Not Significant.** Views from the Bay, from the Aquarium and from Central Avenue and the City entrance remain significant.

This hotel will dwarf the historic structures remaining and even dwarf the Aquarium. The changes on our coastline are substantial. The new buildings are not similar in scale or architecture and will

have a “new modern” appearance. It will dwarf the existing coastline and historic building that exists and should be considered a substantial adverse effect. They will be destroying a historic structure to replace it with a photo archive. The increased building height is not consistent with the character of the existing structures, denuded of all existing trees and trees that are in the range of 60+ years. These trees cannot be replaced with new trees. You will see a visual horizon that is this building without any trees to break that flat plane. Any visual integral of the heritage trees will be lost. The current site has a low visual quality instead of a building that measures over 40’. They propose to increase their encroachment on Ocean View Blvd directly across from the well used coastal trail which does not comply with their recently enacted scenic policy SCE-5: ***minimizing land coverage, grading, and structure height; and maximizing setbacks from adjacent open space areas.***

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Visual screening will do absolutely nothing to screen the noise, dust, truck and equipment activity for the 18-24 months of construction, nor will it do anything to protect the biologic resources because of the noise and how it will travel. The new building is much larger than the existing structure, would demolish much of the existing structure and would encroach further on Ocean View Blvd directly across from the very popular coastal trail. **This does not comply with LCP IP 23.90.180 (C) (5) (b).**

The loss of up to 52 mature Monterey cypress trees (and 79 trees in total) would significantly affect the visual character of the community specific to this location, as trees are a unique coastal resource. The lighting from the development and the glare from the windows will be seen across the bay at times. The project could produce new sources of glare from windows and reflective surfaces that are more intense than current conditions. Given the project (and Pacific Grove’s) location at the tip of the Monterey Peninsula, the project faces east/northeast. During several months of the year, clear mornings provide bright and dramatic sunrises on this section of the coastline in the early morning. Based on the project design and orientation, and extensive use of glass surfaces, increased glare could be experienced from reflection and glare along the Ocean View Boulevard and Eardley Avenue frontages. Recipients of glare could include the Andronico’s commercial site (not sensitive), and Hopkins Marine Station (potentially sensitive). The changes to the visual character from several viewpoints, the increased size of this development and the visual integrity of these four square blocks at the entrance to our city are a loss that we do not have to sustain. This project must be reduced in size or denied altogether.

130-24

#### **5.6.4 Cumulative Impact**

The geographic context for the analysis of cumulative aesthetic impacts includes the project site viewshed and the visual character of its surroundings in the City of Pacific Grove. Cumulative impacts include: An almost 50% increase in size (too large) for the existing ATC and an increase to the previous Leeds certified proposed development (Project Bella), loss of trees, lighting and glare, traffic problems, location too close to residential areas, traffic, air quality, loss to species habitat and the possible loss to the species themselves. The cumulative impacts are significant and are not outweighed by any benefit to residents in Pacific Grove or Monterey. Hazards such as sea level rise, tsunamis, earthquakes and flooding are all deemed not significant based on no

130-25



apparent information. They plan on relying on coastal armoring by the Hopkins Marine Station to protect this development also. Viewer concern and interest for the viewsapes in this area is very high and the local recreation trail is directly across from the entire frontage of this property and extends for miles in each direction on either side of that frontage. The size and height of this proposed development will dwarf and overpower the other buildings nearby. Mature trees that soften these hardscapes will all be cut down in favor of small decorative trees that are planned for this development. This proposed development will present massive blocky structures with glass fronts and little charm and will block the ocean view as you enter Pacific Grove. This space could be a beautiful, vibrant, charming and visitor friendly environment on the coast for everyone to enjoy. Instead it has been allowed to deteriorate and become an almost derelict space so that a much larger development might look appealing. The footprint of ATC would go from 2.864 acres to 5.59 acres and will be a much larger project that would encompass 90% of the larger site. The DEIR found that before mitigations there were **19 Significant** areas of impact and **41 Less Than Significant** areas of impact. Of the 60 total areas of concern in the DEIR, only two remained as Significant and Unavoidable after mitigation in their DEIR: the destruction of the historic building itself and the degradation of the existing visual character of the site and its surroundings. Their mitigation: Screened fencing around the construction area and take pictures and create and archive to show the building that used to be there. They want to use drones to map the area which is in violation of the PG codes without a permit and would certainly result in the flushing of all the seals and a violation of the Marine Mammal protections. How many loads will it take to get rid of the debris and how much noise will that cause? This entire DEIR is just boilerplate cut and paste language from every other DEIR that we have all waded through. It is a joke and not very funny one, that has been signed off on by the lead agency as ready for review. This is the first "big" project where Pacific Grove is the lead agency and there are many instances I have cited of them not even complying with their own policies. They have not been very transparent with notification requirements and have even used the pandemic as a reason for not providing hard copies of the DEIR and safety concerns (unproven) for not even installing one story pole. This is just too big, too rushed and not enough notice to the public or information to make an informed decision.

130-25  
Cont

**HAZ-1.** This information is based on flood maps from 2017 and seal floor mapping data from 2012. These should be updated based on current data.

130-26

**HAZ-8.** The creation of a parking garage that would be 18 feet above sea level, or about 10 feet below existing grade and the removal of an unknown amount of granite to provide for this lower level needs further study and reporting. *Development shall minimize risks to life and property in areas of high geologic, flood, and fire hazard. Development shall also assure stability and structural integrity, shall not create nor contribute significantly to erosion, geologic instability, or destruction of the site, and shall not substantially alter natural landforms.* None of these issues have been fully addressed in this DEIR.

130-27

**HAZ-9.** *Development shall be sited and designed to avoid impacts from coastal hazards, including but not limited to, erosion, episodic and long-term shoreline retreat, flooding, inundation, storm waves, high seas, tidal scour, and tsunamis, including in relation to sea level rise, over the life of*

130-28

*the development.* The fact that the applicant shall record a deed restriction acknowledging that the development may be subject to coastal hazards. This does absolutely nothing to protect the public from a development that may start taking on water and could expand or accelerate the instability of the bluff and create a disaster at the entrance to our city

130-28

**HAZ-11.** *In order to minimize potential damage to life and property from coastal hazards, development and the use of land below the 20-foot elevation (as measured from mean high tide) shall be limited to coastal dependent and coastal related development, open space, low intensity public recreational access facilities and uses, public infrastructure, allowable shoreline armoring and coastal access facilities, and, at Lovers Point, Hopkins Marine Station, and Monterey Bay Aquarium, coastal dependent development. Other legally established existing development and uses below the 20-foot elevation may remain, but shall be relocated above the 20-foot elevation (or simply removed) should it become threatened by coastal hazards or should they redevelop.* This project proposes to include subterranean parking below the Group/Family Wing at the corner of Ocean View Boulevard and Dewey Avenue. The resulting elevation of the garage would be 18 feet above sea level, or about 10 feet below existing grade. **This underground parking to this depth should not be allowed.**

130-29

**HAZ-12.** *Development proposed in potential hazard areas, including but not limited to those that are mapped as hazardous in Figure 3, shall be evaluated for potential coastal hazards at the site, based on all readily available information and the best available science. If the initial evaluation determines that the proposed development may be subject to coastal hazards over its lifetime, a site specific hazards report prepared by a qualified geologist/engineer is required, the purpose of which is to ensure that such development can be built in a manner consistent with applicable LCP coastal hazards policies.* **This brief synopsis is not sufficient to meet this requirement.**

130-30

**Where is this report for this project?**

**HAZ-14.** *New shoreline protective device development (including replacement, augmentation, addition and expansion associated with an existing device) shall only be allowed where required to protect public recreational facilities (e.g., public parks trails, and paths), public infrastructure (e.g., public roads, sidewalks, and public utilities), and coastal dependent development (e.g., certain Hopkins Marine Station development) in imminent danger from erosion. Such devices shall only be utilized if no other feasible, less environmentally damaging alternative is available, such as relocation, beach nourishment, non-structural drainage and native landscape improvements, or other similar nonstructural options. Shoreline protective devices shall not be constructed to protect non coastal-dependent development, other than public recreational facilities and public infrastructure that do not otherwise constitute coastal-dependent development, or where other measures can adequately mitigate erosion hazards.* This development is planning on protections being updated at Hopkins Marine Station (Letter of Moses Cuprill dated 1/17/19 Item 9) to provide protection for this development also. **I do not think that can or should be relied on as possible protections from hazards for this private development.**

130-31

## 6.0 AIR QUALITY

The data here is understated and insufficient. Large truck hauling will create traffic backups that will contribute detrimentally to air quality and be significant during construction. What traffic route will be designated for these large trucks? **We need to know which routes will be designated for these large truck hauls so that traffic impacts can be determined.**

130-32

*Demolition, site preparation, rock excavation, and grading would occur first. The project would require approximately **10,015 tons of demolition** for the existing buildings and pavement onsite, over a period of approximately five weeks. The proposed project would require grading of the entire project site over a period of approximately nine to ten weeks. Earthwork is estimated to be approximately 47,100 cubic yards (cy) of cut material, 400 cy of fill for a total of **46,700 cy of net export**. Substantial portions of the cut will be in weathered or intact granodiorite bedrock. CalEEMod estimates that the project would generate up to 195 worker trips and 77 vendor trips per day for building construction. For grading, the model estimates approximately **5,838 hauling trips over 45 days** which would result in approximately **130 daily hauling trips**. During the grading phase there would be approximately 20 daily worker trips. Therefore, a total of **150 daily trips** would occur during the grading phase. Fugitive dust emissions are associated with land clearing, ground excavation, cut-and-fill operations, rock excavation, demolition, and truck travel on unpaved roadways. Dust emissions also vary substantially from day to day, depending on the level of activity, the specific operations, and weather conditions. Fugitive dust emissions that may have a substantial, temporary impact on local air quality. In addition, fugitive dust may be a nuisance to those living and working in the project vicinity. Fugitive dust from grading and construction is expected to occur during the approximately 18 to 24-month construction phase of the project, but would be concentrated within the first months. It would cease following completion of the initial development. Additionally, most of this fugitive dust associated with construction, grading, and excavation activities is inert silicates and is less harmful to health than the complex organic particulates released from combustion sources. **Dust (larger than ten microns) generated by such activities usually becomes more of a local nuisance than a serious health problem. However, excessive amounts of finer PM10 generated as a part of fugitive dust emissions is a concern and requires mitigation.***

130-33

I have worked at construction sites and know how much dust can be generated by large trucks hauling demolition debris and overburden. Lighthouse Avenue will look like a mining construction haul road with all these daily truck trips. I also work with glass powders and have to use an N-95 respirator when I am working with glass dust because of the silica. When people breathe silica dust, they inhale tiny particles of the mineral silica. Over time, the silica dust particles can cause lung inflammation that leads to the formation of lung nodules and scarring in the lungs called pulmonary fibrosis. **Their assertion that this is just a health nuisance is not correct.**

*The MBARD's 2008 CEQA Air Quality Guidelines provides criteria for determining cumulative impacts and consistency. The CEQA Air Quality Guidelines note that a project which is inconsistent*

130-34

with an Air Quality Plan would have a significant cumulative impact on regional air quality. As discussed above, the project is consistent with the Air Quality Management Plan for the Monterey Bay Region. The project would not exceed quantitative thresholds for either of these ozone precursors. **Similarly, PM<sub>10</sub> thresholds also would not be exceeded for construction or operation of the project.** Therefore, the project would not make a considerable contribution to this existing, cumulatively significant impact. This is a less than significant impact.

130-34  
Cont

There is not enough information or study in the DEIR to support this conclusion. Just saying that they aren't going to exceed guidelines does not make it so.

#### **MM AQ-2.1 Reduce Fugitive Dust**

They propose to limit grading to 8.1 acres per day, and grading, demolition and excavation to 2.2 acres per day. *Water graded/excavated areas and active unpaved roadways, unpaved staging areas, and unpaved parking areas at least twice daily or apply non-toxic chemical soil stabilization materials per manufacturer's recommendations. Frequency should be based on the type of operations, soil and wind exposure. Prohibit all grading activities during periods of high wind (more than 15 mph). Apply chemical soil stabilizers on inactive construction areas (disturbed lands within construction projects that are unused for at least four consecutive days).*

130-35

**The entire site is only 5.59 acres so where did they get a limit of 8.1 acres per day and excavation of 2.2 acres per day.** Is this a cut and paste from agricultural grading standards or what? What chemicals will be applied to the soils? Will these end up in the ocean when it rains? **This section needs work.**

#### **MM AQ-2.2 Designate a Dust Compliance Monitor**

A compliance monitor is only after the fact when you already have a problem. There is not enough data to determine if their plan has enough preventative measures or if the project as designed can be compliant. Not good.

6.5.4 Cumulative Impact Analysis The number of large truck hauls of debris, overburden and supplies, not to mention employee trips, will result in making Lighthouse Avenue a parking lot for several months. Carpooling, walking and biking will not help this problem. Traffic idling, especially large diesel trucks will be a significant source of emissions. **This section needs much more analysis and work.**

130-36

### **7.0 BIOLOGICAL RESOURCES**

Trees are a valuable resource. I would defer to other commenters regarding the issue of the loss of our urban canopy and the wanton disregard for all the trees on this site and would join in the comments of Cosmo Bua regarding the loss of trees and the fact that they have still not marked the trees slated for destruction with ribbons as is required. Many street trees will also be lost and those have not even been discussed. Now, more than ever, we need to save our trees. The DEIR asserts *that no significant long-term impacts to the urban forest ecosystem are anticipated due to the fact that the trees being removed are planted landscape trees which can be replanted or*

130-37

*otherwise mitigated through accepted methods such as payment of in-lieu fees.* In-lieu fees are not trees and the removal of these trees would constitute a significant impact under CEQA. The writer of this DEIR wants to dismiss the trees as inconsequential but adds the offhand comment, *“However, as the site is within the Coastal Zone, existing trees must be considered for both biological and aesthetic considerations.”*

130-37  
Cont

## 7.5 Environmental Impacts and Mitigation Measures

I join in the comments from Thom and Kim Akeman respectively, regarding the problems that will result from this proposed development with our local harbor seal population. None of the mitigations proposed will alleviate the problems. The DEIR reports the proximity of the seals incorrectly and the mitigations proposed are inadequate to stop the noise which is the greatest disturbance for this area. I can tell you from my own personal experience that the noise from the road area travels down to the beach and I have personally seen harbor seals that alert to just the sound of a child squealing in delight on seeing them. The sounds of jackhammers and other loud construction noise will be very detrimental and will definitely flush the seals. Enough disturbances could make them abandon the rookery. The work hours for construction are the hours that the seals need to haul out and rest, so the long term problem is their being able to rest enough to feed at night and maintain their health. As stated by Kim Akeman the rookery may be 400 feet but there are seal haul out sites within a 200 yard radius also. More study must be done on noise levels at this sensitive location. Their assertion that changes in the noise environment at these levels is not expected to be significant enough to modify harbor seal behavior. A better biological study must be done with the correct locations for harbor seals and black oystercatchers in the vicinity of this project. A study of marine mammals done in 2018 is not necessarily applicable to harbor seals that are very skittish of noise disturbance even if that noise disturbance is screened. The timing of the work needs to be investigated because some seals are still nursing on June 1 and disturbances have caused early delivery of stillborn pups as early as January. These species are already under great stress because of climate change, warming waters and scarcity of food. A biological monitor is closing the barn door after the cow is out.

130-38

## 10.0 GEOLOGY AND SOILS

I join in the comments posted by my husband, Jim Raine, that were previously submitted and incorporate them by reference here..

130-39

## 12.0 HAZARDS AND HAZARDOUS MATERIALS

Part of this construction requires the removal of overburden and granite. This site has been an industrial site for almost 100 years and has had many different businesses located on these parcels. Soil samples need to be taken at various locations to determine if there are any toxins or other hazardous materials in the soils before removal begins.

130-40

## 13.0 HYDROLOGY AND WATER QUALITY

### 13.5 Environmental Impacts and Mitigation Measures

*This section describes the project's potential to adversely affect local hydrologic conditions (drainage patterns and runoff volumes), surface and groundwater quality, or cause the release of pollutants due to inundation from flooding. Due to the unique location of the project and in light of available data regarding future sea level rise, coastal hazards are also addressed in this section. The project site is designated by FEMA as Zone X, which indicates minimal risk of flooding. As discussed above, the project site is located near, but not within, the City's tsunami inundation area. As discussed in Chapter 12, Hazards and Hazardous Materials, the project does not involve the storage of large quantities of hazardous materials, fuel tanks or similar sources of contamination that could be released within inundation. The project would, however, include subterranean parking below the Group/Family Wing at the corner of Ocean View Boulevard and Dewey Avenue. The resulting elevation of the garage would be 18 feet above sea level, or about 10 feet below existing grade.*

130-41

Report of Moses Cuprill indicates in item (7) that following an extreme storm event or drop in tide level, the water from wave run-up would subside and any remaining standing water would percolate through the coastal bluff terrace deposits between Ocean View Blvd and the bluff, infiltrate to the granite bedrock the slopes towards the shoreline and then flow seep seaward until it daylight at the open bluff face. There is very little chance that it would change the seasonal groundwater regime around the below grade parking garage.

**Policy INF-12** *In order to minimize impacts from coastal hazards as well as to avoid impacts to water quality, public access, and scenic and visual resources, there shall be no net increase in beach outfalls and the City will seek and pursue opportunities to consolidate and/or eliminate reliance on storm water outfalls that convey storm water onto the beach and/or into Monterey Bay or Pacific Ocean.*

130-42

We need soils reports for hazardous or toxic materials since this has been an industrial site for 100 years or more. The percolation system that is described in their Evaluation of Hazards does not describe how waters will be filtered of any contaminants from the development before they percolate and end up in the ocean. How are they complying with Policy INF-12 to minimize stormwater outfalls and how do they ascertain that toxins from their development aren't incorporated in the storm water runoff?

From Luke Coletti's scoping letter:

For the water permit the District will require the City to make CEQA findings in support of a determination of "special circumstances". If actual water use exceeds the preliminary Water Use Capacity estimate, then the District will debit the Jurisdiction's Allocation (PGLWP entitlement - MPWMD Ord 168). Prior to issuance of the Water Permit by the District, the Jurisdiction must acknowledge in writing the potential debit to its Allocation, as well as authorize the District to issue

130-43

a Water Permit based on a finding of Special Circumstances consistent with CEQA compliance for the proposed Project.

The Water Demand Analysis must be done prior to any approval of this DEIR. What special circumstances exist for this private development to risk a potential debit to our public water allocation? Our water supply is on the line here for a private enterprise venture. There are too many water intensives features in this project and full analysis needs to be done and included in the DEIR. Two swimming pools, a spa and a fitness center on top of a 225 room hotel are very water intensive features. The size and scope of this proposed development begs a better water demand analysis be included in this DEIR. The residents of Pacific Grove need more information on this water deal and how it might affect our water allotment in the future.

130-43  
Cont

## **14.0 LAND USE and PLANNING**

### **14.3.3 Adjacent Land Uses**

The area and neighborhood around the ATC site experiences significant tourist activity, but is also the location of an established residential neighborhood west and northwest of Dewey Avenue. These are the properties that will be negatively affected by this large hotel complex that is incompatible with these homes.

130-44

### **14.5 Environmental Impacts and Mitigation Measures**

In the previous sections I have enumerated how this proposed development does not follow the General Plan, the LCP and LUP and Policies adopted by the lead agency. I incorporate all of the comments stated previously, here by reference. Many of the reports are inadequate and the mitigation measures useless.

130-45

## **15.0 NOISE AND VIBRATION**

### **15.5 Environmental Impacts and Mitigation Measures**

In previous sections I have enumerated how the noise and vibrations will affect the local wildlife and I incorporate those comments here by reference. I think the residents and businesses in the vicinity of this proposed development are going to be very unhappy if this development goes forward as proposed. I have talked to various Pacific Grove residents about this DEIR and very few people in Pacific Grove and in this area are even aware that this project is at the DEIR review stage. Because it is located only ½ block from the border of New Monterey, I think much wider notice should go out and there should be some public hearings on this very large and very impactful proposed development. Impacts are minimized and many of the mitigations won't work.

130-46

## 17.0 TRANSPORTATION

Most of the transportation impacts and statistics in this report have to do with traffic after construction. I would point you to the stats on truck loads in the Air Quality section that I previously commented on and incorporate here by reference. Lighthouse Avenue will become a mining haul road for several months or longer. Our surface roads will suffer and the people who have to travel those roads will suffer too. Businesses on these haul routes will be impacted also. This section needs to be redone to have a more realistic evaluation of the impacts of all these trucks on our surface roads and intersections. We all have recently lived through the Highway 68 upgrade and know how bad Lighthouse can get as one of only two roads for access to Highway 1.

130-47

## 19.0 UTILITIES and SERVICE SYSTEMS

*Currently, Pacific Grove has extremely limited water available for new water allocations and maintains a Water Wait List for such allocations. Water is allocated in accordance with Chapter 11.68 of the City's Municipal Code. If a project requires additional water beyond on-site water credits recognized by the Monterey Peninsula Water Management District, an applicant may apply to place a project on the Water Wait List. To ensure that unanticipated water demands will not preclude coastal priority uses, Local Coastal Program (LCP) policies support water conservation and demand reduction. The MPWMD monitors and regulates the region's adjudicated groundwater resources through a system of pumping restrictions, permitting and measured water allocations or credits. MPWMD currently recognizes the project site as having current on-site water credits that total 18.53 acre feet of use per year (AFY).*

130-48

We need a Water Demand Analysis for this project and should look at modifications to the project to reduce water demand. I would include my comments from Hydrology and Water Quality on this subject here by reference.

***Policy INF-12*** *In order to minimize impacts from coastal hazards as well as to avoid impacts to water quality, public access, and scenic and visual resources, there shall be no net increase in beach outfalls and the City will seek and pursue opportunities to consolidate and/or eliminate reliance on storm water outfalls that convey storm water onto the beach and/or into Monterey Bay or Pacific Ocean.*

130-49

There are existing 12-inch and 18-inch storm drains that extend along Eardley Ave from Sloat Avenue to Ocean View Boulevard. Existing 20-inch and 21-inch storm drains extend from the intersection of Eardley Avenue and Ocean View Boulevard. An existing 10-inch storm drain extends along Ocean View Boulevard. **How are these storm drains being modified to assure that there is no net increase of storm water onto the beach and or the bay and ocean?**

## 20.0 ALTERNATIVES

I think a much smaller project that updates this building with more public spaces, no underground parking and a much smaller footprint with inside and outside dining options would be preferable and could be very lovely.

**Comment on proposed hotel development**

mary Doshay <marym7sf@hotmail.com>

Mon 9/28/2020 11:23 AM

To: R Mullane <rmullane@hrandassociates.org>; ahunter@cityofpacificgrove.org <ahunter@cityofpacificgrove.org>

Dear Mr Mullane And and Ms. Hunter,

I am writing in response to the open comment period regarding the hotel development being planned in Pacific Grove at the American Tin Cannery site, across from the harbor seal rookery.

I want to share my concerns about the impact the construction noise and crowds will have on this fragile population of harbor seals. For a few years now the seals are having increased premature births resulting in deaths and the adult seals are having more and more challenges finding food, resulting in thinner and seals that have a more difficult time successfully reproducing. This seals face so many threats already, please reconsider your plans and take their well being and continued existence into account.

**131-1**

Also, the removal of the cypress and other trees for the underground garage is the exact opposite thing we as a society should be doing in the face of climate Change. We need to plant more trees , not remove heathy exisiting ones.

**131-2**

While I think it's great to transform the space into something that can brings jobs and business to the area , I do have so many concerns about the scale and extent of the construction and development project being planned and hope you will take significant steps to reduce impacts to these fragile wildlife that already have such a hard tome thriving due to human impacts and loss of safe habitat.

**131-3**

Thank you  
Mary Doshay

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## The Tin Canary Hotel

Nan Heller <hellernan@gmail.com>

Sun 9/27/2020 11:36 AM

To: R Mullane <rmullane@hrandassociates.org>; citycouncil@cityofpacificgrove.org <citycouncil@cityofpacificgrove.org>; citymanager@cityofpacificgrove.org <citymanager@cityofpacificgrove.org>

Dear Rob Mullvane, Ben Harvey, & City Council members,

I am writing to express my wants and dislikes of the proposed hotel in the Am Tin Canary building.

The size of the proposal is too massive and not compatible with Pacific Grove.

The traffic it will create is more than desirable at the corner of David & Lighthouse. Creating more congestion than is manageable, with additional traffic on Central going into downtown Pacific Grove.

The structure of the Am Tin Canary was solidly built and I want the integrity of the building to be preserved.

The massive destruction of 79 trees is appalling. We want trees in this town more than we want covered space.

Two swimming pools in Pacific Grove is unnecessary and takes up too much space. One would suffice.

And to mention the Sea Water Rising issue the city has addressed over the past few years.

132-1

We have fought oversized hotels in the past and I am disappointed the city does not respect or represent our wants by continuing to approve oversized hotels. We DO NOT want over sized structures in Pacific Grove even when it is on the outskirts. We DO NOT want our historic small town jeopardized with massive buildings. We DO NOT want to bring in 250 more cars to obstruct the flow of traffic. The city continues to try to get projects through that jeopardize the integrity of our historic town. **Please represent what we want. Represent your constituents. NO BIG HOTELS.**

132-2

Thank you,  
Nan Heller

----- Forwarded message -----

From: **City of Pacific Grove Website** <[website@cityofpacificgrove.org](mailto:website@cityofpacificgrove.org)>

Date: Sat, Sep 26, 2020 at 2:16 PM

Subject: [Community Development] ATC Hotel Project

To: <[dgonzales@cityofpacificgrove.org](mailto:dgonzales@cityofpacificgrove.org)>

Nancy Parsons ([nancyparsons29@gmail.com](mailto:nancyparsons29@gmail.com)) sent a message using the contact form at <https://www.cityofpacificgrove.org/contact>.

Once again the residents of Pacific Grove are being asked to forfeit their peaceful community life for another oversized hotel project that will attract thousands of tourists. This project will be three stories, take over 2 years to construct, remove trees, impact traffic on David and Central which is already bumper to bumper all year round now. And the City of Pacific Grove is trying to sneak this through now during a pandemic when people are not paying attention. Shame on you!!! I am still upset about the new condos that are being built on the corner of Lighthouse and Fountain. Remember City Council, you work for the people of this community not the rich developers that want to exploit our last home town!!!! Thank you for your consideration.

**133-1**

--

Best regards,

\_\_\_\_\_

Debbie Gonzales

City of Pacific Grove, Community Development Department

9/30/2020

Mail - R Mullane - Outlook

300 Forest Avenue, Pacific Grove, CA 93950

Direct 831.648.3183, Fax 831.648.3184

[dgonzales@cityofpacificgrove.org](mailto:dgonzales@cityofpacificgrove.org)

[www.cityofpacificgrove.org](http://www.cityofpacificgrove.org)

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# Letter 134

ATC

Patricia Addleman <patbuckcreek@gmail.com>

Mon 9/28/2020 4:54 PM

To: R Mullane <rmullane@hrandassociates.org>

I think the most ridiculous thing about the ATC project is the excavation of bedrock for a garage - maybe it could be stopped because we are not zoned for a quarry? (Or they can only dig it if they use it to build the hotel?)

Well, the other thing is the design's disrespect for cannery history which the Aquarium did a great job of incorporating into their project.

There must be someone with more imagination than what the city has come up with for all these big projects - and the integrity to put in the 'affordable' parts up front so they don't have to be called on it when it's too late and they need another floor —

134-1

Patricia Addleman  
119 Fountain Avenue

**Letter 135****Objection to ATC Hotel and Commercial Project in Pacific Grove**

Patty Pai &lt;singerpattypai@gmail.com&gt;

Mon 9/28/2020 1:13 PM

To: R Mullane &lt;rmullane@hrandassociates.org&gt;

Dear Mr. Mullane:

I am a 7-year resident of Pacific Grove and I live on Pine Ave. I am writing to voice my extreme concern at the proposed scale and other aspects of the ATC Hotel and Commercial Project at 125 Ocean View Blvd.

PG is a unique town, and the design of the project does not reflect its history or character at all. It is too large and falls too short on incorporating natural elements such as those currently present at the site. I believe that the site should be repurposed and rehabilitated to revitalize the area, but not in this way, especially right along the coastline. This plan was developed before recent upheavals in the economy and the natural environment. The plan should be revised and updated to reflect and respond to current conditions.

Plan notwithstanding, the massive scale of construction required may cause irreversible harm to the local aquatic ecosystem. Noise pollution from the construction and increased traffic after completion of the project will likely disrupt the breeding cycles of the harbor seals that haul out at Hopkins Beach, as well as the feeding and breeding habits of sea otters up and down the rec trail at the construction area. A major draw of PG for tourists is the abundance of seals, otters, and other wildlife. If we build a hotel that destroys the very things that draw the tourists to PG and, as a result, the tourists don't come, we'll have gained nothing but will have lost much more than money could ever buy.

I join the many citizens of Pacific Grove in urging the reconsideration of these plans. Please downsize, reduce the impact on the surrounding wildlife, ensure protection from noise pollution, and incorporate more natural elements such as retaining existing trees, so that this project is more suitable for PG than for downtown San Jose.

Regards,

Patty Pai

**135-1**

**AMERICAN TIN CANNERY PROJECT**

Patsy Volpe <patymelvin@comcast.net>

Sun 9/27/2020 8:28 AM

To: R Mullane <rmullane@hrandassociates.org>

Cc: citycouncil@cityofpacificgrove.org <citycouncil@cityofpacificgrove.org>; citymanager@cityofpacificgrove.org <citymanager@cityofpacificgrove.org>

Please, not again! The proposed project at the site of the Tin Cannery is entirely too huge, will destroy the nature of our little home town; you know, the one visitors seek out for its quaint charm. Really, do we need a huge hotel? Do we need to destroy native trees? Do we need to create horrific traffic jams? Do we need to disturb sea creatures and drill through the earth to create parking? What are you thinking? Please! I could live with a hotel the size and footprint of the current cannery and in keeping with the cannery's original look, though I really wouldn't want that either. But this gigantic structure is simply unacceptable.

The general public has no idea of this plan. Where are the story poles? The renderings of this project where residents will actually see it?

This is wrong and it seems you're trying to sneak this through when we're all in a weakened state due to our preoccupation with Covid. This is not the time and this is not the place for such a monstrosity on our beautiful bay. Please rethink this project.

Respectfully,

Patsy Volpe

Melvin Beechman

(Pacific Grove residents for 35+ years)

Sent from my living room.

**136-1**

**Comments on American Tin Cannery Hotel Proposal's Draft Environmental Impact Report**

Ricki Sara Bennett <rixxee@gmail.com>

Mon 9/28/2020 2:40 PM

To: R Mullane <rmullane@hrandassociates.org>; ahunter@cityofpacificgrove.org <ahunter@cityofpacificgrove.org>

I am writing to share my concerns about this project and the adverse impacts it will have on marine wildlife, particularly the harbor seals at the beaches of Hopkins Marine Station, which are directly across the street.

Hopkins Beach and Fisher Beach are the long-time main harbor seal year-round haul out sites and rookeries in the area, and currently the safest places for harbor seals in the area. These animals are very sensitive to disturbances, and this project will harm them and destroy their ability to remain there safely.

The construction and particularly the underground parking excavation will flush these seals from the beach every day. The pregnant harbor seals are due to arrive to Hopkins soon, and the plan indicates that the excavations will occur during this time well into next year. These pregnant seals need to rest and gain strength prior to giving birth. Instead, they will be terrifically stressed and it would not be unreasonable to expect that this would lead to a dramatic increase in premature pup births and pup mortality. Once pupping season is over, due to the daily disturbances of construction, followed by the audible and visual noise disturbances this hotel would generate when built, the beach will no longer be a safe haven for the pups that do survive and the juvenile and adult seals that call it home year-round.

I am also concerned about the negative impact on other wildlife such as the black oystercatchers, and about the loss of mature trees, which may never be adequately fully replaced.

It is ironic to me that a city that has made an international reputation for itself due to the presence of the Aquarium — which is more or less a shrine to marine life and has conservation as a major part of its mission — would jeopardize the harbor seals in this manner. Harbor seals are covered by the Marine Mammal Protect Act, which makes it illegal to harass them. While the intent to harass may not be there, that will be the outcome if this project is approved.

I urge you to reject this project on the basis of the irreparable environmental harm it will cause to the resident harbor seals and other wildlife.

Thank you.

Ricki Bennett

**137-1**

**Comments on D-EIR for ATC hotel project**

Robert Fisher <erfisher@lmi.net>

Sat 9/26/2020 3:20 PM

To: R Mullane <rmullane@hrandassociates.org>

Cc: citycouncil@cityofpacificgrove.org <citycouncil@cityofpacificgrove.org>

Attention Rob Mullane, Consulting Planner,

Cc: Mayor and City Council

Here are my areas of concern regarding the ATC Hotel and Commercial Project:

**Impact on Harbor Seals**

The drilling into solid granite and removal of bedrock is very detrimental to the harbor seals. We take pride in the fact that for many years the sandy beaches near this proposed project have provided a safe zone for these important mammals. Damaging disturbances such as loud noises and underground vibrations decrease their chances for survival. The mitigations are not adequate to address these fundamental problems.

138-1

**Tree Removal**

The removal of so many (79) mature trees is injurious and unacceptable to the environment. Please consider redesigning the development in a manner that includes the 52 Monterey Cypress trees in the proposed changes. Replacing them with new trees does not take into account the slow-growing feature of this native species.

138-2

**Too Massive**

It's really hard for us to see how this development comes under an urban classification. The massiveness of this project conflicts with the surrounding structures and PG's small-scale residential community character. It is too immense for this site, being so close to the water's edge. The bulky height, number of rooms and the swimming pools need to be significantly scaled back.

138-3

**Story Poles**

Story poles are a necessary tool to show the public how the mass and bulk of the project will appear and how views would be affected. Pacific Grove can and should require story poles. Other coastal communities provide for story poles for commercial and municipal as well as residential projects, at heights of 40 ft.

138-4

**Chinese Fishing Village**

The Chinese fishing village that existed at the site has been overlooked. An archaeological survey ought to be conducted to decide how any related tribal/cultural resources that may be unearthed should be protected. Archaeological and tribal monitors should be provided during any ground disturbance.

138-5

Thanks for your attention. Please confirm receipt.

Sincerely,  
Robert Fisher  
429 Lighthouse Ave.  
Pacific Grove

**Proposed hotel at old Tin Cannery**

richard gelman <rbgelman@yahoo.com>

Sun 9/27/2020 6:08 PM

To: R Mullane <rmullane@hrandassociates.org>

Cc: city.council@cityofpaloalto.org <city.council@cityofpaloalto.org>

This proposed hotel is wrong for PG. for a multitude of reasons previously stated in many prior emails I just learned of this project this afternoon. I have been a resident of PG and moved here primarily because of the qualities this project will destroy. I will voice my opposition verbally at every future opportunity and will organize opposition among my neighbors as well. We are not done here.

Dr Richard Gelman

429 Spruce Ave

Sent from my iPhone

**139-1**

**Letter 140****The ATC Project Public Comment**

Rebecca Lee <rebeccalee311@gmail.com>

Mon 9/28/2020 9:15 AM

To: R Mullane <rmullane@hrandassociates.org>

Dear Mr. Mullane and Whom It Concerns regarding the American Tin Cannery Project,

I live in Pacific Grove and have great concerns that this project is not in the best interests of Pacific Grove as it is now designed.

1) It is so large with so many amenities, it is an end destination in and of itself and will not draw people into Pacific Grove but will encourage them to walk to the Aquarium and the beach and grass area by the Coast Guard Pier and Fisherman's Wharf and perhaps rent bicycles from Adventures by the Sea on Cannery Row. Right on the edge of PG, its design does nothing to funnel traffic to downtown PG and it minimizes the businesses around it. I understand that the idea is to get tax dollars from this project alone but it may be an inadvertent slap in the face to our other PG businesses. I have heard that the smaller hotels downtown PG are concerned their business may be affected to the point of closing, when they draw people to downtown PG for dining and shopping on foot. The size of this structure isolates itself from PG; it is not integrated into the town and its self-contained design further isolates it.

**140-1**

2) It is so large, it dwarfs all other structures around it and so can't accommodate large native trees like those it is tearing down; it doesn't fit in. One can see from the drawings even the tree choices fit the building height and decorum and do not achieve anything of the natural wild beauty of what is and the essence of what is native and majestic here. The trees look small and like they were applied to a Disneyland style façade. To present itself as a representative of central coast's wild beauty, the building ends should be pulled in to create space for a row or stand of Cypress Trees. It needs this tie in to the native trees here to not stick out like a tourist itself. Another way to do it would be to retain Sloat Ave., put the parking garage under the current parking lot and also another story on top and if more parking is needed, raise the hotel on stilts and have the parking with a bike rental underneath. That design would also protect against sea level rise. It would raise the height of the building but at this point it is so tall anyway, it would be better to have a smaller footprint and retain the current tall trees and plant more Cypress to mitigate the height effect in my opinion.

**140-2**

3) If the car entrance were on Eardley instead of Central, it would decrease backup on Central for those trying to reach downtown PG. Then a pedestrian entrance and small lobby could be put on Central Ave. to make a storefront that would enhance the businesses around it rather than sticking them with tailpipes as neighbors.

**140-3**

4) I would hope pervious concrete is used around the trees along the sides of the buildings where they are planted in true ground and not above the subterranean parking garage. Pervious concrete assures they are well watered deeply during rains so they grow beautifully. It is different than catching the water through storm drains that collect grey water. It is a direct positive impact on the trees who then in turn don't need to buckle the concrete into the garage to get what they need.

It is a sin to cut down even one mature Cypress as it represents so much food for the wild animals and places for their homes. To cut down 40+ is beyond the pale and then to replace them with non-native trees that don't produce food for wild creatures or their height for birds that need high nests is ecologically destructive in a way that can be avoided or fixed by choice. I understand the types of trees chosen may come from the city's list but that list was designed for one to three trees coming down in a yard ..... for a project this size and considering the number of Cypress that are being removed, at least an entire row along the side of the building of already 20 feet tall Cypress needs to be required. Yes they are messy but the landscaping ground cover below them can be chosen to accommodate their twig fall.... with stepping stones to benches underneath to sit under their grace in their shade, a bite of peace in a busy world often needed by vacationers in close quarters with family. Again, this isn't a plastic city in a plastic perfect state but a living wild central coast that blows with storms coming off the sea and has trees that match that magnificent splendor not cute little maples one after another in cute rows.

**140-4**

5) No trees should be trimmed or cut down during bird nesting season March 1- August 31 and this needs to be put in the developer contract to assure it will not be overlooked.

*Both the oversize issue and tree issues can be addressed by reducing the size of the buildings along the sides to make room for a row of Cypress trees as a contribution to the world oxygen supply and to integrate it into Pacific Grove, Monterey and the whole Monterey Peninsula with our native trees.*

**140-5**

Lastly, and I should have put this first, the time for public comment needs to be extended. You haven't gone through the correct process to allow people time to process what is happening. I tried to check the DEIR from the police station and received no call as promised when it was returned. Finally I got the electronic version from a friend. Without story poles and with story posters going up just 6 days ago! that don't have much text with them to inform passersby what they are about nor a date by which to comment on the project, people are just still coming to grips that something is

**140-6**

happening with this old property and expect to be able to research it next week and comment the following one at the very least. Given how late you've been on providing public materials, clearly the comment date needs to be extended.

**140-6  
Cont**

Thank you for hearing my comments. I greatly appreciate your trying to do the best for the city financially. However, this is a huge deal and needs to be thought through and not rushed because the effects of this project are essentially forever and not remediable once in place. Please trust that the new city council can pick this up and move forward with it just as competently as the current one and do not rush this for a quick pass. I understand things can get cantankerous in this town and the temptation to plough ahead but I think in the end that creates divisions long after your time will have expired and really all anyone wants is to be heard fairly and once acknowledged, they can then acknowledge fair defeat. Please don't cut the voices off before they are heard.

**140-7**

Sincerely,

Rebecca Lee

**Comments on the draft EIR for the American Tin Cannery Hotel Proposal**

Rebecca Perry <rebecca@rebeccaperryleadership.com>

Mon 9/28/2020 3:46 PM

To: ahunter@cityofpacificgrove.org <ahunter@cityofpacificgrove.org>; R Mullane <rmullane@hrandassociates.org>

Hello Alyson and Rob,

I am writing to comment on the draft of the Environmental Impact Report for the American Tin Cannery Hotel proposal.

I am deeply concerned about two aspects of the current hotel proposal. It appears to me that:

1) the elimination of 79 trees to make a hotel is an extreme and avoidable act of destruction.

2) the inclusion of an underground parking structure can be reasonably expected to result in intensely disturbing levels of noise and vibration, thus negatively affecting the sanctuary-nature of the harbor seal beach at the Hopkins Marine Station.

Thank you for considering these and others' comments as you proceed with this assessment.

Best regards,  
Rebecca

Rebecca Perry Leadership  
Helping Leaders and Teams Grow. Transform. Thrive.  
[www.rebeccaperryleadership.com](http://www.rebeccaperryleadership.com)  
503-353-7400

**141-1****141-2**

**Re: Hotel.**

Bill Peake <bpeake@cityofpacificgrove.org>

Mon 9/28/2020 8:49 AM

To: R Mullane <rmullane@hrandassociates.org>

On Mon, Sep 28, 2020 at 8:28 AM Reidunn Raudstein <[rskeie@icloud.com](mailto:rskeie@icloud.com)> wrote:

Good morning. I am amazed how anybody in Pacific Grove would want to have the size of the proposed hotel! The traffic problem in itself should be enough to put a halt to the idea. The impact on the Harbor seals on Hopkins beach would be devastating. The construction noises going on for months(years) would be enough to send the poor mothers to be fleeing. And what about the water? Where is that coming from? Should something this large be up for public's vote. After all Pacific Grove is a hometown, not a tourist resort!!! R. Raudstein

**142-1**

Sent from my iPad

--

Bill Peake

**Mayor** Pacific Grove

RE: Proposed American Tin Cannery Hotel DEIR Comments, 27 September 2020

TO: Rob Mullane, PG City Council Members, and PG City Manager:

This unparalleled time in history demands an atypical response to this Draft Environmental Impact Report. That's because this project flaunts both an outrageous sense of entitlement and incredibly sneaky timing, implicating not only the developers but also the City.

In short, the proposed American Tin Cannery Hotel is absurd. It is greedy. It is an obsolete concept in the new world order. It ignores City guidelines and Coastal goals. And as currently designed, its size, design, and style are totally inappropriate for Pacific Grove, America's Last Home Town. It is as if the developers don't know or don't care who we are and why Pacific Grove is so special.

The voluminous DEIR is a perfect metaphor for the project itself. This hotel would outweigh and overwhelm the scale of everything that currently surrounds it, including the Aquarium itself, the golden goose that stimulates all of Pacific Grove's tax revenue.

The Covid-19 virus ushered in a new era. We are all still in the midst of this global pandemic for which none of us know the end date. Scientists promise there will be more pandemics to come.

Mother Earth is crying out for us humans to stop and contemplate. Glaciers are melting at a rate faster than experts expected. Sea levels are rising. The climate is changing faster than predicted. Unprecedented wild fires are raging across the West and around the globe. Earthquakes and volcanic activity are increasing. Droughts and fierce storms are more frequent. The balance of Nature is off-kilter.

Disasters and social unrest are increasing. The majority of people everywhere are experiencing financial hardship. Both homeowners and renters are losing the roofs over their heads. The gap between the wealthy and those just-getting-by is growing. As a result, the hospitality and airline industries have been heavily impacted. They recognize they must think differently and make big changes.

Many of those who are still traveling are making day trips. They more highly value outdoor experiences like camping or swimming in natural lakes over ostentatious accommodations and a property where they get to choose which of two cement/tiled swimming pools to splash around in. Spas are hurting—if not entirely closed down because of Covid mandates—and no one knows how long it will be—if ever—before having facials and massages will ever feel safe again. Conference Centers and business travel? These are also relics of the past that may never be revived.

Priorities are shifting. They have to. So long-held travel presumptions like those the ATC Hotel is based upon are no longer valid or viable. Now is not the time to build another big hotel. Pacific Grove is sought out for its quaint bed & breakfast inns and its incredible destination restaurants. Why try to compete with the very model that has made Pacific Grove so unique? And why try to move Pacific Grove retail to the very edge of our City and potentially destroy our Downtown retail?

143-1



And while I'm asking questions, why is this project proposing the very opposite of sustainable—proposing to tear down and throw away, not renew and reuse?

Why would anyone recommend removing a huge chunk of the granite infrastructure that lies beneath this site? It is our granite that has always made Pagrovians feel more secure than much of the rest of the Peninsula regarding seismic events. And furthermore, why would the City approve this granite removal for a parking garage when the project developers themselves cannot say with complete confidence just how much the loss of this amount of bedrock will disrupt or damage archaeological resources, the natural environment of our coastline, our Marine Sanctuary, and the conservation efforts of the Aquarium itself on behalf of sea life?

How can the City get an accurate “read” on the opinions of its residents towards this massive project without insisting that the developers erect story poles and place ribbons around the trees that will be destroyed at a time when we need trees more than ever?

Why is this project expecting to move forward, considering all of its transgressions? Its process couldn't be less transparent or more cruelly timed. Pacific Grove residents and existing businesses will be incredibly impacted, both during construction and forever after.

Where is the patience and compassion that we are all being urged to extend to one another to get through this time of isolation and loss?

Just as there are not enough adequate mitigations on earth to outweigh the harms mentioned above, there are also no solutions for the traffic that will choke one of Pacific Grove's two gateways into town.

Forging ahead with this preposterous project as it is currently conceived would be criminal. Please send the developers back to their drawing board. Consider other goals for this site. Don't be afraid of citizen input. You force us to resist when you present us with a project as archaic and ill-conceived as this one.

Please act responsibly towards Pacific Grove's future. We're all in this together, right?

Sincerely,  
Sally Aberg  
116 13<sup>th</sup> Street co-homeowner  
Pacific Grove

Opposition to Project Bella

Sarah Diehl <ioniansd@yahoo.com>  
Sun 9/27/2020 12:41 PM  
To: R Mullane <rmullane@hrandassociates.org>  
Cc: citycouncil@cityofpacificgrove.org <citycouncil@cityofpacificgrove.org>; citymanager@cityofpacificgrove.org <citymanager@cityofpacificgrove.org>  
Dear Mr. Mullane:

I strongly oppose the new version of Project Bella. Its scale and ethos are totally wrong for the site, the original intent of the plan, the sensitive marine environment, and Pacific Grove.

144-1

First, the project is exploiting the prior approval of a much smaller project. This new project should have to go before the city's voters.

Second, the prior project emphasized its green character and its consistency with the cannery's history. This new plan is the opposite of eco-friendly. It would require cutting down one of the most scenic "brands" of the entrance to our town—a beautiful stand of cypress trees and not replacing them. Moreover the massive hotel would be across from sensitive coastal land that hosts pupping harbor seals, sea lions, otters, a range of shorebirds, and an occasional elephant seal. Construction of this scale will permanently destroy the landscape and harm the already stressed wildlife.

144-2

Third, this project will contribute to a traffic nightmare. That area near the Aquarium and shops is already clogged with vehicular traffic, bikers and walkers.

144-3

Fourth, any project in this location should look like a cannery and reflect and include the history of the site in a respectful manner. The current design ignores the local history as well as the sensitive environment.

144-4

As a 27-year resident, homeowner, taxpayer, and voter, I call for a thorough redesign and reconsideration by the citizens of Pacific Grove in a referendum.

Thank you for considering and acting on these points.

