

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) ordered¹ 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

¹ 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)² 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,³ 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.⁴ 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 2002⁵ (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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² 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.

³ 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.

⁴ State Water Board letter dated April 9, 2012.

⁵ 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)⁶ 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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⁶ 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)⁷ 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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⁷ This would require the laundry produced from the hotel to be trucked approximately 31 miles one way to be laundered. The additional CO₂ 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 tape⁸ 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

⁸ 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)



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.⁹ 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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⁹ 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 if you have any questions or would like to further discuss these comments.

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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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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 Pintar. 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

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) ²	0.085 AF/Bed
Bar (limited food/not a full-service restaurant)	0.0002 AF/SF ¹
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 ³	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” ⁴	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
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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.

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

Rob Mullane, AICP, Consulting Planner
City of Pacific Grove
Community Development Department
300 Forest Ave, 2nd 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.
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/>

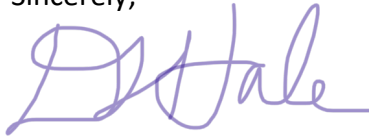
3-1

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: https://www.tamcmonterey.org/wp-content/uploads/2020/07/DesigningForTransit_07-03-20.pdf | 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 or 831-775-4402.

Sincerely,



Debra L. Hale
Executive Director

September 14, 2020

Mr. Rob Mullane, AICP, Consulting Planner
Community Development Department
City of Pacific Grove
300 Forest Avenue, 2nd 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 Site¹ 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 or skister@mpwmd.net.

Sincerely,

Stephanie Locke

Stephanie Locke
Water Demand Manager

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¹ 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?

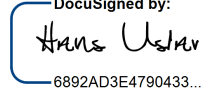
- f. In Table 17-7, Existing + Project Transportation Delay and LOS, Intersection 13 (Intersection of Lighthouse Avenue and David Avenue) had an improvement of 1 second of delay with the addition of project trips.

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

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., 2nd 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.

7-11
Cont

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

7-14
Cont

7-15

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.

7-15
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
↓

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. 3rd 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

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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
2nd 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
2nd 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, 2nd 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
Julie.davis@cbnorcal.com

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Proposed Renovation of American Tin Cannery

Jacqueline Fobes <jtfobes@yahoo.com>

Sat 8/1/2020 7:55 AM

To: R Mullane <rmullane@hrandassociates.org>

Cc: Bill Peake <bpeake@cityofpacificgrove.org>

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

2nd 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

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

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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

August 21, 2020

City of Pacific Grove
Community Development Department
2nd 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
2nd 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@googlemail.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
2nd 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
steve@gormanre.com

24-1



Alyson Hunter <ahunter@cityofpacificgrove.org>

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

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** <thomakeman@sbcglobal.net>

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

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

To: R. Mullane <rmullane@hrandassociates.org>, Anastazia Aziz <aaziz@cityofpacificgrove.org>**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.

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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,

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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

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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 5th 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 5th 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

228 18th St.

Pacific Grove, CA 93950

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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

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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> 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

From: Anthony Ciani <aciani@cianiarchitecture.com>
Sent: Thursday, August 20, 2020 1:48 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>
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.

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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> 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

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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

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Cont

Letter 27

Re: ATC - DRAFT EIR

Anthony Ciani <aciani@cianiarchitecture.com>

Thu 8/27/2020 11:56 AM

To: R Mullane <rmullane@hrandassociates.org>

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> 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.

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Rob Mullane, AICP, Consulting Planner

HR & Associates

Phone: (805) 350-3282

email: rmullane@hrandassociates.org**From:** Anthony Ciani <aciani@cianiarchitecture.com>**Sent:** Wednesday, August 26, 2020 4:18 PM**To:** R Mullane <rmullane@hrandassociates.org>**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>**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.

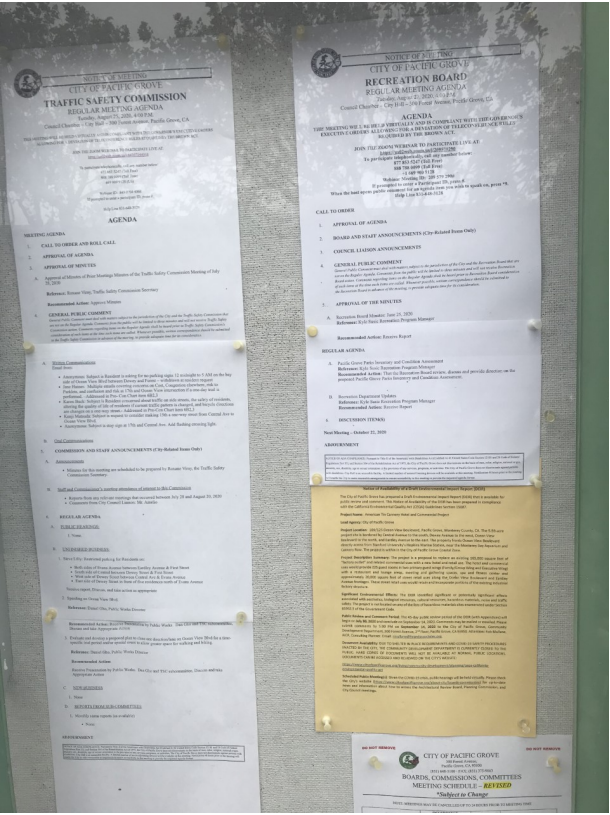
Now, six days later, I ask again, why not? How do you and the City intend to advise the public who do not have a computer or know how to use a computer, that they can check out a hard copy for review?