Sincerely,

Sarah Diehl  
431 Spruce Ave  
Pacific Grove, CA 93950

**ATC Project Comments/EIR, etc**

Scott Miller <scottkmiller53@gmail.com>

Mon 9/28/2020 2:46 PM

To: R Mullane <rmullane@hrandassociates.org>

Please include my comments in the feedback on this project and the DEIR.

While I entirely support the concept of a mixed use hotel/retail project at the ATC site, I do have several concerns.

In summary, the scope of this project is severely oversized for the available space and the natural and historic setting. The project should fit on the existing footprint without the need to eliminate Sloat Ave behind the building. The massive amount of excavation, largely through granite, will cause damage and discomfort to the fauna in the neighborhood. Tree removal is excessive. If the project was sized for the existing footprint, no trees would need to be removed.

**145-1**

Lastly, this seems to be another important project being rammed through much too quickly during a pandemic, without public in person discussion. There should be some form of story poles, be it helium balloons or actual poles. The public needs to see and feel the scope of this proposed project more accurately to comment more wisely.

**145-2**

Thanks for taking my comments into consideration. I look forward to see what this project will become if done properly, with respect for our community, history and natural environment.

Sincerely,

Scott Miller  
910 19th St  
Pacific Grove, CA

Sent from my iPhone

September 28, 2020

Rob Mullane, AICP, Consulting Planner  
Community and Economic Development Department  
City of Pacific Grove  
400 Forest Avenue Pacific Grove, CA 93950  
Via email: [rmullane@hrandassociates.org](mailto:rmullane@hrandassociates.org)

**RE: American Tin Cannery (ATC) Hotel and Commercial Project – Draft  
Environmental Impact Report (DEIR) COMMENT ON CHAPTER 13. HYDROLOGY  
AND WATER QUALITY**

Dear Rob:

The proposed project is located in the watershed of the Monterey Bay National Marine Sanctuary and Pacific Grove Area of Special Biological Significance. In addition to the design and EIR recommendations:

**Ciani Comment WQ-1.** The development should be required to prevent **all** runoff, site and roof drainage from entering the watershed drainage system.

146-1

**Ciani Comment WQ-2.** The development should be required to manage all subsurface drainage, including any de-watering that may be required for the development to prevent it from entering the watershed drainage system.

146-2

**Ciani Comment WQ-3.** All sewage and drainage systems should be required to have an independently powered backup management plan with an overflow leading to on-site storage system with a total capacity of a minimum of one week, and/or connected directly to the adjacent municipal sewage system.

146-3

**Ciani Comment WQ-4.** The hardscape surfaces should be pervious materials and/or directed to on-site subterranean filter vaults to capture debris and pollutants, with clean overflow into on-site bioswales.

146-4

**Ciani Comment WQ-4.** The project should be required to provide and pay for a water quality management program to be approved as part of the CDP and fund an annual monitoring and reporting program of the development's water quality management program for the life of the project.

146-5

Respectfully,  
Tony Ciani,  
Tony Ciani, 220 Walnut Street, Pacific Grove, CA 93950

Cc: City of Pacific Grove City Council  
Coastal Commission

September 26, 2020

Rob Mullane, AICP, Consulting Planner  
Community and Economic Development Department  
City of Pacific Grove  
400 Forest Avenue Pacific Grove, CA 93950  
Via email: [rmullane@hrandassociates.org](mailto:rmullane@hrandassociates.org)

**RE: American Tin Cannery (ATC) Hotel and Commercial Project – Draft Environmental Impact Report (DEIR) COMMENT ON CHAPTER 5. AESTHETICS**

Dear Rob:

I am experienced<sup>1</sup> in observing and analyzing the objective qualities of natural and manmade settings to understand the defining characteristics that establish their “sense of place.” The evaluation of the aesthetic qualities requires engaging neighborhood and community resident’s participation to evaluate how they perceive and appreciate their environmental surroundings. The sensory responses (sight, hearing and smell) inform their aesthetic emotions about the objective qualities of a place, such as the height, mass and relative scale (size) of development or open space and natural amenities can serve as a guide to land use planning policies for the protection, restoration or enhancement of those places.

The methodology utilized in the Draft EIR to assess the existing observable characteristics of site and surrounding area to compare with the artist renderings and simulated pictures of the proposed project to analyze the potential adverse impacts was wholly inadequate. It failed to identify and define the observable and quantifiable elements of the site and neighborhood as perceived by the people who live and work or visit the place. And, it failed to provide those people with an effective way to participate in making their own real life observations to judge the suitability of the proposed design and its potential impacts on the visual quality and cultural and scenic coastal resources of the existing small scale neighborhood and waterfront setting.

**Ciani Comment A.1.** The Draft EIR's assessment and discussion of environmental impacts is inadequate and unsubstantiated; it does not provide a common methodology for the assessment or substantial evidence to support the findings as provided in Table 1-1: Summary of Significant Impacts of the Proposed Project. (ATC – Draft EIR, July 2020, Page 1-3)

**Ciani Comment A.2.** The Draft EIR's discussion of environmental impacts is insufficient to describe the impacts to the tangible and quantifiable characteristics of the site and surrounding areas in meaningful terms to analyze the visual impacts and the significance of those impacts to the public’s aesthetic values.

**Ciani Comment A.3.** The Draft EIR's identification and discussion of all reasonable or feasible alternatives, including a “no project alternative” is inadequate for the purpose of informing the boards and commissions of the decision-making agencies, and the members of the public who want to participate in the decisions.

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<sup>1</sup> Resume: Anthony A. Ciani, Architect and Planner (Attached)

September 28, 2020

Rob Mullane, Consulting Planner

RE: American Tin Cannery (ATC) Hotel and Commercial Project –

Draft Environmental Impact Report (DEIR) **COMMENT ON CHAPTER 5. AESTHETICS**

Page 2

**Ciani Comment A.4.** As the lead agency, the City failed to follow its land use policies, codes, and administrative procedures to adequately inform in a meaningful and timely manner, the interested members of the public about the scope and specific details of the proposed project and the significance of its potential adverse impacts that could occur.

The City of Pacific Grove failed to follow the administrative procedures in its Local Coastal Program (LCP) Land Use Plan (LUP) to protect the Scenic Resources in the Coastal Zone pursuant to Implementing Ordinance 23.90.160.B.

***“B. Applications for Development in Scenic Areas. The following documentation and requirements shall be provided for all CDP applications within scenic areas, including those mapped in LUP Figure 4; all development on, seaward, or visible from Ocean View Boulevard, Sunset Drive, and the pedestrian recreational trails seaward of these roads; and any other development that may adversely impact public views:***

**1. Site-specific Visual Analysis.** *At a minimum, the visual analysis shall include the following:*

*a. A site plan that identifies all public view corridors and pictures of existing public views of and including the project site from public viewing areas, including all before and after public views of and towards the ocean.*

*b. Project plans that confirm height is within the requirements of the zoning district in which it is located. Exceptions are allowed only for chimneys, vents, and similar vertical extensions, not to exceed an additional 4 feet, and not to comprise more than 5 percent of a building’s roof area. In all cases, heights may be further limited in order to meet LCP scenic resource protection requirements.*

*c. When trees defined as major vegetation are proposed for removal, ribbons showing the location of the removal must be installed.*

*d. Illustration showing the colors, textures, and architectural styles to show the exterior facades are compatible with development on adjacent blocks and the City’s overall architectural character and do not cause the project to stand out from surrounding built and natural features.*

*e. Any other information deemed necessary to determine the visual impact of the proposed project, including but not limited to analysis of the heights of existing buildings within 150 feet of the proposed structure; story poles and netting showing proposed ridgelines; and visual simulations to help identify potential visual impacts.”*

147-3

September 28, 2020

Rob Mullane, Consulting Planner

RE: American Tin Cannery (ATC) Hotel and Commercial Project –

Draft Environmental Impact Report (DEIR) **COMMENT ON CHAPTER 5. AESTHETICS**

Page 3

The City and Applicant failed to provide at a minimum, items (c), (d), and (e). and the visual analysis in a meaningful and timely manner. Members of the public must submit the comments about their perceptions of the proposed project's potential impacts on the aesthetic quality, without the benefit of the required quantitative information to inform them. Without tangible evidence to consider, how can people assess their response to the question of the aesthetic qualities and the magnitude of the project relative to their existing sense of place?

147-3  
Cont

**"Cities have the capability of providing something for everybody, only because, and only when, they are created by everybody."**<sup>2</sup>

**Ciani Comment A.5.** Essential to CEQA's purpose and intent are the following tenets which outline the importance to the general public for protecting the environment, and the importance for citizens to participate in the decision-making process, and the importance for local agencies to facilitate those procedures in a timely and meaningful way:

- 1) PRC Section 21003 (a) ***"Local agencies integrate the requirements of this division with planning and environmental review procedures otherwise required by law or by local practice so that all those procedures, to the maximum feasible extent, run concurrently, rather than consecutively."***
- 2) PRC Section 21001. Additional Legislative Intent:  
(b) ***"Take all action necessary to provide the people of this state with clean air and water, enjoyment of aesthetic, natural, scenic, and historic environmental qualities"***
- 3) PRC Section 21000. Legislature finds and declares as follows:  
(e) ***"Every citizen has a responsibility to contribute to the preservation and enhancement of the environment."***

147-4

The public's ability to make informed comments on the Draft EIR regarding the proposed project's potential impacts to the aesthetics of the neighborhood, relies on the City to sufficiently carry out and enforce the review pursuant to CEQA and the laws of the land. In this case, that process has been substantially flawed.

**Ciani Comment A.6.** As indicated in comments A.1, A.2 and A.3 above, the Draft EIR does not include a detailed assessment of the observable characteristics that define the environmental setting; e.g., measurements and descriptions of the building types and forms and their spatial relationships; and, the height of the mature trees and width of their canopy, etc.

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<sup>2</sup> Jane Jacobs, *"The Death and Life of Great American Cities"*, p.238, (1961)

September 28, 2020

Rob Mullane, Consulting Planner

RE: American Tin Cannery (ATC) Hotel and Commercial Project –

Draft Environmental Impact Report (DEIR) **COMMENT ON CHAPTER 5. AESTHETICS**

Page 4

There are academic and analytical methods for performing a study of ecology and aesthetic values of environmental systems<sup>3</sup>, including developed areas, but there does not appear to be a reference that such a study for the ATC project was used, or when it was done, or who the preparer was, or what his or her training or qualifications are. The Draft EIR Appendices, vol. ii, does not have any report of a “Visual and Aesthetic Review”, or measurements of ATC and surroundings, such as those that are performed under the direction of a licensed professional pursuant to Caltrans procedures.<sup>4</sup>

Draft EIR Section **5.3 Determination of Existing Visual Quality** provides the basis for its findings, however it does not provide a method for the public’s use to compare their aesthetic perception of the qualities of the scenic area to the opinions purported in the EIR. They were not given an objective method or means to assess and analyze the characteristics that define the natural and built environment of the area under consideration, such as the one recommended by Caltrans: “Questionnaire to Determine Visual Impact Assessment (VIA) Level”<sup>5</sup>. Without the public’s personal observations to inform their attitudes and perceptions, association and feelings about the project’s potential effects in real life terms; their input may not be given equal judgement by the decision-maker agencies. How can those agencies balance the different attitudes and perceptions of the public in contrast to the applicant’s “expert opinions”, especially when considering significant adverse impacts or feasible alternatives to protect aesthetics?

**Therefore, I strongly suggest the public be provided an opportunity to participate in a viewer sensitivity workshop conducted by an objective, trained facilitator who is independent of the City administration or the Applicant.**

**Ciani Comment A.7.** The following is an outline of the Draft EIR Aesthetic analysis that is, in my opinion, inadequate or unsubstantiated by empirical measurements used to support the EIR findings in table 1-1: Summary of Significant Impacts of the Proposed Project (Draft EIR Vol I, 2020, page 1-3). As mentioned above, the primary basis for the observations and opinions in the Draft EIR appear to use a method for evaluating aesthetics solely within the framework of road or freeway projects. Section 5.5 Applicable Regulations, Plans, and Standards appears to provide a secondary background of Federal, State and Local policies that is incomplete and insufficient regarding pertinent information.

The Draft EIR states “**5.5.1 Federal – None Applicable**” implying there are no applicable governing federal laws. In fact, the Federal Coastal Zone Management Act (CZMA) was passed in 1972. “***This act, administered by NOAA, provides for the management of the nation’s coastal resources, including the Great Lakes. The goal is to “preserve, protect, develop, and where possible, to restore or enhance the resources of the nation’s coastal zone.”*** California is one of the state partners who must be consistent with the CZMA

<sup>3</sup> Aldo Leopold, “Conservation Aesthetic” discussed in “Sand County Almanac and Sketches Here and There” (1949)

<sup>4</sup> <https://dot.ca.gov/programs/environmental-analysis/standard-environmental-reference-ser/volume-1-guidance-for-compliance/ch-27-visual-aesthetics-review>

<sup>5</sup> <https://dot.ca.gov/programs/design/lap-visual-impact-assessment/lap-via-questionnaire>

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requirements under the CZ Management Program, like California's Local Coastal Programs, including Pacific Grove's LCP.

Moreover, Monterey Bay is a NOAA National Marine Sanctuary – the **Monterey Bay National Marine Sanctuary** (MBNMS) whose planning and implementing programs govern activities that may have potential adverse impacts on the environment, including impacts to the scenic and visual quality and its water quality protection program.<sup>6</sup>

*"The Secretary[of Interior] may conduct a Coastal and Estuarine Land Conservation Program, in cooperation with appropriate State, regional, and other units of government, for the purposes of protecting important coastal and estuarine areas that have significant conservation, recreation, **ecological, historical, or aesthetic values**, or that are threatened by conversion from their natural, undeveloped, or recreational state to other uses or could be managed or restored to effectively conserve, enhance, or restore ecological function. The program shall be administered by the National Ocean Service of the National Oceanic and Atmospheric Administration through the Office for Coastal Management."*

The Draft EIR should address potential adverse impacts to the (MBNMS), as well as, any affected California National Coastal Monuments, under the Bureau of Land Management jurisdiction.

**Ciani Comment A.8.** Section 5.5.2 State considerations appear to be a clone of the section 5.3 which appears to address the project in terms of highways and roads. And, the description in 5.5.2 fails to include the **"California Coastline and Preservation Plan"**<sup>7</sup> that provides a thorough background of the regional and local natural, historical cultural and scenic coastal resources pursuant to the California Coastal Act section 30251 that states:

**"New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting."**

In fact, Section 5.5.2 fails to mention that the proposed project is in the State Coastal Commission's appealable jurisdiction or attempt to investigate how the Commission's past precedent CDP mitigation strategies could inform the development standards for historically significant properties as scenic coastal resources in the coastal zone. "Compatibility with surrounding areas" for CDPs typically use a radius of 300 feet from the boundary of a proposed project to analyze prevailing design characteristics, e.g., height, mass (FAR) and scale, etc.

**Ciani Comment A.9.** The genesis of the Coastal Act of 1976 is the 1975 California Coastal Plan which the Coastal Commission has used as a reference guide to defining "Special Communities" as that term is used in Coastal Act Section 30253 (e) and in the LCPs of areas designated to be Special Communities, such as Pacific Grove.

<sup>6</sup> <https://montereybay.noaa.gov/resourcepro/welcome.html>

<sup>7</sup> California Coastal Act Section 30251 and, <https://archive.org/details/CaliforniaCoastlinePreservationAndRecreationPlan/page/n1/mode/2up>

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The ATC Draft EIR analysis of the aesthetic qualities at ATC and its surrounding areas should be revised to articulate the California Coastal Plan Part II, Findings and Policies provided in the Coastal Appearance and Design and Coastal Development, Development and Natural Resources (pages 68-78):

- 1) Protecting Coastal Visual Resources
- 2) Design Guidelines for Viewshed Development
- 3) Special Communities and Neighborhoods

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**Therefore, the Draft EIR should be revised and amended to examine the proposed project in terms of the elaboration of policies to protect Special Communities and incorporate those findings.**

**Ciani Comment A.9.** Draft EIR Section 5.5.3 analysis of the proposed project in terms of the City's General Plan (Plan) should include the Plan's two guiding principles:

- "Two organizing principles have shaped Pacific Grove's development*
- *keeping the shoreline open and accessible to the public, and*
  - *a sustained commitment to a low-scale residential character in the built environment."* (General Plan, page 8-1)

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The mass and scale, etc. of new ATC development should subordinate to the prevailing empirical measurements of the adjacent residential neighborhood. In my professional opinion, based on my observations and examination of the design documents, if implemented, the project would have the appearance of a massive intrusion that is incompatible to the overall character of the nearby homes, as well as the small scale commercial buildings in the surrounding neighborhood areas.

**Ciani Comment A.9.** The City's General Plan was adopted in 1994, and understanding of the land use and development standards have evolved, including the incorporation of the City's LCP (2020). This project is the first major commercial project to be reviewed, if not tested, based on the LCP policies and implementing ordinances. It is also the largest project. However, the Draft EIR section **5.6.2 "Summary of No and/ or Beneficial Impacts"** suggests that the ordinances provide a development "envelope" as the standard for aesthetic review.

*"As discussed in further detail below under "Design Standards, Size, Scale and Mass", the project is consistent with the recently certified development standards of the LCP and Implementation Plan. **These standards serve to define the development envelope of property, and by doing so address the scenic quality of this currently developed site.** As such, there would be no impact/conflict with these standards or this threshold of significance. (Draft EIR, 2020, Page5-29)*

In my professional opinion, the "development envelope" **does not** alone grant a passing grade in the test of significant impacts to the "scenic quality of this currently developed site."

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The development envelope is only one of the guidelines for reviewing the project's impacts on aesthetic character of the site's scenic qualities or for that matter the "surrounding areas." By definition,<sup>8</sup> and past precedent<sup>9</sup>, historical buildings are considered an important contribution to scenic areas.

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**Ciani Comment A.10.** The ATC Draft EIR states the criteria for assessing and judging the impacts to aesthetics "*were derived from the Environmental Checklist in CEQA Guidelines Appendix G.*" (DEIR page 5-28). However, I could not find any references in the EIR analysis that conducted a sensory study of the observable elements to define the characteristics of the site and surroundings including: topography; pattern of existing development; existing building coverages and floor area ratios; pedestrian flow patterns; or measurements of the existing buildings' in the surrounding commercial and residential neighborhoods; including their heights, setbacks, and spatial relationships; the pattern and size (frequency) of openings and fenestrations; types, textures and colors of building materials; building types and number of stories; slopes of roofs; etc. - - to define the physical "context", which is needed for the comparison of the proposed project design in relationship to the existing development of the surrounding areas.

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**Thus, in my professional opinion, without the empirical information used to define the built and natural character of an area as it is perceived and appreciated by the public; the EIR lacks a credible basis for examining the project and conduct a test of its compatibility with the surrounding areas, and its impacts to aesthetics as perceived and appreciated by the public.**

**Ciani Comment No. A.11.** Critique of the proposed ATC Hotel and Commercial Development; the following is an outline of my opinions based on my observations of the site and surrounding areas and examination of the design documents and other illustrations provided by the applicant.:

- 1) The large-scale expanse and size of the proposed hotel and commercial complex would visually overwhelm the collection of relatively small-scale existing buildings along Central Avenue that were built individually over time which are representative of the pattern of development and their spatial relationships in small historic towns.
- 2) The proposed project will substantially degrade and diminish the scenic quality, and appreciation of the historic waterfront along Ocean View Blvd., west of Eardley Ave.,
  - a) demolition of existing scenic, historically and architecturally significant buildings or portions thereof, that are part of the larger historical maritime setting of Monterey Bay, including the site's American Can Company Office, Factory and Warehouse;

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<sup>8</sup> California Coastal Plan, "Certain communities and neighborhoods have special cultural, historical, architectural, and aesthetic qualities that are as important to the coastal zone as natural resources."

<sup>9</sup> Coastal Development Permit Nos. 6-LJS-91-168- R and 6-LJS-91-168- R-2 (Green Drago Colony)

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- b) and the adjacent Monterey Siino Boat Works building at the Hopkins Marine Station scientific research and education facility (DEIR Views KVP-1 & KVP-8); and,
  - c) destruction of the scenic historic vernacular landscape with its mature iconic Monterey cypress trees, and flowering Eucalyptus trees (DEIR Views KVP-1, KVP-2, KVP-3 & KVP-8).
- 3) The proposed, approximately 457-foot-long (x) 38' - 8" high "Executive Wing" building mass, depicted to be set back from and parallel to the Central Avenue level, will require removing the existing stand of scenic mature Monterey cypress trees; and, it would wall off and destroy the aesthetic quality of the existing panoramic public vista and the intermittent views to Monterey Bay, as seen from public vantage points (DEIR KVP-3, KVP-4, KVP-5, KVP-6 & KVP).
- 4) The DEIR repeatedly purports, without factual evidence or substantiation, that replacing mature trees with the new buildings will not result in a significant adverse impact to the visual quality of the public appreciation of the existing vista; to wit:

*"While the new structure, with a roofline 38 feet above existing grade, would be more prominent and different than the existing cluster of trees, the visual character of this urban, commercial viewpoint would not be significantly degraded". 5-34*

**What (and where) is the empirical data or documented public input to support opinion in the Draft EIR?**

**Ciani Comment A.12.** In my professional opinion, the surrounding area is a low-scale suburban neighborhood with a commercial strip of retail and restaurant uses with panoramic and intermittent views of the landscape in the foreground and Monterey Bay in the background. (I use Eardley Avenue as a North-South reference for describing the direction of views, etc).:

- 1) Pedestrian and motorists have unobstructed views from the north side of the intersection of Eardley Ave. and Central Ave. that overlook the large open parking lots of the Visitor Center and adjacent retail and restaurant spaces, and over the lower parking lots of the ATC; as well as, over Eardley Ave.
- 2) The general topography of the land of Central Avenue, and west of Eardley appears as level to slightly sloping plateau that extends from Central north to series of vertical and sloped steps in the land at the developed parking levels. This change in the natural grade is perceived as a continuous relatively steeply sloping street at Eardley. (This is an important feature of the visual landscape.)
- 3) Walking (or driving) west on Central Ave. level, the public can observe the existing one-story commercial buildings with low sloping gable roofs (Visitor Center,

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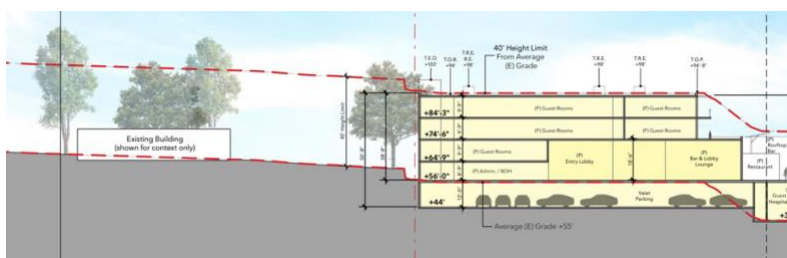
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Restaurant, Dog Training, and a Clothing Cleaner uses); then a wide tree-lined parking area with views north through mature trees toward the Bay; then a one and one-half story hipped roof, split level office building with the first floor raised about 30 inches above the sidewalk grade level (the building layout provides open deck areas facing the street that offer a relief to the building's façade; then the block finishes off with two more one story parapet buildings (Dog Day Care and a Yoga Studio); and then, a small one-story gable roof chapel. In summary, a short form visual assessment:

- The prevailing number of stories (floor levels) of the existing buildings of the nearby properties is one to two story.
- The prevailing roof forms of the existing buildings of the nearby structures is a mixture of sloped and flat or parapets.
- The uses are a mixture of residential and mixed commercial uses - small village area.

Thus, is small scale context of Central Avenue's existing buildings. There are several general public views across as mentioned above, across Eardley and open parking lots. There are also quasi-public views from existing commercial areas on both side of Central, and from the Chamber of Commerce Visitor Center located at the NW corner of Central - - all that can appreciate the stand of mature Monterey and Eucalyptus trees in the foreground with glimpses of the blue sky and sea of the Monterey Bay beyond, with those views framed by the trees.

**Ciani Comment A.13.** The proposed Hotel wing at the mid-block of Eardley north of Central (see figure A – 1 on page 9, below) has a roof top elevation of +94' which is about 30 feet above the grade of the adjacent land and can be seen (perceived to be) much higher than the one story buildings depicted in the applicant's cross-section "A-A".



**Figure A -1 Excerpt of Applicant's Section "A-A"**

Comparing the mass and height of the proposed hotel to the mass and height of the existing surrounding buildings in and around Central Avenue, the necessary CDP findings cannot be made that the development is compatible with the surrounding area. As viewed from Central Avenue and the surrounding public and quasi-public vantage points, the proposed project will substantially degrade the existing public views of the iconic mature 40-foot to 60-foot high Monterey cypress trees and their canopies, and public views through the trees to the sea and sky that are significant elements of the visual quality and scenic coastal resources. Further, the proposed tree replacement will not sufficiently mitigate the loss of the iconic tree canopy that

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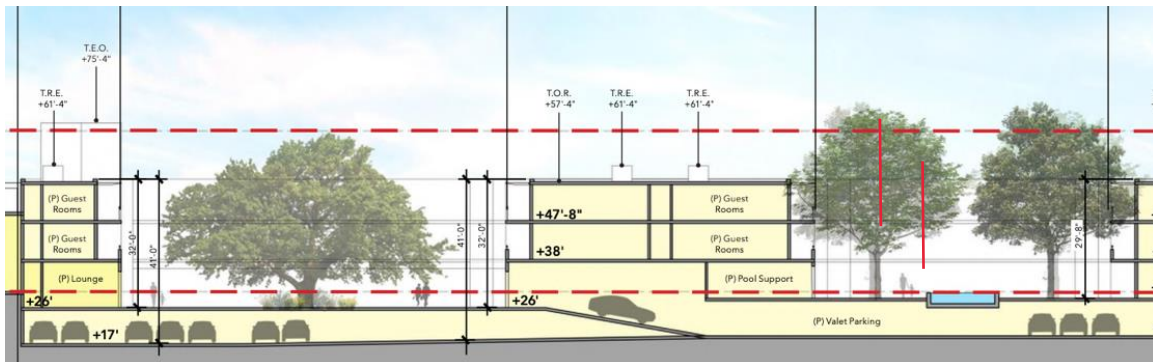
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is an important element that contributes to the scenic quality of the public viewshed along Central and Eardley Avenues.

Moreover, the plans, elevations and visual simulations are internally inconsistent or inaccurate and appear to misrepresent the proposed landscaping in the photographic imagery to be the same trees that are currently existing. Compare the pre-project and post-project views in Figure 5-5: Eardley Avenue Elevation (DEIR page 5-35). The post-project view depicts the trees located on the west side of Eardley Avenue between Sloat Avenue and Ocean View Avenue to be the existing mature flowering Eucalyptus trees; however, the plans specify their removal and replacement with 3 new Cajeput trees. See Applicant's Landscape Preliminary Plan ATC DEIR Vol II, page 42. That rendering appears to misrepresent the proposed project would retain the same plant size, type and appearance as the existing.

Figure 5-8: Visual Simulation - From Monterey Bay (KVP 8) depicts the trees at the East and west ends of Sloat Avenue, to be the same existing mature trees in both the pre-project and post-project views; which contradicts the specifications to remove and replace them with smaller decorative ornamentals. See Applicant's Landscape Preliminary Plan (ATC DEIR Vol II, page 42.) The "new" replacement tree canopies depicted in the various renderings to be approximately 40 to 50 feet high, are not representative of the size and types specified on the proposed landscape plans. It may not be realistic or possible to plant the trees in the court yards over parking a parking structure as indicated on Section C-C. (See Fig, A-2, P.10)



**Fig. A-2 Excerpt: A-13-Site Section C-C**

**Ciani Comment A.14.** I strongly disagree with this analysis: *“This analysis acknowledges that the project could alter blue water views from some public roadway locations with the introduction of buildings and removal Monterey cypress trees. However, **the overall scale of the structure is consistent with the scale of the existing ATC factory and warehouse structures, and the introduction of hotel and commercial uses along the Central Avenue and Eardley Avenue corridors is generally consistent with the existing commercial character of the built environment the immediate area.**”* (DEIR Vol I, page 5-41)

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The expansive increase of the proposed large buildings totaling 343,932 sq. ft. of enclosed space and covering 122,500 sq. ft. of land, is relatively massive compared to the existing commercial enclave. In fact, the site coverage of the entire commercial complex would be 217,500 sq. ft. or, five (5) acres of land. The DEIR historical report describes the original subdivision as a “*Picturesque*” subdivision<sup>10</sup> with a pattern smaller lots that is reflected in the existing collection of smaller commercial buildings along Central Avenue. **Thus, the project cannot be found to be comply with the City’s design standards and guidelines or LCP Land Use Policies.**

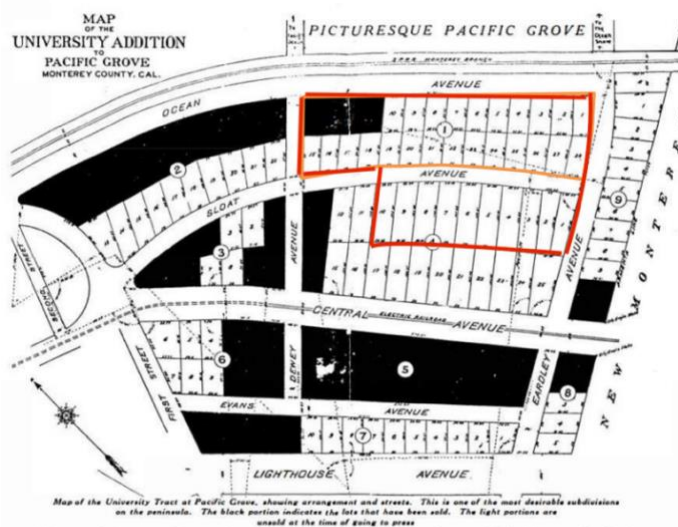


Figure 62: Map of the University Addition to Pacific Grove, 1910. Future ATC site indicated with orange outline. Source: *Board & Batten* (April/May 1987), edited by Page & Turnbull.

From, DEIR Vol II, page 27 (redlines added)

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**Ciani Comment A.15.** The cultural landscape at the Ocean View Boulevard level includes historically and architecturally significant buildings that retain their historical integrity from the historic period of their significance, which are part of the existing scenic coastal resources and visual quality of the environmental setting. The ATC Hotel and Commercial project propose to demolish one entire historically significant building and demolish a substantial portion of the center of the primary historic façade of second historically significant building. Yet, the Draft EIR analysis purports that:

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<sup>10</sup> DEIR Vol II, page 27

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*“From KVP 8, the viewpoint of the ocean that best meets the definition of a vista, the physical appearance of the project would permanently change. Compared to the existing condition, however, this change is not “adverse” and the project appearance is generally consistent with the surrounding built environment and scale of development. The project will be replacing buildings with new buildings of similar scale and more modern architectural design as seen from the ocean, but **this replacement would not be considered a substantial adverse effect**. For these reasons, changes to the most prominent vista – from the ocean – will also be less than significant with introduction of the project.”*

**That statement is unsubstantiated by the facts.**

Along the same theme that *“the existing [historically significant] ATC factory and warehouse structures, resulting in generally low visual quality of the site.”* the Draft EIR opines:

*“As described in the Environmental Setting, the visual quality of the site is dominated and compromised by the existing ATC factory and warehouse structures, resulting in generally low visual quality of the site.”* (Draft EIR p. 5-33)

However, Draft EIR section 5.3 Environmental Setting, does **not** describe the visual quality of the site to be “compromised” by the historic factory and warehouse. In fact, the historic buildings are representative of America’s maritime history associated with the fishing industry that convey an historical feeling and association with their historic period.

Therefore, it is my professional opinion, that the Draft EIR analysis of AESTHETICS is flawed with regard to an understanding and knowledge of the aesthetic value of humble historic buildings and the vernacular landscape, at least at the American Tin Cannery and its surrounding neighborhood.

**Ciani Comment A.16.** Ironically, the following statement in the Draft EIR regarding installation of temporary shrouds during construction elicits an opposite opinion:

*“Conclusion*

*“Temporary aesthetic effects from construction can be minimized with screening measures during the construction phase and are considered a temporary condition while the site undergoes larger visual changes. However, based on the potential changes to visual character from several viewpoints around the project, the visual change associated with placement of new hotel-related buildings throughout the project site and the removal of existing stands of Monterey cypress trees is considered significant and unavoidable. Although replanting and landscaping plans will help soften this impact and enhance the visual quality of the development, the loss of up to 52 mature Monterey cypress trees (and 79 trees in total) would significantly affect the visual character of the community specific to this location, as trees are a unique coastal resource as defined by*

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*the LCP. The City's trees and tree canopy, particularly created by native species, are considered "visually integral" within the LCP and contributors of the visual identity of the community per the Coastal Act. **For these reasons, the impact should be considered a significant and unavoidable visual consequence of the proposal, even with replanting and other offsets.***" (Draft EIR Page 5-47)

The proposed 457-foot-long building wing just north of Central is an integral part of the much larger hotel complex that would overwhelm the locale with an intrusive large-scale building mass that would substantially diminish the visual prominence of the humble, vernacular building elements on Central Avenue. It would impose a new building hierarchy that would dominate rather than subordinate to the existing environmental setting and aesthetic quality of the "*Picturesque Pacific Grove*" visitor destination.

**Ciani Comment A.16.** Regarding, Glare; the Draft EIR states "Impact AES-3: "The project would introduce new sources of light and glare to the project site and project area. This is a less than significant impact with mitigation incorporated."

The Monterey Bay Marine National Sanctuary considered the "Serengeti of the ocean", is a visitor destination of world-wide significance.<sup>11</sup> Public views from the bay are appreciated by kayakers, whale watchers, pursuing fishing boats, and passengers on large cruise liners. The historic American Can Company factory, office and warehouse buildings are a visually prominent element of the shoreline setting. The Monterey cypress trees are a significant aspect of scenic quality to the background of the surrounding low-scale neighborhood character.

- A) the low-scale suburban area defined by a grouping of individual one to two story buildings with sloping and flat roofs of various architectural styles; and,
- B) the major vernacular mix of historic landscaping that has matured over time, including visually prominent groups of Monterey cypress (*Hesperocyparis macrocarpa*) and Eucalyptus (*Corymbia ficifolia*) that establish an observable historical theme for the
- C) entrance to Pacific Grove as seen from the Ocean View Boulevard and Central Avenue corridors and adjacent roads.

As proposed the project would result in:

- A) Substantial change of use and large-scale physical expansion to be a mixed-use hotel and commercial complex.
- B) Large scale size of the new development resulting in a substantial increase in the buildings' surface area, height, volume, and bulk, etc.

<sup>11</sup> BIG BLUE LIVE, A BBC PRODUCTION WITH PBS, DISTRIBUTED BY BBC WORLDWIDE, 2015, <https://www.pbs.org/about/about-pbs/blogs/news/big-blue-live-a-pbs-and-bbc-co-production-brings-majestic-marine-life-of-the-california-coast-to-us-viewers-in-a-three-part-television-event/>

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Historic landscaping is a visual resource that is a key element used to define the visual quality of the coastal zone communities. California Coastal Plan, (December 1975). California Coastline Preservation and Recreation Plan (June 1971) State P&R objective *“preserving our heritage of natural and scenic landscapes, and cultural, historical and archaeological values.”* (page 18)

Pacific Grove is “GATEWAY COMMUNITY” candidate of the Bureau of Land Management. The site is at the waterfront entrance with an outstanding combination of scenic qualities including the existing panoramic vista upon arriving in Pacific Grove. It is not a static view, it is a live action moving public vista, walking, jogging riding a bike, or touring in a car or bus. Iconic Monterey cypress and flowering Eucalyptus trees, the historic can factory and warehouse and Boatworks building, Hopkins Marine Station - - are all part of the scenic elements of the public’s perception and appreciation of the setting. As viewed from the Ocean View Blvd. level, streets and sidewalks, the Recreation Trail and the sea, the project will have the appearance of an expansive mass sprawling over the land and out of scale with the existing conditions and sense of place. It will draw its neighbors.

The applicant’s and City Planners should work with the community to consider a moderate development and reasonable alternatives to achieve that goal, without destroying the historical and scenic resources of the area. They should consider:

- A significant reduction in the height to subordinate the new buildings in relation to the height of the historic buildings
- Retaining a representative selection of the existing mature trees **on site** to enhance existing public views
- Design south facing courtyards on the south side of the upper level along Central Ave. to create open spaces between building forms of the hotel
- Substantially reduce the height and increase the street yard setbacks along Dewey Ave.
- Retain all the historic buildings in the development
- Consider incorporating affordable residential units in the adaptive reuse of the NAFI building to create a compatible use adjacent to the residential areas.

According to City Planner, Jane Jacobs:

*“Cities need old buildings so badly it is probably impossible for vigorous streets and districts to grow without them.... for really new ideas of any kind--no matter how ultimately profitable or otherwise successful some of them might prove to be--there is no leeway for such chancy trial, error and experimentation in the high-overhead economy of new construction. Old ideas can sometimes use new buildings. New ideas must use old buildings.”*

Respectfully, Tony Ciani, Tony Ciani, Architect and Planner, (see resume below pages 15 – 17)

Cc: City of Pacific Grove  
Coastal Commission

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## **RESUME: Anthony A. Ciani, Architect**

In 1981, Tony Ciani co-founded Design with Conservation Associates, Inc., an architecture and planning firm specializing in sustainable design, environmental planning and historic preservation. Tony uses an interdisciplinary approach working with public agencies, individual clients, institutions, and/or citizen groups, to prepare environmental studies and master plans, architectural drawings, and historical assessments, in a timely and cost-effective manner.

Tony has participated in efforts to develop and establish standards and guidelines to protect, restore and rehabilitate natural and historical resources at the local, state and national levels. He has more than 40 years of experience in architectural design and construction, including the use of alternative energy systems and application of new conservation technology.

## **PROFESSIONAL LICENSE CERTIFICATION**

- Architect, California License Number: C-12317, Since 1981  
Qualified Architecture and Historic Architecture Consultant,  
The California Historical Resources Information System (CHRIS)
- California Apprenticeship Council, Journeyman Architectural Draftsman, 1972

## **EXPERIENCE - SELECTED PLANNING PROJECTS**

- “Whale View Point – Shoreline Restoration and Enhancement Master Plan” - Assisted La Jolla Conservancy Inc. (NPO), La Jolla, CA, 2007 – 2014
- Kaufman Desert House (Richard Neutra), Architectural & Historical Report and Supplemental Findings, National Register Nomination, Co-author with Vonn Marie May, Palm Springs, CA, 2008
- Carey Crest Historic Residence - Coastal Permit and CEQA Mitigation Monitoring and Reporting Program, La Jolla, CA, 2002 - 2008
- 215 South Oak Street Historic Preservation Plan - Adaptive Re-use of Four Historic Structures in a National Register Historic District, Historic Preservation Consultant, Telluride, CO, 2000 - 2001
- The Bishop’s School Historic Preservation Master Plan, Historic Preservation Consultant, La Jolla, CA, 1996 - 1998; Historic District Architectural Survey and Report, (Designated 1998), Historical Report by Gregg R. Hennessey); The Bishop’s School Campus Historical American Building Survey (HABS) Documentation (Photography by M. Barth)
- Marine Mammal Reserve, Advocate and Boundary Mapping, La Jolla, CA 1992
- “La Jolla Coastline Plan”, California Coastal Conservancy Grant, Co-chairman, La Jolla, CA, 1989
- La Jolla Waterfront Workshop and Design Charrette, California Coastal Conservancy Grant, Coordinator, La Jolla, CA, 1989
- Heritage Structures Preservation Element, La Jolla Planned District Ordinance,
- Advisor to implement historic preservation element of LJ LCP, La Jolla, CA, 1988
- “Gaslamp Quarter Code Cookbook” Historic Preservation Code Handbook, Co-author with Mel Green, SE, (City of San Diego), San Diego, CA, 1985

- Golden Hill Historic Survey and Evaluation for Historical District, Architectural Historian and Consultant to the City of San Diego, (Environmental consultant, Mary Somerville) San Diego, CA, 1984
- Ardath Road Enhancement Plan and Special Assessment District, Design Consultant, La Jolla, CA, 1984
- Kautz House (Irving Gill), Adaptive Re-Use and Addition for the "Bed and Breakfast Inn at La Jolla", Architect, La Jolla, CA, 1984
- La Jolla Local Coastal Program, LUP Policies and Addendum, La Jolla, CA 1979 - 1983
- La Jolla Cultural Zone Study and Plan, SHPO Grant Product, La Jolla, CA 1982 - 1983
- Heritage Housing Relocation and Rehabilitation Plan, Chair Citizen Advisory Committee, Fay Ave., Site "C", La Jolla, CA 1982
- La Jolla Historic Preservation Plan and Model Local Coastal Program Implementing Ordinance (SHPO Grant), co-author with Mary Somerville, La Jolla, CA, 1981 - 1982
- "Mission Beach Park Revitalization Plan", National Trust for Historic Preservation Consultant Service Grant to University of San Diego, Consultant and Co-author with Mel Green, SE, 1981
- "La Jolla - Study of Natural and Manmade Resources", State of California Planning Grant, Co-author with Mary Somerville, La Jolla, CA 1980/1
- Coronado Transportation and Circulation Study, Coronado, CA 1981
- Coast Walk Trail & Ecological Enhancement Plan, California Coastal Conservancy Grant, Co-author with Mary Somerville, La Jolla, CA, 1979 - 1980
- "La Jolla Coastal Zone Boundary Study" Report to California Coastal Commission and Senate Natural Resources Committee, Author, La Jolla, CA, 1979-1980
- Princess Street Trail to Beach, California Coastal Commission, Public Historical Use Documentation 1979 - 2015
- "Mission Beach Roller Coaster", Historical Report and National Register of Historical Places Nomination (Designated), Co-author with Lisa Ciani, San Diego, CA, 1978
- La Jolla Coastal Public Access and Historical Trails Study, La Jolla, CA, 1978 - 1980
- La Jolla Local Coastal Program, Chair, Citizen Advisory Committee on Public Access, Historical, Cultural and Natural Resources, La Jolla, CA, 1977 - 1983
- "La Jolla Amphitheater" (NEC Grant), Concept & Grant, Assistant to Judith Munk, Grantee, La Jolla, CA, 1977
- "Old La Jolla Historical District" Nomination to the National Register of Historic Places La Jolla, CA, 1975
- "Red Rest and Red Roost (aka Neptune) Cottages" Nomination (Designated), Co-author Report to National Register of Historic Places, La Jolla, CA, 1975
- "San Diego International Peace Border Park", Conceptual Design for The San Diego Peace Border Park Foundation. San Diego, CA, 1974
- La Jolla Community Plan Update, Citizen Advisory Committee on Historic Preservation, Cultural Zone and Circulation Elements, La Jolla, CA, 1971 - 1976
- "Central La Jolla - Traffic & Satellite Parking Plan", La Jolla, CA, 1970 - 1972

## **LECTURES AND PAPERS**

- "Lost Colonies", Story of Preservation in La Jolla, LJHS TimeKeeper, 2016
- "Irving Gill", Lecture for the La Jolla Historical Society, La Jolla, CA, 2009
- California Historic Preservation Conference: "History of Surfing Culture and Globalization" Lecture, San Diego, CA, 2001
- "CEQA Workshop", California Preservation Foundation, Berkeley, CA 1992
- "CEQA Workshop", California Preservation Foundation, San Diego, CA, 1989

- "Waterfront Design Charrette", California Coastal Conservancy, Concept and Chair, La Jolla, CA, 1989
- "La Jolla: Natural and Cultural Resources Case Study" Lecture, The Bishop's School, La Jolla, CA, 1986
- "Golden Hill Historic District" - Public Participation Program, City of San Diego, 1984
- "How Will We Know It's La Jolla" Community Forum, Author and Coordinator, La Jolla, CA 1980
- California Historic Preservation Conference: "Historic Preservation and California Environmental Quality Act" Workshop, Sacramento, CA, 1980

## **HONORS AND AWARDS**

- San Diego Historical Resources Board Award for Historic Preservation Design Carey Crest Cottage, San Diego, CA, 2000
- Sierra Club Award of Merit for Public Coastal Access Advocacy, 1998
- California Historic Preservation Foundation, President's Preservation Award, Eureka, CA, 1992
- Save Our Heritage Organization (SOHO) Preservationist of the Year Award, San Diego, CA, 1992
- San Diego Mayor's Award of Appreciation, San Diego, CA, 1992
- San Diego City Council Award of Merit, Architectural Historical Report: Engine Co. 13 Fire Station, San Diego, CA, 1985
- SOHO Preservationist of the Year Award, San Diego, CA, ca. 1983
- San Diego Historical Society Award of Merit, (Red Rest & Red Roost Cottages) San Diego, CA, 1975

Anthony A. Ciani 220 Walnut Street Pacific Grove, California 93950  
ARCHITECTURE - PLANNING - HISTORIC PRESERVATION - COASTAL CONSULTANT

September 25, 2020

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City of Pacific Grove  
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Via email: [rmullane@hrandassociates.org](mailto:rmullane@hrandassociates.org)

**RE: American Tin Cannery (ATC) Hotel and Commercial Project – Draft Environmental Impact Report (DEIR) COMMENT ON CHAPTER 8. CULTURAL RESOURCES**

Dear Rob:

I am a licensed architect with expertise in historic architecture<sup>1</sup>, and I submit the following information and comments to emphasize the importance of recognizing and protecting the cultural, historical and architectural resources of the American Tin Cannery (ATC) property and surrounding area for their intrinsic qualities and contribution to the cultural, aesthetic and scenic quality of the coastal environmental setting and City of Pacific Grove. The ATC, formerly the American Can Company, (ACC), circa 1927, provided the City of Pacific Grove with tremendous economic value that continues to the present time.

**Ciani Comment No. One:** It is my professional opinion, that the extant buildings of the American Can Company, aka, the American Tin Cannery are historically and architecturally significant and retain their integrity from the interpretive period of their significance. Furthermore, the subject site, buildings and landscape are an integral part of a larger realm of historical significance due to their location and association with the historical epoch of Pacific Grove – Monterey's fishing industry, commerce, and literary culture during the late 19<sup>th</sup> century and early 20<sup>th</sup> century. If implemented, the proposed demolition of a central section of the factory building and demolition of the entire the warehouse building, as well as, the massive additions, would result in the direct, unmitigated and unavoidable significant adverse impacts to the cultural, historical and architectural resources of the site and setting.

The American Can Company was built in the context of an emerging fishing industry in Monterey Bay on land that had formerly been a Chinese fishing village, ca. 1853 -1906, and adjacent to the Monterey Boatworks, ca. 1916 – 1927, and Siino Boat Works ca. 1927 (now a part of Hopkins Marine Station) which were also built on the site of the fishing village.<sup>2</sup> (See Figures 1 and 2, on Page 2, below)

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<sup>1</sup> Resume of Anthony A. Ciani, see Pages --- below

<sup>2</sup> <https://hopkinsmarinestation.stanford.edu/about/history>

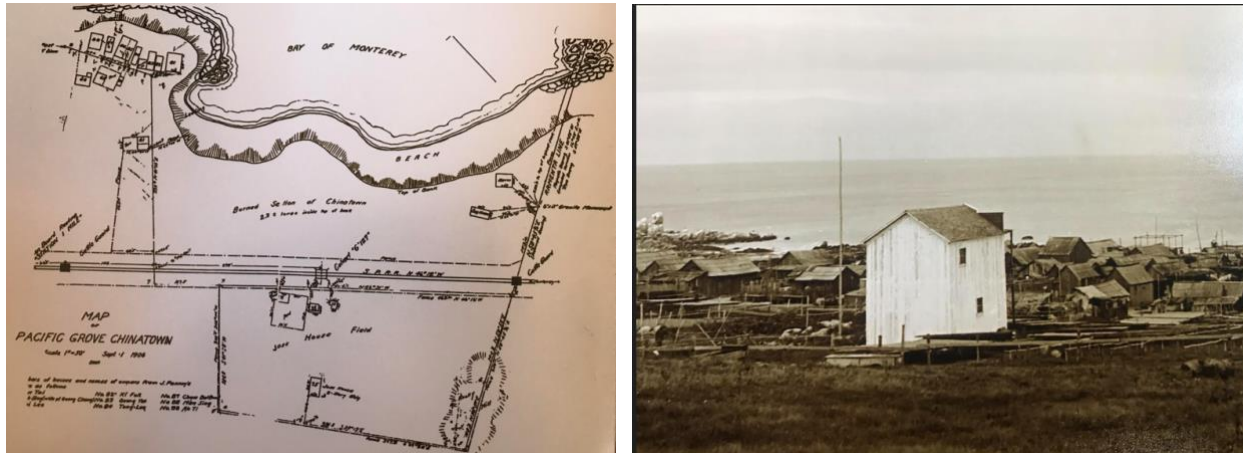


Figure 1. Map and photo of Chinese Fishing Village & Joss House Temple



Figure 2. American Can Company (Background) Siino Boat Works (Foreground) Credit: Pat Hathaway, California Views Collection

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The American Can Company became an integral part of the maritime commerce in the Monterey Bay area and is directly associated with the industrial complex that developed at Cannery Row in New Monterey. The fishing and canning industry spanned the political boundary lines between Pacific Grove and New Monterey, just as it did in the survey study area for the “Cannery Row Cultural Resources Survey” that was limited to the geographical boundaries of the City of New Monterey.<sup>3</sup> Newspapers articles and two of John Steinbeck’s novels, “Cannery Row” (1945) and “Sweet Thursday” (1954), chronicle the life and events of the historical period of American Can Company’ significance. (Steinbeck lived on Eardley Avenue.)

The following is a selected summary of the findings that are provided in the Page & Turnbull, Inc. treatise, “**Historic Resource Technical Report American Tin Cannery**” (HRT-ATC) in the Draft EIR for listing eligibility in the California Register of Historic Places and City of Pacific Grove Historical Resources Inventory of the subject property and buildings:

- 1) *“In terms of archaeological resources, the results of the assessment indicate the project location has high sensitivity for both historic and prehistoric resources.”* (DEIR Vol.1 p 8-36)
- 2) In terms of the **historic significance** of the ATC buildings: the Office Building, Factory Building and Warehouse Building; appear to be individually eligible for listing in:
  - (a) California Register under Criteria 1 (events): *“[T]he American Tin Cannery appears to be individually eligible for listing”* (DEIR Vol.1 page 8-25 & 26).
  - (b) Pacific Grove Historic Resources Inventory (Municipal Code §23.76.025) under local eligibility criteria A, C, E, H, and I (DEIR Vol.1 page 8-26 & 27).
- 3) In terms of their Integrity; *“The American Tin Cannery [ATC] retains six out of seven aspects of integrity<sup>4</sup> - location, design, materials, workmanship, and feeling [and association] — and thus retains integrity overall.”*

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<sup>3</sup> Architectural Resources Group Architectural Resources Group completed the Cannery Row Cultural Resources Survey for the City of Monterey in 2001. This survey identified and described multiple historic contexts relevant to the Cannery Row survey area, which directly abuts the New Monterey survey area. As part of the survey process, properties within the survey area were evaluated to determine their eligibility both as potential individual historic resources and as contributors to four potential districts. Two of the proposed districts – the North Cannery Row Historic District and the Literary Core Historic District – were deemed National Register-eligible, while the other two – the South Cannery Row Historic District and the Cannery Row Industrial and Residential Historic District – were deemed California Register-eligible.” (New Monterey Historic Context Statement and Reconnaissance Survey DRAFT, April 2012, Pages 3-4.)

- 4) The (HRTR-ATC) analysis of the proposed project's potential adverse impacts on the existing historic buildings that concluded, in part: (DEIR Vol.1 page 8-24).

(a) *"The project would result in a substantial adverse change in the significance of a historical resource as defined by the significance criteria established by CEQA. A proposed, project impacts are considered **significant and unavoidable.**"; and,*

(b) *"Thus, as proposed, the American Tin Cannery Hotel and Commercial project will create a significant and unavoidable impact on the historic resource as currently proposed."*

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**Ciani Comment No. Two:** The Draft EIR finding that the American Can Company Buildings (re-named the American Tin Cannery in 1988) does not retain the integrity of the setting because the surrounding area was developed into a low-scale, urban mixture of commercial and residential buildings, **is in my professional opinion, unsubstantiated.**

**My reasons for supporting the integrity of the setting and the architectural character:**

- 1) The building alterations and additions that occurred after the 1920s did not, and do not now, interfere with the public's appreciation of property's authentic historic industrial character. (DEIR Vol.1 page 8-28 & 29). The changes, that were made over time, did not substantially diminish the historical significance and integrity of the site and buildings. The additions, including the NAFI Building, the skybridge, adjacent parking lot, elevated promenades and new entrance canopy did not reduce the historical significance of the site, buildings and setting. Rather, they have become part of the ATC complex and setting as perceived by the general public. The historical sense of place also remains for the adjacent Cannery Row and literary Historic Districts in New Monterey<sup>5</sup>.
- 2) Moreover, the development of the surrounding areas progressed over time to become a small scale, residential and commercial neighborhood. That suburban pattern of development was consistent with the 1910 University Addition Subdivision, where ATC is located, and those physical changes subordinate to and are compatible with the historical scale and character of ATC.
- 3) Thus, a fair argument can be made that the ATC-ACC site, the three historic buildings, and the vernacular landscape retain their integrity and the integrity of their architectural characteristics from the interpretative period of their historical significance. **Therefore, they may also be eligible to the National Register of Historic Places.**<sup>6 7</sup>

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<sup>5</sup> Ibid

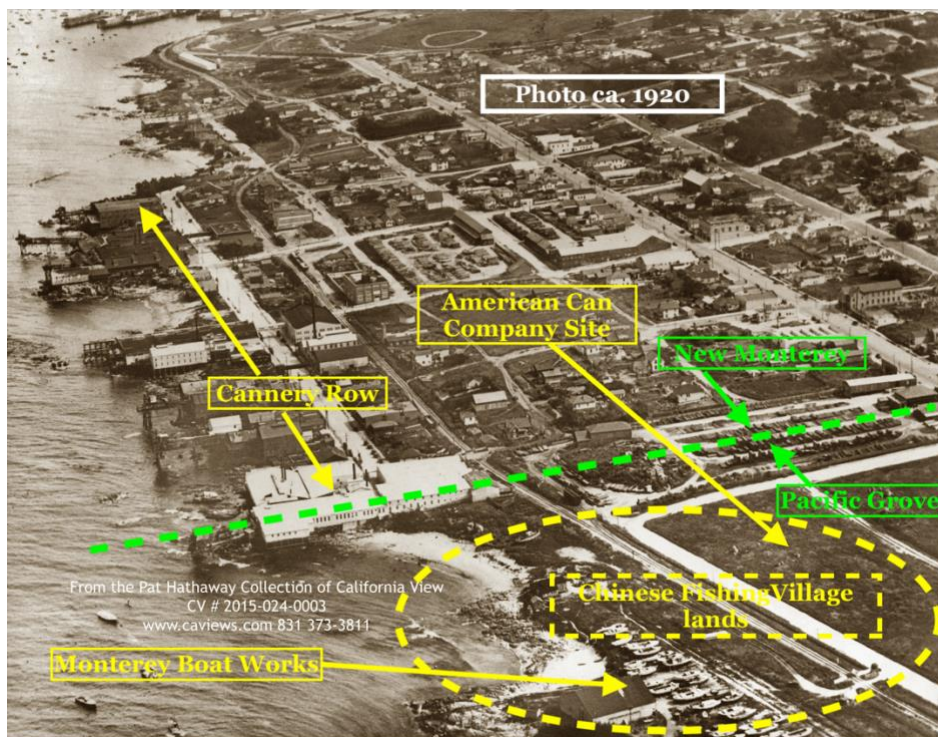
<sup>6</sup> Email discussion with Jay Correia, State Historian III Supervisor, Registration Unit, California Office of Historic Preservation, dated: February 21 and 22, 2016

<sup>7</sup> See attached: American Can Company, HRI Chronology, Prepared by Tony Ciani, last dated May 31, 2019



**Aerial Photo ca. 1920**

Credit Pat Hathaway, California View Collection



**Annotated Aerial Photo**

Photo Credit: Pat Hathaway, California Views Collection

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**Ciani Comment No. Three:** It is my professional opinion, that the ATC site and buildings are eligible for listing on the National Register of Historic Places using criteria defined in 36 CFR 60.4 set forth in the Draft EIR section 8.5.1 (DEIR pages 8-18 and 8-19). There is substantial factual evidence that they are representative of important events in local, state and American history; and the buildings are representative examples of Modern and vernacular industrial architecture. The site is also associated with the Chinese Fishing village (ca. 1850 - 1906).<sup>8</sup> The Joss House religious temple, may be eligible as a California Point of Historical Interest, (Photograph Figure 61, DEIR Page 26). Also, ATC may be eligible for listing in National Register as a historic district or part of a larger contextual or thematic historic district due to their direct association with Cannery Row and Literary Historical Districts that were identified in the 2001 and 2012 New Monterey Historical Surveys. (The ACC built the road that links them.)

As provided in the **HRTR-ATC** treatise, the analysis of the integrity of site and buildings; the integrity of their location, design, setting, materials, workmanship, feeling, association; and, that the site and buildings are eligible for listing in the local Historic Resources Inventory, California Register, in my professional opinion, is valid and applies as well, for the analysis for listing in the National Register; to wit:

*"The American Tin Cannery [ATC] retains six out of seven aspects of integrity<sup>9</sup> - location, design, materials, workmanship, and feeling [and association] — **and thus retains integrity overall.**" (DEIR Vol.1 page 8-29).*

I generally agree with architectural description in the **HRTR-ATC** of the Draft EIR:

- Office Building is a 1-story wood frame vernacular hipped roof building.
- ACC Factory is as a rectangular reinforced concrete building in the Art-Moderne architectural style, with a sawtooth roof including north-facing clerestory windows; and, a series of "*chevron capped concrete pilasters*" featuring, "*original full-height steel sash windows.*"
- The ACC Warehouse is a rectangular two-story "*reinforced concrete and brick building clad in corrugated metal panels*" and large "*multi-lite steel sash windows.*" (DEIR Vol. 1, page 8-10)

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<sup>8</sup> "Altogether, the Chinese at Point Alones developed the first true commercial fishery on Monterey Bay, and in some ways were responsible for the most focused commercial activity in the entire Monterey area." (DEIR ATC Page 21)

<sup>9</sup>NPS, *National Register Bulletin: How to Apply the National Register Criteria for Evaluation*. 1997

In February 2016, I began researching literature and photographic records for the American Can Company and I requested technical assistance of the State Office of Historic Preservation to prepare and submit a nomination of the American Can Company to the National Register of Historic Places; and historian Jay Correia replied.<sup>10</sup> I made detailed measurements and prepared a physical description and collected written documents, and archival photographs and met with members of the local historical society to research their files. That research included a review of the City of **Pacific Grove Historical Context Statement** prepared by Page & Turnbull, Inc. (2011) that had been formerly adopted by the City Council in 2012 – which provides a two-page historical background and physical description with photographs) and concluded:

*“It is unclear how many industrial buildings of this period are currently listed on the City of Pacific Grove’s Historic Resources Inventory, **although the former American Can Company is included.**” (2011 Historic Context Statement, page 235)<sup>11</sup>*

Upon subsequent research of the City’s records, I discovered a copy of evidence of the listing on the City’s **“Historic Resources Inventory as of September 9, 2004”** [Street Address] 125 Ocean View Boulevard (**See Figure “C”**); and, as noted in the DEIR, a 2013 historical assessment by local historian Kent Seavey stating the property was listed on the City’s HRI as of, 2010. In 2019, I subsequently discovered a 2005 letter from a member of the City staff<sup>12</sup>, who without notice or due process, removed the property from the HRI. Mr. Biggs wrote: *“We have amended the Historic Resources Inventory and 125 Ocean View Boulevard is no longer listed.”* (There is no evidence of a hearing or minutes describing this action.)

As mentioned above, the 2011 Historic Context Statement (HCS)<sup>13</sup> was officially adopted by the City Council in 2012, and they ratified it again in 2016, when the City Council voted unanimously to approve the Ad Hoc Committee HPO Report to implement the HCS. That decision did not recommend any changes to the significance of ATC or its removal from the City’s HRI and concluded: *“We again noted that the Historic Context Statement provides useful guidance for historic determinations and for evaluating projects”*.<sup>14</sup>

It is clear, the City Council held two noticed, regular public hearings, in 2012 and 2016, affirming **“the former American Can Company is included”** in the HRI.

<sup>10</sup> *“If the exterior retains integrity, I highly recommend that you nominate to the National Register, and NOT the California Register. I would like to see exterior photographs of the primary facades, and perhaps a summary statement of significance in order to determine whether or not I think that the SHRC would approve the nomination.”* February 22, 2016 Email excerpt Jay Correia, State Historian III, Supervisor, Registration Unit, California Office of Historic Preservation

<sup>11</sup> Historic Context Statement, City of Pacific Grove, 2011, pages 235 – 236

<sup>12</sup> Ron M. Biggs, CDD, City of Pacific Grove to Mr. Bill Grimm, 765 Wave St, Monterey, CA

<sup>13</sup> Historic Context Statement, City of Pacific Grove, 2011, Page 236

<sup>14</sup> City Council Ad Hoc Committee on the Historic Preservation Ordinance, February 22, 2016

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It is also a fair assumption that the City's Historic Resources Committee (HRC) would need to hold a de novo public hearing to consider removing ATC from the HRI, based on new factual evidence. Despite my formal requests for such a full hearing, as of the date of this letter, no such hearing has been scheduled or noticed. Thus, the expert opinions by Page and Turnbull, Inc., or Kent Seavey, or the input I have provided in this letter, individually or together, attest that the ATC site and its buildings are significant historical resources, at least at the local and statewide level, and I believe are historical and architectural resources at the federal level.

**Ciani Comment No. Four:** In support of my opinion that the property is significant at the federal level and eligible for listing in the National Register, I submit the following information:

- The American Can Company in Pacific Grove was designed and constructed in the same genre as some of the early 20<sup>th</sup> Century industrial buildings that are at the Union Iron Works (UIW) Historic District located at Pier 70 in San Francisco, California. The **Union Iron Works Historic District** National Register of Historic Places nomination listing provides the historical background, physical description, a statement about the architectural and historical significance, and integrity of the Potrero Works, Union Yard. Bethlehem Steel Yard. Potrero Yard and San Francisco Yard, located at East of Illinois Street, between 18th and 22nd Streets, San Francisco, California. (4/17/2014)<sup>15</sup>. That documentation includes information regarding maritime commerce and industrial architecture that is pertinent to ATC's history and architecture.
- Specifically, the Administrative Office, Factory and Warehouse buildings, are contributing resources part of the historic site;
- The Criteria 3 finding in the California Register provides for: **"Resources that embody the distinctive characteristics of a type, period, region, or method of construction..."** The **HRTR-ATC** of the Draft EIR finding for Criterion 3, Architecture of the American Tin Cannery for the eligibility listing in the California Register concluded:

*"The original design of the ATC complex has not been attributed to any specific architect, and therefore cannot be said to be the work of a master architect, and the industrial complex with its limited decorative features does not possess high artistic value;"* (DEIR Vol.1 page 8-26)

That finding mistakenly attributes Criterion 3 to **only** apply to the heroic work of a master architect or must possess high artist value to qualify. It is my professional opinion that, **ATC is an architectural and historical resource that embodies the distinctive characteristics of Modern Industrial architecture, which was an integral part of the 20<sup>th</sup> century fishing industry and commerce and literary culture history of the Monterey Bay and America.** (HRTR, Page 41, ATC Vol ii appendices, June 1, 2020)

<sup>15</sup> Union Iron Works Historic District <https://www.nps.gov/nr/feature/places/pdfs/14000150.pdf> (2014)

The "**Historic Resource Technical Report American Tin Cannery**" does not appear to prepare a detailed description of the historic buildings<sup>16</sup>. The report states:

*"In general, the original three buildings are rather modest in design, reflective of their utilitarian and industrial character, with the notable exception of the Art Moderne style chevron capped concrete pilasters on Building 1. The sawtooth roof of Building 1 is also a notable design feature which creates a dramatic building profile while serving the practical urpose of daylighting the large interior factory space."* (DEIR Vol. 1, page 8-10)

Kent L. Seavey, local historian summarized in a letter on October 21, 2018<sup>17</sup> regarding the property's potential eligibility to the California Register; *"The property might be eligible for inclusion, [in the California Register] in spite of the smoke stack loss, for its historical significance in the economic development of Pacific Grove and the Monterey canning industry. It may also qualify for architecture as the only known example of commercial Art Moderne design in Pacific Grove."*

**Ciani Comment No. Five:** It is my professional opinion as an historic architecture consultant that the American Can Company site and Administrative Office, Factory and Warehouse buildings merit designation in the City of Pacific Grove's Historic Resources Inventory (HRI). As mentioned above, the City Council held two noticed regular public hearings, in 2012 and 2016, affirming "**the former American Can Company is included**" in the City's HRI, and there has not been public hearing to reverse that finding or determination.

**Ciani Comment No. Six.** In terms of the National Register Criteria for Evaluation<sup>18</sup> Criteria C; it is my professional opinion that the ATC (aka ACC) site and building complex retains its **quality of significance** in American history, architecture, engineering, and culture which is present in [the] districts, sites, buildings, [and] structures; and possesses integrity of the location, design, setting, materials, workmanship, feeling, and association; and, that embody the distinctive characteristics of a type, period, or method of construction, that represent a significant and distinguishable entity whose components may lack individual distinction.

I also believe that the ACC site and building complex **conveys its significance as defined in the National Register criteria because it retains most of the aspects of integrity** including; its sense of place and location, Location, original elements of design, materials, workmanship, historical feeling and association.

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<sup>16</sup> *"the historic resource assessment did not provide a detailed analysis of the structure under this criterion, the construction of these industrial buildings was common for the period and not likely to yield important construction related information."* (DEIR Vol.1 page 8- )

<sup>17</sup> Kent L. Seavey, *Historic Resources Opinion Letter*. October 2018. (DEIR VOL II, Appendix F)

<sup>18</sup> <http://www.cr.nps.gov/nr/publications/bulletins/nrb15/>

The following excerpts of the Page and Turnbull, Inc. Historic Resource Technical Report corroborate the key findings regarding the Office and Factory Buildings:

- “[T]he factory building, Building 1 was the most important building in the American Can Company fish canning operations, and exhibits architectural features such as the sawtooth roof that clearly convey this use as well as 1920s Art Moderne decorative elements like the chevron capped pilasters .[The Office Building] Building 0 played an important role as an administrative office.” (HRTR-ATC DEIR, p. 59)
- “Building 2, was integral to the overall operation of the American Can Company, [and] the early twentieth century industrial character and significance of the American Can Company in the Monterey fish canning industry” (DEIR Historic Resource Technical Report, p. 59)

**Ciani Comment No. Seven.** However, I strongly disagree with the HRTR, section VIII. PROJECT RECOMMENDATIONS which discounts the importance and integrity of the Warehouse Building (No. 2), and essentially ‘throws it under the bus’, so to speak (or more accurately would throw it into the Monterey County Landfill,).

*“If one of these three design changes is made, then the project would retain or substantially retain all of the character-defining features of Buildings 0 and 1. **The project would still involve the loss of Building 2 and its character-defining features, but the overall historic resource—the American Tin Cannery complex—would retain enough of its character-defining features to convey its significance as an industrial fish canning factory and retain eligibility for the California Register and Pacific Grove Historic Resources Inventory.** The mitigation measures discussed in the previous section would mitigate the demolition Building 2 and impact of the new hotel buildings on the industrial character of the property to a less-than-significant level.” (HRTR-ATC DEIR p. 59)*

This statement, without proof, is a flawed notion and without merit, which inconsistent with the Secretary of Interior Standards. See “Preservation Brief 14 New Exterior Additions to Historic Buildings: Preservation Concerns” (Anne E. Grimmer and Kay D. Weeks)<sup>19</sup>

Preservation Brief 14 states: “To meet Standard 1 of the Secretary of the Interior’s Standards for Rehabilitation, which states that “a property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment,” [and] **“Before expanding the building’s footprint, consideration should first be given to incorporating changes—such as code upgrades or spatial needs for a new use—within secondary areas of the historic building.”**

Adaptive reuse of old or historically significant buildings provides a reasonable and feasible alternative and adapting historic buildings for hotel uses have been proven to be

<sup>19</sup> <https://www.nps.gov/tps/how-to-preserve/briefs/14-exterior-additions.htm>

successful.<sup>20</sup> The ACC Office, Factory, and Warehouse buildings were already successfully retrofitted to accommodate commercial retail and restaurant uses. The Warehouse has the advantage of the high spaces with large tall windows that look out to the north and west views of the Monterey Bay and Sea with a potential garden-patio that faces the southwest panoramic vista of Pacific Grove's dramatic shoreline. I believe the NAFI Building could also be adapted and reused for the hotel or other ancillary or commercial uses.

The **Pier 70 Historic District** is a good source of information that is pertinent to the significance of ATC. (See Pier 70 Historic District NR Form)<sup>21</sup>; including its Major Bibliographical References - the books and articles, etc. provide literature about the architecture, engineering and construction trends contemporaneous with the development of the American Can

Company, including:

- (a) Reinforced Concrete in Factory Construction. New York: The Atlas Portland Cement Company, 1907.
- (b) Biggs, Lindy. The Rational Factory. Baltimore and London: Johns Hopkins University Press, 1996.
- (c) "Industrial Building Types Studies." February 1940. In Kenneth Reid, A.I.A., ed. Industrial Buildings, The Architectural Record of a Decade. New York: F. W. Dodge Corporation, 1951

**Ciani Comment No. Eight: The additional reasons below reinforce the historical and architectural importance of the American Can Company (ATC), and in my professional opinion, elevates it to the national level of significance and to be eligible for listing in the National Register.**

- 1) The site, buildings and landscape direct associations with the neighboring Monterey Boat Works, Cannery Row Historic and Literary Districts, Ed (Doc) Ricketts Lab in Pacific Grove; on Ocean Ave. in New Monterey; author John Steinbeck's literature, and construction of the road built by ACC linking Pacific Grove to the larger fishing industry, and tourism; and the construction of the Monterey Bay Breakwater; and its contribution to worldwide commerce of canned fish, including during World War II; and,
- 2) the historical information regarding the significance of the American Can Company should be expanded to include its influence on commerce in Pacific Grove. In 1901, several can manufacturers formed the American Can Company (ACC), headquartered in

<sup>20</sup> National Trust For Historic Preservation, <https://savingplaces.org/historic-hotels-of-america> for example: Cork Factory Hotel is a Lancaster County hotel set in a vibrant mixed-use community, Urban Place. Urban Place is the former home of a 19th-century cork manufacturing giant, Lancaster Cork Works, and later the home of Armstrong Cork Company and Kerr Glass Company.

<sup>21</sup> NPS Form 10-900 United States Department of the Interior National Park Service National Register of Historic Places Registration Form, historic name: Union Iron Works, Pier 70 Historic District, Listed 4/17/2014

September 25, 2020

Rob Mullane, Planner

RE: DEIR - Public Comment on Chapter 8. Cultural Resources

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New York City. By 1915 the ACC was the largest manufacturer of tin cans in the United States and bought land in San Francisco and built a factory in 1926.<sup>22</sup> ACC also built the largest tin can factory west of the Rocky Mountains in Sacramento which was the City's largest investment at \$1,600,000<sup>23</sup>. In 1927/28, ACC purchased the land and constructed the can factory in the City of Pacific Grove for \$1,000,000<sup>24</sup> including the machinery. It was the largest investment in the City. The 2020 equivalent value of \$1,000,000 is nearly \$15,000,000.

- 3) The American Can Company's design and engineering principles incorporated relatively new technologies and reflected a desire to build efficient factories that provided good conditions and amenities for the workers, including natural light and air, wood floors for comfort and with the layout designed in response to its management, fabrication and storage/shipping, functions (Louis Sullivan's 1896 theory "form follows function"<sup>25</sup>). They were not built under one roof, rather as three functions, in three buildings, and three construction styles and types; designed and constructed to accommodate the functional relationships of the machinery and working conditions.

(a) Office Building: Wood Frame (Management and Cafeteria)

(b) Factory Building: Reinforced Concrete (Mass production of tin cans)

(c) Warehouse Building: Reinforced Concrete and Brick (The cans were stored and shipped directly to Cannery Row where the fish were processed and canned.)

In summary, it is my professional opinion that the ACC Factory and Warehouse buildings are representative examples of early twentieth century industrial architecture whose designs were a functional response to the fabrication, storing and shipping of fish can manufacturing industry and its custom-designed machinery. The Administration Office building is set prominently on the street corner at the waterfront entrance to Pacific Grove, using a humble design subordinating to the Factory design in the Moderne idiom, which distinguished the American Can Company's brand from the nearby industrial fish canning buildings in New Monterey it supplied. The oval shaped cans epitomized the ACC product which were shipped worldwide.

Historian Kent Seavey observed, in his October 18, 2018 letter<sup>26</sup>, [ATC is] ***"the only known example of commercial Art Moderne design in Pacific Grove."***

**Therefore, it is a rare example of the Art Moderne architecture genre of the industrial architecture in the City.**

<sup>22</sup> "S.F. Tract Bought for Can Plant," San Francisco Examiner, (January 22, 1915), p. 7.

<sup>23</sup> <https://www.woodrogers.com/americancancompany/> Wood Rogers, Inc. David Zavisian, Author, 2020

<sup>24</sup> CPI Inflation Calculator <https://www.in2013dollars.com/us/inflation>, \$1,000,000 in 1927 is equivalent in purchasing power to about \$14,937,816.09 in 2020

<sup>25</sup> Louis Sullivan, "form ever follows function. This is the law." The Tall Office Building Ever Considered, 1896, p. 408

<sup>26</sup> Kent L. Seavey, *Historic Resources Opinion Letter*. October 2018. (DEIR VOL II, Appendix F)

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Cont

**Ciani Comment No. Nine:** It is my recommendation that the proposed project should prioritize rehabilitation of the hotel and ancillary uses or commercial uses to be accommodated within the existing buildings, first; and, design reasonable small scale additions to be compatible with the scale and character of the historical resources, and fabric of the surrounding area. The design should avoid overwhelming and degrading the Aesthetic and Cultural integrity of the environmental setting. As proposed, the project would substantially degrade the historic and scenic resources of the overall cultural setting.

Future redevelopment at the same scale in the vicinity of Central Avenue Commercial and Visitor Serving neighborhood, together with the proposed project would result in cumulative unmitigated significant adverse impacts to the suburban environment of this vicinity.

148-3

Reasonable alternatives are available by following the Secretary of Resources Standards for Rehabilitation and utilizing the federal tax incentives pursuant to The Standards for Rehabilitation (codified in 36 CFR 67 for use in the Federal Historic Preservation Tax Incentives program); Federal Tax deductions for of potential historical easements according to 26 USC 170: Charitable, etc., contributions and gifts; and potential options regarding the fire, safety, accessibility and structural per the California Historical Building Code (CHBC), Sections 18950 to 18961 of Division 13, Part 2.7 of Health and Safety Code (H&SC).

**Ciani Comment No. Ten:** The proposed project appears to celebrate its large scale design for the new additions and wings, as a solution to differentiate it from the historical defining characteristics. In fact, the project contradicts the *Standards for Rehabilitation*. Standard No. 9. which recommends:

- *“New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property,” - in this instance, to demolish major sections of a historic building (Factory) and to demolish another entire historic building (Warehouse).*
- *“The new work ...shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.” – In my professional opinion, it clearly is not. It is intrusive and much too high, and a much wider monolithic building at the Central Ave. level, and too massive compared to the surrounding pattern of existing development.*

148-4

The public perception of the large forms and proportions of the proposed project relative to the existing pattern of small buildings would be perceived to sprawl over the historic site and landscape of the surrounding areas. The mass and height of the multiple additions are excessive and would substantially degrade the aesthetic qualities of the environmental setting. If constructed, it would establish a higher magnitude of development that is out-of-scale with the overall historical character of the area and could have a domino effect on adjacent properties seeking to compete for the prominence the proposed design illustrates.

**Ciani Comment No. Eleven:** Compounding the significant adverse impacts to the historical setting would be the wholesale loss of the entire collection of mature trees including stands of iconic Monterey cypress trees that are symbolic of the vernacular landscape.

148-5

**Ciani Comment No. Twelve:** CEQA provides a basis for the Draft EIR to consider reasonable alternatives to the proposed project including the “no project alternative”. This section of the DEIR relies on the Secretary of Interior Standards to analyze the potential adverse impacts; however, a comprehensive evaluation of the environmental design and planning options should be examined, too. For example, in the larger scheme the EIR should explore lowering the overall profile of the development and building heights, in concert with redesigning an alternative orientation and the spatial relationships of the buildings to provide openings for public views to the sky and sea, light and air.

148-6

**Ciani Comment No. Thirteen:** The EIR should explore a reasonable array of alternatives to balance the City’s General Plan (GP) and Local Coastal Program Land Use Plan (LCP) Policies (conservation principles) with the development goals. The EIR should compare and contrast the land use plan policies to avoid or resolve internally conflicting policies and regulations that may be in the 1994 General Plan and subsequent changes as a result of changes due to the adoption of the Historic Context Statement or other pertinent actions by the City Council or City Boards, Committees or Commissions, the General Plan, or the LCP.

**Ciani Comment No. Fourteen:** The following is a short list of a reasonable options the applicant may explore that could reduce the adverse impacts to the historical resources and environment.

- 1) First of all, **a HABS survey and HABS photo-documentation** of the site, buildings and vicinity may be nice for a local Library or the Library of Congress, but **it cannot and will not mitigate the loss of peoples’ appreciation, their “association and feeling” of the authentic ATC architectural and historical buildings, related structures or objects;**
- 2) The project layout could be rearranged or modified to accommodate the proposed “Courtyard” at the same location **within** the existing two-story Factory Building clerestory space to be an interior court without destroying the historic façade or sawtooth clerestory roof system;
- 3) An overall smaller project scope should be considered to achieve the project’s fundamental objectives, without the obvious unmitigated significant adverse impacts.
- 4) The reinforced concrete NAFI building is a valid candidate for reuse within the program for a hotel, or affordable visitor accommodations, or commercial, or housing uses that should be considered as a reasonable alternative to its demolition. To improve the occupancy rate, accommodations from large luxury suites to mini units, with a range of prices, should be explored. (Older folks who can afford luxury, enjoy staying in the same hotel with young visitors traveling on a small budget, staying in smaller, less glamorous rooms).

148-7

- 5) The project should avoid the difficulty and expense of constructing subterranean parking structures in favor of alternative layouts within the space around the Sloat Avenue ROW, and with entries at one end of Sloat or the other.
- 6) The notion of demolishing the reinforced concrete/brick Warehouse and hauling it to dump into the County Dump fails to capitalize on the economic value of the building area and volume, or its utilities and materials. The same is true for the reinforced concrete NAFI building. Alternatives to incorporate those spaces and, or the materials of those buildings into to proposed project should be investigated as part of the applicant's desire to achieve a GOLD-LEED outcome.
- 7) Granite excavated for foundations should be used as a veneer or landscaping purposes (not hauled and placed in the landfill.). Many of the Pacific Grove buildings and structures have used local stone, including stone quarried to make way for the tunnel road at the Presidio.)
- 8) Policy No.45 – 58 of the California Coastal Plan<sup>27</sup> states: *“New development shall not be permitted to degrade highly scenic natural, historic or open areas and shall be visually subordinate to the scenic quality of these areas.”* The Plan was incorporated into the Coastal Act of 1976 (sections 30002 and 30102) and the California Coastal Commission acted to protect historical and architectural resources as coastal scenic resources<sup>28</sup>.

Pertinent examples include:

- (a) 1978 – Belmont Park Giant Dipper Roller Coaster: The Coastal Development Permit (CDP) demolition was denied for a study of alternatives to preserve it. It was subsequently listed on the National Register in 1978; then, it was listed as a National Landmark in 1987, and restored to full operation.
- (b) 1991 – The Green Dragon Colony: The Commission's staff recommended denial for a CDP to demolish four (4) historic vernacular cottages in 1989. In 1991, the cottages were illegally demolished and confirmed by an Appellate Court Decision. The Commission granted an “after-the-fact” permit that required any new development incorporate to the maximum extent feasible. the historical and architectural characteristics of the site and buildings that were determined by historic records, photo-documents, drawings, and an on-site inspection of the by the State Historic Building Code Board. How does the proposed project comply with Pacific Grove's LCP Policies and past precedent of the Coastal Commission?

148-7  
Cont

<sup>27</sup> California Coastal Plan, 1975, Pages 68-78

<sup>28</sup> CDP Nos. F8945-A1 and F8945-A2, (1991 & 1992)

- 9) San Francisco's PIER 70 HISTORIC DISTRICT provides current examples for rehabilitating historic buildings, structures and a vernacular landscape. It demonstrates how corporate investment in challenging projects can be achieved, such as how ORTON Development, Inc. is at the "20<sup>th</sup> Street" Union Iron Works industrial buildings (1885 and 1941). In the case of the Pacific Grove historic American Can Company, the buildings are in much better condition than those being rehabilitated at the Union Iron Works; How can the proposed Hotel and Commercial project modify its program based on this example?
- 10) The Final EIR should conduct a cost-benefit analysis to evaluate a smaller project scope of work, and to the maximum extent feasible, reduce the significant adverse impacts to the site, buildings and environmental qualities of the scenic coastal setting. The applicant should incorporate all reasonable alternatives into the proposed project.
- 11) The EIR should seek an objective and independent (peer) evaluation of recommendations in the EIR so as to consider all reasonable alternatives to protect the cultural, historical, architectural elements of ATC and the scenic quality of the environmental setting. Can the State Office of Historic Preservation or the State Historical Building Code Board their provide technical assistance toward that kind of input?

148-7  
Cont

**Ciani Comment No. Fifteen:** CEQA PRC Section 21003 (a) provides that it is the legislature's intent [is for] ***"Local agencies [to] integrate the requirements of this division with planning and environmental review procedures otherwise required by law or by local practice so that all those procedures, to the maximum feasible extent, run concurrently, rather than consecutively."***

The City of Pacific Grove is the Lead Agency conducting and managing the environmental review of this project; however, the City Manager City Staff and the City's consultants have not coordinated the local review procedures to run concurrently with EIR environmental review procedures. In fact, the City has confused and continues to frustrate the public's participation in the common practices for the discretionary review of this project, including the notice and distribution of printed copies of the DEIR to libraries, and standard procedures to evaluate the subject property's status on the City's Historical Resources Inventory, timely installation of on-site story poles or large graphic photomontage meaningful simulations of the projects size and scale relative to the existing site and surrounding area, or even the installation of ribbons on the trees to be removed as mandated "must" be done. How will these defects in the due process and fair review per CEQA be corrected?

148-8

Respectfully, TC, Tony Ciani, Architect, Historic Preservation Consultant

Copies: City of Pacific Grove: Historic Resources Committee, Architectural Review Board,  
Planning Commission, and City Council.  
State Office Of Historic Preservation  
Coastal Commission  
State Clearinghouse OPR  
Attachment: Ciani Resume

## **RESUME: Anthony A. Ciani, Architect**

In 1981, Tony Ciani co-founded Design with Conservation Associates, Inc., an architecture and planning firm specializing in sustainable design, environmental planning and historic preservation. Tony uses an interdisciplinary approach working with public agencies, individual clients, institutions, and/or citizen groups, to prepare environmental studies and master plans, architectural drawings, and historical assessments, in a timely and cost-effective manner.

Tony has participated in efforts to develop and establish standards and guidelines to protect, restore and rehabilitate natural and historical resources at the local, state and national levels. He has more than 40 years of experience in architectural design and construction, including the use of alternative energy systems and application of new conservation technology.

## **PROFESSIONAL LICENSE CERTIFICATION**

- Architect, California License Number: C-12317, Since 1981  
Qualified Architecture and Historic Architecture Consultant,  
The California Historical Resources Information System (CHRIS)
- California Apprenticeship Council, Journeyman Architectural Draftsman, 1972

## **EXPERIENCE - SELECTED PLANNING PROJECTS**

- “Whale View Point – Shoreline Restoration and Enhancement Master Plan” - Assisted La Jolla Conservancy Inc. (NPO), La Jolla, CA, 2007 – 2014
- Kaufman Desert House (Richard Neutra), Architectural & Historical Report and Supplemental Findings, National Register Nomination, Co-author with Vonn Marie May, Palm Springs, CA, 2008
- Carey Crest Historic Residence - Coastal Permit and CEQA Mitigation Monitoring and Reporting Program, La Jolla, CA, 2002 - 2008
- 215 South Oak Street Historic Preservation Plan - Adaptive Re-use of Four Historic Structures in a National Register Historic District, Historic Preservation Consultant, Telluride, CO, 2000 - 2001
- The Bishop’s School Historic Preservation Master Plan, Historic Preservation Consultant, La Jolla, CA, 1996 - 1998; Historic District Architectural Survey and Report, (Designated 1998), Historical Report by Gregg R. Hennessey); The Bishop’s School Campus Historical American Building Survey (HABS) Documentation (Photography by M. Barth)
- Marine Mammal Reserve, Advocate and Boundary Mapping, La Jolla, CA 1992
- “La Jolla Coastline Plan”, California Coastal Conservancy Grant, Co-chairman, La Jolla, CA, 1989
- La Jolla Waterfront Workshop and Design Charrette, California Coastal Conservancy Grant, Coordinator, La Jolla, CA, 1989
- Heritage Structures Preservation Element, La Jolla Planned District Ordinance,
- Advisor to implement historic preservation element of LJ LCP, La Jolla, CA, 1988
- “Gaslamp Quarter Code Cookbook” Historic Preservation Code Handbook, Co-author with Mel Green, SE, (City of San Diego), San Diego, CA, 1985

- Golden Hill Historic Survey and Evaluation for Historical District, Architectural Historian and Consultant to the City of San Diego, (Environmental consultant, Mary Somerville) San Diego, CA, 1984
- Ardath Road Enhancement Plan and Special Assessment District, Design Consultant, La Jolla, CA, 1984
- Kautz House (Irving Gill), Adaptive Re-Use and Addition for the "Bed and Breakfast Inn at La Jolla", Architect, La Jolla, CA, 1984
- La Jolla Local Coastal Program, LUP Policies and Addendum, La Jolla, CA 1979 - 1983
- La Jolla Cultural Zone Study and Plan, SHPO Grant Product, La Jolla, CA 1982 - 1983
- Heritage Housing Relocation and Rehabilitation Plan, Chair Citizen Advisory Committee, Fay Ave., Site "C", La Jolla, CA 1982
- La Jolla Historic Preservation Plan and Model Local Coastal Program Implementing Ordinance (SHPO Grant), co-author with Mary Somerville, La Jolla, CA, 1981 - 1982
- "Mission Beach Park Revitalization Plan", National Trust for Historic Preservation Consultant Service Grant to University of San Diego, Consultant and Co-author with Mel Green, SE, 1981
- "La Jolla - Study of Natural and Manmade Resources", State of California Planning Grant, Co-author with Mary Somerville, La Jolla, CA 1980/1
- Coronado Transportation and Circulation Study, Coronado, CA 1981
- Coast Walk Trail & Ecological Enhancement Plan, California Coastal Conservancy Grant, Co-author with Mary Somerville, La Jolla, CA, 1979 - 1980
- "La Jolla Coastal Zone Boundary Study" Report to California Coastal Commission and Senate Natural Resources Committee, Author, La Jolla, CA, 1979-1980
- Princess Street Trail to Beach, California Coastal Commission, Public Historical Use Documentation 1979 - 2015
- "Mission Beach Roller Coaster", Historical Report and National Register of Historical Places Nomination (Designated), Co-author with Lisa Ciani, San Diego, CA, 1978
- La Jolla Coastal Public Access and Historical Trails Study, La Jolla, CA, 1978 - 1980
- La Jolla Local Coastal Program, Chair, Citizen Advisory Committee on Public Access, Historical, Cultural and Natural Resources, La Jolla, CA, 1977 - 1983
- "La Jolla Amphitheater" (NEC Grant), Concept & Grant, Assistant to Judith Munk, Grantee, La Jolla, CA, 1977
- "Old La Jolla Historical District" Nomination to the National Register of Historic Places La Jolla, CA, 1975
- "Red Rest and Red Roost (aka Neptune) Cottages" Nomination (Designated), Co-author Report to National Register of Historic Places, La Jolla, CA, 1975
- "San Diego International Peace Border Park", Conceptual Design for The San Diego Peace Border Park Foundation. San Diego, CA, 1974
- La Jolla Community Plan Update, Citizen Advisory Committee on Historic Preservation, Cultural Zone and Circulation Elements, La Jolla, CA, 1971 - 1976
- "Central La Jolla - Traffic & Satellite Parking Plan", La Jolla, CA, 1970 - 1972

## **LECTURES AND PAPERS**

- "Lost Colonies", Story of Preservation in La Jolla, LJHS TimeKeeper, 2016
- "Irving Gill", Lecture for the La Jolla Historical Society, La Jolla, CA, 2009
- California Historic Preservation Conference: "History of Surfing Culture and Globalization" Lecture, San Diego, CA, 2001
- "CEQA Workshop", California Preservation Foundation, Berkeley, CA 1992
- "CEQA Workshop", California Preservation Foundation, San Diego, CA, 1989

- "Waterfront Design Charrette", California Coastal Conservancy, Concept and Chair, La Jolla, CA, 1989
- "La Jolla: Natural and Cultural Resources Case Study" Lecture, The Bishop's School, La Jolla, CA, 1986
- "Golden Hill Historic District" - Public Participation Program, City of San Diego, 1984
- "How Will We Know It's La Jolla" Community Forum, Author and Coordinator, La Jolla, CA 1980
- California Historic Preservation Conference: "Historic Preservation and California Environmental Quality Act" Workshop, Sacramento, CA, 1980

## **HONORS AND AWARDS**

- San Diego Historical Resources Board Award for Historic Preservation Design  
Carey Crest Cottage, San Diego, CA, 2000
- Sierra Club Award of Merit for Public Coastal Access Advocacy, 1998
- California Historic Preservation Foundation, President's Preservation Award, Eureka, CA, 1992
- Save Our Heritage Organization (SOHO) Preservationist of the Year Award, San Diego, CA, 1992
- San Diego Mayor's Award of Appreciation, San Diego, CA, 1992
- San Diego City Council Award of Merit, Architectural Historical Report: Engine Co. 13 Fire Station, San Diego, CA, 1985
- SOHO Preservationist of the Year Award, San Diego, CA, ca. 1983
- San Diego Historical Society Award of Merit, (Red Rest & Red Roost Cottages) San Diego, CA, 1975

September 28, 2020

Rob Mullane, AICP, Consulting Planner  
Community and Economic Development Department  
City of Pacific Grove  
400 Forest Avenue Pacific Grove, CA 93950  
Via email: [rmullane@hrandassociates.org](mailto:rmullane@hrandassociates.org)

**RE: American Tin Cannery (ATC) Hotel and Commercial Project – Draft Environmental Impact Report (DEIR) COMMENT ON CHAPTER 17. TRANSPORTATION AND CIRCULATION**

Dear Rob:

I am not a transportation planner, but I have had to opportunity to work with planners and engineers to address the circulation and traffic patterns on projects and long-range planning solutions for small towns, including La Jolla and Coronado. The Analysis of the transportation and circulation in the Draft EIR is based on the **Figure 17-2: Site Plan and Vehicular Circulation Site Plan** for the American Tin Cannery Hotel and Commercial Project which does not appear to consider more than the functional alternatives listed in the recommended mitigation measures MM TRA 3.1 and 3.2.

149-1

**Ciani Comment T-1.** The impacts on the existing public parking facilities do not appear to be adequately addressed. The Scoping issues included parking but the EIR neglected to address parking. Rather, it put it off as a *“Related issues, such as parking requirements and design standards, are a function of plan review and compliance with the City Municipal Code.”* The analysis of the potential adverse impacts to existing parking supply and demand in the surrounding commercial and residential neighborhood; and, adjacent parking that serves visitor access to and along the shoreline should completed as part of this EIR, not later. According to CEQA should be incorporated at the earliest time in the EIR process and decision-making procedures. To wit: PRC 15004 (b) states: *“EIRs and negative declarations should be prepared as early as feasible in the planning process to enable environmental considerations to influence the project program and design and yet late enough to provide meaningful information for environmental review.”*

149-2

**Ciani Comment T-2.** In concert with assessing parking issues should be a specific detailed traffic circulation and pedestrian safety study focused on the automobile ingress and egress at the “Hotel Arrival” port corche and lobby area fronting Ocean View Blvd. Literally speaking, the “impacts” at that location must be analyzed to consider the “stacking” of cars arriving from the east that will need to wait for automobile, bicycle and pedestrian traffic coming from the other direction. Couple that potential congestion on the existing single lanes of travel in each direction and the stop and go cycles due to the operation of parking cars in the parallel parking places on both sides of the roadway.

149-3

Clearly, the addition of more cars at peak hours at the intersections and all day on Ocean View and Central will result in significant cumulative adverse impacts to an already exacerbated circulation system.

Respectfully, Tony Ciani, Tony Ciani, 220 Walnut Street, Pacific Grove, CA 93950

Cc: City of Pacific Grove; and, Coastal Commission

September 28, 2020

Rob Mullane, AICP, Consulting Planner  
Community and Economic Development Department  
City of Pacific Grove  
400 Forest Avenue Pacific Grove, CA 93950  
Via email: [rmullane@hrandassociates.org](mailto:rmullane@hrandassociates.org)

**RE: American Tin Cannery (ATC) Hotel and Commercial Project – Draft Environmental Impact Report (DEIR) COMMENT ON CHAPTER 14. LAND USE AND PLANNING**

Dear Rob:

The City Local Coastal Program (LCP) was recently certified (2020) and some of the ordinances in the LCP will need to be amended to correct internally conflicting policies and implementing strategies. The City's administration procedures for this project are an example of the ordinances ability to carry out the policies of the Land Use Plan. Two significant examples that could have consequential impacts on the decision-making process are:

- 1) Noticing Procedures including requirements for story poles, marking trees proposed for removal as described in more detail in my letters to you dated (9-2-2020, 9-8-2020 & 9-14-2020);
- 2) Conflicts between the City's procedures for reviewing and listing historical resources as part of the discretionary process; in this case, the City planners claim the subject property is not currently on the City's Historic Resources Inventory (HRI) and they have not scheduled the historical review to be conducted by the Historic Resources Committee (HRC) who trained and experienced and would normally screen an unlisted property. Rather, City staff put matter on a future Architectural Review Board agenda to review the historical significance even though, the ARB does not have the experience and training to determine the significance and integrity of a potential historical property.

Those conflicts should be considered at the earliest time as part of the EIR.

Respectfully,

Tony Ciani,

Tony Ciani, 220 Walnut Street, Pacific Grove, CA 93950

Cc: City of Pacific Grove City Council  
Coastal Commission

150-1

September 28, 2020

Rob Mullane, AICP, Consulting Planner  
Community and Economic Development Department  
City of Pacific Grove  
400 Forest Avenue Pacific Grove, CA 93950  
Via email: [rmullane@hrandassociates.org](mailto:rmullane@hrandassociates.org)

**RE: American Tin Cannery (ATC) Hotel and Commercial Project - Draft  
Environmental Impact Report (DEIR) – Compliance with CEQA 2.0**

Dear Rob,

I am writing to follow up on the specific comments and other letters regarding this EIR. I believe some of the technical and procedural points I have raised will require a revision of key elements of the Draft EIR and I request that the revised documents be recirculated per CEQA with the new evidence to support the unsubstantiated findings in the current edition of the report. Furthermore, you will see that I have as a qualified historic preservation architect, recommended an independent (peer) review of the historical significance and integrity for listing the site and buildings on the National Register of Historic Places. The likely candidate for that assessment work be the State Office of Historic Preservation (SOHP). That status is linked to the study of federal tax credits for rehabilitation as part of a reasonable alternative to the proposed demolition of historic resources.