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,

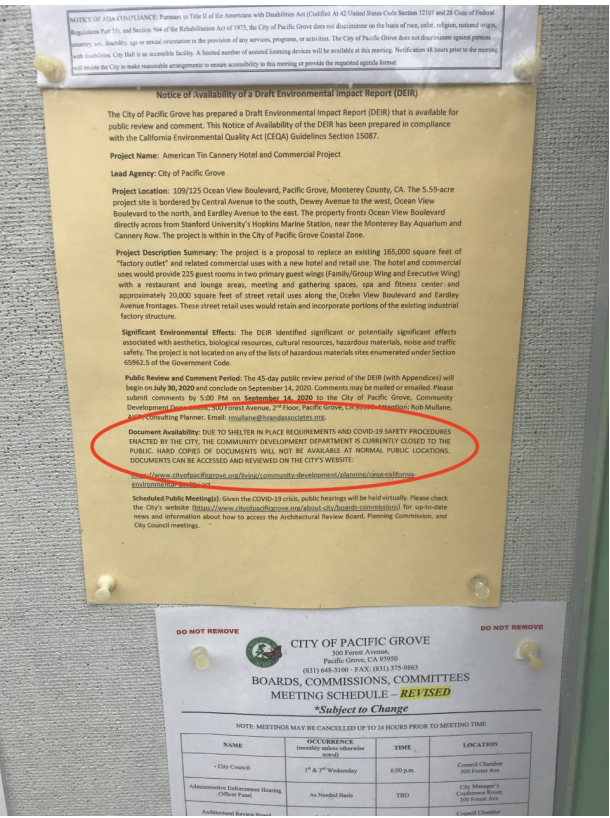
Sincerely,

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Tony Ciani



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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

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)

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
Cont

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
Cont

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."***

28-2
Cont

28-3

28-4
↓

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)¹ 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."*²

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

¹ 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:

² (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> 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

'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

From: Cosmo Bua <philemata@gmail.com>

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

To: R Mullane <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 <janehaines80@gmail.com>

Tue 9/1/2020 9:18 AM

To: R Mullane <rmullane@hrandassociates.org>

Cc: DeLapa Mike <execdir@landwatch.org>; Bill Peake <bpeake@cityofpacificgrove.org>

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.

**30-4
Cont**

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
2nd Floor
300 Forest Avenue
Pacific Grove 93950

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

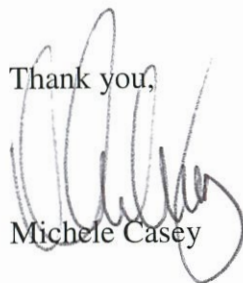
Mr. Mullane,

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,



Michele Casey

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

Comments on DEIR for American Tin Cannery Hotel and Commercial Project

Jane Haines <janehaines80@gmail.com>

Tue 9/8/2020 9:11 PM

To: R Mullane <rmullane@hrandassociates.org>

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 1st 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

228 18th 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

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.

38-1Project 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.

38-3Water

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.

38-4Transportation

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 <lisa.ciani@gmail.com>

Wed 9/9/2020 12:19 PM

To: R Mullane <rmullane@hrandassociates.org>

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 <mor1951x@gmail.com>

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

**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.¹

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

¹ <https://californiastorypolecontractor.com/>

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

Jane Haines <janehaines80@gmail.com>

Wed 9/16/2020 4:54 PM

To: R Mullane <rmullane@hrandassociates.org>

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> 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

**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

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>

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 <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 <bginpg@gmail.com>

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



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

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

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

From: **Cosmo Bua** <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>

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

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> 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

From: Cosmo Bua <philemata@gmail.com>

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

To: R Mullane <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> 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

From: Cosmo Bua <philemata@gmail.com>

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

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

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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.

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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.

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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
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