151-1

Please keep me informed about the status of the EIR.

Sincerely,

Tony Ciani,

Tony Ciani,  
220 Walnut Street, Pacific Grove, CA 93950

CC: California Coastal Commission  
California Office of Historic Preservation  
City of Pacific Grove

# Letter 152

## Proposed Hotel Project in Pacific Grove

Thomas Lindberg <monsquid@hotmail.com>

Mon 9/28/2020 12:45 PM

To: R Mullane <rmullane@hrandassociates.org>

Good Afternoon Mr. Mullane:

I am a long-time resident of Pacific Grove, having lived here from 1995 to 2007, and now again for the last five years. My wife and I love the "Last Hometown" feel and are dismayed at the scope of the proposed hotel near the American Tin Cannery. We haven't had the time to fully peruse the environmental documents, but it does not look like an appropriate use of the property. There is already too much traffic in the immediate area, due to attractions like the ocean, the recreational trail/bike path, the Aquarium and Cannery Row. And we hate to see more trees removed for development.

152-1

Sincerely,

Thomas Lindberg  
Pacific Grove

**ATC Hotel & Commercial Project**

Wendi Giles &lt;wendigiles510@gmail.com&gt;

Mon 9/28/2020 3:32 PM

To: citycouncil@cityofpacificgrove.org <citycouncil@cityofpacificgrove.org>; dave@laredolaw.net <dave@laredolaw.net>; heidi@laredolaw.net <heidi@laredolaw.net>

Cc: R Mullane <rmullane@hrandassociates.org>

Dear Mayor, Mayor Pro-Tem, and City Council Members,

I am opposed to the scale of the proposed ATC Hotel project.

I made it down to the site to view the 48 hour postings to assess the size of this 225 room complex and WOW, the proposal is totally out of scale with the Community that surrounds it.

Have YOU really looked at the roof line on this?

Please have story poles and balloons installed so that the Public can really see what is going here.

Thank you,

Wendi Giles

Sent from my iPhone

**153-1**

## 2.2 Master Responses

### 2.2.1 Pacific Harbor Seal

Several general comments were made regarding the local harbor seal colony residing on local beaches across Ocean View Boulevard, and the potential for disturbance of the colony and rookery sites during construction. The City appreciates the input and insight from our local network of volunteer naturalists and docents. Specific issues identified in the comments related to potential harbor seal disturbance are addressed below.

#### Harbor Seal Haul Out Locations

While it is understood that the main colony location is at the Hopkins West Beach as described in the Draft EIR, this Final EIR acknowledges that the colony also uses the rocks beyond and north of the Hopkins Marine Station, as well as Fisher Beach, located about 255 feet northeast and down slope from the project site, across Ocean View Boulevard from the existing buildings. The EIR Errata reflects these clarifications. Harbor seal use of these additional beach locations does not affect the fundamental conclusions or mitigation strategies of the Draft EIR, as explained further below.

#### Potential Noise and Vibration Effects on the Harbor Seal Colony

The Draft EIR acknowledges and discloses a potential impact to the colony (Draft EIR pages 7-14 and 7-15), and the importance of precautionary measures for this unique receptor. The Draft EIR (page 7-15) also acknowledges that, despite some existing data<sup>1</sup> on the behavioral effects of noise and vibration on harbor seals reviewed for this document, animal reaction to noise may be less predictable than human responses. As such, the EIR provides conservative, preventative measures to avoid negative effects.

A determination can be made regarding potential construction noise levels at Fisher Beach based on the data in the Draft EIR. For example, as noise decreases with distance, it can be determined from Table 15-10 (Draft EIR page 15-17) that at a distance of 255 feet, noise levels from construction equipment would be about 5 dBA lower than the values shown for the Tuna Research Building and about 4 dBA higher than those values shown for Point Cabrillo. This could result in temporary noise levels of up to 81 dBA at Fisher Beach for the loudest sources of equipment listed in Table 15-10. Grading and excavation typically utilize the loudest pieces of construction equipment. Once excavation begins, this 9 to 10-week phase of construction would occur mostly below existing grade, naturally attenuating noise to some degree. Intervening structures, terrain changes (elevation drop of approximately 20 feet), and temporary barriers would further attenuate construction noise activity from the project site experienced at Fisher Beach.

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<sup>1</sup> U.S. Coast Guard Civil Engineering Unit Oakland, *Incidental Harassment Authorization for Waterfront Repairs at USCG Station Monterey*, June 2013.

While there is no standard or threshold for effects upon harbor seals, the City recognizes the colony as a unique natural resource and a priority for protection. For this reason, the Draft EIR prescribes noise attenuating barriers constructed of specific materials known to be effective (MM BIO-1.1, together with MM AES-1.1 and MM N-1.2) to reduce noise levels. Such measures would be significantly more effective than “hanging a tarp” near the beach, as mentioned anecdotally in the comments as an ineffective measure. Noise barriers such as the ones recommended by the Draft EIR are standard best management measures for construction sites, particularly in the center of densely populated areas. Such barriers are specifically designed and engineered for the purpose of mitigating noise impacts.

In terms of vibration, the Draft EIR page 15-27 notes that vibration levels would be below the “barely perceptible” level at the Hopkins Marine Station Tuna Research Building (135 feet away). Fisher Beach, at 255 feet, would also be below this level. These findings on vibration are consistent with the data within Table 15-12 (Draft EIR page 15-26). Using a distance of 255 feet for Fisher Beach, the vibration levels in terms of “vibration decibels” or VdB, would be about 65 VdB. Based on the 2013 study prepared by the U.S. Coast Guard, levels of 120 to 160 VdB were identified for increased probability of potential behavioral effects in harbor seals. While predicted levels for the project are well below these values, the City’s approach is to preventatively mitigate for both noise and vibration to avoid impacts to the colony at all locations.

Noise and vibration levels at locations much further away, such as the rocks beyond Hopkins Marine Station, would experience further reductions.

### Duration of Construction

As noted in multiple locations in the Draft EIR (page 7-14 for example), the preliminary construction schedule is estimated at 18-24 months total duration, with initial demolition and excavation occurring over a 9 to 10-week period.

### Construction and Excavation Methods

Draft EIR pages 3-25 and 3-26 document the preliminary estimates of cut (excavation) and fill. These estimates, based on the plan set provided with the project application, anticipate a net export of 46,700 cubic yards. The Earthwork Exhibit (included in the project plans for the application, as part of the public record and now included in as an attachment to this Final EIR) illustrates excavation for the parking garage near the corner of Ocean View Boulevard and Dewey Avenue of up to 9 feet below existing grade. The majority of excavation would occur in the 3-foot to 12-foot range, with some areas requiring more or less excavation.

The Draft EIR in several locations (pages 3-26, 7-14, and 15-17, for example) acknowledges the weathered granite and granite substrate and the equipment to be used for excavation. Page 15-17 notes that:

*Grading and excavation phases of project construction tend to be the shortest in duration and create the highest construction noise levels due to the operation of heavy*

*equipment required to complete these activities. For this project, this first phase of construction, including excavation, is estimated to take 9 to 10 weeks to complete. It should be noted that only a limited amount of equipment can operate near a given location at a particular time. Equipment anticipated to be used during this stage includes heavy-duty trucks, backhoes, bulldozers, jack hammers, pneumatic tools, excavators, front-end loaders, and scrapers.*

To provide context for the reader, an image of an excavator equipped with a pneumatic hammer is provided in the Attachments to this Final EIR. As noted on this page and on page 7-14, no pile driving or blasting is proposed. The noise levels evaluated are based on this preliminary list of equipment.

### **Pupping Season and Construction Timing**

The construction timing for demolition and excavation identified in MM BIO-1.2 (limiting this first phase of construction to June 1 to February 1 to avoid the main pupping season) is based on information from the Marine Mammal Center, the City's Draft Shoreline Management Plan, and Local Coastal Program. While it is understood that some pupping could and does occur outside of that window, the mitigation provides a reasonable recommendation to avoid construction during this season based on reliable data sources. Mitigation measures MM BIO-1.2, BIO-1.3 and BIO-2.1, as shown in the EIR Errata, have incorporated clarifications and additional specificity regarding construction scheduling in response to public comments.

### **Federal Regulations and Adequacy of Mitigation Measures**

The Draft EIR (pages 7-7 and 7-15) identifies and discloses that harbor seals are protected by the federal Marine Mammal Protection Act (MMPA), and that direct disturbance or harassment during could result in a violation of that Act. NOAA's Monterey Bay National Marine Sanctuary office in Monterey received the Notice of Preparation of the EIR.

While the analysis suggests that the changes in the noise environment are not expected to impact the harbor seal colony, the EIR (page 7-15) acknowledges that animal behavior is not predictable. As such, mitigation measures are structured to: a) attenuate noise; b) avoid the pupping season; and c) provide a qualified biological monitor with the authority to stop work. These mitigation measures provide a feasible strategy to reduce impacts to a less than significant level and avoid potential impacts. A federal take permit for the incidental harassment of the marine mammals would only be required if the mitigation strategies are found to be ineffective and the applicant seeks federal authorization to allow project work to continue.

Other projects in the immediate vicinity that were noted in the comments (for example, roofing projects and sewer line work within Ocean View Boulevard) did not obtain a federal permit prior to commencing work. Comments on the Notice of Preparation (NOP) also anecdotally note that seals have habituated these beaches and rocks since 1967. Taking that point at face value, there has been ongoing construction activity along the shoreline in this immediate vicinity for decades, including expansion of facilities at Hopkins Marine Station, local

infrastructure improvements, construction of the Recreation Trail, renovations to the American Tin Cannery complex, and construction of the Monterey Bay Aquarium. The harbor seal colony has continued to use these beaches despite this activity.

### **2.2.2 Use of Story Poles**

Several comments request installation of story pole staking and flagging on the property to depict the project's building envelope. Documentation from the City's Story Pole Advisory Committee (memo dated February 19, 2020) noted that story poles should not be used where poles and netting pose safety concerns. Projects where story poles and netting may pose safety concerns may include but are not limited to multi-story buildings without adequate space to brace the poles, projects with a high voltage wires located nearby and projects directly abutting the City's right-of-way.

In a September 9, 2020 memo to Community Development Director Anastazia Aziz from Building Official John Kuehl (included as an Attachment to this Final EIR), the building official concluded that story poles cannot be safely installed for the ATC Hotel and Commercial Project considering the high level of pedestrian and vehicular activity, the fact the site is still open to the public, the potential for high winds, and right of way issues related to the cross bracing that would be required.

While story poles can be a useful tool under other circumstances and conditions, the use of story poles for environmental evaluation are not a requirement under CEQA. The photographs, elevations and simulations provided in Chapter 5 of the Draft EIR (Aesthetics) provide pre- and post-project imagery of the proposal for the consideration of the public and decision makers.

### **2.2.3 Public Review Procedures for the Draft EIR**

Comments and communications regarding the availability of the Draft EIR were received by City staff during the EIR's original public review period (July 30, 2020 through September 14, 2020). Specifically, several comments/communications stated that the City's efforts to protect the public health and safety (by directing the public to the City's public-facing website to access the Draft EIR and its appendices) limited opportunities for public review. While these comments are not directly related to the contents of the Draft EIR's analysis, the comments are related to the EIR and addressed herein.

Executive Order EO N-54-20, issued by Governor Newsom on April 23, 2020, changed the procedures for posting certain notices under the California Environmental Quality Act and extended the period for tribal consultation, both for a period of 60 days (until June 21, 2020). EO N-54-20 specifically stated that it does not extend any public comment periods on CEQA documents. Although the Order expired on June 21, 2020, the COVID-19 pandemic and locally-implemented public safety measures did not. The City did arrange for printed copies of the Draft EIR to be available for purchase at a local vendor. However, the provision of paper copies available for public review was precluded by the fact that City offices and the City library were closed to the public. The City has met all other public noticing and accessibility

requirements of CEQA, as well as the alternative noticing documentation prescribed by EO N-54-20. It is common practice for a lead agency to charge a fee or otherwise have copies made at cost if individuals wish to own their document copies. This is particularly true for large EIRs with extensive appendices such as the ATC Tin Cannery EIR documents.

Additionally, in response to public requests for review of a City-provided hard-copy, approximately two weeks into the review period the City made two loaner copies of the Draft EIR and appendices available for checkout from the police station. Finally, in response to requests for more review time, the City extended the public review period from the initial 45-day period to a 60-day period (through September 28) in the spirit of CEQA and as a courtesy to reviewers who had expressed interest in reviewing a City-provided hard copy.

#### **2.2.4 Project Size, Scale and Aesthetics**

Several comment letters addressed the project's general size and scale, as well as the Draft EIR's visual impact analysis methods and conclusions. These comments are collectively responded to below.

##### **Analysis Methods and CEQA Standards**

As noted on page 5-28 of the Draft EIR, the thresholds of (impact) significance for Aesthetics utilize the CEQA Guidelines. Using this criteria, a project's impacts would be considered significant if they would:

- Cause a substantial adverse effect on a scenic vista.
- Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway.
- Substantially degrade the existing visual character, coastal scenic resources, or quality of public views of the site and its surroundings. (Public views are those that are experienced from publicly accessible vantage points.)
- In an urbanized area, conflict with applicable zoning and other regulations governing scenic quality.
- Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area.

"Coastal scenic resources" were added to the standard checklist to reflect the project's location with the Coastal Zone.

While CEQA provides no specific technical standard or guidance to Lead Agencies in answering these questions, the impact assessment methodology is described on pages 5-28 and 5-29 of the Draft EIR. This discussion acknowledges that the degree of impact or what may be considered an "adverse" change may be subjective. For this reason, the Draft EIR uses pre- and post-project imagery in the form of simulations and elevation drawings prepared by a licensed architect to illustrate the potential visual changes in the environment for public review and

comment. The methods and images utilized in order to draw conclusions of significance represent standard industry practice for CEQA documents.

Caltrans and federal agencies such as the Federal Highway Administration use several standardized Visual Impact Assessment (VIA) tools<sup>2</sup> to conduct impact assessments on State transportation projects. The ATC Tin Cannery Hotel and Commercial Project is not located on a State facility, does not impact a State Scenic Highway, and is not subject to the analysis requirements of the National Environmental Policy Act (NEPA) and therefore is not subject to those standards. The Draft EIR does, however, use much of the same basic Caltrans methodology in terms of establishing viewer sensitivity, documenting visual changes, viewer concern and other factors.

The public is included in this review process through public review of the Draft EIR, ability to comment, and invitation to provide localized opinion with respect to the project's relationship to its surroundings and community character. As noted in CEQA Guidelines section 15149, in its intended usage, an EIR is not a technical document that can be prepared by only a registered professional. The EIR serves as a public disclosure document used to explain and disclose a project's potential effects on the environment.

In terms of disclosure, it should be noted that while disagreements may exist regarding analysis methods and conclusions, Impact AES-2 (Draft EIR page 5-30) identifies that the project could substantially degrade the existing visual character or quality of the site and its surroundings, and this impact was identified as a significant and unavoidable environmental effect.

#### **Analysis Requirements for the Project's Coastal Development Permit Application**

The Draft EIR's review and analysis of aesthetic effects is based on the project application package as submitted in September 2019. EIR review and consideration is in process, and City staff is concurrently reviewing the Coastal Development Permit (CDP) application, which will be considered along with the EIR by City decision-makers in future public hearings. The City's certified Local Coastal Program (LCP) includes a Land Use Plan (LUP) and Implementation Plan (IP) and contains several environmental protection policies that understandably overlap with, and complement, the requirements of CEQA. The City is incorporating the EIR's analysis and conclusions where applicable as part of the review and analysis of the CDP application. However, there are other City permit process requirements including Use Permit, Tree Permit with Development, and CDP requirements (such as marking trees to be removed with ribbons) that do not necessarily inform or advance the environmental analysis per CEQA. Development review and consistency with the LCP require a separate set of findings. These findings include the project's consistency with the LCP policies and standards, the project's protection or enhancement of public views, and a requirement that the design, location, size, and operating

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<sup>2</sup> <https://dot.ca.gov/programs/design/lap-visual-impact-assessment>

characteristics of the proposed development are consistent with the applicable LCP design requirements.

### Project Size and Scale

Several comments on the Draft EIR critique the project as too large or out of scale with the surrounding neighborhood. As discussed on page 5-41 of the Draft EIR, “size”, “scale” and “mass” are terms often used when describing how a building or project “fits” in relationship to its surroundings or neighboring properties. These issues are addressed by CEQA in terms of “visual character” from public viewpoints, as described in Impact AES-2, and the CEQA document also considers if the project is consistent with applicable zoning and other regulations governing scenic quality.

As noted on page 5-41 of the Draft EIR, the LCP IP identifies development standards specific to the American Tin Cannery project site (City of Pacific Grove Municipal Code Subsection 23.90.180 [C] [5] [g]). This specific subsection allows 90% site coverage if the project contains specific public amenities, and building heights are limited to 40 feet, with minor exceptions allowed for mechanical equipment provided that no public views are significantly impacted.

Trees and landscaping depicted in the project’s photo simulations and elevations as presented in the Draft EIR Chapter 5 provide a fair representation of pre- and post-project conditions. Elevation drawings along Eardley Avenue (Figure 5-5) do show some existing trees along the sidewalk that would ultimately be removed and replaced. The images are for illustrative purposes and not intended to provide precise realism or every aspect of future landscaping. Nonetheless, updated streetscape images provided by the applicant are included in the Attachments to this Final EIR. These images do not change any conclusions of the Draft EIR.

The certification of Local Coastal Programs by local land use agencies is, by statute, exempt from CEQA review (Guidelines Section 15265). One of the reasons for this exemption is the assumption that the Coastal Commission, in their exhaustive review of the LCP, will have provided a comparable level of environmental review and protection through application of the California Coastal Act and the establishment of local coastal policies.

City staff review of the CDP application confirms that the project as proposed meets the development standards for Visitor Serving Commercial zoning district with respect to site coverage, setbacks, and building heights as defined by the LCP. The LCP was approved by the City and certified by the Coastal Commission through a multi-year public process that established site-specific development standards for the project site. If the City finds that the project is consistent with the policies of the LCP, including zoning, design standards and visual policies, it is also assumed that the primary visual and scenic resource requirements of the project are also met.

### 2.2.5 Water Supply

Coastal Commission staff and others had questions and/or comments regarding the water supply analysis and water demand calculations presented in the Draft EIR. The information below provides a collective response to these issues.

#### Applicability of SWRCB Cease and Desist order (WRO 2009-0060)

Comments assert that the project would require a new service connection for an increased use of water at the service address that results from a change in zoning or use. The comments further state there is a water moratorium on new service connections and increases in intensity of water use in Cal-Am's service territory (including Pacific Grove and the project site), and that, therefore the project does not have adequate water credits or a sustainable long-term water supply.

The City and the Monterey Peninsula Water Management District (MPWMD) disagree with this assessment. On October 27, 2020, the MPWMD staff provided a response to water-demand related components of the Coastal Commission's staff September 28, 2020 comment letter on the Draft EIR. The October 27, 2020 MPWMD letter corrects and clarifies several assertions in the Coastal Commission comment letter. Among these, the roles of the MPWMD, Cal-Am, and the SWRCB are clarified, as are the jurisdictional authorities of MPWMD and SWRCB. The MPWMD letter also discusses important communications between MPWMD staff and SWRCB staff with respect to interpretations of Condition 2 of the SWRCB's Cease and Desist Order (CDO) and notes that the project site's 18.53 AF of available water credits as cited in the Draft EIR is the proper baseline for the water demand analysis.

Regarding the assertion that the proposed hotel and commercial project constitutes a change in use or an intensification of use, in correspondence between MPWMD and SWRCB staff, a change in use only occurs when there is a change from one to another of the four main use categories: Public Use, Residential, Commercial, and Industrial. The project maintains the use as Commercial and hence would not constitute a change in use. Given that the project's water demand is within the 18.53 AF of available water credits, the project does not constitute an intensification of use.

It should be noted that no comments on the Draft EIR were received from the SWRCB.

#### MPWMD Water Demand Factor

It should also be noted that the water use factors (water use in AF/Room) are correct in the Draft EIR. MPWMD searchable on-line demand tables for Rule 24, Table 2 for this factor are incorrect. The correct demand factor, as used in the Draft EIR, are accurately reflected in the District's Board Resolution No. 2019-10 dated July 15, 2019, which is included as an Attachment to this Final EIR. As such, comments that the water demand estimate is severely understated are incorrect.

In addition, the cited hotel water use factor does factor in laundry operations. The use of off-site laundry facilities outside of the MPWMD boundaries is therefore correctly treated as an offset to the project's projected water demand.

### **2.2.6 Tree Removal**

Several comments remarked on the project's proposed tree removal and the EIR's mitigation measures for tree replacement. Comments generally fell into one of the following categories:

#### **General Objection to Extent of Tree Removal**

General comments regarding the removal of 79 trees over the entire site are noted for the record. The Draft EIR (beginning page 7-18) evaluates the project as proposed and identifies tree removal as a significant impact requiring mitigation.

#### **Location of Trees to be Removed**

The project's Tree Resource Assessment is included as Draft EIR Appendix D. Page 14 of that report provides a map of all individual trees proposed for removal.

#### **Tree Removal Relative to Views and Aesthetics**

This issue is addressed and disclosed in Draft Chapter 5, Aesthetics. Impact AES-2 identifies that removal of existing stands of Monterey cypress represents a significant and unavoidable visual effect of the project, even with mitigation measures applied.

#### **Tree Removal and Habitat Value**

Existing trees serving as local avian habitat is addressed and disclosed in Impact BIO-2, page 7-17 of the Draft EIR. Impacts related to tree removal as a biological resource were identified as significant and requiring mitigation. Mitigation Measure MM BIO-2.1 requires preconstruction surveys as construction restriction to avoid the nesting season.

#### **Requests to Preserve More Trees On-Site**

The Draft EIR analyzes the project as it has been proposed. The footprint of the project as proposed affects the entirety of the site, and the design allows little opportunity for incorporating existing trees, particularly on the site's interior. This is a project design comment not related to the adequacy of the Draft EIR.

#### **Tree Replacement Should Include Native Species**

The Draft EIR reports the proposed plant palette and tree species in Figure 3-9. As noted in Chapter 7 of the Draft EIR the project does not propose on-site replacement for the loss of "protected trees" per the definition in Section 12.20.020 of the City of Pacific Grove Municipal Code (PGMC) – in this case Monterey cypress and Coast live oak. As an alternative, and pursuant to Section 12.20.100 of the PGMC, the project is required to provide off site mitigation and/or payment of in lieu fees to mitigate for tree loss. The PGMC and Draft EIR mitigation provide specific performance standards for species, size, canopy cover and planting

success. Compliance with these requirements would result in the replanting of native trees in the City.

#### **Timeline for Trees to Mature**

The Draft EIR acknowledges the potential for temporary cumulative effects of tree loss from this project combined with other projects (Draft EIR page 7-21). The Draft EIR notes and discloses that the project could have localized and cumulative impacts until such time as replacement trees mature. Replacement and replanting of trees in the City is supported in part by receipt of in lieu tree replacement fees. Such replanting is an ongoing process to maintain the City's long-term urban forest goals for tree canopy and species mix over time.

#### **Maintenance and Success Rates of Replacement Trees**

Draft EIR Mitigation Measures BIO-3.1 through BIO-3.5 specifically address construction methods, training, off site mitigation, tree planting criteria, best management practices, and pruning standards in order to protect neighboring trees and enhance the success rate of planted trees.

#### **Marking Trees to be Removed with Ribbons**

Comments were received noting City requirements including Local Coastal Program (LCP) requirements to mark trees to be removed with ribbons. Please see Master Response 2.2.4 regarding this issue.

### **2.2.7 Parking**

Comments received from Coastal Commission staff and other individuals identify concerns with the total quantity of parking provided by the project for hotel and non-hotel users/visitors, adequate parking per Coastal Act and LUP polices, protection of street parking for coastal access use, parking constraints in nearby residential neighborhoods and parking during construction.

#### **Parking and CEQA**

For purposes of public disclosure and information, parking supply and demand has not been included in the CEQA guidelines as an "environmental impact" with significance thresholds for several years. While the local inventory of on-street and off-street parking is an important issue to both the City and the neighborhood, parking requirements and the adequacy of any proposed parking plan are addressed through the Municipal Code and individual project review by City staff. In this case, construction of the internal on-site parking is part of the project, and the construction of parking, as analyzed in this EIR, is treated in the overall assessment of construction-related effects. Temporary parking, traffic and circulation effects that could be caused by project construction are disclosed on page 17-25 of the Draft EIR, with a construction management plan typically required as a standard condition of approval to minimize disruption.

### Transportation Demand Management Program

The Draft EIR project description (page 3-25) summarizes the draft Transportation Demand Management (TDM) program that was proposed as part of the project. The program (see Draft EIR Appendix M) contains several strategies to reduce typical parking demand including shuttles, valet parking, bicycle facilities and incentives to reduce employee parking demand.

In addition, mitigation measure MM GHG-2.1 (Draft EIR page 11-18) requires a final TDM plan to refine the list of trip and parking reduction strategies to offset the project's greenhouse gas (GHG) emissions and vehicle trips. Implementing TDM strategies is the preferred method of the City of Pacific Grove and City of Monterey to reduce parking demand, trip generation and GHG emissions. These measures have been very effective as applied to other projects such as the Monterey Bay Aquarium, as noted by Coastal Commission staff in their September 28, 2020 Draft EIR comment letter. With implementation of the TDM program, the project would be consistent with Coastal Act and LCP policies requiring adequate off-street parking spaces. This is demonstrated through the project's parking analysis (Draft EIR Appendix N) and would be enforced through the performance standards of the final TDM program. The Draft EIR (page 3-14) discloses the loss of 23 metered on-street parking spaces; however, the project description also identifies that on-site valet parking would be available for public use.

### Secondary Environmental Effects of Parking Supply and Demand

Specific comments were made regarding neighborhood impacts based on the availability of parking. As noted above, the TDM and parking strategies are intended to accommodate the parking demands of the project. As such, any potential secondary environmental effects (such as noise, traffic or idling vehicles searching for parking) would also be addressed by these strategies.

## 2.2.8 Historic and Cultural Resource Impact Assessment

### Opinions Regarding Historic Significance of Existing ATC Structures

Several comments received provided independent opinions regarding the historic significance of existing ATC structures and summarized portions of the Historic Resource Technical Report (HRTR) prepared by Page & Turnbull for the Draft EIR (Draft EIR Appendix E). Comments summarizing the HRTR are largely consistent with the findings of the HRTR. For example, comments and opinion regarding the significance of and characterization of the structures proposed for alteration and demolition are consistent with Impact CR-1 of the Draft EIR (page 8-24), which concludes and discloses, based on CEQA criteria, that impacts upon the identified resources would indeed result in a significant and unavoidable effect on those resources.

Areas of disagreement with the HRTR, such as weighting the importance of the factory buildings (Buildings 0 and 1) versus the warehouse and NAFI building (Buildings 2 and 3) are noted. The Draft EIR's summary of Page & Turnbull (Draft EIR page 8-36) finds that while Building 2 was integral to the overall operation of the American Can Company, the early twentieth century industrial character and significance of the American Can Company in the Monterey fish

canning industry can still be conveyed through Buildings 0 and 1 if Building 2 is demolished. This conclusion is based on the expert's detailed analysis of the structures relative to the Secretary of the Interior's for Rehabilitation, which was determined to be the relevant standard.

Similarly, the HRTR notes that the project's structures are not currently listed on the National Register of Historic Places (National Register). The HRTR (page 3) notes that the evaluative criteria used by the California Register for determining eligibility are closely based on those developed by the National Park Service for the National Register. As a project reviewed under CEQA, the HRTR concluded that the project meets eligibility criteria for the California Register.

CEQA Guidelines Section 15151 notes that disagreement among experts does not make an EIR inadequate, but that an EIR should summarize the main points of disagreement, as documented above. It should also be noted that the impacts of the project on historic resources were evaluated in detail and found to be significant and unavoidable based on the project as proposed.

#### **City of Pacific Grove Historic Resources Inventory (HRI)**

Comments received included a recommendation that the ATC structures (former American Can Company) be included in the City's Historic Resources Inventory (HRI). The HRTR (and EIR) note that the project is not currently listed on the Pacific Grove HRI based on the data researched. Arguments regarding whether or not the project should be listed is an issue outside the scope and purview of the EIR.

#### **Consideration of Alternatives (addressing historic resources)**

Several comments suggest project modifications to address impacts to historic resources. The comments and this approach are consistent with the analysis of Alternative A: Limited Alteration of ATC Factory Building (Draft EIR page 20-5). This alternative was analyzed in the Draft EIR as an option to address the significant unavoidable effect of alterations of the exterior of the factory building.

#### **Chinese Fishing Village**

The Chinese fishing village (Point Alones village) formerly located at what is today Hopkins Marine Station is noted on pages 8-4 through 8-7 of the Draft EIR. The Joss House (temple) was the element most closely associated with the ATC site, while the primary village area was closer to the shoreline. This well documented village is a historic-era resource (differentiated from prehistoric, archaeological or Native American tribal resources). Nonetheless, mitigation measures MM CR-2.1 through CR-2.4 are also applicable to historic resources in the event that artifacts are inadvertently discovered during project construction. While California law requires consultation with Native American tribal representatives during project review, equivalent consultation is not required for historic era inhabitants of an area. Regardless, the City would welcome input and informal consultation with village descendants or others knowledgeable about the history and prior use of the site.

### Archaeological Monitoring and Tribal Consultation

All cultural and tribal resource mitigation measures (within Chapters 8 and 18) were developed in direct consultation with tribal leadership of the Ohlone/Costanoan-Esselen Nation. All Native American consultation efforts are documented on pages 18-1 and 18-2 of the Draft EIR.

## 2.3 Individual Responses to Comments

### 2.3.1 Response to Letter 1: California Coastal Commission, Central Coast District/Alexandra McCoy

1-1: Introductory comments regarding the project, areas of consideration, LCP as the standard of review and area of appealable territory are noted for the record.

1-2: With respect to water supply and allocations, please see Master Response 2.2.5.

1-3: Regarding building heights, please see Master Response 2.2.4.

1-4: Regarding visual impacts of structures, please see Master Response 2.2.4.

1-5: With respect to lower-cost visitor accommodations, the requirements for addressing lower cost visitor accommodations for LCP and Coastal Act consistency is a function of the City's review of the Coastal Development Permit (CDP) application package. The comment correctly cites the Draft EIR that the applicant was preparing at the time of Draft EIR publication a feasibility study of several options for addressing lower cost visitor accommodation requirements. While this is a critical item for CDP application review, the protection of lower-cost visitor accommodations is not a physical environmental impact subject to review within the EIR.

1-6: Please see Master Response 2.2.7 regarding parking.

1-7: Concluding comments are noted for the record.

### 2.3.2 Response to Comment Letter 2: California Department of Transportation District 5/Chris Bjornstad

2-1: The City recognizes that Caltrans District 5 staff supports smart growth principles and non-motorized transportation options, payment of Transportation Agency of Monterey County (TAMC) regional transportation impact fees, and the implementation of a Transportation Demand Management Plan (TDM) for the project.

### 2.3.3 Response to Comment Letter 3: Transportation Agency for Monterey County/Debra L. Hale

3-1: The City recognizes TAMC's support of EIR Mitigation Measure GHG-2.1 that requires trip reduction and Transportation Demand Management (TDM) strategies. The City also recognizes the regional Go831 TDM program as a local resource for this project.

3-2: The City acknowledges and appreciates TAMC's Complete Street Guidelines as a local resource to support safe bicycle and pedestrian infrastructure.

3-3: TAMC concerns about bicyclist and pedestrian movements around the commercial vehicle access area are noted. Refinement of project design and engineering details will be reviewed with City engineering and public works staff to ensure safety and optimize transit access. Mitigation Measure TRA 3.1 would also result in improved safety and sidewalks along Dewey Avenue.

3-4: Comments regarding the existing pedestrian crosswalk at Eardley Avenue and Ocean View Boulevard are noted. The City will consider enhancements at this location as part of the TDM program or as a condition of the project based on projected pedestrian traffic and in consultation with City engineering and public works staff. It should also be noted that MM TRA 3.2 requires an additional crosswalk at Dewey Avenue and Ocean View Boulevard to accommodate additional pedestrian movements from the project site to the recreation trail and shoreline. The City is considering a "mid-block" location for this crosswalk that is closer to the project entrance. Regardless of location, an additional crosswalk will help to safely distribute pedestrian traffic across Ocean View Boulevard.

3-5: The City acknowledges and appreciates TAMC's recommendation to use MST's Designing for Transit Manual to help guide future transit access to the project site.

#### **2.3.4 Response to Letter 4: Monterey Peninsula Water Management District/Stephanie Locke**

4-1: The District's concurrence with the Draft EIR's findings are noted for the record.

#### **2.3.5 Response to Letter 5: City of Monterey/Hans Uslar**

5-1: The City of Pacific Grove appreciates the City of Monterey's review and comments on the Draft EIR. Mitigation Measure MM GHG-2.1 on page 11-18 of the Draft EIR requires a final Commute Trip Reduction/Transportation Demand Management (TDM) Plan. The TDM plan required in the Draft EIR includes specific performance criteria (trip and GHG reduction) to offset the effects of the project. The required plan would be an update to the TDM plan that was provided with the project application.

5-2: See response 5-1 above regarding the TDM plan. The final TDM plan requires specific and quantified trip reductions to offset the effects of the project. The TDM plan will provide a specific package of measures to demonstrate both trip and GHG reductions.

5-3: MM GHG-2.1 does specify the MST Trolley as an effective TDM measure. Establishing the developer's fair share contribution for expanded service would be coordinated between the City and the developer.

5-4: With respect to monitoring, the Mitigation Monitoring and Reporting Program (MMRP) accompanying this Final EIR requires a performance report after one year of implementation,

and annually thereafter. The final Commute Trip Reduction/TDM Plan will include annual monitoring to ensure compliance with Mitigation Measure MM GHG-2.1. The City anticipates working with the City of Monterey on TDM effectiveness and sharing reporting data with City of Monterey staff.

5-5: Regarding leasable space, Draft EIR page 4-1 establishes the environmental baseline for the project site, noting an average occupancy of 54% based on reported vacancy rates. The traffic analysis took a very conservative approach, assuming a lower 43% occupancy of the non-restaurant commercial space. This assumption was based on professional judgement and field observations of how the space is currently configured and utilized. The resulting analysis provides for a slightly lower “credit” for existing trips originating from the commercial space to ensure that existing use trip generation is not overestimated.

5-6: The minor (1 second) decrease in delay in the PM peak hour at Intersection 13 with the project as shown in Table 17-7 is a function of the model output. As per Note 5 of the table, if a specific movement has a delay that is less than the approach or intersection average, and the trips are increased for this movement, the overall intersection delay is slightly decreased because of the calculation of the weighted average delay. That is the case in this location. Such a small change in delay will not be experienced by the road user.

### **2.3.6 Response to Comment Letter 6: Monterey Bay Aquarium/Barbara Meister**

6-1: Introductory comments are noted for the record.

6-2: The Draft EIR on pages 15-16 to 15-21 and pages 15-25 to 15-28 discusses potentially significant and mitigable impacts related to noise and ground-borne vibration from construction activities. Please see minor clarifications to MM N-3.1 in the EIR Errata.

6-3: Comments supporting the project’s TDM program and associated extension of the MST Trolley is noted for the record.

6-4: Comments are intended to ensure that PERC does not enter stormwater runoff or groundwater resources. Mitigation Measures MM HAZ-2.1 and MM HAZ-2.2 require dry season excavation, groundwater testing, groundwater barriers, and soil and groundwater management. These measures, together with the project’s SWPPP and required Best Management Practices to control discharge, would effectively prevent PERC from inadvertently migrating to water sources consistent with regulations currently in place.

6-5: Please see response to comment 6-4 above regarding water quality measures.

6-6: Comments regarding continued access to Aquarium buildings and operations are noted. Sloat Avenue as modified is intended to provide continued access for existing properties that currently use Sloat Avenue for access, and a construction management plan will serve to minimize disruption during construction. The City is open to working with the Monterey Bay Aquarium on specific details regarding access and minimizing disruption to facility operations.

6-7: Comments encouraging sustainable practices and construction are noted. Sustainability is a component of the project description.

6-8: Recommendations to procure power from Central Coast Community Energy are noted for the record. This is not an issue specific to the EIR.

### **2.3.7 Response to Comment Letter 7: Hopkins Marine Station, Stanford University/Judy Thompson and Jessica von Borck**

7-1: Introductory comments are noted.

7-2: Comments regarding location of the harbor seal rookery are noted. Please see Master Response 2.2.1.

7-3: Reference to the City's land use goals are noted for the record.

7-4: The comment suggests additional language to be added to mitigation measure MM AES-3.1 regarding glare reduction. As noted on page 5-47 of the Draft EIR, standard City conditions would require the project to comply with the lighting standards of the Municipal Code, which would largely address the issues raised in the proposed text revisions. However, the City is amenable to the specific recommendation to include tinting or similar window treatment to limit the intensity of interior lighting spilling outward. The recommended change to mitigation measure MM AES-3.1 is shown in the EIR Errata.

7-5: Compliance with standard best management practices and the required construction Stormwater Pollution Prevention Plan (SWPPP) as noted on page 13-11 of the Draft EIR would ensure that any soil stabilizers used during construction for dust control are managed and contained as required by existing regulations and permit requirements.

7-6: Please see Master Response 2.2.1 regarding other beaches used by the local harbor seal colony (Fisher Beach), and potential effects at that location.

7-7: The City has considered the specific recommendations for language modifications to mitigation measure MM BIO-1.1. These recommendations are generally acceptable and reflected in the EIR Errata.

7-8: Minor clarifications to mitigation measure MM BIO-1.2 are shown in the EIR Errata. However, the language regarding pile driving, steel framing and "any other construction activity that disturbs shoreline species" is not warranted. The language regarding disturbance of "shoreline species" is overly broad (for example, there are several common species along the shoreline that do not afford the same protection as marine mammals). Moreover, pile driving is not proposed, and the impact analysis already assumes potential impacts to specific species addressed by the measure.

7-9: The comment requests specific language modifications to mitigation measure MM BIO-1.3 regarding the requirement for a biological monitor. Minor clarification and additions to mitigation measure MM BIO-1.3 are shown in the EIR Errata in response to the comment. However, suggested language regarding any noise that could be “perceptible to shoreline species” is overly broad (for example, there are several common species along the shoreline that do not afford the same protection as marine mammals). In addition, the City’s intent is to assign monitoring to a designated biological monitor or monitors. The language suggested (“...or other qualified monitors [including those at Hopkins Marine Station]) could delegate monitoring authority to anyone or any party purported to be a “qualified biologist”.

7-10: The comment requests additional mitigation measures to address operational noise levels. As noted on page 7-16 of the Draft EIR and supported by the analysis beginning on page 15-23, normal operational noise levels from the hotel and commercial uses would not exceed the City’s noise thresholds and are regulated by the City’s Municipal Code. Compared to construction noise, operational noise levels are not projected to be significantly different from existing commercial operations at the site. For this reason, operational-phase mitigation measures are not warranted.

7-11: With respect to the treatment of cultural resources, please see Master Response 2.2.8.

7-12: With respect to hazardous materials, runoff and construction, please see the specific mitigation requirements in Chapter 12 (Hazards & Hazardous Materials), the discussion of existing construction standards and regulations governing water quality in Chapter 13, and response to comment 7-5 above.

7-13: The comment requests specific language additions to noise mitigation measures related to construction (mitigation measure MM N-1.1). While the City has accepted certain changes as shown in the EIR Errata in Section 3 of this document other recommendations have not been incorporated. First, the beaches and Hopkins Marine Station are already identified as sensitive receptors in the analysis and the mitigation already applies to sensitive receptors. Identifying Hopkins would necessitate identification of all receptors in the measures, which is not necessary for the measure to be effective. Second, prohibiting temporary construction access to the site via Ocean View Boulevard may be infeasible for the movement of workers and equipment to complete specific tasks. It is noted that Central Avenue and David Avenue are designated truck routes. Third, the construction management plan will be considered and approved by the City’s community development and public works officials and will be a public document available for public review once approved. The City will seek a management plan that minimizes disturbance to adjacent properties. The City is open, however, to work with Hopkins on specific concerns to minimize disruption. See also Master Response 2.2.1 regarding noise issues related to the harbor seal colony.

7-14: The comment requests specific text changes to mitigation measure MM N-1-2. While the City appreciates the recommendations, the measures applies to all adjacent sensitive receptor locations including Hopkins Marine Station.

7-15: The comment recommends additional mitigation for project operations. Please see response to comment 7-10.

7-16: Regarding mitigation measure MM N-3.1, this measure does specially apply to vibration monitoring at Hopkins Marine Station. As such, the suggested language clarifications regarding implementation of the measure are acceptable and reflected in the EIR Errata.

7-17: The comment requests specific changes to mitigation measure MM N-3.2. In response, the Draft EIR provides estimates of vibration levels and the measure allows the City to seek additional information or evidence related to this issue. As such a specific requirement for an additional vibration study is not warranted. As noted in previous responses, Hopkins is considered a sensitive receptor and does not need to be referenced by name. See response to comment 7-13 regarding truck movement and construction use of Ocean View Boulevard.

7-18: Additional mitigation to require construction coordination with Hopkins Marine Station or any other party is unnecessary, as the mitigation measures as proposed in Chapter 15 regarding remedies for potential vibration-related effects (as amended in the EIR Errata) would serve to mitigate those effects should they occur. The City is open, however, to work with Hopkins on specific concerns to minimize disruption.

### **2.3.8 Response to Letter 8: Alliance of Monterey Area Preservationists/Mimi Sheridan**

8-1: Please see Master Response 2.2.8 regarding historic and cultural resources. The comment generally reflects the findings of the Draft EIR.

8-2: See Master Response 2.2.8. The Draft EIR analyzes the project as proposed and discloses potential impacts associated with project construction.

### **2.3.9 Response to Letter 9: Monterey Audubon Society/Blake Matheson**

9-1: Introductory comments are noted for the record.

9-2: Regarding the impacts of tree removal as a visual resource, as habitat, and mitigation measures, please see Master Response 2.2.6. Tree replacement is proposed at a 2:1 ratio, and the replacement specimen size was recommended in the Tree Resource Assessment.

9-3: While the potential for bird strike is an important issue, this risk, as associated with the proposed project, cannot be quantified or predicted. The subject also does not fit squarely within the CEQA thresholds of significance for biological resource impacts. Nonetheless, the Draft EIR Project Description (page 3-35) notes that non-glare and “bird deterrent” glass finishes be used. To amplify this feature already proposed, text has been added to mitigation measure MM AES-3.1 recommending bird friendly window products if such products can be feasibly incorporated into the overall project design. These changes to mitigation measure MM AES-3.1 are reflected in the EIR Errata.

**2.3.10 Response to Letter 10: Alan Cohen**

10-1: Comments in support of the project are noted for the record.

**2.3.11 Response to Letter 11: Ed Flatley**

11-1: Comments in support of the project are noted for the record.

**2.3.12 Response to Letter 12: Frank Knight**

12-1: Comments in support of the project are noted for the record.

**2.3.13 Response to Letter 13: Gale Rawitzer**

13-1: Comments in support of the project are noted for the record.

**2.3.14 Response to Letter 14: Gary Vick**

14-1: Comments in support of the project are noted for the record.

**2.3.15 Response to Letter 15: Julie Davis**

15-1: Comments in support of the project are noted for the record.

**2.3.16 Response to Letter 16: Jacqueline Fobes**

16-1: Comments noting general opposition to additional traffic and water usage are noted for the record. With respect to traffic, the Draft EIR Chapter 17 analyzes changes in traffic in terms of vehicle miles travelled (VMT) consistent with current requirements of the California Environmental Quality Act (CEQA). Regarding water usage, Chapter 19 (beginning page 19-15) analyzes water use of the project and concludes that the project's water demand would be within the existing water credits available to the property.

16-2: Comments regarding the effects of construction are considered throughout the chapters of the Draft EIR for each subject matter. While the Draft EIR does not judge how many people are "too many" for any particular geographic area, the document (pages 21-1 and 21-2) acknowledges that the project (hotel and commercial uses) would not result in a permanent residential population but would generate an estimated 161 employees. The effects of the increased activity, including employee trips, are included in the operational evaluation of the Draft EIR. Issues regarding community character are addressed in Chapter 5.

16-3: Chapter 17 provides an operational analysis of traffic and project trips. This analysis is for information purposes, and outside of the current analysis requirements under CEQA. The project's effects (in terms of traffic delay) are exhibited in Table 17-7 (Draft EIR pages 17-37 and 17-38). As noted above, the project would utilize water within the property's existing water credit allocation.

16-4: Comments noted. Utilization of the site as proposed is intended to implement the City's Local Coastal Program.

**2.3.17 Response to Letter 17: Joe Smith**

17-1: Comments in support of the project are noted for the record.

**2.3.18 Response to Letter 18: Kathy Eby**

18-1: Comments in support of the project are noted for the record.

**2.3.19 Response to Letter 19: Moe Ammar**

19-1: Comments in support of the project are noted for the record.

**2.3.20 Response to Letter 20: Marietta and Pierre Bain**

20-1: Comments in support of the project are noted for the record.

**2.3.21 Response to Letter 21: Michelle Knight**

21-1: Comments in support of the project are noted for the record.

**2.3.22 Response to Letter 22: Nancy Bell**

22-1: With respect to traffic and parking issues on Ocean View Boulevard, these issues are addressed in Chapter 17 of the Draft EIR to the extent required by CEQA. As noted on page 17-8 of the Draft EIR, parking requirements are a function of plan review in the context of the Municipal Code. Please see Master Response 2.2.7.

**2.3.23 Response to Comment Letter 23: Peter Munteer**

23-1: Comments in support of the project are noted for the record.

**2.3.24 Response to Comment Letter 24: Steve Gorman**

24-1: Comments in support of the project are noted for the record.

**2.3.25 Response to Comment Letter 25: Thom Akeman**

25-1: Please see Master Response 2.2.1 regarding potential effects on the harbor seal colony and the specific issues raised in the comment letter.

**2.3.26 Response to Comment Letter 26: Tony Ciani**

26-1: This letter consists of a series of email communications between the commenter and City staff regarding the public availability of the Draft EIR. While these comments are not related to the adequacy or content of the EIR, the City has provided a response regarding the review process. Please see Master Response 2.2.3.

**2.3.27 Response to Comment Letter 27: Tony Ciani**

27-1: Please see Master Response 2.2.3 regarding public review of the Draft EIR.

**2.3.28 Response to Comment Letter 28: Tony Ciani**

28-1: Regarding Draft EIR public review, please see Master Response 2.2.3.

28-2: Regarding the project's Coastal Development Permit (CDP), while the Draft EIR page 3-11 identifies the CDP as a requirement of the project and information in the EIR may be used by the City to make certain findings on the CDP, the CDP application requirements are separate and distinct from the project's CEQA review. The CDP is currently under staff review, and the staff reports for hearings on the project's proposed Planning permits will include an analysis of the project's consistency with the City's Local Coastal Program.

28-3: With respect to story poles, please see Master Response 2.2.2.

28-4: Comments address CDP requirements. Please see response to comment 28-2 above.

**2.3.29 Response to Comment Letter 29: Cosmo Bua**

29-1: Comments are concerned with how the Draft EIR addresses past public input, including questions and concerns (presumably comments on the Notice of Preparation) and where specifically in the Draft EIR those comments are addressed.

CEQA Guidelines Section 15084(c) confirms that information submitted from any party to assist in the preparation of an EIR may be presented in any format. The Lead Agency must consider all information and comments received, and the information may be included in the Draft EIR in whole or part.

As noted by City staff in correspondence with the commenter, all NOP comments are included as an appendix to the Draft EIR (Appendix A). The City has reviewed and considered all of those comments in the preparation of the Draft EIR. In terms of format, each chapter contains a subsection entitled Scoping Issues Addressed, that summarizes the comments received relative to that chapter. Comments and input early in the process must be and have been considered; however, direct responses within the Draft EIR to individual public comments that are received at the scoping stage is not a requirement.

**2.3.30 Response to Comment Letter 30: Jane Haines**

30-1: With respect to comment letters submitted on the Notice of Preparation, please see response to comment 29-1. The City appreciates public participation in the environmental review process, and all comments received have been considered by the City in the preparation of the Draft EIR insofar as they relate to environmental issues.

30-2: With respect to job generation, the Draft EIR only analyzes the American Tin Cannery Hotel and Commercial project as proposed. The correct estimate for project employment is 161 employees. Page 4-4 of the Draft EIR has been amended in the EIR Errata. The estimated jobs generated for the hotel use (121 employees per day) was provided by the applicant reflecting three shifts for this 24-hour operation. Estimated job generation for the commercial use (40

employees) was estimated by the City and EIR consultant, assuming 1 employee for every 500 square feet of commercial space. This is only an estimate for planning purposes, as the configuration of the commercial space, number of businesses, type of end user and staffing needs are not known at this time. It should also be noted that 161 represents the total estimated number of employees. The net increase in employees, compared to existing conditions and accounting for current employees within the ATC commercial spaces, would be less.

30-3: The comment addresses the discussion of growth inducement on pages 21-1 and 21-2 of the Draft EIR. As noted on page 21-1, Section 15126.2 (e) of the CEQA Guidelines identifies a project as growth inducing if it “could foster economic or population growth, or the construction of additional housing, either directly or indirectly in the surrounding environment.” The Draft EIR acknowledges that the project would foster economic growth in Pacific Grove. However, the purpose of this required analysis is to determine if a project could remove obstacles to population growth (such as a major expansion of a waste water treatment plant, for example, that might allow for more construction within its service area, and which in turn could induce/incentivize more housing and cause related environmental impacts). This analysis is really intended to determine if the project would have secondary environmental impacts related to removing barriers to growth. Additional job generation from the project is disclosed in the Draft EIR; however, the creation of jobs does not remove any existing barriers to growth that would induce additional growth or create secondary environmental impacts. The direct effects of additional employees coming to the project site, such as transportation effects, have been analyzed within the chapters of the Draft EIR.

30-4: Please see response to comment 30-3 above regarding the purpose and context of the growth inducement analysis. AMBAG’s 2018 Regional Growth Forecast projects that the region will add 57,400 jobs between 2015 and 2040, for a resultant total of 395,000 jobs. This forecast also projects that the region’s population will grow by approximately 120,600 people in that same time period, for a total population of 833,300 by 2040. The project’s estimated 161 employment opportunities would represent a very small percentage of that projected job growth.

30-5: The compensation rates for project employees is not an environmental issue subject to review under CEQA. There is no requirement or specific assumption that project employees would live in Pacific Grove, nor is there evidence to suggest that the project’s employees would experience homelessness. The local service industry, including other hotels and restaurants, employ thousands of housed workers from within the region.

The City understands that the core of these comments as presented have to do with economic and social effects. CEQA Guidelines Section 15131 states that economic or social information may be included in an EIR if the agency desires. However, economic or social effects of a project shall not be treated as a significant effect on the environment (15131(a)). While an EIR may “trace the chain of cause and effect” from social or economic changes, CEQA is clear that the analysis shall be on the physical changes. As explained above, and within the Draft EIR page 21-

2, there is no clear environmental linkage between the project providing jobs, and the socioeconomic problem of homelessness. In fact, it is reasonable to assume that a project that provides jobs could have a clear beneficial effect by improving the local jobs/housing balance and reducing unemployment.

30-6: Please see response 30-5 above. Actions or communications by the project applicant and other parties are beyond the scope of evaluation for an EIR. As no environmental effect has been identified for this issue, no mitigation is warranted.

30-7: Comments noted. Please see above responses 30-1 to 30-6 regarding comments made on the project as part of the scoping process and on socioeconomic effects and their treatment within the EIR.

#### **2.3.31 Response to Comment Letter 31: Michele Casey**

31-1: Comments in support of the project are noted for the record.

#### **2.3.32 Response to Comment Letter 32: Nancy Sherburne**

32-1: General comments about environmental impacts and opposition to the project are noted for the record. Please see the Master Responses.

32-2: The Draft EIR analyzes the project as proposed. Issues regarding potential tax revenue are noted but not related to the content and analysis of the Draft EIR. Please see Master Response 2.2.4 regarding project size and scale.

#### **2.3.33 Response to Comment Letter 33: Cosmo Bua**

33-1: Please see Master Response 2.2.2 regarding the use of story poles.

#### **2.3.34 Response to Comment Letter 34: Janet Cohen**

34-1: Please see Master Response 2.2.2 regarding the use of story poles. Comments regarding the previous hotel proposal on the site are noted but are not related to the analysis in the Draft EIR.

#### **2.3.35 Response to Comment Letter 35: Jane Haines**

35-1: General comments and reference to prior correspondence on the Draft EIR are noted for the record.

35-2: The comment recommends that the “qualified monitor” required as per mitigation measure MM BIO-1.3 be approved by the National Marine Fisheries Services (NMFS). Comments and suggested language have been considered. However, the City has the capability to review and consider the qualifications of monitors for this task. Public agencies regularly solicit and contract for services and technical expertise as needed, including biologists and other experts.

35-3: Please see Master Response 2.2.1 regarding federal permitting.

35-4: The National Marine Fisheries Service (NMFS) was not directly contacted by the City or their consultants. However, the local office of NOAA's Monterey Bay National Marine Sanctuary has received notices of the project and has provided no input. See response to comment 35-2 above regarding biological monitors. See Master Response 2.2.1 regarding federal permitting.

### **2.3.36 Response to Comment Letter 36: Kim Akeman**

36-1: General comments and comments regarding project size and community character are noted for the record. Please see Master Response 2.2.4.

36-2: Please see Master Response 2.2.1.

36-3: Regarding noise attenuation (MM BIO-1.1), the barriers required are specific to this site and to this project for reducing construction noise. This type of construction noise barriers is specifically designed and engineered to be effective in noise reduction and reflects standard best management measures for construction sites. The measure is intended to work in tandem with monitoring to mitigate potential impacts. Please see Master Response 2.2.1. It is acknowledged that noise characterizations are variable depending on atmospheric conditions.

36-4: Comments regarding the harbor seal pupping and weaning season (MM BIO-1.2) are noted. Please see Master Response 2.2.1.

36-5: Please see Master Response 2.2.1. See also minor text changes to the biological mitigation measures in the EIR Errata. Operational noise levels from the hotel and commercial project are addressed in Chapter 15 of the Draft EIR. See also response to comment 7-10.

36-6: Comments regarding the timing of tree removal relative to the harbor seal pupping and weaning season are appreciated. Mitigation Measure MM BIO-2.1 has been clarified to limit tree removal to the same window of time to avoid both the harbor seal pupping and bird nesting season. Please see EIR Errata. Noise mitigation (MM BIO-1.1 and MM N-1.2) is applicable to all sources of construction noise.

36-7: Construction noise is addressed through implementation of mitigation measures MM N-1.1 and MM N-1.2 (Draft EIR pages 15-20 and 15-21).

36-8: General comments regarding tree loss and climate change are noted for the record. Please see Master Response 2.2.6.

### **2.3.37 Response to Comment Letter 37: Kelly Lance**

37-1: General comments are noted for the record.

37-2: Please see Master Response 2.2.1 regarding noise and wildlife. Anecdotal comments and firsthand observations of coastal wildlife interactions with people are noted. The comments note existing conditions, which include existing commercial uses at the project site.

The comment cites Impacts PSR-3 and PSR-4. These impact statements specifically address potential impacts (physical deterioration) of public services, parks and recreational infrastructure and are not related to coastal wildlife.

37-3: Please see Master Response 2.2.1 and the EIR Errata.

37-4: Please see Master Response 2.2.1 and the EIR Errata.

37-5: Please see Master Response 2.2.1 and the EIR Errata. See also responses to Letter 7 regarding biological monitors.

37-6: Please see master Response 2.2.1 regarding Fisher Beach. Operational noise levels from the hotel and commercial project are addressed in Chapter 15 of the Draft EIR. While the hotel would bring guests to the immediate area, it should be noted that the site currently has publicly accessible commercial uses that also draw the public, and that the recreation trail is also a popular facility that draws many users under existing conditions.

37-7: General objection to the project's underground parking concept and general support for Alternative C discussed in Chapter 20 are noted.

37-8: Comments citing the sensitivity of tribal cultural resources are noted. The Draft EIR analyzes the project as proposed.

37-9: Summarized closing comments are noted. See above responses.

### **2.3.38 Response to Comment Letter 38: Kevin Zamzow-Pollock**

38-1: Comment regarding extension of the public review period to 60 days is noted.

38-2: Regarding project visualizations and renderings, please see Master Response 2.2.4.

38-3: Regarding tree removal, please see Master Response 2.2.6.

38-4: With respect to water usage, please see Master Response 2.2.5. The Draft EIR analyzes the project as proposed. All uses of water, including use for swimming pools or water features, would need to be within the project's total water demand calculation and water credits. The transport of laundry and linens to a commercial laundry facility (assumed to be in Salinas) is a matter of both efficiency and water conservation. The economies of scale of using an existing large-scale commercial facility (compared to incorporating new water-intensive facilities on site) would allow the project's linens to be incorporated into system that is already running commercial loads on a daily basis. And while water conservation and supplies are critical throughout California and Monterey County, the Salinas Valley Groundwater Basin is far less

constrained than the Seaside/Carmel River aquifer. Transportation trips and therefore VMT and GHG were considered for this component of the project.

38-5: Support for the proposed TDM Program is noted.

38-6: General opposition to Alternative C is noted for the record.

### **2.3.39 Response to Comment Letter 39: Lisa Ciani**

39-1: Please see Master Response 2.2.2 regarding story poles and Master Response 2.2.4 regarding aesthetics and the visual images used.

39-2: Please see Master Response 2.2.4 regarding aesthetics and the visual images used. Please see also Master Response 2.2.6 regarding tree removal and replanting.

39-3: Comments regarding elevations and simulations are noted. It appears the commenter may be referencing images from the plan set that are not contained in the Draft EIR. Please see Master Response 2.2.2. regarding aesthetics and images.

39-4: Comments regarding elevations and simulations are noted. It appears the commenter may be referencing images from the plan set that are not contained in the Draft EIR. Please see Master Response 2.2.2. regarding aesthetics and images.

39-5: The text of the Draft EIR pages 5-41 and 5-47 simply reports and discloses predicted changes in views and the visual conditions created by the project. The EIR does not suggest “preference”. The photographs used in the KVPs were taken in the field to depict existing conditions.

39-6: Please see Master Response 2.2.2 regarding story poles.

### **2.3.40 Response to Comment Letter 40: Michelle Raine**

40-1: Please see Master Response 2.2.2 regarding story poles.

40-2: General comments regarding project awareness are noted. Please see Master Response 2.2.3 regarding availability of the Draft EIR.

40-3: Please see Master Response 2.2.4 regarding project size and scale, and 2.2.2 regarding story poles. Please see response to comment 99-6 and Draft EIR page 3-35 regarding project intent to meet LEED Gold equivalency.

40-4: Please see Master Response 2.2.2 regarding story poles (and flagging/netting). The project applicant is not the same applicant for the prior hotel proposal. The City has satisfied all public notice requirements for the EIR process under CEQA.

**2.3.41 Response to Comment Letter 41: Tony Ciani**

41-1: Please see Master Response 2.2.2 regarding story poles.

**2.3.42 Response to Comment Letter 42: Jane Haines**

42-1: Please see Master Response 2.2.2 regarding story poles.

42-2: Please see Master Response 2.2.2 regarding story poles, and Master Response 2.2.4 regarding visual resource analysis requirements.

**2.3.43 Response to Comment Letter 43: Tony Ciani**

43-1: Please see Master Responses 2.2.2 regarding story poles and 2.2.4 regarding aesthetics and images presented in the Draft EIR.

43-2: Please see Master Responses 2.2.2 regarding story poles and 2.2.4 regarding aesthetics and images presented in the Draft EIR. The City welcomes public input and is actively involved with the planning and review process of the application.

**2.3.44 Response to Comment Letter 44: Ashley Gray**

44-1: Please see Master Response 4.4.1 regarding construction effects and wildlife. As noted in the Project Description (Draft EIR page 3-36) initial site grading and excavation is estimated to take nine to ten weeks, while the overall construction schedule is estimated at 18-24 months.

44-2: Please see Master Response 4.4.1.

44-3: Requests for additional studies are noted for the record. Assuming such studies refer to near and long-term effects of project development, near term (construction) and long term (operation) effects are included throughout the EIR, with potential effects to wildlife documented in Chapters 7 (Biological Resources) and 15 (Noise and Vibration).

**2.3.45 Response to Comment Letter 45: Bill Gilreath**

45-1: Comments regarding project tax revenue and general comments regarding potential environmental effects are noted for the record. Please see Master Response 2.2.7 regarding parking.

45-2: Regarding traffic, please see Draft EIR Chapter 17 that quantifies increases in traffic and vehicle trips. The Draft EIR discloses projected truck trips and the City will require a construction management plan to minimize temporary construction effects to the extent feasible. This includes use of street sweepers to clean debris from roads adjacent to the construction site. For construction-caused road damage, standard City practice would be to require the project applicant to repair any such damage.

45-3: Potential economic effects of the project are noted but are not the subject of the EIR. In addition, no change in the zoning of surrounding properties is proposed.

45-4: Traffic and transportation are addressed in Chapter 17. Although not required for CEQA, the EIR includes an analysis of several intersections including Eardley Avenue and Ocean View Boulevard. With respect to potential encountering of hazardous materials and/or soils as well as the treatment of any hazardous materials and/or soils, please see Draft EIR Chapter 12 and the specific mitigation measures therein that address the issue raised.

45-5: The range of general comments are noted. Noise levels from construction can be found in Draft EIR Chapter 15, valet parking for the project will be available to the public, and please see Master Response 2.2.6 regarding tree removal. With the project, Sloat Avenue will no longer connect to Eardley Avenue.

#### **2.3.46 Response to Comment Letter 46: Bob Lippi**

46-1: Comments in support of the project are noted for the record.

#### **2.3.47 Response to Comment Letter 47: Craig Bell**

47-1: Comments in support of the project are noted for the record.

#### **2.3.48 Response to Comment Letter 48: Cosmo Bua**

48-1: Comments reflect cultural and historic resource information that is contained in the Draft EIR. Comments are noted. See also response to Letter 72.

#### **2.3.49 Response to Comment Letter 49: Cosmo Bua**

49-1: Please see Master Response 2.2.3.

49-2: Comments regarding public displays are noted. This information was not part of the Draft EIR therefore no further response is necessary.

49-3: Regarding the applicant's requested encroachment into Ocean View Boulevard, this area is located along the project frontage for Building 1.

49-4: Comments regarding public displays of project images are noted. This information was not part of the Draft EIR and therefore no further response is necessary. General comments regarding the planning process are noted for the record. Please see Master Response 2.2.2 regarding story poles. Please see Master Response 2.2.3 regarding public review of the Draft EIR.

#### **2.3.50 Response to Comment Letter 50: Cynthia Norris**

50-1: General comments are noted. See responses below.

50-2: With respect to safety, the comment is correct that the project is in close proximity to the Recreation Trail. The trail is a Class I multi-purpose facility that is off the roadway. The Draft EIR Chapter 17 analyzes the changes in traffic volumes from the existing condition to proposed project conditions. The project results in a modest increase (over existing commercial traffic) of

321 trips per day distributed on the roadway network. Mitigation Measure TRA 3.2 (page 17-47) requires an additional crosswalk across Ocean View Boulevard to improve safety and provide an additional crossing location.

50-3: Mitigated and unmitigated emissions associated with the project are presented in Chapter 6, Air Quality. Specifically, Tables 6-6, 6-7 and 6-8 quantify and disclose the project's emissions of all regulated pollutants. Only construction emissions were found to be significant (requiring mitigation) based on MBARD thresholds.

50-4: Comments noted. None of the pollutant types or concentrations analyzed for the project warrant additional study or health risk assessment.

50-5: General comments regarding noise and traffic are noted. These subjects are addressed in Chapters 15 and 17, respectively.

50-6: General comments in opposition to the project are noted for the record.

#### **2.3.51 Response to Comment Letter 51: David Reilly**

51-1: Comments in support of the project are noted for the record.

#### **2.3.52 Response to Comment Letter 52: Elizabeth Doan**

52-1: General comments opposed to the project are noted for the record. With respect to comments related to noise and potential impacts on harbor seals, please see Master Response 2.2.1.

#### **2.3.53 Response to Comment Letter 53: Inge Lorentzen Daumer**

53-1: Please see Master Response 2.2.2 regarding story poles.

#### **2.3.54 Response to Comment Letter 54: Inge Lorentzen Daumer**

54-1: Comment regarding the applicant's placement of project images is noted. These actions are not related to the Draft EIR.

#### **2.3.55 Response to Comment Letter 55: Judith Cabral**

55-1: General comments regarding project size, location, project-related traffic, and harbor seals are noted for the record. Please see Master Responses regarding general issues raised.

#### **2.3.56 Response to Comment Letter 56: Jacqueline and James Fobes**

56-1: General comments regarding project size and opposition to the project are noted for the record.

56-2: General comments regarding project size and scale are noted. Please see Master Response 2.2.4. Traffic effects of the project on the roadway system are discussed in Chapter 17 of the Draft EIR.

56-3: General comments relate to public safety, emergency response and other issues described as problems anecdotally caused by tourists. While comments are not specifically related to the Draft EIR, emergency response is addressed on page 12-21. See also response to comment 77-4, related to emergency response and evacuation.

### **2.3.57 Response to Comment Letter 57: John Holcomb**

57-1. General comments regarding water, traffic and opposition to the project are noted.

### **2.3.58 Response to Comment Letter 58: Keegan Barry-Holson**

58-1: General comments in opposition to the project are noted. Please see Master Response 2.2.1 regarding the harbor seal colony.

### **2.3.59 Response to Comment Letter 59: Kimberly Brown**

59-1: General comments in opposition to the project are noted.

59-2: Regarding views, Chapter 5 of the Draft EIR addresses visual changes and aesthetics. As described in the thresholds of significance (Draft EIR page 5-28) public views – not private or individual views – are considered and evaluated under CEQA. Please see Master Response 2.2.2 regarding story poles and Master Response 2.2.3 regarding the public review procedure for the Draft EIR.

59-3: Please see Master Response 2.2.6 regarding tree removal and tree location. The tagging of trees proposed for removal is a requirement of the project's required planning permits rather than an EIR requirement. However, please note that the trees currently are marked. General comments regarding project design are noted.

### **2.3.60 Response to Comment Letter 60: Kimberly Brown**

60-1: Comment acknowledging receipt of web link to the Draft EIR is noted.

### **2.3.61 Response to Comment Letter 61: Kris Lannin Liang**

61-1: Please see responses to Letter 44.

61-2: Please see Master Response 2.2.1 regarding the harbor seal colony. Page 7-16 of the Draft EIR notes that the location of nesting pairs of black oystercatchers along the rocky shoreline beyond Hopkins West Beach. Potential project effects on both species are documented and disclosed in Draft EIR Chapter 7.

61-3: Comments regarding the definition of Environmentally Sensitive Habitat Areas (ESHAs) are noted.

61-4: Comments regarding the City's shoreline and natural resources as tied to the City's economy and identity are noted.

61-5 through 61-7: Please see responses to Letter 44.

#### **2.3.62 Response to Comment Letter 62: Lisa Ciani**

62-1: Please see Master Responses 2.2.2 and 2.2.8 regarding story poles and historic resources.

#### **2.3.63 Response to Comment Letter 63: Lisa Ciani**

63-1: Please see Master Response 2.2.4 regarding the project size, scale, and aesthetics and Master Response 2.2.6 regarding tree removal.

63-2: Comments regarding the project addressed to City Council members are noted. Please see Master Response 2.2.3 regarding public review of the Draft EIR. Please also note that the City has satisfied all public notice requirements for the EIR process under CEQA.

63-3: While comments regarding the City's posting of notices is not related to the contents or analysis of the EIR, please note that the original Notice of Availability and the environmental documents were posted on the City's website prior to the beginning of the public review period. The Notice of Availability was published in the Monterey Herald and the Monterey County Weekly. In addition, the Notice of Availability was emailed or mailed to all parties who requested to be on the City's interested parties list for information and notices on the project.

#### **2.3.64 Response to Comment Letter 64: Lesah Ross**

64-1: General comments in opposition to the project are noted. Please see Master Response 2.2.4 regarding project size, scale and aesthetics and Master Response 2.2.5 regarding water supply.

#### **2.3.65 Response to Comment Letter 65: Ed and Lois Shedlowski**

65-1: Comments in support of the project are noted for the record.

#### **2.3.66 Response to Comment Letter 66: Marilyn Schultz**

66-1: Comments in support of the project are noted for the record.

#### **2.3.67 Response to Comment Letter 67: Melissa Stepien**

67-1: Please see Master Response 2.2.1 regarding the harbor seal colony.

#### **2.3.68 Response to Comment Letter 68: Mark Stevens**

68-1: Comments in support of the project are noted for the record.

#### **2.3.69 Response to Comment Letter 69: Nancy Runyon**

69-1: Comments regarding historic resources and historic preservation are noted for the record. The Draft EIR Chapter 8 analyzes the project's potential effects based on the project as proposed. Please see Master Response 2.2.8.

69-2: Comments regarding archaeological sensitivity are noted. Please see Master Response 2.2.8.

69-3: Chapter 13 of the Draft EIR (Hydrology and Water Quality) identifies that the project is not at risk from sea-level rise in the study year 2100.

69-4: The Draft EIR Chapter 17 addresses the project's potential transportation-related effects based on current CEQA standards. The additional traffic created by the project has been quantified. Draft EIR page 17-38 notes that the Central/Eardley intersection does not meet signal warrants. In addition, no identifiable queuing issues were identified for the two hotel entrances. Chapter 13 of the Draft EIR (Hydrology and Water Quality) identifies that the project is not at risk from sea level rise in the study year 2100. Comments regarding the closure of Sloat Avenue to through traffic and the location of delivery area are noted. Mitigation measure MM TRA 3.1 requires specific safety improvements at Dewey Avenue/Sloat Avenue.

69-5: General comments regarding project alternatives and recommendation for a smaller project are noted for the record.

#### **2.3.70 Response to Comment Letter 70: Sandra Earl**

70-1: General comments in opposition to the project are noted for the record. Please see Master Response 2.2.4 regarding project size, scale and aesthetics. Please see Draft EIR Chapter 17 regarding potential effects of traffic.

#### **2.3.71 Response to Comment Letter 71: Stan Jensen**

71-1 through 71-3: Please see response to Letter 44.

#### **2.3.72 Response to Comment Letter 72: Tony Ciani**

72-1: Comments cite information from the Draft EIR's historic resource evaluation in an address to the Historic Resources Committee. Comments are noted.

#### **2.3.73 Response to Comment Letter 73: Tony Ciani**

73-1: Please see Master Responses 2.2.4 and 2.2.6, regarding project size, scale and aesthetics, and tree removal, respectively.

73-2: General comments regarding compliance with CEQA are noted. Comments are not related to the content or analysis of the Draft EIR.

#### **2.3.74 Response to Comment Letter 74: Taylor Schultz**

74-1: Comments in support of the project are noted for the record.

**2.3.75 Response to Comment Letter 75: Zoe Shoats**

75-1: General comments in opposition to the project are noted for the record. Please see Master Response 2.2.2 regarding use of story poles. Please see also response to comments 56-3 and 77-4 regarding emergency response. Support for a smaller proposal is noted.

**2.3.76 Response to Comment Letter 76: Amanda Preece**

76-1: Please see Master Response 2.2.6 regarding tree replacement mitigation.

76-2: The Draft EIR evaluates the project as proposed, including the conceptual landscape plan. Please note that the replacement trees and/or in lieu fees for tree replacement required by the mitigation are for offsite replacement and would be selected from an approved list of species. Please see Master Response 2.2.6.

76-3: Please see response to comment 76-2 above and Master Response 2.2.6.

76-4: Please see response to comment 9-3 and the changes to Mitigation Measure MM AES-3.1 in the EIR Errata regarding bird strike.

**2.3.77 Response to Comment Letter 77: Anne Wheelis**

77-1: Soil Stabilization is defined as the alteration of the soil to enhance its physical properties. There are many methods of soil stabilization available to the construction industry such as non-toxic chemical additives, mechanical stabilization, and polymers. Regardless of the method or product, compliance with standard best management practices and the required construction Stormwater Pollution Prevention Plan (SWPPP) as noted on page 13-11 of the Draft EIR would ensure that any soil stabilizers used during construction are managed and contained as required by existing permit requirements. These requirements are designed to minimize dust and erosion and contain construction dust and water on the project site.

77-2: Please see response to comment 9-3 and the changes to Mitigation Measure MM AES-3.1 in the EIR Errata regarding bird strike.

77-3: Please see Master Response 2.2.8 regarding culture resource mitigation.

77-4: Comments regarding with the conclusions of the Draft EIR regarding emergency response and evacuation are noted. This issue is addressed on page 12-21 of the Draft EIR. The conclusion of the EIR that the project would not conflict with an emergency response or evacuation plan is due to the modest increase in daily traffic from the project compared to the existing commercial uses (an increase of 321 daily trips over existing conditions). This traffic would be largely absorbed into the overall flow of traffic volumes in Pacific Grove and Monterey on a daily basis, and as such the project itself would not pose a specific or identifiable constraint to the roadway system that would impair emergency operations or evacuation routes compared to existing conditions.

With respect to construction traffic, it should be noted that during construction, all existing traffic currently generated by the site would not be occurring. This would result in fewer trips on the roadway network during construction. Any potential effect regarding hazards from either large or slow-moving construction vehicles, at the specific time of an emergency or evacuation, requires a great deal of speculation and hence is beyond the scope of the analysis required in CEQA.

77-5: MM TCR-1.1 focuses on Native American tribal consultation and participation during the development process. This measure has been updated in the EIR Errata to be consistent with the 100-foot radius identified in MM CR-2.4. Archaeological monitoring will be ongoing throughout construction phases that involve ground disturbance and will involve participation by both the archaeological monitor and tribal representation. Mitigation measures CR-2.3 and CR-2.4 provide additional guidance in the event that archaeological, paleontological or tribal resources are encountered, with a focus on archaeology and paleontology. These measures will work together to satisfy resource protection goals and have been developed in direct consultation with tribal representatives. Please also see Master Response 2.2.8.

### **2.3.78 Response to Comment Letter 78: Barbara Thomas**

78-1: General concerns about environmental conditions and issues associated with the project are noted for the record. Please see Master Response 2.2.7 regarding parking, Chapter 15 for a detailed assessment of noise and vibration, Chapter 17 for traffic and transportation, Chapter 5 regarding visual impacts (including tree removal), Chapter 12 regarding hazards and hazardous materials, and Master Response 2.2.1 regarding the local harbor seal colony. Please see response to comment 109-2 regarding the project's limited geotechnical investigation.

78-2: According to the Centers for Disease Control, Agency for Toxic Substances and Disease Registry (ATSDR), there are many potential sources of radon gas including rock and soils. This naturally occurring substance can also be found in water, natural gas and building materials. While radon is not a regulated substance under CEQA, according to the U.S. EPA's website, Monterey County is in a "Radon Zone 2" with a predicted average indoor radon screening level from 2 to 4 picocuries per liter (pCi/L). The threshold for action is typically 4 pCi/L. The comment also notes a need to notify nearby residents, property owners, and business owners within 400 feet of the project site of major ground disturbances and of the importance of installing carbon monoxide detectors. However, the comment does not provide the regulation or requirement for such notification or indicate why project-related carbon monoxide would be present. As such, no further response is possible. The project will be required to be constructed consistent with all State and local building codes.

78-3: Comments acknowledging that the project does not propose blasting are noted. Please see Master Response 2.2.1 regarding the harbor seal colony. Comments regarding unexpected flooding or runoff are noted for the record. Please see also response to comment 77-1 regarding this issue.

78-4: Recommendations for an additional project alternative are noted. The comment recommends a combination of elements from the various alternatives analyzed. The individual alternatives were selected for both their feasibility and ability to lessen or eliminate significant impacts of the proposal. It should be noted that Alternative C (Alternative Parking Concept) results in several impacts that are greater than the proposed project.

#### **2.3.79 Response to Comment Letter 79: Christie Cromeenes**

79-1: Comments in support of the project are noted for the record.

#### **2.3.80 Response to Comment Letter 80: Coleen Ingram**

80-1: Comments regarding COVID-19 and the hospitality industry are noted for the record but are not related to the contents of the Draft EIR.

80-2: Please see Master Response 2.2.5 regarding project water usage and allocations. Comments regarding affordable housing are noted.

80-3: Please see Master Response 2.2.4 regarding project size, scale, and aesthetics and Master Response 2.2.6 regarding tree removal.

80-4: Regarding project size and scale, please see Master Response 2.2.4. See Master Response 2.2.8 regarding historic resources.

80-5: Comments regarding the displays installed by the applicant and the potential use of some other unspecified alternative to story poles are noted but are not related to the Draft EIR. Please see Master Response 2.2.2 regarding use of story poles.

#### **2.3.81 Response to Comment Letter 81: Carole Laine**

81-1: General comments in opposition to the project are noted. Please see Master Response 2.2.2. regarding use of story poles.

#### **2.3.82 Response to Comment Letter 82: Camilla Mitchell**

82-1: General comments in opposition to the project are noted for the record. Please see Master Response 2.2.4 regarding project size and scale, Master Response 2.2.5 regarding water supply and demand, Chapter 17 regarding traffic and Chapter 7 regarding biological resources.

82-2: Please see Master Response 2.2.2 regarding story poles.

#### **2.3.83 Response to Comment Letter 83: Clay Moltz**

83-1: General comments in opposition to the project are noted. Other than location, this project has no relationship to the prior hotel proposal at this site. Please see Master Response 2.2.6 regarding tree removal and Master Response 2.2.8 regarding historic resources.

**2.3.84 Response to Comment Letter 84: Carrie Mowatt-Larssen**

84-1: General comments in opposition to the project and its effects on traffic, water supply, and harbor seals are noted. Please see Master Responses 2.2.1 regarding the harbor seal colony, Master Response 2.2.5 regarding water supply, and Chapter 17 regarding the traffic analysis.

**2.3.85 Response to Comment Letter 85: Christina Rodriguez**

85-1: General comments in opposition to the project are noted, as are comments and opinions regarding the project design. Please see Master Response 2.2.4 regarding project size and scale, and Master Response 2.2.1 regarding the harbor seal colony.

**2.3.86 Response to Comment Letter 86: Cari Rotoli**

86-1: General comment in opposition to the project is noted.

86-2: Please see Master Response 2.2.6 regarding tree mitigation.

86-3: Comments and opinion regarding project design are noted.

**2.3.87 Response to Comment Letter 87: Douglas and Anne Downs**

87-1: General comments comparing project size and prior proposals is noted.

87-2: Please see Master Response 2.2.8 regarding cultural and historic resources.

87-3: Please see Master Response 2.2.6 regarding tree removal.

87-4: Please see Master Response 2.2.5 regarding water.

87-5: General comments regarding traffic are noted. Please see Draft EIR Chapter 17 for the project's traffic analysis, as well as responses to comments 50-2 and 77-4.

87-6: The project's lower cost visitor serving accommodations are a component of the project's Coastal Development Permit application. See also response to comment 1-5.

87-7: General comments in opposition to the project are noted.

**2.3.88 Response to Comment Letter 88: Deena Hakim**

88-1: General comments in opposition to the project are noted for the record. Regarding the public review procedures, please see Master Response 2.2.3. Please see Master Response 2.2.4 regarding project size, scale and aesthetics and Master Response 2.2.5 regarding water.

**2.3.89 Response to Comment Letter 89: Dennis and Michaelle Stanford**

89-1: General comments in opposition to the project and the project's size are noted for the record. Please see Master Response 2.2.3 regarding the Draft EIR public review process. General comments regarding project size are noted. Please see Draft EIR Chapter 17 regarding

the project's traffic effects, Master Response 2.2.6 regarding tree removal and Master Response 2.2.8 regarding historic resources.

### **2.3.90 Response to Comment Letter 90: Deborah Stewart**

90-1: General comments in opposition to the project are noted for the record. Regarding the public review procedures, please see Master Response 2.2.3.

90-2: General comments on tree removal, harbor seals, and traffic are noted for the record. Please see Master Responses 2.2.1 regarding the harbor seal colony, Master Response 2.2.6 regarding tree removal, and Chapter 17 regarding the traffic analysis.

90-3: Comments regarding project design and scale are noted.

### **2.3.91 Response to Comment Letter 91: David van Sunder**

91-1: General comments regarding the size of the project and its potential effects are noted for the record. Comments are not specific to the analysis of the EIR. Please see Master Response 2.2.8 regarding the Historical Resource Impact Assessment.

91-2: Please see Master Response 2.2.6 regarding tree replacement mitigation. The comment is correct that the trunks of the three Monterey cypress trees shown on the Preliminary Landscape Plan (Draft EIR Figure 3-9) are on the adjacent parcel. This clarification is now included in the Preliminary Landscape Plan included as an Attachment to this Final EIR.

91-3: Comments regarding the project's proposed excavation are noted and potential effects of that excavation are evaluated in Chapter 3 (Project Description), Chapter 7 (Biological Resources), Chapter 10 (Geology & Soils), and Chapter 15 (Noise & Vibration) of the Draft EIR. Regarding the project's Limited Geotechnical Investigation (Draft EIR Appendix G), it is common to have a preliminary investigation prepared at this stage of planning and development to evaluate feasibility, with design level recommendations following final project design approval. Potential exposure to seismic risk is evaluated in Draft EIR Chapter 10.

91-4: Comments and opinion regarding the proposed modification and use of Sloat Avenue are noted. The project's traffic effects are evaluated in Draft EIR Chapter 17.

91-5: General comments not related to the EIR are noted.

### **2.3.92 Response to Comment Letter 92: Elin Dolowich**

92-1: General comments in opposition to the project and its size and impacts on sensitive resources are noted for the record. Please see the Master Responses, which address the project's environmental effects mentioned generally in the comment.

**2.3.93 Response to Comment Letter 93: Evynn LeValley**

93-1: General comments in opposition to the project and potential impacts on trees and harbor seals are noted. Please see Master Responses 2.2.1 and 2.2.6, regarding the harbor seal colony and tree removal, respectively.

**2.3.94 Response to Comment Letter 94: Gretchen Jordan**

94-1: Please see Master Response 2.2.1 regarding the harbor seal colony.

94-2: With respect to sea level rise, Chapter 13 of the Draft EIR (Hydrology and Water Quality) identifies that the project is not at risk from sea level rise in the study year 2100.

94-3: General comments regarding traffic and project appearance are noted for the record. The project's traffic effects are evaluated in Draft EIR Chapter 17.

**2.3.95 Response to Comment Letter 95: Helen Workman**

95-1: Please see Master Response 2.2.1 regarding the harbor seal colony.

**2.3.96 Response to Comment Letter 96: hljft (no name provided in email)**

96-1: Please see Master Response 2.2.3.

**2.3.97 Response to Comment Letter 97: Inge Lorentzen Daumer**

97-1: Factual comments are noted for the record. The Draft EIR document attempted to consistently identify "Dewey Avenue" correctly. Comment regarding project location is noted.

97-2: Please see Master Response 2.2.3 regarding public review of the Draft EIR, and 2.2.2 regarding story poles.

97-3: General comments and opinion regarding the Draft EIR's conclusions are noted. Please see Master Response 2.2.4 regarding project size and aesthetics and other Master Responses regarding the general issues raised. Please see Master Response 2.2.5 regarding water supply and demand. The General Plan and zoning designations for the site were changed with the certification of the Local Coastal Program.

97-4: Please see Master Response 2.2.4 regarding aesthetics and Master Response 2.2.6 regarding tree removal mitigation.

97-5: Comments and opinion regarding the Draft EIR's proposed noise mitigation and local observations regarding local noise sources are noted for the record. Noise attenuation measures are used routinely in the construction industry as a best management practice to reduce noise levels at construction sites. Please also see Master Response 2.2.1.

97-6: General comments questioning the efficacy of the Draft EIR's noise mitigation is noted for the record. For clarification, the areas proposed for the deepest excavation are located on what

is now the upper parking lot. The area proposed for excavation at Ocean View Boulevard/Dewey Avenue is proposed to a depth of 6 to 9 feet.

97-7: Comments address construction noise. Construction noise duration and temporary noise impacts are analyzed under Impact N-1, Draft EIR page 15-16.

97-8: Comments regarding an excerpt of the California Streets and Highway Code pertaining to street vacation are noted for the record. As noted on page 1-1 in Section 1.1.2 Project Description of the Draft EIR, a portion of Sloat Avenue is proposed to be leased to the project applicant through a lease agreement or similar instrument. The City Attorney has been involved in discussions regarding the lease agreement and has indicated that this is within the City's authority.

97-9: Traffic safety mitigation and improvements at Sloat Avenue and Dewey Avenue as cited in the comment are noted.

97-10: The comment appears to be referencing the traffic counts and modeling data (Draft EIR Appendix L). Count data is recorded with digital video technology to identify counts for all modes of transportation. The comment is correct that Sloat Avenue is a one-way facility. The movement recorded on Sloat is very likely a deliberate "wrong way" traveler seeking more direct access to Central Avenue.

97-11: General summary and design recommendations are noted for the record.

### **2.3.98 Response to Comment Letter 98: John and Patrice Bell**

98-1: General comments and opinion regarding the need for a hotel are noted.

98-2: Comments regarding tourist traffic and local traffic conditions are noted.

98-3: The anticipated construction schedule has been estimated by the applicant and analyzed within the Draft EIR as proposed.

98-4: Comments recommending mixed use housing are noted. The Draft EIR analyzes the project as proposed.

### **2.3.99 Response to Comment Letter 99: Jeffrey Becom**

99-1: Introductory comments suggest an alternative design based on cultural and architectural resource protection. Comments are noted for the record.

99-2: Comments noted. The Historical Resources Technical Report (HRTR) was prepared by Page & Turnbull for the Draft EIR to evaluate the project as proposed. The comments presented reiterate findings of the Draft EIR and offer opinions and suggestions for revisions to the project design. The Draft EIR evaluates the project as it was proposed. See also Master Response 2.2.8.

99-3: Mitigation measures to record and document structures proposed for demolition or alteration (MM CR-1.1 HABS Documentation) are common. The comment is correct that the Draft EIR concludes that impacts of the project as proposed would be significant and unavoidable under CEQA and Secretary of the Interior standards. The Draft EIR also includes project alternatives to disclose potential ways to avoid this impact as required by CEQA. The intent of the interpretive display (MM CR-1.2) is to tie the project site to the area's history and the fish canning industry.

99-4: Please see Master Response 2.2.2 regarding story poles and Master Response 2.2.4 regarding project scale and images used in the Draft EIR.

99-5: Please see Master Response 2.2.6 regarding tree removal.

99-6: As noted on page 3-35 of the Draft EIR, to meet the equivalent of Leadership in Energy and Environmental Design (LEED) standards, the project has proposed several sustainability features addressing energy efficiency, water conservation, and waste reduction. The Draft EIR cites the measures and project features as proposed by the project. Reuse of the buildings in their current form was not proposed and would not meet the basic stated objectives of the project.

99-7: Comments cite the City's Architectural Review Guidelines are noted. These guidelines are entitled City of Pacific Grove Architectural Review Guidelines for Single-Family Residences. The cited guidelines pertain to single-family residential development. Please see also Master Responses 2.2.4 and 2.2.6. Blasting is not proposed.

99-8: Concluding comments and suggestion for an alternative design are noted for the record.

### **2.3.100 Response to Comment Letter 100: Joseph Bileci Jr.**

100-1: Please see Master Response 2.2.2 regarding story poles.

100-2: Please see Master Response 2.2.5 regarding water supply and demand.

100-3: The potential effects of project traffic are disclosed and evaluated in Chapter 17 of the Draft EIR. Comments regarding legislative actions potentially affecting traffic are noted.

100-4: Please see Master Response 2.2.6 regarding tree removal and mitigation.

100-5: Please see Master Response 2.2.1 regarding construction noise effects on wildlife.

100-6: Comments regarding lease issues are noted but are not within the scope of the environmental review.

### **2.3.101 Response to Comment Letter 101: Janet Cohen**

101-1: General comments related to noise and others not related to the EIR analysis are noted.

101-2: The comment provides more specific comments related to noise. Please see Master Response 2.2.1 regarding noise and the harbor seal colony. See also the analysis of changes to the noise environment due to project operations, which begins on page 15-21 of the Draft EIR. While the project could result in new sources and slight increases in ambient noise over existing conditions, all operational noise would remain within City thresholds (Table 15-7), and all uses are subject to existing noise regulations. See also response to comment 7-10.

101-3: Please see response to comment 101-2 above. Operational noise levels were found to be less than significant because they are projected to remain within established noise thresholds and do not warrant additional mitigation.

101-4: Please see Master Response 2.2.1 regarding the harbor seal colony.

101-5: Please see Master Response 2.2.6 regarding tree removal and mitigation. The Draft EIR evaluates the project as it was proposed. According to the project plans, no setback of the building from the adjacent parcel on Central is required; the required setback is 0 feet. Comments related to potential changes to the project to provide additional trees in this area are noted for the record. The private views from the hotel to the bluff across Eardley Avenue are not a protected public view, and therefore no mitigation is required. However, the trees proposed along Eardley would provide some softening of this private view as well as provide some partial screening of the hotel buildings from viewers on Eardley, as discussed in Chapter 5 of the Draft EIR.

101-6: General comment not related to the Draft EIR analysis is noted.

101-7: Please see Master Response 2.2.8 regarding cultural resources.

101-8: General comments regarding use of the land are noted.

### **2.3.102 Response to Comment Letter 102: Janet Cohen**

102-1: Please see Master Response 2.2.8 regarding cultural resources.

102-2: Comments regarding historic structures are noted. Please see Master Response 2.2.8 regarding the historic resource evaluation.

102-3: Comments regarding the land uses surrounding the site and the project's relationship with these other land uses are noted for the record. See also Master Response 2.2.4 regarding project size, sale and aesthetics for more information.

102-4: Please see Master Responses 2.2.1 and 2.2.4, as well as response to comment 101-2 regarding noise.

102-5: General comments regarding project design are noted.

**2.3.103 Response to Comment Letter 103: Janet Colson**

103-1: General comments in opposition to the project, existing traffic conditions, and the public review process are noted. Please see Master Responses 2.2.3 regarding public review procedures and Master Response 2.2.4 regarding project size, scale and aesthetics. Traffic issues including existing conditions are addressed in Chapter 17 of the Draft EIR.

**2.3.104 Response to Comment Letter 104: JD Corpus**

104-1 through 104-5: Please see responses to Letter 36.

**2.3.105 Response to Comment Letter 105: Jane Haines**

105-1: Please see Master Response 2.2.2 regarding story poles.

105-2: Please see Master Response 2.2.4 regarding the visual resource analysis.

105-3: Comments are noted on the submitted Public Records Act related to the City's position on story poles. Please see Master Response 2.2.2 regarding story poles.

105-4: Please see Master Response 2.2.2 regarding story poles. The Draft EIR provides a good faith effort to disclose the changes in aesthetics and the visual environment with implementation of the project (Draft EIR Chapter 5).

**2.3.106 Response to Comment Letter 106: Jung Hwa Kim**

106-1: Regarding job generation and number of employees, please see responses to Letter 30. Please see Master Response 2.2.7 regarding parking.

106-2: Please see Master Response 2.2.1 regarding noise relative to the harbor seal colony. The impact assessment addresses both harbor seal (listed as federally protected) and black oystercatcher (not listed as protected but being monitored) because these are the primary shoreline species identified by the City for protection in the Local Coastal Program and Shoreline Management Plan. The analysis concludes that impacts would be less than significant with mitigation, meaning that mitigation is required to address the potential for impacts. The analysis is based on the construction noise levels predicted in Chapter 15, Noise and Vibration, that studied and estimated future noise levels from both construction and operation of the project on these species. There were no "seismic surveys" conducted for the project, but potential vibration levels were estimated in Chapter 15. Vibration levels at the waterline are projected to be below detectable levels.

CEQA employs a "rule of reason", as an EIR is intended to provide disclosure of potential effects of a project but does not require scientific study of every potential environmental condition.

106-3: Please see Master Response 2.2.2 regarding story poles, Master Response 2.2.5 regarding water demand, Chapter 15 regarding noise, and Chapter 17 regarding transportation and circulation.

**2.3.107 Response to Comment Letter 107: Jill Kleiss**

107-1: Please see Master Response 2.2.3 regarding public review of the Draft EIR.

**2.3.108 Response to Comment Letter 108: Janette Loomis**

108-1: Introductory comments are noted for the record.

108-2: Please see Master Response 2.2.4. Traffic issues are addressed in detail in Chapter 17 of the Draft EIR.

108-3: Please see Master Response 2.2.1 regarding biological mitigation measures. See also responses to Letter 7 and the EIR Errata regarding biological monitors and specific clarifications to the biological resource mitigation measures.

108-4: Regarding public spaces and incorporation of residential components into the project, the Draft EIR analyzes the project as it was proposed.

108-5: Regarding tree removal and mitigation, please see Master Response 2.2.6.

108-6: Please see Master Response 2.2.2 regarding story poles. Regarding the comment on tree marking, the marking of trees proposed for removal is a requirement of the project's required planning permits rather than an EIR requirement. However, please note that the trees currently are marked.

108-7: Comments noted. Please see Master Response 2.2.3.

**2.3.109 Response to Comment Letter 109: James Raine**

109-1: General comments address project consistency with City policies. Comments are noted.

109-2: Regarding the methods proposed for excavation and bedrock removal, please see Master Response 2.2.1 for additional information. Please see also Draft EIR Appendix G, Limited Geotechnical Investigation – Phase II Exploration (Haro, Kasunich and Associates 2019). This study provides the results of 14 exploratory borings performed at the site, up to 16 feet in depth, to develop a better understand of the depth to hard rock from the ground surface in the areas proposed for excavation. The subsurface conditions reported by the study document that although the weathered granite is in a dense state, the ability to advance the auger through the weathered bedrock indicates it should be possible to remove or rip using conventional construction equipment. However, the unweathered granite areas will likely require alternative methods (Appendix G, page 4). Please see Master response 2.2.1 regarding likely construction methods.

The preliminary investigation is appropriate at this stage of planning and design and is appropriate for the Draft EIR for purposes of disclosure of potential effects. The City understands that, if approved, final design would require additional design-specific geotechnical investigation to develop final geotechnical recommendations based on the

subsurface conditions of the site. Please also Master Response 2.2.1 regarding the range of anticipated construction and excavation equipment, and the Attachments to this Final EIR that include a photograph of an excavator equipped with a pneumatic hammer.

With respect to seismic monitoring devices, mitigation measures in Chapter 15 (Noise and Vibration) require monitoring at the nearest sensitive receptors and a vibration management plan. See also the EIR Errata for additional language associated with those measures.

109-3: Please see response to comments 6-4 and 77-1.

109-4: Estimates for removal of overburden, rock and demolition debris are quantified in Draft EIR Appendix B: Air Quality Technical Analysis, as well as on page 6-18 of the Draft EIR. These estimates use the most recent version of the CalEEMod emissions estimate model, used primarily for estimating regulated pollutant and greenhouse gas emissions. However, the inputs also use standardized assumptions for demolition volumes based on structure size, as well as grading (in cubic yards) based on the area and depth of land clearing, excavation, cut and fill. The estimates – which are substantial – are sufficient for forecasting the off haul and truck trips to determine if construction emissions would exceed established thresholds. Mitigation measure MM AQ-2.1 provides a list of construction-related measures to minimize fugitive dust from the construction process. Please see response to comments 6-4 and 77-1 regarding retention of runoff on site.

109-5: Summary of comments and issues is noted for the record. Please note that the period of extensive site clearing and excavation is estimated at 9-10 weeks, with an overall construction schedule of up to two years.

### **2.3.110 Response to Comment Letter 110: Joshua Reyes**

110-1: Comments regarding the research facilities at Hopkins Marine Station are noted and appreciated. Please see responses to Letter 6 (Monterey Bay Aquarium), Letter 7 (Hopkins), and the mitigation measures included in Chapter 15 (Noise and Vibration) as amplified in the EIR Errata in this document. See also Master Response 2.1.1. The City is aware of the proximity of federally protected marine mammals in this area. Please see Chapter 7 (Biological Resources) for the discussion of marine mammals and potential impacts to marine mammals. Sea otters and other sea life housed either at Hopkins or the Aquarium for research and/or educational purposes are not in their natural habitats and are cared for under specialized circumstances. Nonetheless, Chapter 15 (Noise and Vibration) and the EIR Errata contain mitigation measures to address noise and vibration at these facilities.

### **2.3.111 Response to Comment Letter 111: Jackie Shaffer**

111-1: Comments regarding market conditions are noted for the record but are not related to the analysis in the Draft EIR. Please see Master Response 2.2.6 regarding tree removal. The project proposes removal of 79 on-site trees.

111-2: The City now has a certified Local Coastal Program allowing local review of coastal development permit applications, and specific policies regarding coastal resources (including trees). The project will require a Coastal Development Permit from the City, along with the other project permits. However, a portion of this project site is in an area appealable to the Coastal Commission.

111-3: Comments are noted for the record. The overall construction schedule is estimated at two years. Please see Draft EIR Chapter 6 (Air Quality) regarding mitigation for construction related dust, as well as Chapter 15 (Noise & Vibration) regarding potential noise impacts during construction and Chapter 12 (Hazards and Hazardous Materials) regarding the treatment and handling of materials potentially contaminated with asbestos.

111-4: Comments in opposition to the project are noted.

### **2.3.112 Response to Comment Letter 112: Kimberly Brown**

112-1: Please refer to Draft EIR Table 19-1 (page 19-16) and Table 19-2 (page 19-17). Table 19-2. Table 19-1 provides a breakdown of the overall water use projection for the project, including rooms, restaurants, spa, pool, and commercial uses. This information is from Draft EIR Appendix O (Water Demand Analysis Memo) referenced in the comment. The discussion on page 19-16 explains that a luxury hotel produces about 8 to 14 pounds of laundry per room per day (as a unit of measure for all laundry generated by all related uses) and uses about 2 gallons of water per pound. Thus at 8 pounds per day per room at 76% occupancy (a reasonable assumption), the estimated water use for laundry would be 3.06 acre feet per year.

### **2.3.113 Response to Comment Letter 113: Kevin Gersten**

113-1: The comment is correct that the traffic counts taken on November 20, 2019 were the week before the Thanksgiving holiday. This is an acceptable time period to conduct traffic counts. During most holiday periods the Monterey Peninsula and area around Cannery Row and the aquarium begin to get busy with visitors leading up to the holiday. The aquarium was observed in the field by the EIR consultant to be very busy on November 21, 2019. While it is understood that local traffic patterns and congestion vary significantly throughout the year and season, having moderate volumes of background traffic is more informative for a project-level analysis, as saturated conditions can dilute a project's potential influence on the roadway network. Regardless, it is also noted that the analysis of traffic operations and congestion is provided for informational purposes, as delay and congestion is no longer the recognized threshold under CEQA for assessing environmental impacts (Draft EIR page 17-7).

113-2: Noise measurements at location L2 represent long term measurements taken over a 48-hour period (Draft EIR Appendix K). Long term measurements are useful for establishing weighted noise averages during the daily cycles and noise sources around a location. Please see response to comment 7-10 regarding the City's regulation of noise pursuant to the municipal code.

113-3: Please see Master Response 2.2.9 regarding parking.

**2.3.114 Response to Comment Letter 114: Kristen Kelleher**

114-1: General comments in opposition to the project are noted. Please see Master Response 2.2.4 regarding project size, scale and aesthetics.

**2.3.115 Response to Comment Letter 115: Karin Locke**

115-1: Generalized comments regarding the project and its potential environmental effects are noted. Please see the range of Master Responses regarding these issues. See also response to comment 109-2 regarding the geotechnical investigation, responses 16-3 and 50-2 regarding traffic, and response 69-3 regarding sea level rise.

**2.3.116 Response to Comment Letter 116: Karen Neyman**

116-1: General concerns are noted, including the proposed removal of trees, potential impacts on harbor seals, and traffic impacts. Please see the Master Responses in this document and response to comment 16-3 regarding traffic.

116-2: Please see Master Response 2.2.2 regarding use of story poles and Master Response 2.2.4 regarding project size, scale, and aesthetics.

**2.3.117 Response to Comment Letter 117: K.L. Parker**

117-1: Please see Master Response 2.2.3 regarding public review of the Draft EIR.

**2.3.118 Response to Comment Letter 118: Lowell and Wilda Northrop**

118-1: General comments about the project are noted for the record.

118-2: General comments regarding project components as described in the Project Description (Chapter 3) are noted.

118-3: Please see Master Response 2.2.2 regarding use of story poles and Master Response 2.2.6 regarding tree removal. See also the response to comment 108-6 regarding tree marking requirements.

118-4: General environmental concerns are noted. Please see Master Responses regarding these issues. Chapter 17 of the Draft EIR addresses traffic generation, including the intersections noted. See also response to comment 16-3 regarding the scope of the traffic analysis.

118-5: Comments regarding visual displays provided by the applicant are noted. This action is outside and independent of the Draft EIR.

118-6: The comment lists a number of general environmental concerns. Please see the Master Responses regarding project size and character, historic resources, tree removal and

replacement, and potential effects on the harbor seal colony. Please see responses to Letter 91 regarding trees on the adjacent parcel. See response to comment 109-2 regarding the project's preliminary geotechnical investigation as used in the Draft EIR. Comments regarding the future disposition of Sloat Avenue are noted but outside of the scope of CEQA and the Draft EIR. See response to comment 69-3 regarding sea-level rise. See response to comment 1-5 regarding low cost visitor serving accommodations. Chapter 17 addresses traffic during both the construction phase and operational phases.

### **2.3.119 Response to Comment Letter 119: Lisa Ciani**

119-1: Comments consist of a series of email communications between the commenter and City staff. Comments regarding visual displays provided by the applicant are noted. This action is outside and independent of the Draft EIR. See Master Response 2.2.4 regarding aesthetics, visual analysis and tree ribbons, and also the response to comment 108-6 regarding tree marking requirements. See Master Response 2.2.2 regarding story poles. See Master Response 2.2.3 regarding public review of the Draft EIR.

### **2.3.120 Response to Comment Letter 120: Lisa Ciani**

120-1: General introductory comments are noted. See additional responses below.

120-2: Please see Master Response 2.2.3 regarding public review of the Draft EIR. The City has satisfied all public notice requirements for the EIR process under CEQA, including publication of the Notice of Availability in the Monterey Herald and the Monterey County Weekly. Please also see. Please also see Master Response 2.2.4 regarding the visual analysis and tree ribbons, as well as the response to comment 108-6 regarding tree marking requirements. Comments regarding visual displays provided by the applicant are noted. This action is outside and independent of the Draft EIR. See Master Response 2.2.2 regarding story poles.

120-3: Comments provide a timeline of events related to public review of the Draft EIR and City noticing. Please see Master Response 2.2.3 regarding public review procedures.

120-4: Please see Master Response 2.2.4 regarding the visual analysis. Disagreement with findings and conclusions of Impact AES-1 and scenic vistas are noted for the record. The reasoning for the Draft EIR's conclusions is detailed on page 5-30. Views from the recreation trail toward the project are documented in Figure 5-2a. Based on those photographs, it is difficult to find that the change from existing to proposed use would interrupt or have an adverse effect on a scenic vista, because the buildings themselves do not represent or contribute to a scenic vista. The Draft EIR page 5-30 explains and discloses that views from the water would permanently change the appearance of the coastline as seen from this vantage point. However, it is further explained that this change in appearance is not considered significant or adverse because the project is replacing existing buildings with other structures.

With respect to alteration and removal of historic structures, the draft EIR acknowledges (on page 14-12, discussing LUP Policy SCE-3) that the project will retain but modify the ATC factory

building, which is the most visually unique and historically significant of the complex. In terms of visual impact, please note that the Draft EIR finds that impacts to visual character and quality are significant and unavoidable (Impact AES-2.1).

With respect to tree removal, please see Master Response 2.2.6. The Draft EIR concludes and discloses in Chapter 5 that tree removal is a contributor to the project's significant and unavoidable visual changes, including views from Central Avenue. Please see Master Response 2.2.2 regarding story poles and Master Response 2.2.4 regarding project size and scale.

120-5: See response to comment 120-4 above regarding LUP Policy SCE-3 and the findings of the Draft EIR.

120-6: Comments regarding surrounding historic resources are noted and consistent with the discussion in Draft EIR Chapter 8.

120-7: Comments regarding community character are noted. The conclusions of the historic significance of the existing structures and potential impacts of implementing the project as documented in the Draft EIR are based on the detailed Historic Resource Technical Report (HRTR) prepared by Page and Turnbull (Draft EIR Appendix E). The Draft EIR analyzes the project as proposed, including the closure of Sloat Avenue. Recommendations for project design are noted for the record.

120-8: Impact AES-3 acknowledges that potential effects of additional reflective surfaces. The use of products designed with non-reflective properties is a common and effective way to reduce glare.

120-9: The Coastal Community Character Assessment requirements of the LCP Implementation Plan noted in the comment are a requirement of the Coastal Development Permit application. While there is significant overlap between the information provided in Chapter 5 of the Draft EIR and the requirements of this section of the LCP, this requirement is not a part of Draft EIR. The Draft EIR evaluates the project in the context of CEQA thresholds of significance, as noted in the comment. Please see related responses above, as well as Master Response 2.2.4.

120-10: Comments regarding construction dust and particulates are noted. This issue is addressed under Impact AQ-1, and the project's contribution to dust generation is mitigated to a less than significant level with MM AQ-2.1.

120-11: Regarding tree removal and tree mitigation, please see Master Response 2.2.6. See also responses to Letter 91. Comments regarding Sloat Avenue are noted. The Draft EIR evaluates the project as it was proposed. The Draft EIR mitigation measures BIO-3.1 through BIO-3.5 provide detailed tree protection measures on neighboring properties. No pavement removal or other ground disturbance is proposed for the parking lot on Central Avenue.

120-12: The project's proposal to incorporate LEED Gold components are found on page 3-35 of the Draft EIR. See also response to comment 99-6.

120-13: Please see Master Response 2.2.1 regarding the harbor seal colony and potential noise and vibration impacts on the colony. Potential effects to black oystercatchers are detailed on pages 7-16 and 7-17. Black oystercatchers are included in the construction biological monitoring plans required as mitigation.

120-14: Regarding potential effects to black oystercatchers, please see response to comment 120-13, above.

120-15: The species noted in the comment, Pigeon Guillemot (*Cepphus Columba*), inhabits the rocky coastline but is not identified as a special status species afforded special State or federal protection, which is the threshold under CEQA. More than one biological monitor may be utilized if necessary, to adequately implement the mitigation requirements of MM BIO-1.3. Please see MM BIO-1.2 and Master Response 2.2.1 regarding mitigation timing for the harbor seal colony.

120-16: Comments noted. The potential effects to marine mammals are disclosed in Chapter 7 of the Draft EIR. Please also see Master Response 2.2.1.

120-17: The Draft EIR acknowledges the presence and location of nesting pairs of black oystercatchers on page 7-16 of the Draft EIR. With the implementation of MM BIO-1.1 to reduce construction noise levels, this species is included in the biological monitoring program (MM BIO-1.3) but the breeding and nesting season is not specifically avoided given the distance between the project site and the documented nesting areas.

120-18: Please see responses to Letter 7 regarding biological monitors. See also the EIR Errata. Please see Master Response 2.2.1 regarding construction techniques.

120-19: Please see response to comment 120-15 above regarding Pigeon Guillemot. Regarding the mitigation measures, the measure in the Draft EIR regarding timing of excavation (MM BIO-1.2) was finalized in consultation with the biologist (Biological Resources Group). While the Biological Resources Technical Memo (Appendix C) recommends scheduling this work outside the breeding (or nesting) season for both species as the primary mitigation strategy, the Draft EIR took a more conservative approach and defaulted to require monitoring for both species in addition to limiting work during the harbor seal breeding and pupping season. The more distant location of black oystercatcher nesting sites, together with the noise attenuation measures, factor into the recommended construction schedule which focuses primarily on the harbor seal colony. Nonetheless, mitigation measure MM BIO-1.2 was expanded to avoid demolition and excavation in June, as the April/May/June period has been documented as the most vulnerable time for black oystercatcher nesting.<sup>3</sup> Please see the EIR Errata for minor clarifications to the biological resource mitigation measures.

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<sup>3</sup> <https://goldengateaudubon.org/blog-posts/watching-black-oystercatchers-in-breeding-season/>

120-20: Disagreement with some aspects and conclusions of the Historic Resource Technical Report (HRTTR, Draft EIR Appendix E) are noted. The HRTTR provides a detailed evaluation of the project in the context of the Secretary of the Interior's standards, relying on expert opinion.

120-21: Comments regarding structure demolition and removal are noted for the record. The Draft EIR evaluates the project as it was proposed. The energy analysis is included as Chapter 9 of the Draft EIR, which quantifies the energy use in the context of CEQA standards. Requirements for conservation and energy efficiency are identified on page 9-15 of the Draft EIR.

120-22: Regarding the preliminary geotechnical investigation, please see response to comment 109-2. As indicated in the project description, off haul of material will be landfilled unless another end user is identified.

120-23: The greenhouse gas emissions analysis (Draft EIR Chapter 11) considers all aspects of project construction and operation in the emissions modeling, including excavation and demolition (see Draft EIR Appendix B for model inputs).

120-24: Comments summarizing the hazards and hazardous materials analysis in the Draft EIR are noted for the record. The comments address condition (mitigation) compliance. Please see the Mitigation Monitoring and Reporting Program (MMRP) in this Final EIR.

120-25: Comments regarding the potential inclusion of affordable housing are noted. The Draft EIR evaluates the project as proposed.

120-26: Recommendations and opinion regarding project design and the disposition of Sloat Avenue are noted for the record. The Draft EIR evaluates the project as proposed. Project affordability to guests is not an environmental issue under CEQA, although a lower-cost visitor accommodation feasibility study is required as part of the Coastal Development Permit application. MM TRA-3.1 requires roadway improvements to address a safety issue identified in the CEQA evaluation. Any such improvements to the frontage or widening would occur on the project site/property, and the impact of any resulting construction would be incidental to the construction within the project footprint. These recommendations are detailed on page 17-47.

120-27: Mitigation measure MM BIO-1.1 (Draft EIR page 7-17), to reduce noise, notes that "this measure should be combined with MM AES-1.1 (construction screening) and MM N-1.2 (noise construction barriers) to provide a single barrier system that addresses both noise and aesthetic issues." As such, the requirements of MM N-1.2 and BIO-1.1 are the same in terms of requiring a barrier design can effectively reduce noise by at least 10dB (to reduce noise to within Federal Transit Administration standards). Additional mitigation in the form of biological monitoring is provided as a separate measure to monitor the effectiveness of the noise reduction measures because – as explained in Chapters 7 and 15 – an exact threshold of annoyance for marine mammals is unpredictable.

120-28: With respect to vibration and monitoring, please see responses to Letter 7 (responses to comments 7-13 through 7-18) and the EIR Errata within this Final EIR.

120-29: Regarding the traffic analysis and emergency evacuation, please see responses to comments 50-2, 56-3, 75-1, and 77-4.

120-30: Please see Master Response 2.2.8. All tribal cultural resource mitigation measures were prepared in direct consultation with OCEN tribal leadership.

120-31: The Draft EIR evaluates the project as proposed. Please see Master Response 2.2.5 regarding water supply and demand.

120-32: With respect to the project alternatives (Draft EIR Chapter 20), pages 20-1 to 20-3 provide the basis for selecting and evaluating alternatives in an EIR under CEQA. The reasonable range of alternatives must be feasible, able to meet most of the basic objectives of the project and should be focused on their ability to reduce one or more significant impacts. Chapter 20 evaluates such a range of alternatives, including one (Alternative A) intended to reduce an unavoidable impact regarding historic resources.

120-33: General comments regarding project design are noted. Please see Master Response 2.2.2 regarding story poles.

### **2.3.121 Response to Comment Letter 121: Laura Hamill**

121-1: Please see Master Response 2.2.3 regarding public review of the Draft EIR. Comments regarding project schedule are noted but not related to the Draft EIR.

### **2.3.122 Response to Comment Letter 122: Lynn Mason**

122-1: General comments in opposition to the project are noted. Regarding potential impacts to harbor seals, please see Master Response 2.2.1.

122-2: General comment about tree removal is noted. Please see Master Response 2.2.6.

122-3: Comments in opposition and related to general noise and air quality impacts are noted for the record. Noise impacts are discussed in Chapter 15 (Noise & Vibration) of the Draft EIR, and potential air quality impacts are discussed in Chapter 6 (Air Quality) of the Draft EIR.

### **2.3.123 Response to Comment Letter 123: Marge Brigadier**

123-1: Please see Master Response 2.2.1 regarding the harbor seal colony.

123-2: Please see Master Response 2.2.7 regarding parking. Chapter 17 of the Draft EIR evaluates project traffic.

123-3: Please see Master Response 2.2.5 regarding water supply, demand and allocation to the site.

123-4: See Master Response 2.2.2 regarding use of story poles.

#### **2.3.124 Response to Comment Letter 124: Michael Broome**

124-1: Please see Master Response 2.2.1 regarding the harbor seal colony.

124-2: See Master Response 2.2.6 regarding tree removal and mitigation.

#### **2.3.125 Response to Comment Letter 125: Michelle Gonsalves and Michael Kirch**

125-1: Comments in general opposition to the project are noted for the record. Please see Master Response 2.2.8 regarding historic resources, Master Response 2.2.4 regarding project size and scale, and Master Response 2.2.6 regarding tree removal and mitigation.

#### **2.3.126 Response to Comment Letter 126: May Jernigan**

126-1: Please see Master Response 2.2.1 regarding the harbor seal colony.

#### **2.3.127 Response to Comment Letter 127: Meg McWhinney**

127-1: General comments in opposition to the project are noted for the record. Please see Master Response 2.2.1 regarding the harbor seal colony and Master Response 2.2.6 regarding tree removal and mitigation.

#### **2.3.128 Response to Comment Letter 128: Melanie Moreno**

128-1: Comments in general opposition to the project are noted for the record. Please see Master Response 2.2.1 regarding the harbor seal colony. Traffic issues are addressed in detail in Chapter 17 of the Draft EIR.

128-2: Please see Master Response 2.2.6 regarding tree removal and mitigation and Master Response 2.2.4 regarding project size, scale and aesthetics.

#### **2.3.129 Response to Comment Letter 129: Michelle Raine**

129-1: Please see Master Response 2.2.3 regarding public review of the Draft EIR. See Master Response 2.2.2 regarding use of story poles. See Master Response 2.2.4 regarding the visual analysis and tree ribbons.

#### **2.3.130 Response to Comment Letter 130: Michelle Raine**

130-1: With respect to the Draft EIR Project Description (Chapter 3), the EIR analyzes the project as it was proposed. Project consistency with the Local Coastal Program (LCP) Implementation Plan is a function of staff's review of the Coastal Development Permit application. That review is a concurrent but separate process. It is common that commercial end users are not known during project design and review. The Draft EIR makes reasonable assumptions for the commercial use throughout the document. See Master Response 2.2.5 regarding water use. The Draft EIR uses an environmental baseline from the time of issuance of the Notice of Preparation (November 2019), before the onset of the COVID-19 pandemic. Any

correlation between the pandemic and the project's future construction schedule would require a great deal of speculation, which is discouraged in CEQA analyses.

130-2: The comment cites components of the project description. Questions regarding the mechanics of any necessary lease agreement(s) are beyond the scope of the environmental review. See response to comment 6-6 regarding property access.

130-3: Please see Master Response 2.2.1 regarding noise and the harbor seal colony. The analysis of construction noise on the marine environment and surrounding uses is detailed in Draft EIR Chapters 7 and 9.

130-4: Comments regarding the project size are noted for the record. See Master Response 2.2.3 regarding public review and noticing of the Draft EIR. Chapter 17 of the Draft EIR addresses traffic generation, including the segments noted. Please see response to comment 130-1 above regarding the environmental baseline for the Draft EIR analysis. Economic impacts are beyond the scope of CEQA.

130-5: Regarding construction traffic, pages 17-25 and 17-26 discuss and disclose construction related trips on the network and construction management requirements. Construction trips (truck, hauling, and workers) have been factored into the modeling for air quality, greenhouse gasses and noise. Please see also response to comment 77-4.

130-6: Comment cites information from the Draft EIR project description and a summary of the City's Local Coastal Program Zoning and Implementation. Comments are noted.

130-7: Please see response to comment 130-2 above regarding lease agreement(s). The Draft EIR evaluates the environmental effects of the project as it was proposed. General comments regarding project awareness and the pandemic are noted but are not related to the content of the Draft EIR.

130-8: The water demand analysis is included as Appendix O of the Draft EIR and summarized in Chapter 19. The water demand analysis addresses the project as proposed. Please see Master Response 2.2.5 regarding water supply and allocation.

130-9: Please see Master Response 2.2.6 regarding tree location, removal and mitigation. Regarding the comment on tree marking, the marking of trees proposed for removal is a requirement of the project's required planning permits rather than an EIR requirement. However, please note that the trees currently are marked. Please see Master Response 2.2.4 regarding visual effects.

130-10: General statement regarding project compliance with General Plan and LUP policies is noted. Project consistency with relevant goals and policies is required by the City as part of the planning application review process. Please see also Table 14-1 (Draft EIR Land Use Chapter), which provides an analysis of the project compared to relevant environmental policies of the LUP.

The coastal hazards analysis as it relates to the proposed project is presented on page 13-21 of the Draft EIR. The analysis concluded that the project is not at significant risk from coastal hazards. See also response to comment 69-3.

130-11: Excerpt from the LUP and general comments regarding project size and design are noted. Please see Master Response 2.2.2 regarding story poles and Master Response 2.2.4 regarding project size and scale as well as visual resources. All projects requiring discretionary approval must be reviewed by the City for consistency with applicable planning documents, goals and policies prior to approval.

130-12: Please see response to comment 130-1 regarding future commercial tenants. Please see Master Response 2.2.7 regarding project parking. Traffic trip generation is detailed in Chapter 17. Public spaces are located throughout the proposed project (Draft EIR page 3-13). Cumulative effects of commercial uses are included in the assumptions and analysis of all subjects and are addressed in each environmental analysis chapter of the Draft EIR.

130-13: General comments regarding existing businesses and parking are noted.

130-14: Comments regarding AMBAG employment statistics are noted. The information provided in Chapter 4 is provided to support the conclusion that population and housing is not a significant environmental issue addressed in the Draft EIR based on CEQA thresholds, because the project is a hospitality and commercial proposal. Please see responses to Letter 30 regarding employment, housing, wages and growth inducement.

130-15: Please see response to comment 130-1 regarding the timing of analysis and environmental baseline. Please see the Master Responses in this Final EIR that address the range of general issues raised.

130-16: Please see Master Response 2.2.4 regarding the visual and aesthetic analysis of the Draft EIR and the issues raised. The photos provided in the comment illustrate views from private property rather than public viewpoints. Comments regarding encroachments and the City's municipal code are noted but not clearly related to the analysis in the Draft EIR. The cited encroachment is along the project's Ocean View Boulevard frontage and it would be for the retention of the existing factory building's raised sidewalk and related architectural features (Building 1). No new encroachment is proposed along Ocean View Boulevard.

130-17: General disagreement with the conclusions of the LCP policy consistency analysis (Table 14-1) is noted for the record. This information is provided in the Draft EIR to answer the more narrow question under CEQA that asks if a project would "cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation (including a certified Local Coastal Program) adopted for the purpose of avoiding or mitigating an environmental effect" (Draft EIR page 14-5). The City is conducting a concurrent but separate review of LCP consistency as part of the Coastal Development Permit application review process. Please see response 130-16 above regarding the Ocean View Boulevard encroachment.

130-18: The reasoning for not choosing the Monterey Bay Aquarium as a key viewpoint for analysis is included in the excerpt of Chapter 5 (Aesthetics) that is provided in the comment. Disagreement with this rationale is noted.

130-19: General comments and opinion regarding project consistency with the General Plan are noted. The comment is correct that the Draft EIR does not contain an “architectural review”. No such review is required under CEQA. An architectural permit is one of the planning permits required for the project, and the architectural permit will be reviewed by the City’s Architectural Review Board and Planning Commission as part of the public hearings on the project.

130-20: Excerpts from Draft EIR page 5-28 (aesthetic impact thresholds) are noted. The cumulative assessment of aesthetic effects is discussed on page 5-48, and the commenter’s opinion on the Draft EIR’s conclusions on cumulative aesthetic impacts is noted.

130-21: Comments regarding the Draft EIR’s findings of significant and unavoidable effects are noted. Please see Master Response 2.2.1 regarding the harbor seal colony.

130-22: Please see Master Response 2.2.4 regarding the visual and aesthetic analysis conducted. Key Viewpoints (KVPs) were selected from publicly-accessible locations around the project site to provide a range of viewpoints from where the project could be seen.

130-23: Please see Master Response 2.2.4. See also response to comment 130-18 above regarding views from the aquarium. Figure 5-8 shows the pre-and post-project appearance from KVP 8, which provides the basis of the Draft EIR’s conclusions regarding impact significance on page 5-41. Comments regarding the scale of the proposed project and LCP policy compliance as well as visual screening and its effect on construction-phase noise and dust are noted.

130-24: Comments regarding the Draft EIR’s finding of a significant and unavoidable visual character effect as a result of the tree removals are noted. Potential glare impacts and mitigation of glare impacts are discussed on pages 5-47 and 5-48 of the Draft EIR. MM AES-3.1 provides for the incorporation of anti-reflective glass products and surfaces to reduce glare. Please also see Master Response 2.2.4.

130-25: General disagreement with the Draft EIR’s conclusions are noted for the record. Please see Master Responses and response to related comments throughout this Final EIR.

130-26: The comment appears to comment on a policy of the Pacific Grove LUP (“HAZ-1”). This is not a comment on the Draft EIR.

130-27: The excavation and removal of rock for the project parking areas is disclosed in the Project Description and analyzed throughout the Draft EIR. See also response to comment 19-2.

130-28: Please see response to comment 69-3 and Draft EIR page 13-21. The project is not at risk from the coastal hazards noted.

130-29: Comment objecting to underground parking is noted. Please see response to comment 130-28 above.

130-30: Please see response to comment 130-28 above.

130-31: Please see response to comment 130-28 above.

130-32: Please see response to comment 7-13 regarding truck routes. Chapter 6 (Air Quality) considers truck traffic and haul loads in the modeling of construction impacts.

130-33: Please see response to comment 7-13 regarding truck routes. Chapter 6 (Air Quality) considers truck traffic and haul loads in the modeling of construction impacts. Mitigation measures addressing dust and particulates are provided on page 6-19.

130-34: The conclusion regarding consistency with the Air Quality Management Plan is based on the quantified emissions modeling contained in Draft EIR Chapter 6.

130-35: See response to comment 77-1 regarding construction runoff. The grading and excavation quantities in MM AQ-2.1 to reduce fugitive dust are based on APCD standardized thresholds. The comment is correct that the project size is smaller than the 8.1 acre per day grading threshold that is applied in MM AQ-2.1. 8.1 acres per day is the standard for “minimal earthmoving”, while 2.2 acres per day is the standard for “grading and excavation”.

130-36: An air quality dust compliance monitor (MM AQ-2-2) is also charged with ensuring that measures are implemented at the job site and provides a direct contact for nuisance complaints. This is a common construction-phase air quality mitigation measure. Please see response to comment 130-33 above regarding construction related emissions.

130-37: Please see Master Response 2.2.6 regarding tree removal and mitigation. Regarding the comment on tree marking, the marking of trees proposed for removal is a requirement of the project’s required planning permits rather than an EIR requirement. However, please note that the trees currently are marked.

130-38: Please see Master Response 2.2.1 regarding the harbor seal colony.

130-39: Please see response to Letter 109.

130-40: Regarding hazards, hazardous materials and soil testing, please see Draft EIR page 12-5 that describes the soil borings and sampling that has taken place on the site. See also mitigation measures MM HAZ-2.1 through MM HAZ-2.4, which pertain to dry season excavation and testing of groundwater discharge, soil and groundwater management, soil vapor and

groundwater barriers, and testing and proper disposal of any contaminated materials encountered.

130-41: Comment summarizing a component of the coastal hazards investigation is noted. The project is not at risk from the coastal hazards as noted in the comment and in other responses such as response to comments 69-3 and 130-28.

130-42: Please see response to comment 130-40.

130-43: See response to comment 130-8.

130-44: General comment regarding project compatibility is noted.

130-45: General comments on policy consistency issues and effectiveness of proposed mitigation measures are noted.

130-46: Please see Master Response 2.2.1 regarding noise and vibration impacts and the harbor seal colony. Comments requesting enhanced noticing for the project are noted.

130-47: Please see response to comment 130-5.

130-48: Please see response to comment 130-8.

130-49: Regarding storm drains, the LUP policy cited is about beach outfalls. The project will not create new beach outfalls. Please also see the response to letter 146.

130-50: Comments suggesting a smaller alternative are noted for the record. Please also see response to comment 148-3.

### **2.3.131 Response to Comment Letter 131: Mary Doshay**

131-1: Please see Master Response 2.2.1 regarding noise and the harbor seal colony.

131-2: Please see Master Response 2.2.6 regarding tree removal and mitigation.

131-3: General comments regarding the project and its potential impacts are noted. Please see Master Responses, including Master Response 2.2.4 regarding the project size, scale and aesthetics.

### **2.3.132 Response to Comment Letter 132: Nan Heller**

132-1: The commenter's range of concerns is noted. Please see Master Responses that address the issues raised, as well as Draft EIR Chapter 17 (Transportation & Circulation) and responses to comments 16-3, 50-2 and 77-4 regarding traffic. See response to comment 69-3 regarding sea-level rise.

132-2: General comments in opposition to the project are noted for the record.

**2.3.133 Response to Comment Letter 133: Nancy Parsons**

133-1: General comments in opposition to the project are noted for the record.

**2.3.134 Response to Comment Letter 134: Patricia Addleman**

134-1: General comments regarding the design elements of the project are noted.

**2.3.135 Response to Comment Letter 135: Patty Pai**

135-1: General comments regarding the design elements of the project are noted. Please see Master Responses, including Master Response 2.2.1 regarding the harbor seal colony, Master Response 2.2.4 regarding the project size, scale and aesthetics, and Master Response 2.2.6 regarding tree removal and mitigation.

**2.3.136 Response to Comment Letter 136: Patsy Volpe and Melvin Beechman**

136-1: General comments in opposition to the project are noted. Please see Master Responses regarding the range of general issues raised.

**2.3.137 Response to Comment Letter 137: Ricki Bennett**

137-1: Please see Master Response 2.2.1 regarding the harbor seal colony, and pages 7-14 to 7-18 regarding potential impacts to black oystercatchers. Please see responses to Letter 7 and Master Response 2.2.6 regarding tree removal.

**2.3.138 Response to Comment Letter 138: Robert Fisher**

138-1: Comment questioning the effectiveness of the proposed mitigation measures related to harbor seals are noted. Please see Master Response 2.2.1.

138-2: General comments regarding the proposed tree removal and mitigation measure are noted. Please see Master Response 2.2.6.

138-3: General comments on the project's scale and compatibility with surrounding structures are noted. Please see Master Response 2.2.4.

138-4: Comments noting the benefits of use of story poles are noted for the record. Please see Master Response 2.2.2.

138-5: Comments regarding the nearby Chinese fishing village are noted. Please see Master Response 2.2.8. Construction monitoring by archaeological and tribal monitors is required for ground disturbances, as noted in MM CR-2.3 and MM CR-2.4 on pages 8-38 to 8-40 and in MM TCR-1.1 and MM TCR-1.2 on pages 18-8 to 18-9 of the Draft EIR.

**2.3.139 Response to Comment Letter 139: Richard Gelman**

139-1: General comments in opposition to the project are noted for the record.

**2.3.140 Response to Comment Letter 140: Rebecca Lee**

140-1: Comments regarding project size and design are noted for the record.

140-2: Comments regarding project design and recommendations are noted.

140-3: There are two entrances (arrival ports) to the project as described on page 3-14 of the Draft EIR. One is on Eardley Avenue, the other is on Ocean View Boulevard. The Central Avenue access is not a public access and would be used primarily for valet service that is not anticipated to present circulation issues.

140-4: Please see Master Response 2.2.6 regarding tree removal and mitigation. Pervious pavement is not specifically proposed at this time. Please see the mitigation measure MM BIO-3.4 regarding best management practices for tree planting and protection.

140-5: Mitigation measure BIO-2.1 specifies that tree removal shall occur outside of the nesting season. Design recommendations are noted.

140-6: Please see Master Response 2.2.3 regarding public review of the Draft EIR.

140-7: General closing comments regarding process are noted.

**2.3.141 Response to Comment Letter 141: Rebecca Perry**

141-1: Please see Master Response 2.2.6 regarding tree removal.

141-2: Please see Master Response 2.2.1 regarding the harbor seal colony.

**2.3.142 Response to Comment Letter 142: Reidunn Raudstein**

142-1: General comments in opposition to the project and regarding potential impacts related to the project size, traffic, noise disturbance, and water supply are noted. Please see Master Responses 2.2.1, 2.2.4, 2.2.5, and Chapter 17 (Transportation & Circulation) for more information on the general issues raised.

**2.3.143 Response to Comment Letter 143: Sally Aberg**

143-1: General comments in opposition to the project, its size, the amount of excavation, and proposed tree removal are noted for the record. Please see Master Response 2.2.4 regarding project size and scale, Master Response 2.2.2 regarding story poles, and Master Response 2.2.6 regarding tree removal and mitigation. Remaining comments do not address the contents or findings of the Draft EIR.

**2.3.144 Response to Comment Letter 144: Sarah Diehl**

141-1: General comments in opposition to the project are noted. The project is not related to any prior proposal at the project site. No prior hotel project has been approved for this site.

141-2: Comments related to tree removal and noise impacts for harbor seals and other marine life are noted. Please see Master Responses 2.2.6 regarding tree removal and mitigation and Master Response 2.2.1 regarding the harbor seal colony.

141-3: Comments regarding traffic congestion are noted. Chapter 17 of the Draft EIR quantifies the effects of the project on the local roadway system. See also response to comments 16-3 and 77-4.

141-4: Comments regarding project design are noted for the record.

### **2.3.145 Response to Comment Letter 145: Scott Miller**

145-1: Comments focus on the size of the project. Please see Master Response 2.2.4 regarding project size and scale. The Draft EIR analyzes the project as it was proposed. See also Master Response 2.2.6 regarding tree removal. Recommendations for a smaller project are noted for the record.

145-2: Please see Master Response 2.2.2 regarding story poles.

### **2.3.146 Response to Comment Letter 146: Tony Ciani**

146-1: Regarding runoff, Draft EIR page 13-18 explains that due to the impermeable bedrock at the site, non-retention based treatment systems will likely be required to comply with water quality regulations and performance standards, including the Pacific Grove ASBS Compliance Plan and NPDES discharge requirements. The project will be required to demonstrate compliance with all existing regulations, performance standards and permit conditions. A Storm Water Pollution Prevention Plan (SWPPP) is one of those requirements. Please also see response to comment 77-1 regarding construction runoff. See Draft EIR pages 13-17 through 13-20.

146-2: Comment noted. The project will be required to demonstrate compliance with all existing regulations, performance standards and permit conditions related to storm water quality. See Draft EIR pages 13-17 through 13-20.

146-3: Comment noted. The project will be required to demonstrate compliance with all existing regulations, performance standards and permit conditions related to storm water quality and wastewater conveyance. See Draft EIR pages 13-17 through 13-20.

146-4: Please see response to comment 146-1 above. See Draft EIR pages 13-17 through 13-20.

146-5: Please see response to comment 146-1 above. See Draft EIR pages 13-17 through 13-20.

### **2.3.147 Response to Comment Letter 147: Tony Ciani**

147-1: The comments in this letter provide a range of opinions regarding the proposed project's design and a broad critique of Chapter 5 of the Draft EIR (Aesthetics). The comments question analysis methods, the standard of review under CEQA, conclusions, and consistency with City

policies. Please see Master Response 2.2.4, specifically prepared to address the main issues raised in this initial comment and the comment letter as a whole. Additional responses to related issues are provided below.

147-2: With respect to the range of alternatives analyzes in the Draft EIR, please see response to comment 148-6.

147-3: Comments address City project review procedures and requirements of review for the Coastal Development Permit application. Please see Master Response 2.2.4 regarding this issue.

147-4: Comments address City project review procedures, including public review and participation. Comments also provide a critique of the analysis methods used in Draft EIR Chapter 5 (Aesthetics). Please see Master Response 2.2.4 regarding these issues, as well as Master Response 2.2.3 regarding public review of the Draft EIR.

147-5: With respect to the methods used in the Draft EIR's visual analysis, please see Master Response 2.2.4. Regarding the regulatory setting in the Draft EIR (Chapter 5, page 5-23), this discussion is intended to identify the most relevant regulatory or policy documents related to the standards of environmental review under CEQA and the City of Pacific Grove. The goals and policies related to aesthetics and visual quality are included to demonstrate where policies or existing regulations are in place to help guide land use decisions and/or mitigate environmental concerns. With a recently certified Local Coastal Program (LCP), LCP is the authoritative and most relevant coastal resource protection document for Pacific Grove, approved by the City and certified by the California Coastal Commission through a multi-year public process. It is not necessary for the Draft EIR for this local project to cite or reproduce all preceding federal or State coastal regulations in order to address the thresholds of significance identified on page 5-28.

The project is not located within Monterey Bay National Marine Sanctuary (MBNMS). As noted on the Sanctuary's webpage, "the marine sanctuary encompasses no dry ground".<sup>4</sup> The Sanctuary is mentioned, however, in other relevant chapters of the Draft EIR, such as Hydrology and Water Quality.

147-6: Please see response to comment 147-5 above regarding the regulatory setting for Draft EIR Chapter 5. The fact that a portion of the project site is within the Coastal Commission's appealable jurisdiction is identified on page 14-2 of the Draft EIR. This fact does not change the analysis requirements for the project. Please see Master Response 2.2.4 regarding the analysis requirements for the project's Coastal Development Permit application, pursuant to the City's certified LCP.

147-7: Comments regarding City of Pacific Grove's guiding principles are noted. Please see response to comment 147-5 above regarding the regulatory setting. As noted on pages 5-23

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<sup>4</sup> <https://montereybay.noaa.gov/resourcepro/jurisdiction.html>

and 5-27 of the Draft EIR, the goals and policies related to aesthetics and visual quality are shown to demonstrate where policies or existing regulations are in place to help guide land use decisions and/or mitigate environmental concerns. Section 5.5.3 is not intended to be a detailed policy analysis, nor would the Draft EIR benefit from reproducing every policy of the General Plan.

147-8: Please see Master Response 2.2.4 regarding the analysis methods of Draft EIR Chapter 5. Opinions regarding compatibility are noted for the record.

147-9: The commenter's opinions regarding project scale and impact are noted for the record. Please see Master Response 2.2.4. Please note that the aesthetic changes resulting from the project, in part due to the removal of existing Monterey cypress trees, were identified as significant and unavoidable in the Draft EIR.

147-10: The commenter's observations of the project area are noted for the record. The City appreciates that there are many different viewpoints of the project site from public locations. Please see Master Response 2.2.4 regarding project scale.

147-11: Please see Master Response 2.2.4 regarding project size and scale, depiction of trees, and the City's analysis requirements for the project's Coastal Development Permit application.

147-12: Disagreement with statements and conclusions of the Draft EIR are noted for the record. Please see Master Response 2.2.4 regarding project size and scale and the City's analysis requirements for the project's Coastal Development Permit application. The "original subdivision" noted in the historic report showing small residential lots was not developed as depicted. The site contains large warehouse and industrial structures as the existing setting, to which the project is compared for context.

147-13: Differences of opinion regarding the visual and aesthetic effects of the project and demolition of existing structures are noted for the record. Section 5.3 of the Draft EIR provides general information regarding how visual quality is determined and is not intended to analyze or characterize the project site. The analysis from individual key viewpoints (KVPs) such as KVP 8 does not change the overall conclusion cited in the comment that the project would result in significant unavoidable visual changes.

147-14: Commentary regarding the visual setting of the project area and opinion regarding the change in visual character are noted for the record. Recommendations for project changes are also noted. The Draft EIR evaluates the project as it was proposed.

### **2.3.148 Response to Comment Letter 148: Tony Ciani**

148-1: Please see Master Response 2.2.8 regarding the impact assessment of cultural and historic resources. Comments generally concur with the Draft EIR's conclusions that the project site contains historic structures and that the project would result in significant impacts under CEQA.

148-2: The commenter's disagreement with certain findings of the Historic Resources Technical Report (HRTTR) prepared by Page & Turnbull (Draft EIR Appendix E) are noted for the record. Comments and recommendations regarding project design and adaptive reuse of existing structures are also noted. The Draft EIR evaluates the project as proposed.

148-3: Comments recommending rehabilitation of existing buildings are noted. The Draft EIR evaluates the project as it was proposed by the applicant. Please see responses to Letter 147 regarding project size, scale and aesthetics. The assumptions for cumulative development are included on page 4-5 of the Draft EIR. These assumptions do not include any additional development along Central Avenue. Opportunities for using tax credits for rehabilitation projects are noted for the record but are not related to the contents or analysis of the Draft EIR.

148-4: The comment notes that the project is not in compliance with Secretary of the Interior's Standards for Rehabilitation, Standard No. 9. This is consistent with the findings of the Draft EIR on page 8-33. Please also see Master Response 2.2.8. Regarding project size and scale, please see Master Response 2.2.4 and responses to letter 147.

148-5: Comments regarding the removal of trees as a contributor to impacts is noted. Please see Master Response 2.2.4 that identifies tree removal as one of the contributors to a significant unavoidable visual impact. Impacts to historic resources were also identified and disclosed as significant and unavoidable with project implementation.

148-6: Pages 20-1 through 20-3 of the Draft EIR provide the requirements under CEQA and the rationale for the alternatives selected for analysis in compliance with CEQA. CEQA Guidelines Section 15126.6 (as noted on page 20-1) advise that an EIR need not consider every conceivable alternative to a project, but rather a reasonable range to help inform decision makers while avoiding or substantially reducing one or more environmental impact. The alternatives included in Chapter 20 responds to these requirements. CEQA does not require a comprehensive evaluation of design alternatives. Chapter 21 does, however, evaluate a "lower profile" alternative (Alternative B) that is reflective of the suggestion in the comment.

With respect to the request for additional alternatives to explore consistency with City policies, please note the rationale above for the range of alternatives included in the Draft EIR. Chapter 14, Table 14-1 (Land Use) provides a general consistency evaluation of the project in the context of the Local Coastal Program (LCP), for those policies specifically adopted for avoiding or mitigating an environmental effect. This information is provided specifically in response to CEQA thresholds of significance, as the LCP is the most recent and comprehensive policy document addressing coastal environmental resources and this particular project site. Independent of the EIR, the City must make findings of project consistency with relevant planning documents.

148-7: The list of design options suggested to the applicant are noted for the record. The Draft EIR evaluates the project as it was proposed.

148-8: Citation of PRC Section 21003(a), regarding administration of process, is noted. The City is concurrently reviewing the environmental effects of the project as proposed and reviewing the Coastal Development Permit application for completeness and adequacy. Action on all requested entitlements is anticipated to take place concurrently to the maximum extent feasible. Please see Master Response 2.2.3 regarding public review of the Draft EIR, as well as Master Responses 2.2.2, 2.2.4 and 2.2.8 regarding the other issues raised in closing.

### **2.3.149 Response to Comment Letter 149: Tony Ciani**

149-1: Figure 17-2, Site Plan and Vehicular Circulation is simply a diagram to illustrate basic access points and circulation. The mitigation measures of the Draft EIR (MM TRA 3.1 and MM TRA 3.2) are not reflected on the diagram.

149-2: Regarding parking, please see Master Response 2.2.7.

149-3: The project site plan was reviewed by professional transportation engineers in the preparation of Chapter 17 of the Draft EIR. No specific environmental (safety) issues were identified with the hotel arrival areas (porte cochere), as these areas have queueing capacity for the proposed use. The project design must ensure that sight distance is adequate as the project progresses to engineering map review. If vehicles entering the porte cochere need to temporarily wait for cross traffic, this is a normal traffic movement and does not pose an acute hazard. Please also see response to comment 16-3.

### **2.3.150 Response to Comment Letter 150: Tony Ciani**

150-1: Comments on the City's planning process and procedures for review of a project before various decision-makers are noted for the record. Please also see responses to comment 148-6 and 148-8.

### **2.3.151 Response to Comment Letter 151: Tony Ciani**

151-1: General comment regarding previous comments submitted by the commenter and the request for recirculation of a revised CEQA document are noted. Please see responses to all prior comments.

### **2.3.152 Response to Comment Letter 152: Thomas Lindberg**

152-1: General comments concerned with project scale, traffic and tree removal are noted for the record. Please see Master Response 2.2.4 regarding project size and scale and Master Response 2.2.6 regarding tree removal. Traffic issues are addressed in detail in Chapter 17 of the Draft EIR.

### **2.3.153 Response to Comment Letter 153: Wendi Giles**

153-1: General comments in opposition to the project are noted for the record. Please see Master Responses 2.2.2 regarding use of story poles and Master Response 2.2.4 regarding project size, scale, and aesthetics.

### 3 Changes to the Draft EIR (EIR Errata)

Changes to the Draft EIR are shown on the following pages in the order that they appear in the EIR. New text is shown in underline, and removed text is shown in ~~striketrough~~. These text changes do not constitute substantial new information (per CEQA Guidelines Section 15088.5) and do not result in significant new impacts or the increase in severity of impacts already disclosed.

Page 3-7:

#### 3.1.1 General Plan and Local Coastal Program

Under the City of Pacific Grove's existing General Plan, ~~the majority of the project site is designated V-C, Visitor Commercial. The parcel at 124 Central Avenue is designated~~ Central-Eardley Commercial (CEC). The City of Pacific Grove's Local Coastal Program (LCP) was adopted by the City Council in January 2020 and certified by the Coastal Commission in March 2020. The LCP Land Use Plan (LUP) designates the entire site as approved recognizes the ATC site for "Visitor Accommodation" and "Visitor Serving Commercial" (V-C) uses. Hotel and commercial uses are explicitly allowed and anticipated by the LCP for this location, with site-specific development standards set forth in the LCP's Implementation Plan (IP) as discussed below in Section 3.3.2. Allowed uses include:

Page 3-26:

Construction of subterranean levels would require excavations of up to 18 feet in depth in the upper portion of project and 3 to ~~6~~ 9 feet in the lower portion. Preliminary estimates are for 47,100 cubic yards of cut material, and 400 cubic yards of fill, resulting in a net export and off haul of approximately 46,700 cubic yards of material.

Page 4-4:

The proposed project replaces the existing 165,000 square feet of retail use with a hotel of approximately 225 rooms and 20,000 square feet of street retail uses. Neither the existing project site nor the proposed project include housing or other structures where people reside. Therefore, the proposed project would not displace housing or people, and it would not necessitate construction of replacement housing elsewhere. The project could generate approximately ~~172~~ 161 hotel, commercial and restaurant jobs.

Page 5-48:

#### MM AES-3.1 Light and Glare Reduction

Prior to issuance of building permits, the project shall incorporate anti-reflective (AR) glass products and surfaces selected specifically to minimize reflective glare along the project's eastern/northeastern

elevations. In addition, throughout project construction and operation, the project shall use directional lighting, shielding and (if necessary) window tinting or similar treatment to ensure that increased light from the project site does not unnecessarily spill over on adjacent properties and associated beaches at night. The project's Exterior Lighting Plan shall also be submitted to the Monterey Peninsula Airport Manager for review and approval consistent with ALUC standard conditions. "Bird friendly" window material should be used within the project design.

Pages 7-6, 7-7:

Harbor seals rest and pup in a rookery in relatively close proximity to the ATC site. Harbor seals are particularly vulnerable to human disturbance when pupping and weaning their pups, and the seals are protected by the Marine Mammal Protection Act (MMPA). The nearest pupping and weaning sites are located at the sandy beach at the west end of the Hopkins Marine Station (West Beach), approximately 400 feet northwest from the nearest corner of the project site, as well Fisher Beach, about 255 feet from the site across Ocean View Boulevard. Seals are also known to rest on the rock outcrops out beyond Hopkins Marine Station.

Page 7-14

### Construction

The project as proposed ... will result in temporarily elevated levels, particularly during the initial phases of construction. Noise levels from the loudest equipment may reach up to 86 decibels (dBA) at the tuna research facilities, and up to 77 dBA at the beach at Point Cabrillo. These noise levels would not be constant, but would fluctuate during the day as work progresses. In terms of vibration, while Federal Transportation Administration (FTA) thresholds would not be met, the unique characteristics of the seal rookery at the beach (255-400 feet away) and black oystercatcher nesting grounds (500 feet away) warrant additional precaution in order to avoid shoreline habitats. These noise levels, concentrated over a period of approximately nine to ten weeks, could disturb protected species along the rocky shoreline known to occur or potentially occur approximately ~~400-~~255-500 feet from the nearest construction zones.

Page 7-15

As stated previously, harbor seals are protected by the federal Marine Mammal Protection Act. The seals are particularly vulnerable to human disturbance when pupping and weaning their pups. The primary pupping and weaning sites near the ATC project site ~~is are~~ located off site at a distance of 255-400 feet, across Ocean View Boulevard, at the sandy beaches at the west end of ~~near~~ the Hopkins Marine Station. ~~This~~ These rookery locations ~~is are~~ known to be used by a harbor seal colony for both

resting and pupping. Direct disturbance of this colony during construction, from noise and/or vibration, could result in a violation of the MMPA if such disturbance interrupts pupping or weaning, or otherwise causes the colony to relocate. Based on the noise data from Chapter 15, Noise and Vibration, construction noise levels at the beach and seal rookery could reach ~~77~~81 decibels (dBA), while the ~~average ambient~~ noise level at ~~this Point Cabrillo location was measured at (CNEL)~~ is 64 decibels CNEL. As identified in Chapter 15, changes in the noise environment at these levels is not expected to be significant enough to modify harbor seal behavior; however, this is a unique receptor and marine mammal protection is a priority for the City.

Similarly, vibration levels at 255 ~~400~~ or more feet from the construction zone will also be well below FTA thresholds (Chapter 15, Table 15-12), and should not be perceptible at this distance. In addition, the National Oceanic and Atmospheric Administration (NOAA) released a study in 2018 that evaluated primarily underwater noise thresholds for marine mammals.<sup>5</sup> A separate study released by the United States Coast Guard Monterey Station evaluated both air and underwater noise thresholds. This study identified a level of 90 dB RMS (root-mean-square) for harbor seals and 100 dB RMS for non-harbor seal pinnipeds.<sup>6</sup> The data found limited responses to levels of 90 to 120 dB RMS but increased probability of behavioral effects in the 120 to 160 dB RMS range. The nearest seals would be located approximately ~~400~~ 255 feet from the project site, where construction vibration levels would be a maximum level of ~~58~~ 65 dB RMS.

Page 7-17

#### MM BIO-1.1 Noise Attenuation to Minimize Effects on Shoreline Species During Project Construction

Prior to the start of demolition work, the project sponsor shall install construction perimeter fencing or similar barriers that incorporate noise attenuating materials (such as noise absorbing fiberglass blankets, tarps, tubular framing, sheathing etc.) along the Dewey Avenue and Ocean View Boulevard perimeters nearest the shoreline, including the entirety of the project boundary that faces Hopkins Marine Station and associated beaches. Barriers shall interrupt the “line of sight” between the noise source and the protected species. The barriers shall remain in place as long as noise-generating excavation and construction activities continue. This measure should be combined with MM AES-1.1 (construction screening) and MM N-1.2 (noise construction barriers) to provide a single barrier system that addresses both noise and aesthetic issues.

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<sup>5</sup> NOAA Technical memorandum NMFS-OPR-59, *2018 Revisions to: Technical Guidance for Assessing the Effects of Anthropogenic Sound on Marine Mammal Hearing*, April 2018.

<sup>6</sup> U.S. Coast Guard Civil Engineering Unit Oakland, *Incidental Harassment Authorization for Waterfront Repairs at USCG Station Monterey*, June 2013.

**MM BIO-1.2 Timing of Demolition and Excavation**

Demolition, grading and excavation of the site for sub grade construction shall take place only between ~~June~~ July 1 and February 1 (outside the harbor seal pupping and weaning season of February through May) to avoid potential disturbance of the local harbor seal population that may be using the beach areas to the east and west of Hopkins Marine Station. A qualified biologist retained by the City shall monitor the rookery prior to the start of construction to identify any late season pupping/weaning activity. Construction may be temporarily delayed until the biologist confirms that active pupping is complete.

**MM BIO-1.3 Biological Monitor**

During the ~~initial demolition and excavation~~ phases of construction that generate higher noise and vibration levels, the project sponsor shall fund the engagement of a qualified biological monitor(s) approved by and under contract to the City to observe and document behavior of both harbor seal and black oystercatcher populations. Monitoring shall occur daily during the initial demolition and excavation phase, and twice monthly during the remainder of the construction program. Activity or behavior identified by the monitor(s) indicative of unusual stress or threatening relocation shall cause immediate work stoppage and notification of the City and project sponsor. Work shall resume only after noise levels are reduced and additional noise/disturbance protection measures are employed and tested in the field for effectiveness.

Page 7-18

**MM BIO-2.1 Preconstruction Bird Surveys**

The applicant shall schedule all on-site tree removal ~~and grading~~ to occur between August 31~~st~~<sup>th</sup> and ~~February 1~~ March 1st of any given year to avoid the Central Coast bird nesting season and harbor seal pupping and weaning season. If this schedule is not practical, the project sponsor shall fund the engagement of a qualified biologist to conduct preconstruction nesting bird surveys no more than two weeks prior to removal of trees and grading. If no active bird nests are observed, no additional measures are required. If nesting birds are observed, the biologist will establish a buffer zone where no tree removal ~~or grading~~ will occur until the biologist confirms that all chicks have fledged. Regardless of season, tree removal seaward of Sloat Avenue shall not occur during the harbor seal pupping and weaning season (February to May).

Page 7-19

**MM BIO-3.3 Tree Planting/Replanting**

Replacement trees (on- or off-site) shall be ~~five~~fifteen-gallon stock or larger. Spacing between trees should be at least 8 feet apart where available space is indicated. Occasional deep watering (more than two weeks apart) during the late spring, summer, and fall is recommended during the first two years after establishment.

Page 14-4

**Zoning and Implementation**

The City's Zoning Ordinance implements the land use designations of the General Plan. The Implementation Plan (IP) of the LCP sets forth the zoning requirements for areas within the Coastal Zone, and the IP has been codified as Chapter 23.90 of the City's Municipal Code. The project site is zoned as C-V-ATC and C-~~12~~, with specific development and design standards for Visitor Serving (V-S), including for the American Tin Cannery project site. The IP's standards that are specific to the American Tin Cannery project site are set forth in Subsection 23.90.180.C.5.g of the City's Municipal Code. City staff, in reviewing the project, must consider these regulations and standards.

Page 15-11

**Table 15-5: Sensitive Receptors**

Receptor Description	Distance and Direction from the Project Site
Single-family residential community	35 feet west
Nan's Nursery	80 feet west
Monterey Bay Aquarium	100 feet east
Church of Christ	100 feet west
Hopkins Marine Station - Tuna Research Building and Tanks	135 feet southeast
Single-Family Residences	170 feet west
Point Cabrillo – Seal Rookery/haul out beaches	<u>255</u> -400 feet north
Point Cabrillo – Black Oystercatcher nesting habitat	500+ feet north
Martine Inn	975 feet northwest

Page 15-18

Table 15-10: Typical Construction Equipment Noise Levels

Equipment	Typical Noise Level (dBA)					
	Reference 50 feet	Admin Offices 5 feet	Dewey Avenue 35 feet	Tuna Research Building 135 feet	Fisher Beach 255 feet	Point Cabrillo 400 feet
Air Compressor	80	100	83	71	66	62
Backhoe	80	100	83	71	66	62
Compactor	82	102	85	73	68	64
Concrete Mixer	85	105	88	76	71	67
Concrete Pump	82	102	85	73	68	64
Concrete Vibrator	76	96	79	67	62	58
Crane, Derrick	88	108	91	79	74	70
Crane, Mobile	83	103	86	74	69	65
Dozer	85	105	88	76	71	67
Generator	82	102	85	73	68	64
Grader	85	105	88	76	71	67
Impact Wrench	85	105	88	76	71	67
Jack Hammer	88	108	91	79	71	70
Loader	80	100	83	71	66	62
Paver	85	105	88	76	71	67
Pneumatic Tool	85	105	88	76	71	67
Pump	77	97	80	68	63	59
Rail Saw	90	110	93	81	76	72
Rock Drill	95	115	98	86	81	77
Roller	85	105	88	76	71	67
Saw	76	96	79	67	62	58
Scarifier	83	103	86	74	69	65
Scraper	85	105	88	76	71	67
Spike Driver	77	97	80	68	63	59
Tie Cutter	84	104	87	75	70	66
Tie Handler	80	100	83	71	66	62
Tie Inserter	85	105	88	76	71	67
Truck	84	104	87	75	70	66

Note:

<sup>1</sup> Calculated using the inverse square law formula for sound attenuation:  $dB_{A2} = dBA_1 + 20\log(d_1/d_2)$ Where:  $dB_{A2}$  = estimated noise level at receptor;  $dBA_1$  = reference noise level;  $d_1$  = reference distance;  $d_2$  = receptor location distanceSource: Federal Transit Administration, *Transit Noise and Vibration Impact Assessment Manual*, September 2018.

Page 15-19

Other nearby sensitive receptors include Stanford University's Hopkins Marine Station research tanks and facilities (Tuna Research Building) located approximately 135 feet southeast of the site, the harbor seal rookery approximately 255-400 feet northeast of the site, and black oystercatcher nesting areas 500+ feet from the construction zone. These distances are measured from the project site to the sensitive receptor property

line. These receptors may be exposed to elevated noise levels during project construction.

The highest anticipated construction noise level for the Tuna Research Building is 86.0 dBA and is expected to occur during the grading and excavation phase. However, the fish tanks are located indoors which would attenuate noise by approximately 25 dBA<sup>7</sup> resulting in a noise exposure level of 61 dBA. The beach area at Point Cabrillo, the seal rookery location, is located approximately 400 feet from the project site and would experience the highest anticipated noise level during construction at approximately 77 dBA. Fisher Beach, at 255 feet, would experience levels estimated at 81 dBA. While the project-related construction noise would be below both thresholds, protection of marine mammals is a priority for the City.

Page 15-20

#### **MM N-1.1 Construction Noise Reduction**

Prior to the issuance of demolition or grading permits, the City shall ensure that the project applicant includes the following on all construction plans and contracts for the proposed project:

Construction Hours. Limit construction activity to the hours listed in **Table 15-9** (10:00 am to 5:00 pm on Sundays and 8:00 am to 6:00 pm on Monday through Saturday).

Construction Equipment. Properly maintain construction equipment and ensure that all internal combustion engine driven machinery with intake and exhaust mufflers and engine shrouds (if the equipment had such devices installed as part of its standard equipment package) that are in good condition and appropriate for the equipment. Equipment engine shrouds shall be closed during equipment operation. The developer shall require all contractors, as a condition of contract, to maintain and tune-up all construction equipment to minimize noise emissions.

Vehicle and Equipment Idling. Construction vehicles and equipment shall not be left idling for longer than five minutes when not in use.

Stationary Equipment. All noise-generating stationary equipment such as air compressors or portable power generators shall be located as far as possible from sensitive receptors. Temporary noise barriers shall be constructed to screen stationary noise generating equipment when located near adjoining sensitive land uses. Temporary noise barriers

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<sup>7</sup> Per EPA, Protective Noise Levels, November 1978, typical construction can reduce indoor noise levels by 25 dBA.

~~could~~ shall be designed to reduce construction noise levels by at least 10 dBA.

Construction Route. All construction traffic to and from the project site shall be routed via designated truck routes where feasible. All construction-related heavy truck traffic in residential areas shall be prohibited where feasible.

Workers' Radios. All noise from workers' radios shall be controlled to a point that they are not audible at sensitive receptors near the construction activity.

Construction Plan. Prior to issuance of any grading and/or building permits, the contractor shall prepare and submit to the City for approval a detailed construction plan identifying the schedule for major noise-generating construction activity.

Disturbance Coordinator. A "noise disturbance coordinator" shall be designated by the contractor. The noise disturbance coordinator shall be responsible for responding to any local complaints about construction noise. The noise disturbance coordinator shall determine the cause of the noise complaint (e.g. starting too early, bad muffler, etc.) and shall require that project construction activities cease until all reasonable measures warranted to correct the problem ~~be~~ have been implemented. The project applicant shall conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.

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**Table 15-12: Typical Construction Equipment Vibration Levels** lists vibration levels for typical construction equipment at worst-case distances of 35 feet for Dewey Avenue residential areas, 135 feet for the Hopkins Marine Station Tuna Research Building, and 400 feet for the seal rookery at the beach near Point Cabrillo. Although not considered a sensitive receptor, the administrative offices located approximately 5 feet from the excavation area are included in **Table 15-12**. Groundborne vibration generated by construction equipment spreads through the ground and diminishes in magnitude with increases in distance.

Table 15-12: Typical Construction Equipment Vibration Levels

Equipment	Peak Particle Velocity (in/sec)			Lv, RMS velocity in dB, VdB re 1 µin/s					
	Reference Level at 25 Feet	Office Uses at 5 Feet	Dewey Avenue at 35 Feet	Reference Level at 25 Feet	Dewey Avenue at 35 Feet	Office Uses at 5 Feet	Tuna Research Building at 135 Feet	Fisher Beach at 255 Feet	Point Cabrillo at 400 Feet
Vibratory Roller	0.210	2.348	0.127	94	90	115	72	<u>65</u>	58
Large Bulldozer	0.089	0.995	0.054	87	83	108	65	<u>58</u>	51
Loaded Trucks	0.076	0.850	0.046	86	82	107	64	<u>57</u>	50
Jackhammer	0.035	0.391	0.021	79	75	100	57	<u>50</u>	43
Small Bulldozer	0.003	0.034	0.002	58	54	79	36	<u>29</u>	22

PPV = Peak Particle Velocity, Lv = vibration level, RMS = root mean square, VdB = Vibration Decibels (the vibration velocity level in decibel scale)

Notes:

1. Calculated using the following formula:  $PPV_{equip} = PPV_{ref} \times (25/D)^{1.5}$ , where:  $PPV_{equip}$  = the peak particle velocity in in/sec of the equipment adjusted for the distance;  $PPV_{ref}$  = the reference vibration level in in/sec from Table 7-4 of the Federal Transit Administration, *Transit Noise and Vibration Impact Assessment Manual*, 2018; D = the distance from the equipment to the receiver.
2. Calculated using the following formula:  $Lv(D) = Lv(25 \text{ feet}) - (30 \times \log_{10}(D/25 \text{ feet}))$  per the FTA Transit Noise and Vibration Impact Assessment Manual (2018).

Source: Federal Transit Administration, *Transit Noise and Vibration Impact Assessment Manual*, 2018.

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The National Oceanic and Atmospheric Administration (NOAA) released a study in 2018 that evaluated primarily underwater noise thresholds for marine mammals.<sup>8</sup> A separate study released by the United States Coast Guard Monterey Station evaluated both air and underwater noise thresholds. This study identified a level of 90 dB RMS (root-mean-square) for harbor seals and 100 dB RMS for non-harbor seal pinnipeds.<sup>9</sup> The data found

<sup>8</sup> NOAA Technical memorandum NMFS-OPR-59, *2018 Revisions to: Technical Guidance for Assessing the Effects of Anthropogenic Sound on Marine Mammal Hearing*, April 2018.

<sup>9</sup> U.S. Coast Guard Civil Engineering Unit Oakland, *Incidental Harassment Authorization for Waterfront Repairs at USCG Station Monterey*, June 2013.

limited responses to levels of 90 to 120 dB RMS but increased probability of behavioral effects in the 120 to 160 dB RMS range. The nearest seals would be located approximately ~~255~~ ~~400~~ feet from the project site, where construction vibration levels would be a maximum level of ~~65~~ ~~58~~ dB RMS.

#### **MM N-3.1 Vibration Monitoring**

Prior to any ground-disturbing activities, the applicant shall fund the installation of vibration (seismic) monitoring devices at the nearest Hopkins Marine Station tuna research tank(s) and closest exhibits of the Monterey Bay Aquarium. The applicant shall provide evidence acceptable to the City that the vibration monitoring devices have been installed. The purpose of these devices is to allow Marine Station research staff to observe changes in vibration during the construction and excavation phase, if any, relative to ongoing research and observed fish behavior. If specific adverse effects are observed during construction and excavation, representatives of Hopkins Marine Station shall notify the City Community Development Department, and such effects shall cause immediate work stoppage and notification of the ~~City and~~ project sponsor. Work shall resume only after additional vibration protection measures are employed, ~~and tested, and confirmed to reduce vibration at Hopkins Marine Station to acceptable levels.~~

Monitors shall also be placed at adjacent business and residences consistent with industry standards. The specific location and number of seismic monitoring devices will be determined within the Vibration Management Plan required by MM N-3.2 and as included in construction documents.

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#### **MM TCR-1.1 Native American Consultation and Participation**

Consistent with current California requirements and LCP policy, the project's Archaeological Monitoring and Treatment Plan will be provided to representatives of the Ohlone/Costanoan Esselen Nation for review and comment as part of the City's consultation process. Amendments to this plan will be made as necessary following the completion of the consultation process.

During project construction, a Native American monitor assigned by the Ohlone/Costanoan Esselen Nation (OCEN) tribal leadership will be present for all ground disturbance. If any tribal cultural resources are found, the project applicant and/or its contractor shall cease all work within ~~50~~ 100 feet of the discovery and immediately notify the City of Pacific Grove Planning Division. The OCEN Native American monitor(s)

will contact the OCEN Tribal Chair and in consultation with the City and an archeologist evaluate the finds. Appropriate mitigation measures for the inadvertently discovered tribal cultural resource shall be at the direction of OCEN tribal leadership. The City and tribal representative shall consider the mitigation recommendations and agree on implementation of the measure(s) that are feasible and appropriate. Such measures may include reburial of any ancestral remains, avoidance, preservation in place, excavation, documentation, or other appropriate measures.



## 4 Draft Mitigation Monitoring and Reporting Program

### 4.1 Public Resources Code

When approving projects with Environmental Impact Reports (EIRs) that identify significant impacts, the California Environmental Quality Act (CEQA) requires public agencies to adopt monitoring and reporting programs or conditions of project approval to mitigate or avoid the identified significant effects (Public Resources Code Section 21081.6(a)(1)). A public agency adopting measures to mitigate or avoid the significant impacts of a proposed project is required to ensure that the measures are fully enforceable, through permit conditions, agreements, or other means (Public Resources Code Section 21081.6(b)). The program must be designed to ensure project compliance with mitigation measures during project implementation.

The MMRP is organized in a table format (see [Table 4-1: Mitigation Monitoring and Reporting Program for the American Tin Cannery Hotel and Commercial Project](#), keyed to each significant impact and each EIR mitigation measure. Only mitigation measures adopted to address significant impacts are included in this program, based upon whether the measure applies to the hotel and commercial development. Each mitigation measure is set out in full, followed by a tabular summary of monitoring requirements. The column headings in the tables are defined as follows:

- **Mitigation Measures:** This column presents the mitigation measure identified in the EIR.
- **Monitoring/Reporting Responsibility:** This column contains an assignment of responsibility for the monitoring and reporting tasks.
- **Implementation:** This column refers the outcome from implementing the mitigation measure.
- **City Staff/Notes:** This column will be used by the lead agency to document the person who verified the implementation of the mitigation measure and the date on which this verification occurred.

### 4.2 Enforcement

If the project is approved, the MMRP for the development would be incorporated as a condition of such approval. Therefore, all mitigation measures for significant impacts must be carried out to fulfill the requirements of approval. A number of the mitigation measures would be implemented during the course of the development review process. These measures would be checked on plans, in reports, and in the field prior to construction. Most of the remaining mitigation measures would be implemented during the construction, or project implementation phase.

**Table 4-1: Mitigation Monitoring and Reporting Program for the American Tin Cannery Hotel and Commercial Project**

<b>Impact Number</b>	<b>Mitigation Measure</b>	<b>Monitoring/ Reporting Responsibility</b>	<b>Implementation</b>	<b>City Staff Notes; Initials/Date when Done</b>
<b>Aesthetics</b>				
<b>AES-2</b>	<p><b>MM AES-2.1 Construction Screening</b></p> <p>To minimize and soften the visual effect as seen from visitors and nearby residents, the project applicant shall incorporate construction fencing or screening around the perimeter of the site. The screening material shall be of sufficient height to mask activities within and be designed with graphics, murals, historic references or other design features to blend as much as possible with the neighborhood surroundings while communicating the future uses at the site. Screening shall remain in place during demolition of existing structures, site preparation and new building construction. Applicant shall be responsible for continued maintained and condition of the screening throughout the construction period. Screening shall not be necessary during the final stages of construction when architectural coatings, detailing and landscaping are applied. The screening concept and design shall be submitted for approval to the City of Pacific Grove prior to groundbreaking.</p>	City-Designated Compliance Monitor and/or Community Development Department (CDD)	<p>Submittal of screening concept and design plans prior to the start of construction</p>     <p>Applicant to maintain screening around the perimeter of the site throughout construction period (e.g. Demolition, site preparation, and new building construction)</p>	
<b>AES-3</b>	<b>MM AES-3.1 Glare Reduction</b>	City-Designated Compliance Monitor and/or CDD, and	Submittal and approval of Exterior Lighting Plan	

Impact Number	Mitigation Measure	Monitoring/ Reporting Responsibility	Implementation	City Staff Notes; Initials/Date when Done
	Prior to issuance of building permits, the project shall incorporate anti-reflective (AR) glass products and surfaces selected specifically to minimize reflective glare along the project's eastern/northeastern elevations. In addition, throughout project construction and operation, the project shall use directional lighting, shielding and (if necessary) window tinting or similar treatment to ensure that increased light from the project site does not unnecessarily spill over on adjacent properties and associated beaches at night. The project's Exterior Lighting Plan shall also be submitted to the Monterey Peninsula Airport Manager for review and approval consistent with ALUC standard conditions. "Bird friendly" window material should be used within the project design.	Monterey Peninsula Airport Manager	prior to the start of construction  Prior to issuance of building permits. Materials to be shown construction documents	
<b>AQ-2</b>	<b>MM AQ-2.1 Reduce Fugitive Dust</b>  The project applicant shall implement the following measures to minimize nuisance impacts and to significantly reduce fugitive dust emissions, and the project applicant shall require all of the following measures to be shown on grading and building plans:	City-Designated Compliance Monitor	Measures to be shown on construction documents.  Measures to be implemented and enforced during construction	

Impact Number	Mitigation Measure	Monitoring/ Reporting Responsibility	Implementation	City Staff Notes; Initials/Date when Done
	<ul style="list-style-type: none"><li>▪ Limit grading to 8.1 acres per day, and grading, demolition and excavation to 2.2 acres per day.</li><li>▪ Water graded/excavated areas and active unpaved roadways, unpaved staging areas, and unpaved parking areas at least twice daily or apply non-toxic chemical soil stabilization materials per manufacturer's recommendations. Frequency should be based on the type of operations, soil and wind exposure.</li><li>▪ Prohibit all grading activities during periods of high wind (more than 15 mph).</li><li>▪ Apply chemical soil stabilizers on inactive construction areas (disturbed lands within construction projects that are unused for at least four consecutive days).</li><li>▪ Stabilize all disturbed soil areas not subject to using approved chemical soil binders, jute netting, or gravel for temporary roads and any other methods approved in advance by the APCD.</li><li>▪ Sow exposed ground areas that are planned to be reworked at dates greater than one month after initial grading with a fast</li></ul>			

Impact Number	Mitigation Measure	Monitoring/ Reporting Responsibility	Implementation	City Staff Notes; Initials/Date when Done
	<p>germinating, non-invasive grass seed, and water until vegetation is established.</p> <ul style="list-style-type: none"><li>▪ Plant vegetative ground cover in disturbed areas as soon as possible.</li><li>▪ Use street sweepers, water trucks, or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Reclaimed (non-potable) water should be used whenever possible.</li><li>▪ Spray dirt stock pile areas daily as needed (without causing off-site runoff).</li><li>▪ Place gravel on all roadways and driveways as soon as possible after grading. In addition, construct building pads as soon as possible after grading unless seeding, soil binders, or frequent water application are used.</li><li>▪ Not exceed a 15-mph vehicle speed for all construction vehicles on any unpaved surface at the construction site.</li><li>▪ Cover or maintain at least 2 feet of freeboard (minimum vertical distance between top of load and top of trailer) on all trucks hauling dirt, rock, sand, soil, or other loose materials</li></ul>			

Impact Number	Mitigation Measure	Monitoring/ Reporting Responsibility	Implementation	City Staff Notes; Initials/Date when Done
	<p>in accordance with California Vehicle Code Section 23114.</p> <ul style="list-style-type: none"> <li>▪ Limit unpaved road travel to the extent possible, for example, by limiting the travel to and from unpaved areas, by coordinating movement between work areas rather than to central staging areas, and by busing workers where feasible.</li> <li>▪ Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site, and inspect vehicle tires to ensure free of soil prior to carry-out to paved roadways.</li> <li>▪ Sweep streets at the end of each day, or as needed, if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water shall be used where feasible.</li> </ul>			
<b>AQ-2</b>	<p><b>MM AQ-2.2 Designate a Dust Compliance Monitor</b></p> <p>The project applicant shall require the contractor(s) or builder(s) to designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20</p>	<p>City-Designated Compliance Monitor, Project Contractor/Builder, and MBARD Compliance Division</p> <p>City-Designated Compliance Monitor, Project</p>	<p>Submittal of monitor's contact information to the MBARB Compliance Division prior to start of any grading, earthwork, or demolition</p>	

Impact Number	Mitigation Measure	Monitoring/ Reporting Responsibility	Implementation	City Staff Notes; Initials/Date when Done
	percent opacity, and to prevent transport of dust off-site. Their duties shall include monitoring during holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the MBARD Compliance Division prior to the start of any grading, earthwork, or demolition. The project applicant shall provide and post a publicly visible sign that specifies the telephone number and name to contact regarding dust complaints. This person shall respond to complaints and take corrective action within 48 hours. The phone number of the MBARD shall also be visible to ensure compliance with Rule 402 (Nuisance).	Contractor/Builder, and MBARD Compliance Division	To be enforced during all construction activities that generate dust	
<b>Biological Resources</b>				
<b>BIO-1</b>	<p><b>MM BIO-1.1 Noise Attenuation of Minimize Effects on Shoreline Species During Project Construction</b></p> <p>Prior to the start of demolition work, the project sponsor shall install construction perimeter fencing or similar barriers that incorporate noise attenuating materials (such as noise absorbing fiberglass blankets, tarps, tubular framing, sheathing etc.) along the Dewey Avenue and Ocean View Boulevard perimeters nearest the shoreline, including the entirety of the project boundary that faces Hopkins Marine Station and</p>	City-Designated Compliance Monitor and Project Contractor/Builder	<p>Submittal of barrier/screening concept and design plans prior to the start of construction</p> <p>Applicant to maintain barrier around the perimeter of the site</p>	

Impact Number	Mitigation Measure	Monitoring/ Reporting Responsibility	Implementation	City Staff Notes; Initials/Date when Done
	associated beaches. Barriers shall interrupt the “line of sight” between the noise source and the protected species. The barriers shall remain in place as long as noise-generating excavation and construction activities continue. This measure should be combined with MM AES-1.1 (construction screening) and MM N-1.2 (noise construction barriers) to provide a single barrier system that addresses both noise and aesthetic issues.		throughout construction that is noise-generating	
<b>BIO-1</b>	<p><b>MM BIO-1.2 Timing of Demolition and Excavation</b></p> <p>Demolition, grading and excavation of the site for sub grade construction shall take place only between July 1 and February 1 (outside the harbor seal pupping and weaning season of February through May) to avoid potential disturbance of the local harbor seal population that may be using the beach areas to east and west of Hopkins Marine Station. A qualified biologist retained by the City shall monitor the rookery prior to the start of construction to identify any late season pupping/weaning activity. Construction may be temporarily delayed until the biologist confirms that active pupping is complete.</p>	City-Designated Compliance Monitor and Qualified Biological Monitor	During July 1 and February 1 (outside the harbor seal pupping and weaning season of February through May)	

Impact Number	Mitigation Measure	Monitoring/ Reporting Responsibility	Implementation	City Staff Notes; Initials/Date when Done
<b>BIO-1</b>	<p><b>MM BIO-1.3 Biological Monitor</b></p> <p>During the phases of construction that generate higher noise and vibration levels, the project sponsor shall fund the engagement of a qualified biological monitor(s) approved by and under contract to the City to observe and document behavior of both harbor seal and black oystercatcher populations. Monitoring shall occur daily during the initial demolition and excavation phase, and twice monthly during the remainder of the construction program. Activity or behavior identified by the monitor(s) indicative of unusual stress or threatening relocation shall cause immediate work stoppage and notification of the City and project sponsor. Work shall resume only after noise levels are reduced and additional noise/disturbance protection measures are employed and tested in the field for effectiveness.</p>	City-Designated Compliance Monitor and Qualified Biological Monitor(s)	<p>Daily monitoring during demolition and excavation</p> <p>Twice monthly monitoring during remainder of construction</p>	
<b>BIO-2</b>	<p><b>MM BIO-2.1 Preconstruction Bird Surveys</b></p> <p>The applicant shall schedule all on-site tree removal to occur between August 31st and February 1 of any given year to avoid the Central Coast bird nesting season and harbor seal pupping and weaning season. If this schedule is not practical, the project sponsor shall fund the engagement of a qualified biologist to conduct</p>	City-Designated Compliance Monitor and Qualified Biologist	Scheduled between August 31 <sup>st</sup> and February 1 (outside of nesting bird, and harbor seal pupping and weaning season [February to May])	

Impact Number	Mitigation Measure	Monitoring/ Reporting Responsibility	Implementation	City Staff Notes; Initials/Date when Done
	preconstruction nesting bird surveys no more than two weeks prior to removal of trees and grading. If no active bird nests are observed, no additional measures are required. If nesting birds are observed, the biologist will establish a buffer zone where no tree removal will occur until the biologist confirms that all chicks have fledged. Regardless of season, tree removal seaward of Sloat Avenue shall not occur during the harbor seal pupping and weaning season (February to May).			
<b>BIO-3</b>	<p><b>MM BIO-3.1 Pre-Construction Meeting and Training</b></p> <p>Prior to site disturbance the project sponsor shall retain a City-approved or -qualified project arborist/forester to conduct a meeting and training session to communicate and instruct personnel about tree removal, retention of trees on adjacent properties, and their protection. The pre-construction meeting shall include instruction on required tree protection and exclusionary fencing to be installed prior to grading, excavation and construction procedures. Meeting attendees shall include all involved parties such as site clearance personnel, construction managers, heavy equipment operators, and tree service operators. A list of pre-construction attendees and the materials discussed shall be</p>	City-Designated Compliance Monitor and Qualified Arborist/Forester	Prior to any site disturbance	

Impact Number	Mitigation Measure	Monitoring/ Reporting Responsibility	Implementation	City Staff Notes; Initials/Date when Done
	maintained and be provided to the City for review. Meeting attendees must agree to abide to tree protection and instructions as indicated during the meeting and agree to ensure any tree protection implemented will remain in place during entire construction period.			
<b>BIO-3</b>	<p><b>MM BIO-3.2 Off Site Mitigation and/or Payment of In-Lieu Fees</b></p> <p>For all trees that ultimately require removal and cannot be incorporated into the site plan, the project sponsor shall either replace/replant new trees on a 2:1 ratio on site; replace/replant at another location(s) identified in consultation with the City of Pacific Grove if 2:1 on-site replanting is not feasible; pay an in-lieu tree impact fee ("tree fund") as acceptable mitigation pursuant to Chapter 12 of the Municipal Code; or, a combination thereof to fully mitigate for tree loss. Mitigation shall be implemented prior to occupancy. Should in-lieu mitigation fees be proposed, these fees shall be collected prior to issuance of grading permits and prior to any tree removal activities.</p>	Community Development Department	Prior to issuance of grading permits and prior to any tree removal	
<b>BIO-3</b>	<p><b>MM BIO-3.3 Tree Planting/Replanting</b></p> <p>Replacement trees (on- or off-site) shall be fifteen-gallon stock or larger. Spacing between</p>	City-Designated Compliance Monitor and Qualified Arborist/Forester	During planting of replacement trees	

Impact Number	Mitigation Measure	Monitoring/ Reporting Responsibility	Implementation	City Staff Notes; Initials/Date when Done
	trees should be at least 8 feet apart where available space is indicated. Occasional deep watering (more than two weeks apart) during the late spring, summer, and fall is recommended during the first two years after establishment.		Applicant/operator to provide deep watering schedule to City upon request	
<b>BIO-3</b>	<p><b>MM BIO-3.4 Best Management Practices</b></p> <p>During construction, the project sponsor shall ensure compliance with the following best practices for potentially affected trees on <u>adjacent</u> properties:</p> <ul style="list-style-type: none"> <li>Do not deposit any fill around trees that may compact soils and alter water and air relationships. Avoid depositing fill, parking equipment, or staging construction materials near existing trees. Covering and compacting soil around trees can alter water and air relationships with the roots. Fill placed within the dripline may encourage the development of oak root fungus (<i>Armillaria mellea</i>). As necessary, trees shall be protected by boards, fencing or other materials to delineate protection zones.</li> <li>Pruning, when necessary, shall be conducted to avoid injury to any tree. General principals of pruning include placing cuts immediately beyond the branch collar, making clean cuts</li> </ul>	City-Designated Compliance Monitor, Qualified Arborist/Forester	During construction	

Impact Number	Mitigation Measure	Monitoring/ Reporting Responsibility	Implementation	City Staff Notes; Initials/Date when Done
	<p>by scoring the underside of the branch first, and for live oak, avoiding the period from February through May.</p> <ul style="list-style-type: none"> <li>▪ Native trees are not adapted to summer watering and may develop crown or root rot as a result. Do not regularly irrigate within the drip line of native trees.</li> <li>▪ Root cutting should occur outside of the springtime. Late June for such root cutting is optimal. Pruning of the live crown should not occur February through May.</li> <li>▪ A mulch layer up to approximately 4 inches deep shall be applied to the ground under selected trees in disturbed areas following construction. Only 1 to 2 inches of mulch should be applied within 1 to 2 feet of the trunk, and under no circumstances should any soil or mulch be placed against the root crown (base) of trees. The best source of mulch would be from chipped material generated on site.</li> <li>▪ If trees along near the development site are visibly declining in vigor, a Professional Forester or Certified Arborist shall be</li> </ul>			

Impact Number	Mitigation Measure	Monitoring/ Reporting Responsibility	Implementation	City Staff Notes; Initials/Date when Done
	contacted to inspect the site, contact the owner, and to recommend a course of action.			
<b>BIO-3</b>	<b>MM BIO-3.5 Additional Tree Protection and Pruning Standards</b>  If for any reason on site trees are <u>not</u> removed and preserved within the site plan, the project sponsor shall implement all tree protection standards as identified in the ATC Hotel and Commercial Project Tree Resource Assessment prepared for the project. Such measures may include reasonable disturbance setbacks, protective netting, protection of trunks with lumber, and limiting work within the dripline.	City-Designated Compliance Monitor, Qualified Arborist/Forester	During construction for any trees that are <u>not</u> removed and preserved within the site plan	
<b>Cultural Resources</b>				
<b>CR-1</b>	<b>MM CR-1.1 HABS Documentation</b>  Prior to the start of demolition, the project sponsor shall retain a qualified professional acceptable to the City to prepare written and photographic documentation the ATC complex.  The documentation for each property shall be prepared based on the National Park Service's Historic American Building Survey (HABS) Historical Report Guidelines. This type of documentation is based on a combination of the	City-Designated Compliance Monitor and CDD	Prior to the start of demolition	

Impact Number	Mitigation Measure	Monitoring/ Reporting Responsibility	Implementation	City Staff Notes; Initials/Date when Done
	<p>HABS standards and the National Park Service’s new policy for National Register of Historic Places (NRHP)/National Historic Landmark photographic documentation as outlined in the NRHP and the National Park Service’s 2013 National Historic Landmarks Survey Photo Policy Expansion. The documentation will include the following:</p> <ol style="list-style-type: none"><li>1. <b>Sketch Plan Drawings:</b> Efforts should be made to locate original construction drawings or plans of the property during the period of significance. If located, these drawings should be photographed or scanned at high resolution, reproduced, and included in the dataset. If construction drawings or plans cannot be located, sketch plans in accordance with HABS Documentation Level III shall be prepared. HABS guidance for sketch plans notes that these should be floor plans “generally not to exact scale although often drawn from measurements, where the features are shown in proper relation and proportion to one another.” A sketch site plan should also be produced that includes buildings and landscape features. Sketch plans shall be prepared by an architect who meets or exceeds the Secretary of the Interior’s</li></ol>			

Impact Number	Mitigation Measure	Monitoring/ Reporting Responsibility	Implementation	City Staff Notes; Initials/Date when Done
	<p>Professional Qualification Standards for Historic Architecture or Architecture, and be reviewed by the qualified consultant preparing the HABS report.<sup>10</sup></p> <p>2. <b>Photographs:</b> Standard large-format or digital photography shall be used. If digital photography is used, the ink and paper combinations for printing photographs must comply with the NRHP/National Historic Landmark photo expansion policy and have a permanency rating of approximately 115 years. Digital photographs shall be taken in uncompressed .TIF file format. The size of each image shall be 1600x1200 pixels at 300 pixels per inch or larger, color format, and printed in black and white. The file name for each electronic image shall correspond with the index of photographs and photograph labels. Photographs should include general overviews that illustrate the setting and include Building 3; all exterior façades of Buildings 0, 1, and 2; typical original windows and doors; and exterior details</p>			

<sup>10</sup> The Secretary of the Interior's Professional Qualification Standards for Architecture are a professional degree in architecture plus at least two years of full-time experience in architecture, or a State license to practice architecture.

Impact Number	Mitigation Measure	Monitoring/ Reporting Responsibility	Implementation	City Staff Notes; Initials/Date when Done
	<p>indicative of era of construction or of historic or architectural interest from the period of significance (1927-1954), including but not limited to the sawtooth roof and chevron capped pilasters of Building 1, the metal smokestacks of Building 2, and the concrete smokestack remnant south of Building 1. All views shall be referenced on a photographic key. This photograph key shall be on a map of the property and shall show the photograph number with an arrow indicating the direction of the view. Historical photographs shall also be collected, reproduced, and included in the dataset.</p> <p><b>3. Written data:</b> A historical report shall be prepared, summarizing the history of the buildings, property description, and historical significance. Documentation shall adhere to National Park Service standards for “short form” HABS documentation.</p> <p><b>4. Drone photography:</b> Drone photography of the historic resource and site is recommended as additional documentation. Execution of drone photography is understood to be</p>			

Impact Number	Mitigation Measure	Monitoring/ Reporting Responsibility	Implementation	City Staff Notes; Initials/Date when Done
	<p>conditional upon ability to fly a drone over the site within relevant local and FAA regulations and approvals. Drone photography should capture the full extent of the site, all buildings and their special relationships on the site and immediate surroundings, as well as the character of the Building 1 sawtooth roof and representative portions of facades of Buildings 0, 1, and 2. If conducted, drone photography should be submitted in digital format along with HABS documentation to the City of Pacific Grove Community Development Department and publicly accessible repositories such as the Pacific Grove Heritage Society, Pacific Grove Public Library, and the Monterey County Public Library California History Room. If desired, the drone photography could also be used in the public interpretive displays on site.</p> <p>Copies of the HABS documentation shall be provided to the City of Pacific Grove Community Development Department and publicly accessible repositories such as the Pacific Grove Heritage Society, Pacific Grove Public Library, and the Monterey County Public Library California History</p>			

Impact Number	Mitigation Measure	Monitoring/ Reporting Responsibility	Implementation	City Staff Notes; Initials/Date when Done
	Room. This measure would create a collection of reference materials that would be available to the public and inform future research.			
<b>CR-1</b>	<b>MM CR-1.2 Public Interpretive Display</b>  As a component of the finished project, the project sponsor shall prepare a plan for permanent exhibit/display in consultation with the City of Pacific Grove Community Development Department staff that would commemorate the industrial fish canning history of the American Can Company. The exhibit/display may consist of static, video and/or interactive displays, as deemed appropriate, but should include relevant historical information, interpretive text, historical photographs, and/or drawings that may be based on this Historic Resource Technical Report and/or the HABS documentation. The exhibit/display shall be installed at a publicly accessible location on the project site, near the remaining historic portions of the complex.	City-Designated Compliance Monitor and CDD	Installation of a public interpretive prior to occupancy	
<b>CR-1</b>	<b>MM CR-1.3 Protection of Historical Resources from Construction Activities</b>  The project sponsor shall undertake a construction monitoring program to minimize damage to remaining portions of Building 0 and	City-Designated Compliance Monitor and Historic Architect/Qualified Historic Preservation Professional	Prior to construction (survey and monitoring program)  Conduct a final post-construction survey	

Impact Number	Mitigation Measure	Monitoring/ Reporting Responsibility	Implementation	City Staff Notes; Initials/Date when Done
	<p>Building 1. Prior to the start of any ground-disturbing activity, the project sponsor shall engage a historic architect or qualified historic preservation professional to undertake a preconstruction survey of Building 0 and Building 1 and photograph the buildings' existing conditions. This survey may be completed in conjunction with MM CR-1.1. The construction monitoring plan may include staging of equipment and materials as far as feasible from historic buildings to avoid direct damage; using techniques in demolition, excavation, shoring, and construction to minimize vibration (such as using concrete saws instead of jackhammers or hoe-rams to open excavation trenches, the use of non-vibratory rollers, and similar measures); maintaining a buffer zone when possible between heavy equipment and historic resource(s); and/or enclosing construction scaffolding to avoid damage from falling objects or debris.</p> <p>The consultant shall conduct a final post-construction survey to document the condition of the contributing historic buildings to the ATC at that time and produce a report on the condition of the historic structures. The final post-construction report shall be submitted to the City Community Development Department for review and approval.</p>		following completion of the project.	

Impact Number	Mitigation Measure	Monitoring/ Reporting Responsibility	Implementation	City Staff Notes; Initials/Date when Done
CR-1	<p><b>MM CR-1.4 Historic Materials and Features Rehabilitation</b></p> <p>The project applicant shall ensure that the project complies with National Park Service treatment recommendations for the cleaning, repair, and rehabilitation of all remaining historic materials and features to be incorporated into the project. Features such as exterior stucco cladding, original doors, and original wood and steel sash windows at Building 0 and Building 1 that are retained should be repaired and rehabilitated in accordance with the following guidance documents:</p> <ul style="list-style-type: none"> <li>• John H. Myers, <i>Preservation Brief No. 9: The Repair of Historic Wooden Windows</i> (U.S. Department of the Interior, National Park Service, 1981), available online at <a href="https://www.nps.gov/tps/how-to-preserve/briefs/9-wooden-windows.htm">https://www.nps.gov/tps/how-to-preserve/briefs/9-wooden-windows.htm</a></li> <li>• Robert M. Powers, <i>Preservation Tech Notes, Windows Number 17, Repair and Retrofitting Industrial Steel Windows</i> (U.S. Department of the Interior, National Park Service, August 1989), available online at <a href="https://www.nps.gov/tps/how-to-">https://www.nps.gov/tps/how-to-</a></li> </ul>	City-Designated Compliance Monitor, Historic Architect/Qualified Historic Preservation Professional	During construction	

Impact Number	Mitigation Measure	Monitoring/ Reporting Responsibility	Implementation	City Staff Notes; Initials/Date when Done
	<p>preserve/tech-notes/Tech-Notes-Windows17.pdf</p> <ul style="list-style-type: none"> <li>Sharon C. Park, <i>Preservation Brief No. 13: The Repair and Thermal Upgrading of Historic Steel Windows</i> (U.S. Department of the Interior, National Park Service, 1981), available online at <a href="https://www.nps.gov/tps/how-to-preserve/briefs/13-steel-windows.htm">https://www.nps.gov/tps/how-to-preserve/briefs/13-steel-windows.htm</a></li> <li>Anne E. Grimmer, <i>Preservation Brief No. 22: The Preservation and Repair of Historic Stucco</i> (U.S. Department of the Interior, National Park Service, October 1990), available online at <a href="https://www.nps.gov/tps/how-to-preserve/briefs/22-stucco.htm">https://www.nps.gov/tps/how-to-preserve/briefs/22-stucco.htm</a></li> </ul> <p>Abrasive chemical or physical treatments or cleaning methods must not be used. For additional information, see:</p> <p>Anne E. Grimmer, <i>Preservation Brief No. 6: Dangers of Abrasive Cleaning to Historic Buildings</i> (U.S. Department of the Interior, National Park Service, June 1979), available online at <a href="https://www.nps.gov/tps/how-to-preserve/briefs/6-dangers-abrasive-cleaning.htm">https://www.nps.gov/tps/how-to-preserve/briefs/6-dangers-abrasive-cleaning.htm</a>.</p>			

Impact Number	Mitigation Measure	Monitoring/ Reporting Responsibility	Implementation	City Staff Notes; Initials/Date when Done
CR-2	<p><b>MM CR-2.1 Preconstruction Archaeological and Paleontological Sensitivity Training</b></p> <p>Prior to construction, all personnel directly involved in project related ground disturbance shall be provided archaeological and paleontological sensitivity training. The training will be conducted by a qualified Archaeologist who meets the Secretary of the Interior's standards for archaeology, and a qualified professional paleontologist, as defined by the Society of Vertebrate Paleontology, who is experienced in teaching non-specialists. A Native American representative from the Ohlone/Costanoan-Esselen Nation (OCEN) will also be invited to be present and participate in the training from a tribal perspective. The training will take place at a day and time to be determined in conjunction with the project construction foreman, and prior to any scheduled ground disturbance. The training will include: a discussion of applicable laws and penalties; samples or visual aids of artifacts and paleontological resources that could be encountered in the project vicinity, including what those artifacts and resources may look like partially buried, or wholly buried and freshly exposed; and instructions to halt work in the vicinity of any potential cultural resources</p>	City-Designated Compliance Monitor, Project Archaeologist/Paleontologist and Tribal Representative	Prior to the start of construction	

Impact Number	Mitigation Measure	Monitoring/ Reporting Responsibility	Implementation	City Staff Notes; Initials/Date when Done
	discovery, and the need to notify the archaeological monitor as necessary.			
<b>CR-2</b>	<p><b>MM CR-2.2 Preconstruction Identification and Avoidance of Recorded Archaeological Resources</b></p> <p>Prior to construction, the Project Archaeologist and OCEN's tribal leadership shall be provided with the following: (1) plans, blueprints, conceptual drawings, etc., detailing sub-surface impacts to the project area (grading or excavation prints will normally be sufficient); and (2) the proposed construction schedule or activity to be monitored, with types of excavation and/or earthmoving identified. Final grading plans will be reviewed by the Archaeologist to ensure all recorded archaeological resources adjacent to the project site will remain unaffected by project related ground disturbance. Any changes in project construction (or related off-site facilities) that could potentially impact known archaeological resources will require review by the Project Archaeologist who will then make a determination regarding the need and scope of any further work or mitigation required.</p>	City-Designated Compliance Monitor, Tribal Representative from OCEN tribal leadership	Applicant to provide construction documents prior to the start of construction	
<b>CR-2</b>	<b>MM CR-2.3 Construction Monitoring for Archaeological and Paleontological Resources</b>	City-Designated Compliance Monitor, project Archaeologist	During construction	

Impact Number	Mitigation Measure	Monitoring/ Reporting Responsibility	Implementation	City Staff Notes; Initials/Date when Done
	<p>Due to the hardscaped and highly developed nature of the site, archaeological testing is impractical and unlikely to reveal scientifically significant results. All project related ground disturbance shall therefore be monitored by an Archaeologist who meets the Secretary of Interior's qualification standards for archaeology, as well as the assigned Native American representative(s) from OCEN tribal leadership. Due to the paleontological sensitivity of the site, a Paleontological Resources Monitor shall also be present during all project excavations. A qualified cross-trained Monitor in archaeology and paleontology may serve in both capacities on-site.</p> <p>Archaeological and paleontological monitoring will involve the close inspection of excavations and other ground disturbing activities within the project area. The Site Supervisor, Foreman, or similar on-site authority must be informed of the Monitors' presence and authority to halt and/or relocate construction work. The Supervisor shall inform all construction personnel of the Monitors' role. The Monitors will follow excavations and construction as closely as conditions require, making all reasonable efforts for safety and noninterference with construction. The number and placement of Monitors will be determined by the Project Archaeologist after</p>	and/or Paleontologist, monitoring tribal representative	Submittal of final report following completion of the ground-disturbing activities	

Impact Number	Mitigation Measure	Monitoring/ Reporting Responsibility	Implementation	City Staff Notes; Initials/Date when Done
	<p>consultation with the Client or their designated representative(s).</p> <p>Activities that require monitoring include but are not limited to: clearing and grubbing; demolition activities that could disturb native soil; or any earthmoving (e.g., grading or excavation for foundations, footings or other subterranean elements, and trenching for underground utilities). Monitors shall keep a daily log and photographic record of all activities involving ground disturbance during the construction phase and shall submit a final report (upon completion of the ground-disturbing activities) to the City Community Development Department for review and approval.</p>			
CR-2	<p><b>MM CR-2.4 Procedures for Inadvertent Discovery</b></p> <p><b>Inadvertent Discovery of Archaeological Resources</b></p> <p>In the event archaeological resources are encountered during ground disturbing activities, the Archaeological Monitor shall temporarily halt or divert excavations within a 100-foot radius of the find until it can be evaluated.</p>	<p>City-Designated Compliance Monitor, Project Archaeologist and/or Paleontologist, monitoring tribal representative, construction foreman</p>		

Impact Number	Mitigation Measure	Monitoring/ Reporting Responsibility	Implementation	City Staff Notes; Initials/Date when Done
	<p>California Environmental Quality Act (CEQA) Guidelines requires that all potentially significant archaeological deposits be evaluated to demonstrate whether the resource is eligible for inclusion on the California Register of Historic Resources, even if discovered during construction. If archaeological deposits are encountered they will be evaluated and mitigated simultaneously in the timeliest manner practicable, allowing for recovery of materials and data by standard archaeological procedures. For prehistoric archaeological sites, this data recovery involves the hand-excavated recovery and non-destructive analysis of a small sample of the deposit. Historic resources are also sampled through hand excavation, though architectural features may require careful mechanical exposure and hand excavation.</p> <p>Any previously undiscovered resources found during construction activities shall be recorded on appropriate DPR forms and evaluated for significance in terms of CEQA criteria by a qualified Archaeologist. Potentially significant cultural resources consist of but are not limited to stone, bone, glass, ceramics, fossils, wood, or shell artifacts, or features including hearths, structural remains, or historic dumpsites. If the resource is determined significant under CEQA,</p>			

Impact Number	Mitigation Measure	Monitoring/ Reporting Responsibility	Implementation	City Staff Notes; Initials/Date when Done
	<p>the qualified Archaeologist shall prepare and implement a research design and archaeological data recovery plan that will capture those categories of data for which the site is significant in accordance with Section 15064.5 of the CEQA Guidelines. If such resources or artifacts are of native tribal origin, any mitigation or recovery program shall include direction from OCEN tribal leadership. The Archaeologist shall also perform appropriate technical analyses, prepare a comprehensive report complete with methods, results, and recommendations, including recommendations of the Tribal Representatives and monitors. The report shall be submitted to the City of Pacific Grove, the NWIC, and the State Historic Preservation Office, as required.</p> <p><b>Inadvertent Discovery of Paleontological Resources</b></p> <p>In the event that fossils or fossil-bearing deposits are discovered during construction activities, the paleontological monitor shall temporarily halt or divert excavations within a 100-foot radius of the find until it can be evaluated. If the find is deemed significant, the applicant shall retain a qualified Paleontologist to document the discovery as needed in accordance with Society of Vertebrate Paleontology standards and assess the significance of the find under the criteria set forth</p>			

Impact Number	Mitigation Measure	Monitoring/ Reporting Responsibility	Implementation	City Staff Notes; Initials/Date when Done
	<p>in CEQA Guidelines Section 15064.5. The Paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction activities are allowed to resume at the location of the find. If the applicant determines that avoidance is not feasible, the Paleontologist shall prepare an Excavation Plan for mitigating the effect of construction activities on the discovery. The Excavation Plan shall be submitted to the City of Pacific Grove for review and approval prior to implementation, and the applicant shall adhere to the recommendations in the Excavation Plan.</p> <p><b>Inadvertent Discovery of Human Remains</b></p> <p>In the event that human remains (or remains that may be human) are discovered at the project site, Public Resource Code Section 5097.98 must be followed. All grading or earthmoving activities shall immediately stop within a 100-foot radius of the find. The project proponent shall then inform the Monterey County Coroner and the City of Pacific Grove immediately, and the Coroner shall be permitted to examine the remains as required by California Health and Safety Code Section 7050.5(b).</p> <p>Section 7050.5 also requires that excavation be stopped in the vicinity of discovered human</p>			

Impact Number	Mitigation Measure	Monitoring/ Reporting Responsibility	Implementation	City Staff Notes; Initials/Date when Done
	<p>remains until the Coroner can determine whether the remains are those of a Native American. If human remains are determined as those of Native American origin, the applicant shall comply with applicable State regulations relating to the disposition of Native American burials that fall within the jurisdiction of the NAHC (Public Resource Code [PRC] § 5097). The Coroner shall contact the NAHC to determine the most likely descendant(s) (MLD). The MLD shall complete his or her inspection and make recommendations or preferences for treatment within 48 hours of being granted access to the site. The MLD will determine the most appropriate means of treating the human remains associated grave artifacts, and shall oversee the disposition of the remains.</p> <p>In the event the NAHC is unable to identify an MLD or the MLD fails to make a recommendation within 48 hours after being granted access to the site, the landowner or his/her authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity within the project area in a location not subject to further subsurface disturbance.</p>			

Impact Number	Mitigation Measure	Monitoring/ Reporting Responsibility	Implementation	City Staff Notes; Initials/Date when Done
<b>Geology &amp; Soils</b>				
GEO-6	Refer to MM CR-2.1, MM CR-2.3 and MM CR-2.4	Refer to Impact CR-2	Refer to Impact CR-2	
<b>Greenhouse Gas Emissions</b>				
<b>GHG-2</b>	<p><b>MM GHG-2.1 Commute Trip Reduction/Transportation Demand Management Plan</b></p> <p>Prior to the issuance of grading permits for the project, the project applicant shall develop a final and qualifying Commute Trip Reduction (CTR)/Transportation Demand Management (TDM) plan to reduce mobile GHG emissions for all uses. The TDM plan shall be approved by the City prior to the issuance of building permits and incorporated into the project's Conditions of Approval. The TDM plan shall discourage single-occupancy vehicle trips and encourage alternative modes of transportation such as carpooling, taking transit, walking, and biking. The following measures shall be incorporated into the TDM plan.</p> <ul style="list-style-type: none"> <li>The CTR/TDM plan for the project shall include, but not be limited to the following potential measures or combination of measures: ride-matching assistance, preferential carpool parking, flexible work</li> </ul>	<p>City-Designated Compliance Monitor and CDD</p>       <p>City-Designated Compliance Monitor and CDD</p>	<p>Submit TDM plan prior to the issuance of grading permits</p>       <p>Annual report of TDM effectiveness submitted to CDD</p>	

Impact Number	Mitigation Measure	Monitoring/ Reporting Responsibility	Implementation	City Staff Notes; Initials/Date when Done
	<p>schedules for carpools, half-time transportation coordinators, providing a web site or message board for coordinating rides, transit subsidies for employees, employee vanpool/shuttle, guest shuttle, designating adequate passenger loading and unloading and waiting areas for ride-sharing vehicles, extension or funding of MST Trolley, and including bicycle end of trip facilities. This list may be updated as new or alternative methods become available. Verification of this measure and quantification of trip and emission reduction shall occur prior to the first building permit issuance for the hotel and commercial uses.</p> <p>Refinement of the estimated project GHG emissions may be completed at the time of discretionary approval in order to reflect the project refinements and the most current and accurate data available regarding the project's estimated emissions (including emission rates). Once project emissions are shown to be below 1,100 MTCO<sub>2</sub>e per year and trips are reduced at key intersections as identified in Chapter 17 of this EIR, then this GHG-related mitigation may be considered satisfied.</p>			

Impact Number	Mitigation Measure	Monitoring/ Reporting Responsibility	Implementation	City Staff Notes; Initials/Date when Done
<b>GHG-3</b>	Refer to MM GHG-2.1, MM BIO-3.3, MM TRA-3.2	Refer to Impact GHG-2, BIO-3, TRA-3	Refer to Impact GHG-2, BIO-3, TRA-3	
<b>Hazards &amp; Hazardous Materials</b>				
<b>HAZ-2</b>	<b>MM HAZ-2.1 Dry Season Excavation and Testing of Discharge</b>  Construction shall be timed for dry-season excavation of potentially contaminated areas in order to minimize the amount of groundwater that could be generated by dewatering. To ensure that groundwater discharges during construction do not pose an environmental hazard, the applicant shall test exposed groundwater prior to discharge to ensure that PERC levels are below actionable levels. If above actionable levels, groundwater sources shall be treated to regulated levels prior to discharge.	City-Designated Compliance Monitor	Prior to excavation activities	
<b>HAZ-2</b>	<b>MM HAZ-2.2 Soil and Groundwater Management</b>  Prior to excavation within the ATC parking lot and/or where soil contaminants have been identified or suspected, the project applicant shall prepare a soil management plan (SMP) to establish management practices for isolating the veneer of contaminated sediments from cleaner overburden to minimize the volume of material	City-Designated Compliance Monitor and CDD	Submittal of a Soil Management Plan prior to excavation	

Impact Number	Mitigation Measure	Monitoring/ Reporting Responsibility	Implementation	City Staff Notes; Initials/Date when Done
	requiring disposal as an impaired waste. The plan shall be reviewed and approved by City prior to implementation.			
<b>HAZ-2</b>	<b>MM HAZ-2.3 Soil Vapor and Groundwater Barriers</b>  For areas proposed to be structurally developed where contamination has been identified or suspected, final improvement plans shall demonstrate that lower stories of the project are impermeable to both groundwater and soil vapor. Plans shall be prepared and submitted by the applicant or review and approval of the City.	City-Designated Compliance Monitor and CDD	Prior to issuance of the first building permit	
<b>HAZ-2</b>	<b>MM HAZ-2.4 Testing and Disposal of Contaminated Materials</b>  Prior to demolition, the applicant shall perform testing for the presence of lead paint and asbestos containing materials (ACMs) consistent with regulatory protocols and shall implement the resulting recommendations. The applicant shall ensure that all contaminated materials – known or that may be identified during excavation and demolition – are handled, transported and disposed of consistent with all applicable laws and regulations.	City-Designated Compliance Monitor	Prior to demolition	

Impact Number	Mitigation Measure	Monitoring/ Reporting Responsibility	Implementation	City Staff Notes; Initials/Date when Done
HAZ-3	Refer to MM HAZ-2.4	Refer to Impact HAZ-2	Refer to Impact HAZ-2	
HAZ-5	<b>MM HAZ-5.1 Avigation Easement</b>  Prior to issuance of the first construction permit for the project, the owner/developer shall grant an avigation and hazard easement to the appropriate airport authority. The easement shall be recorded at the Monterey County Recorder's Office and shall include rights and restrictions as specified by the ALUC's February 2020 review and conditional approval.	City-Designated Compliance Monitor and CDD	Prior to issuance of the first construction (building) permit	
<b>Noise &amp; Vibration</b>				
N-1	<b>MM N-1.1 Construction Noise Reduction</b>  Prior to the issuance of demolition or grading permits, the City shall ensure that the project applicant includes the following on all construction plans and contracts for the proposed project:  <u>Construction Hours.</u> Limit construction activity to the hours listed in Table 15-9 (10:00 am to 5:00 pm on Sundays and 8:00 am to 6:00 pm on Monday through Saturday).  <u>Construction Equipment.</u> Properly maintain construction equipment and ensure that all	City-Designated Compliance Monitor/CDD	Noise reduction measures to be shown on construction documents  Nuisance complaints address throughout construction	

Impact Number	Mitigation Measure	Monitoring/ Reporting Responsibility	Implementation	City Staff Notes; Initials/Date when Done
	<p>internal combustion engine driven machinery with intake and exhaust mufflers and engine shrouds (if the equipment had such devices installed as part of its standard equipment package) that are in good condition and appropriate for the equipment. Equipment engine shrouds shall be closed during equipment operation. The developer shall require all contractors, as a condition of contract, to maintain and tune-up all construction equipment to minimize noise emissions.</p> <p><u>Vehicle and Equipment Idling.</u> Construction vehicles and equipment shall not be left idling for longer than five minutes when not in use.</p> <p><u>Stationary Equipment.</u> All noise-generating stationary equipment such as air compressors or portable power generators shall be located as far as possible from sensitive receptors. Temporary noise barriers shall be constructed to screen stationary noise generating equipment when located near adjoining sensitive land uses. Temporary noise barriers shall be designed to reduce construction noise levels by at least 10 dBA.</p> <p><u>Construction Route.</u> All construction traffic to and from the project site shall be routed via designated truck routes where feasible. All</p>			

Impact Number	Mitigation Measure	Monitoring/ Reporting Responsibility	Implementation	City Staff Notes; Initials/Date when Done
	<p>construction-related heavy truck traffic in residential areas shall be prohibited where feasible.</p> <p><u>Workers' Radios.</u> All noise from workers' radios shall be controlled to a point that they are not audible at sensitive receptors near the construction activity.</p> <p><u>Construction Plan.</u> Prior to issuance of any grading and/or building permits, the contractor shall prepare and submit to the City for approval a detailed construction plan identifying the schedule for major noise-generating construction activity.</p> <p><u>Disturbance Coordinator.</u> A "noise disturbance coordinator" shall be designated by the contractor. The noise disturbance coordinator shall be responsible for responding to any local complaints about construction noise. The noise disturbance coordinator shall determine the cause of the noise complaint (e.g. starting too early, bad muffler, etc.) and shall require that project construction activities cease until all reasonable measures warranted to correct the problem have been implemented. The project applicant shall conspicuously post a telephone number for the disturbance coordinator at the</p>			

Impact Number	Mitigation Measure	Monitoring/ Reporting Responsibility	Implementation	City Staff Notes; Initials/Date when Done
	construction site and include it in the notice sent to neighbors regarding the construction schedule.			
<b>N-1</b>	<p><b>MM N-1.2 Noise Barriers</b></p> <p>Construction shall use temporary noise barriers along the project boundary to break the line of sight between construction equipment and adjacent sensitive receptors as well as the adjacent Monterey Bay Aquarium offices. The temporary noise barrier shall be designed to reduce construction noise by a minimum of 10 dB. To achieve this, the barrier may consist of steel tubular framing, welded joints, a layer of 18-ounce tarp, a two-inch thick fiberglass blanket, a half-inch thick weatherwood asphalt sheathing, and 7/16-inch sturdy board siding. Additionally, to avoid objectionable noise reflections, the source side of the noise barrier shall be lined with an acoustic absorption material. Temporary construction noise barriers shall be used at the following locations where construction noise impacts to sensitive receptors have been identified:</p> <ul style="list-style-type: none"> <li>Along the northeastern project boundary along Dewey Avenue</li> </ul>	City-Designated Compliance Monitor/CDD	Barrier installation prior to demolition and excavation	

Impact Number	Mitigation Measure	Monitoring/ Reporting Responsibility	Implementation	City Staff Notes; Initials/Date when Done
	<ul style="list-style-type: none"> <li>Along the northern project boundary along Ocean View Boulevard</li> <li>Between the construction area and the Monterey Bay Aquarium administrative office building</li> </ul> <p>This measure shall be implemented with MM BIO-1.1 to provide multi-purpose noise attenuation.</p>			
<b>N-3</b>	<p><b>MM N-3.1 Vibration Monitoring</b></p> <p>Prior to any ground-disturbing activities, the applicant shall fund the installation of vibration seismic monitoring devices at the nearest Hopkins Marine Station tuna research tank(s) and closest exhibits of the Monterey Bay Aquarium. The applicant shall provide evidence acceptable to the City that the vibration monitoring devices have been installed. The purpose of these devices is to allow Marine Station research staff to observe changes in vibration during the construction and excavation phase, if any, relative to ongoing research and observed fish behavior. If specific adverse effects are observed during construction and excavation, representatives of Hopkins Marine Station shall notify the City Community Development Department, and such effects shall cause</p>	City-Designated Compliance Monitor, CDD, Hopkins representatives	<p>Prior to demolition and excavation (monitor installation)</p> <p>Ongoing during construction and excavation activities (reporting)</p>	

Impact Number	Mitigation Measure	Monitoring/ Reporting Responsibility	Implementation	City Staff Notes; Initials/Date when Done
	<p>immediate work stoppage and notification of the project sponsor. Work shall resume only after additional vibration protection measures are employed, tested, and confirmed to reduce vibration at Hopkins Marine Station to acceptable levels.</p> <p>Monitors shall also be placed at adjacent business and residences consistent with industry standards. The specific location and number of seismic monitoring devices will be determined within the Vibration Management Plan required by MM N-3.2 and as included in construction documents.</p>			
<b>N-3</b>	<p><b>MM N-3.2 Vibration Management Plan</b></p> <p>Prior to any construction or demolition activities, the applicant shall provide a Vibration Management Plan or other evidence acceptable to the City that demonstrates that vibration control of demolition and construction activities will be implemented to minimize the effects of vibration at nearby receptors. This includes performing high-vibration activities during the middle of the day and spaced as far apart as possible to avoid multiple high-vibration activities at once, equipment choices and construction methods to minimize vibration, or other measures. Vehicle routes should use designated</p>	City-Designated Compliance Monitor and CDD	<p>Prior to demolition and excavation (plan submittal)</p> <p>Monitoring during demolition and excavation</p>	

Impact Number	Mitigation Measure	Monitoring/ Reporting Responsibility	Implementation	City Staff Notes; Initials/Date when Done
	truck routes and avoid residential areas as much as possible.			
<b>Transportation &amp; Circulation</b>				
<b>TRA-3</b>	<b>MM TRA-3.1 Commercial Vehicle Access and Movement</b>  Prior to approval of final improvement plans, the following design elements shall be included: <ul style="list-style-type: none"> <li>▪ Dewey Avenue between Ocean View Boulevard and Sloat Avenue, and the remaining portion of Sloat Avenue, shall be widened along the project frontage as necessary to allow improved commercial vehicle access while minimizing loss of on-street parking.</li> <li>▪ During site plan review, the intersections of Ocean View Boulevard/Dewey Avenue and Dewey Avenue/Sloat Avenue shall reflect geometric dimensions based on truck turning templates. Turning radii shall be designed to limit truck size/type.</li> <li>▪ The loading dock area at the end of Sloat Avenue shall include a hammerhead turn</li> </ul>	CDD and City Engineer	Prior to approval of final improvement plans	

Impact Number	Mitigation Measure	Monitoring/ Reporting Responsibility	Implementation	City Staff Notes; Initials/Date when Done
	<p>around to allow trucks to enter and exit the site head-in and head-out.</p> <ul style="list-style-type: none"> <li>Commercial truck traffic shall be required to adhere to an established truck route from David Avenue to Ocean View Boulevard to Sloat Avenue, returning the same way.</li> <li>Commercial deliveries to the retail center shall be allowed within a loading zone along the Ocean View Boulevard frontage to allow more direct access to individual retailers and to reduce the volume of commercial truck traffic accessing Sloat Avenue.</li> </ul>			
<b>TRA-3</b>	<p><b>MM TRA-3.2 Crosswalk Installation</b></p> <p>The applicant shall fund or install a designated crosswalk across Ocean View Boulevard at Dewey Avenue.</p>	City-Designated Compliance Monitor, CDD, and City Engineer	Concurrent with project construction	
<b>Tribal Cultural Resources</b>				
<b>TCR-1</b>	<p><b>MM TCR-1.1 Native American Consultation and Participation</b></p> <p>Consistent with current California requirements and LCP policy, the project's Archaeological Monitoring and Treatment Plan will be provided to representatives of the Ohlone Costanoan</p>	City-Designated Compliance Monitor, OCEN monitor(s) designated by OCEN tribal leadership, construction foreman	During all ground disturbing construction activities	

Impact Number	Mitigation Measure	Monitoring/ Reporting Responsibility	Implementation	City Staff Notes; Initials/Date when Done
	<p>Esselen Nation for review and comment as part of the City's consultation process. Amendments to this plan will be made as necessary following the completion of the consultation process.</p> <p>During project construction, a Native American monitor assigned by the Ohlone/Costanoan Esselen Nation (OCEN) tribal leadership will be present for all ground disturbance. If any tribal cultural resources are found, the project applicant and/or its contractor shall cease all work within 100 feet of the discovery and immediately notify the City of Pacific Grove Planning Division. The OCEN Native American monitor(s) will contact the OCEN Tribal Chair and in consultation with the City and an archeologist evaluate the finds. Appropriate mitigation measures for the inadvertently discovered tribal cultural resource shall be at the direction of OCEN tribal leadership. The City and tribal representative shall consider the mitigation recommendations and agree on implementation of the measure(s) that are feasible and appropriate. Such measures may include reburial of any ancestral remains, avoidance, preservation in place, excavation, documentation, or other appropriate measures.</p>			

Impact Number	Mitigation Measure	Monitoring/ Reporting Responsibility	Implementation	City Staff Notes; Initials/Date when Done
TCR-1	<p><b>MM TCR-1.2 Reporting of Monitoring Results</b></p> <p>At the completion of grading, excavation, and ground disturbing activities on the site, an Archaeological and Paleontological Monitoring Report shall be submitted to the City and the project applicant documenting all monitoring activities and observations. This report shall document any impacts to known resources on or adjacent to the property; describe how each mitigation measure was fulfilled; document the type of cultural resources identified and the disposition and treatment of such resources; provide evidence of the required cultural sensitivity training for the construction staff held during the required pre-construction meeting; and, in a confidential appendix, include the daily/weekly monitoring notes from the Project Archaeologist and tribal monitor(s). All reports produced will be submitted to the Northwest Information Center (NWIC) at Sonoma State University and the State Historic Preservation Office as required.</p> <p>Any TCRs will be handled and reburied in a location designated through coordination with the OCEN tribal leadership in a location that will not be subject to further disturbance. Following repatriation, a legal description and map showing the reburial location shall be prepared by the</p>	City-Designated Compliance Monitor, OCEN monitor(s) designated by OCEN tribal leadership	Report submittal following grading and excavation	

Impact Number	Mitigation Measure	Monitoring/ Reporting Responsibility	Implementation	City Staff Notes; Initials/Date when Done
	Project Engineer and filed with the NAHC, NWIC, and the City.			
<b>Utilities &amp; Service Systems</b>				
<b>UTIL-1</b>	Refer to MM AES-2.1, MM AQ-2.1, MM AQ-2.2, MM GHG-2.1, MM HAZ-2.1, MM HAZ-2.2, MM HAZ-2.4, MM N-1.1, MM N-1.2, MM N-3.1, MM N-3.2	Refer to Impact AES-2, AQ-2, GHG-2, HAZ-2, N-1, and N-3	Refer to Impact AES-2, AQ-2, GHG-2, HAZ-2, N-1, and N-3	

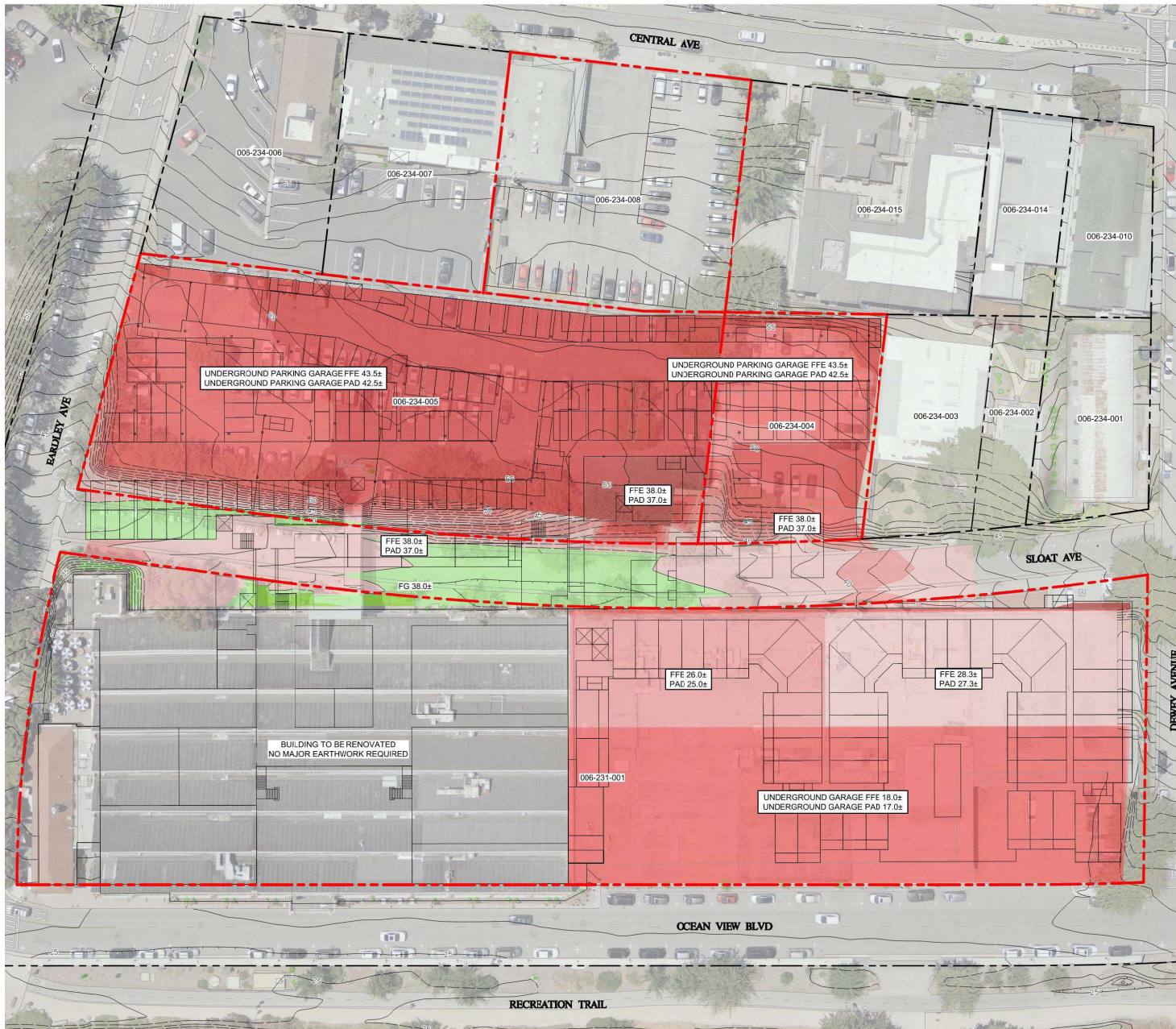
## **Attachment 1**

### Construction Equipment



**Excavator with pneumatic tools.**

**Attachment 2**  
Earthwork Exhibit



EARTHWORK LEGEND				
RANGE	DEPTH OF CUT/FILL	VOLUME (CY)	COLOR	
1	-21.00	-18.00	32	Dark Red
2	-18.00	-15.00	313	Red
3	-15.00	-12.00	1,906	Red
4	-12.00	-9.00	8,850	Red
5	-9.00	-6.00	10,530	Red
6	-6.00	-3.00	11,346	Red
7	-3.00	0.00	14,162	Light Red
8	0.00	3.00	379	Light Green
9	3.00	6.00	32	Green

Source: CCS Pacific Grove Manager, LLC.


## Earthwork Exhibit

### **Attachment 3**

Memo regarding ATC Hotel Story Pole Staking and  
Flagging (J. Kuehl, 9/9/20)

**CITY OF PACIFIC GROVE  
MEMORANDUM**

**TO:** Community Development Director  
Anastazia Aziz, AICP

**FROM:** Building Official   
John Kuehl

**DATE:** September 9, 2020

**SUBJECT:** ATC Hotel and Commercial Project Story Pole Staking and flagging

Per your request, I have reviewed the ATC Hotel and Commercial Project preliminary plan to determine if story pole staking and flagging can be safely installed without risk to the general public. I have concluded that story poles cannot be safely installed for the ATC Hotel project due to the following reasons:

1. The project is in close proximity to high pedestrian and vehicular traffic areas within the City of Pacific Grove.
2. The existing ATC building and associated parking lot is still open to the public.
3. This area is prone to high winds.
4. The cross bracing required to safely install the story poles would be required to be placed on neighboring private properties as well as the City Right-of-Way.

## **Attachment 4**

Letter from MPWMD to Coastal Commission  
(D. Stoldt, 10/27/20)



October 27, 2020

Alexandra McCoy  
Coastal Planner  
California Coastal Commission  
Central Coast District  
725 Front Street, Suite 300  
Santa Cruz, CA 95060

Subject: 851 Cannery Row – CDP 3-19-0961

Dear Ms. McCoy,

The Monterey Peninsula Water Management District (MPWMD) has reviewed your September 28, 2020 comment letter on the ATC DEIR cited in the subject line above. While we commend you on the depth of your study, there are several interim events that have occurred that should affect your analysis and conclusions in the “Water” section of your letter, beginning on page 2.

MPWMD does not distribute water to consumers, rather regulates Cal-Am and other water producers on the Monterey Peninsula, and permits the use of water. The State Water Resources Control Board (SWRCB) regulates California American Water (Cal-Am) and the SWRCB Cease and Desist Order (CDO) only applies to Cal-Am. The SWRCB does not regulate the land use jurisdictions, such as the City of Pacific Grove, nor does it regulate MPWMD. Further, the SWRCB and Cal-Am have no authority to make or approve land-use decisions locally. In March of 2018, MPWMD adopted Resolution 2018-05 which describes how Condition 2 of the CDO is to be interpreted under MPWMD rules. It has been the subject of disagreement with the SWRCB, and while leading to many clarifications in policy, said disagreement has not been fully resolved. However, some of the recent clarifications should affect comments you made on the ATC DEIR.

It appears that on page 3 of your letter, you are relying heavily on the April 9, 2012 interpretive letter from the SWRCB. Many of the approaches outlined in that letter were subsequently found confusing, unworkable, and/or unenforceable between MPWMD and SWRCB staff. At a hearing in July 2016, SWRCB Board members and Chief Counsel raised concern that the letter of April 9, 2012, was not in the public record and had not been subject to any public review or hearing process. As such, State Water Board Chief Counsel recommended the Board delete Section 5.3.1.5 from the July 15, 2016, draft Order narrative which extended the CDO. The motion to adopt the proposed Order was amended to specifically direct deletion of Section 5.3.1.5. This removed any mention of the interpretation letters. From that point forward, MPWMD has treated the April 2012 letter as abrogated by the SWRCB. The Board went on at that hearing to instruct SWRCB staff to meet with Monterey Peninsula representatives and bring back a new and agreeable interpretation of Condition 2 of the CDO. Some meetings were held in late 2016 and 2017, but then the issue was dropped at the SWRCB as personnel changed and

other more important issues loomed.

Following MPWMD's adoption of Resolution 2018-05, a meeting was held between parties on July 9, 2019 followed by *Proposed "Condition 2" Interpretation Outline* by Erik Ekdahl Deputy Director, Division of Water Rights, State Water Resources Control Board (SWRCB) provided via email January 8, 2019. Discussion and proposals were exchanged in meetings on February 12, 2019 and May 30, 2019. The language proposed by the SWRCB in those exchanges, although not finalized, represents current thinking.

1) On page 3 of your comments on the DEIR, you state your first concern is how the existing allocation was determined and then you cite the methodology from the April 9, 2012 SWRCB letter. MPWMD worked hard to show SWRCB staff that establishing a baseline for past water use using "actual average metered annual water use for a year from the last five years' of records..." is unworkable and unlawful. California Public Utilities Commission privacy regulations prohibit third party access to and reliance upon historical water use records by anyone other than the specific account holder. Cal-Am cannot provide such data to prospective building buyers, to subsequent property owners, or even to property owners where the tenant is the account holder. This restriction would also apply to tenants where the owner has a master meter, or to would-be developers. Frankly, Cal-Am cannot provide specific account holder data to the State Water Board or to the District without account holder consent.

At the February and May 2019 meetings on the subject, the SWRCB recognized the challenges inherent in using metered data and agreed that the baseline would rely solely on MPWMD Table 2 factors. Their proposed language remains:

"increased capacity for use at a service address in excess of the service address's capacity for use as of October 20, 2009, compared either by using MPWMD's existing fixture unit methodology for determining residential water use, or MPWMD's existing water use factors for determining non-residential water use. Except as otherwise authorized in State Water Board Order WR 2009-0060 and Order WR 2016-0016, a service address's increased capacity for use shall not be administratively offset or reduced by a water 'allocation,' 'entitlement,' 'use credit,' or other water accounting system that is not based on water use reductions achieved at the same service address."

As you see above, the SWRCB discusses administrative "offsets." However, with respect to "on-site credit" which MPWMD had previously calculated as 18.53 AF for the ATC project, the SWRCB stance on on-site credit as of the May 30, 2019 meeting was:

"SWRCB's position remains that factoring in on-site credits, based on a service address's actual water savings, may be acceptable, if the credits demonstrate that the service address has effectively not increased its water use compared to its applicable baseline."

MPWMD has two methodologies to calculate credit at a site: District Rule 25.5 J. states, "An On-Site Water Credit resulting from the non-permanent removal of a lawful use that occurred on and after March 1, 1985, may be applied to, and shall allow, the future reuse of that increment of water on that Site ... " This Water Credit is not subject to the time limitations imposed by the

October 27, 2019

District Rule 25.5, Water Credits, as the water credit was not obtained through Permanent Abandonment of Use. A Water Credit differs from a Water Use Credit in that it is not characterized by a Permanent Abandonment of Use, but may be the result of a temporary cessation of use (see MPWMD Rule 11 definition of Water Credit.) Hence, MPWMD holds that 18.53 AF was and is the "On-Site Credit."

Regarding the date of "Baseline" calculation, the SWRCB stated in May 2019:

"MPWMD has proposed a "pre-project/post-project" standard for measuring change in water use and, implicitly, determining when a change in zoning or use has occurred. Cal-Am expressed support for this approach. Assuming that water use is to be measured solely by "capacity for use," rather than actual water meter data, SWRCB's position remains that the baseline should be October 20, 2009."

MPWMD, through its Rules and Regulations, stipulates that the pre-project baseline for this project as of October 20, 2009 was 18.53 AF.

2) You state on page 4, your second concern is an apparent error in water use factors for hotel rooms and suites. Thank you for highlighting that error. It was not incorrect in the DEIR, rather an error in MPWMD Rule 24, Table-2 that has since been corrected. The proper factor is 0.064 AF/Room. It was changed after a study of multiple hotel/motel water records in 2019 and adopted by Resolution 2019-10 on July 15, 2019. Unfortunately, the change had a typo, for which we thank you for pointing out.

3) Your third concern, also on page 4 of your letter, addresses the computation of water conservation savings. The Rule 24, Table 2 factor for "Motel/Hotel/Bed & Breakfast" equal to 0.064 AF/Room does indeed include the assumption of on-site laundry. The factor was based on recent actual water records for currently operating properties, the majority of which had on-site laundry. MPWMD calculated the typical use of the non-laundry fixtures on a hotel site, using industry norms and data from sources such as The Alliance for Water Efficiency to back out the embedded "laundry" in the hotel factor. Assuming the hotel's bedding and linen service is taken out of the local Cal-Am service area, the MPWMD calculated savings is a valid number. Unfortunately, due to privacy requirements MPWMD has to be very careful as to what it can disclose regarding individual properties' water usage and the mathematics used. We will work with the DEIR consultant as to what additional support we can provide.

Please do not hesitate to contact me at [dstoldt@mpwmd.net](mailto:dstoldt@mpwmd.net) for further communication. You will also benefit from discussing MPWMD Rules and Regulations with Stephanie Locke, Water Demand Manager, at [locke@mpwmd.net](mailto:locke@mpwmd.net). We look forward to helping you move forward.

Sincerely,



David Stoldt  
General Manager

Monterey Peninsula Water Management District

## **Attachment 5**

MPWMD Board Resolution No. 2019-10  
dated July 15, 2019



**RESOLUTION NO. 2019-10**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF  
THE MONTEREY PENINSULA WATER MANAGEMENT DISTRICT  
AMENDING TABLE 2: NON-RESIDENTIAL WATER USE FACTORS**

**WHEREAS** District Rule 24-B (Non-Residential Calculation of Water Use Capacity) allows changes to Table 2: Non-Residential Water Use Factors through Resolution of the Board of Directors; and

**WHEREAS** on April 23, 2019, the Water Demand Committee was briefed on staff's finding that the existing hotel room factor (last updated in 1993) overestimates Capacity and that a lower factor for a hotel room is more indicative of the water used in a hotel room. The proposed factor of 0.064 AF/room was validated through 14 samples that have had District inspections to verify compliance with current water efficiency requirements;

**WHEREAS** current technology has reduced hotel room use through lower flush volumes in toilets, lower flow rates from showerheads and faucets, water efficient washers, as well as through conservation education and reuse programs where the District requires the hotel to offer the customer the choice to reuse towels and linens during their visit;

**WHEREAS** the Monterey County Hospitality Association and the Monterey County Association of Realtors were notified of the proposed change; and


**NOW, THEREFORE**, the Board of Directors of the Monterey Peninsula Water Management District resolves that District Rule 24-B, Table 2: Non-Residential Water Use Factors shall be adopted as shown in **Attachment 1**.

On motion of Director Byrne, and second by Director Edwards, the foregoing resolution is duly adopted this 15th day of July 2018, by the following vote:

AYES: Directors Byrne, Edwards, Adams, Evans, Hoffmann, Potter and Riley  
NAYS: None  
ABSENT: None

I, David J. Stoldt, Secretary to the Board of Directors of the Monterey Peninsula Water Management District, hereby certify that the foregoing Resolution was duly adopted on the 15th day of July 2019.

Witness my hand and seal of the Board of Directors this 23rd day of July 2019.

  
David J. Stoldt, Secretary to the Board of Directors

## Attachment 1 to MPWMD Resolution No. 2019-10

### **TABLE 2: NON-RESIDENTIAL WATER USE FACTORS**

**Group I**      **0.00007 AF/SF**

Users in this category are low water uses where water is primarily used for employee hygiene and minimal janitorial uses. Examples are offices, warehouses, and low water use retail businesses.

**Group II**      **0.0002 AF/SF**

Users in this category prepare and/or sell food/beverages that are primarily provided to customers in/on disposable tableware. Food with high moisture content and liquid food may be served on reusable tableware. Glassware may be used to serve beverages. Users in this category are not full-service restaurants.

**Group III**

Assisted Living (more than 6 beds) <sup>2</sup>	0.085 AF/Bed
Bar (limited food/not a full-service restaurant)	0.0002 AF/SF <sup>1</sup>
Beauty Shop/Dog Grooming	0.0567 AF/Station
Child/Dependent Adult Day Care	0.0072 AF/Person
Dry Cleaner w/on-Site laundry	0.0002 AF/SF
Dormitory <sup>3</sup>	0.02 AF/Bed
Laundromat	0.2 AF/Machine
Motel/Hotel/Bed & Breakfast	<del>0.1</del> <b>0.064</b> AF/Room
w/Large Bathtub (Add to room factor)	0.03 AF/Tub
w/Each additional Showerhead beyond one (Add to room factor)	0.02 AF/Showerhead
Nail Salon	0.00007 AF/SF
Irrigated Areas/Landscaping	ETWU (See Rule 142.1)
Plant Nursery	0.00009 AF/SF Land Area
Public Toilet	0.058 AF/Toilet
Public Urinal	0.036 AF/Urinal
Zero Water Consumption Urinal	No Value
Recreational Vehicle Water Hookup	0.1 AF
Restaurant - Full Service (including associated Bar Seats)	0.02 AF/Interior Restaurant Seat
Exterior Restaurant Seats above the "Standard Exterior Seat Allowance" <sup>4</sup>	0.01 AF/Exterior Restaurant Seat
Exterior Restaurant Seats within the "Standard Exterior Seat Allowance"	No Value
Restaurant (24-Hour and Fast Food)	0.038 AF/Interior Restaurant Seat
School or Church	0.00007 AF/SF
Self-Storage	0.0008 AF/Storage Unit
Skilled Nursing/Alzheimer's Care	0.12 AF/Bed
Spa	0.05 AF/Spa
Swimming Pool	0.02 AF/100 SF of Surface Area
Theater	0.0012 AF/Seat

**Group IV - MODIFIED NON-RESIDENTIAL USES**

Users in this category have reduced water Capacity from the types of uses listed in Groups I-V and have received a Water Use Credit for modifications (Rule 25.5-F-4-d) or permanent installation of known and validated technology that results in a quantifiable reduction in Water Use Capacity. Please inquire for specific property information.

**Group V – INDUSTRIAL USES**

Users in this category use water during the production process for either creating their products or cooling equipment. Industrial water may also be used for fabricating, processing, washing, diluting, cooling, or transporting a product. Water is also used by industries producing chemical products and food products. Industrial uses also include certain hospital uses. Water Use Capacity shall be determined following review of the project's construction and business plans and estimated water use and may be considered for Rule 24 Special Circumstances.

Notes: Any Non-Residential water use which cannot be characterized by one of the use categories set forth in Table 2 shall be designated as "other" and assigned a factor which has a positive correlation to the anticipated Water Use Capacity for that Site. When a Non-Residential project proposes two or more of the uses set forth in Table 2, each proposed use shall be subject to a separate calculation. When the proposed use appears to fall into more than one group or use, the higher factor shall be used.

## **Attachment 1 to MPWMD Resolution No. 2019-10**

- <sup>1</sup> ABC Licensed Premises Diagram area shall be used for calculation of square-footage.
- <sup>2</sup> Assisted living Dwelling Units shall be permitted as Residential uses per Table 1, Residential Fixture Unit Count Values.
- <sup>3</sup> Dormitory water use at educational facilities is a Residential use, although the factor is shown on Table 2.
- <sup>4</sup> See Rule 24-B-1 and Rule 25.5 for information about the “Standard Exterior Seat Allowance”.

## **Attachment 6**

### Preliminary Landscape Plan

LEGEND			
SYMBOL	NAME	QNT.	BOX SIZE
	Existing adjacent parcel Monterey Cypress <i>Cupressus macrocarpa</i>	3	
	Swan Hill Olive Tree <i>Olea europaea</i> 'Swan Hill'	19	48"
	Cajeput Tree <i>Melaleuca quinquenervia</i>	14	24"
	Pink Melaleuca <i>Melaleuca nesophila</i>	28	36"
	Bronze Loquat <i>Eriobotrya deflexa</i>	10	36"
	Strawberry Tree <i>Arbutus</i> 'Marina'	8	36"
	Proposed Extensive Green Roof		
	Proposed Shrubs & Ground Cover		

\*N.A.P. - Not a part of the project

#### IRRIGATION NOTES

The proposed irrigation system for this site will be designed with the latest technology in water conservation and efficiency. The system will consist of the following types of irrigation methods and equipment complying with the State and Local Water Ordinance. All small planting beds will be irrigated with highly efficient, water conserving inline drip. All bioswales areas will be irrigated with high efficiency pop-up spray pressure compensating spray sprinklers. These sprinklers apply the water at a lower application rate to reduce runoff and ponding. All sprinklers will include built in check valves and pressure regulators to prevent misting and low head drainage on sloped areas. The controller that will manage this system uses local weather to adjust the run times of the valves based on daily weather conditions. Utilizing this type of weather based system will help the landscape manager save 25% more water than with a conventional controller.

#### Irrigation Zones

1. Low water use/California native shrubs/groundcover/grasses/annuals area will be irrigated with an inline drip emitters system.
2. Large shrubs/trees/ areas will use point source bubblers.

#### Irrigation Equipment

1. The irrigation system will be automated using an "ET" weather based controller. The controller receives ET/weather updates from a local weather station or sensing device and will automatically adjust the irrigation system run times accordingly.
2. Pressurized mainline 2" and smaller shall be solvent weld Schedule 40 PVC with Schedule 40 fittings buried a minimum 18" below grade.
3. Lateral line piping shall be solvent weld Schedule 40 PVC with Schedule 40 fittings buried a minimum 12" below grade.
4. Bubblers, Pop-up spray and rotor heads will be Toro.
5. Subsurface inline drip emitters will be provided by Toro and buried approximately 4" below grade.



Source: CCS Pacific Grove Manager, LLC.

### Figure 3-9: Preliminary Landscape Plan

American Tin Cannery Hotel and Commercial Project  
Draft EIR



Not to scale

**Kimley»Horn**

Expect More. Experience Better.

**Attachment 7**  
Streetscape Images



Source: CCS Pacific Grove Manager, LLC.

## Eardley Avenue Streetscape



Source: CCS Pacific Grove Manager, LLC.

## Central Avenue Streetscape