



# American Tin Cannery Hotel and Commercial Project

DRAFT EIR | JULY 2020

SCH# 2019110152

## VOLUME I



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Expect More. Experience Better.

Draft Environmental Impact Report  
for the

**American Tin Cannery  
Hotel and Commercial Project**

SCH # 2019110152

*Prepared for:*

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# 1 Executive Summary

This Draft Environmental Impact Report (EIR) has been prepared by the City of Pacific Grove (City) for the American Tin Cannery Hotel and Commercial Project (project). The City is the “public agency which has the principal responsibility for carrying out or approving the project,” and as such is the “Lead Agency” under the California Environmental Quality Act (CEQA), as defined in CEQA Guidelines Section 15367. CEQA requires the Lead Agency to consider the information contained in the EIR prior to taking any discretionary action.

This Executive Summary summarizes the requirements of the CEQA Statute and Guidelines, provides an overview of the proposal, discloses the primary findings of the EIR (potential impacts, recommended mitigation measures, level of significance after mitigation, and a summary of project alternatives), and identifies areas of potential controversy.

## 1.1 Project Overview

### 1.1.1 Project Location

The 5.59-acre project site is located in the City of Pacific Grove, Monterey County, California, primarily at 109/125 Ocean View Boulevard. The project site is bordered by Central Avenue to the southwest, Dewey Avenue to the northwest, Ocean View Boulevard to the northeast, and Eardley Avenue to the southeast. The property is one block northeast of and one-half block from the jurisdictional boundary with the City of Monterey. The property fronts Ocean View Boulevard directly across from Stanford University’s Hopkins Marine Station. Monterey Bay Aquarium and historic Cannery Row are nearby the project site to the east and southeast.

### 1.1.2 Project Description

The project is a proposal to replace the existing 165,000 square feet of “factory outlet” commercial and related uses with a new hotel and commercial uses. The hotel and commercial uses would provide 225 guest rooms in two primary guest wings (Family/Group Wing and Executive Wing) with a restaurant and bars, meeting and gathering spaces, spa and fitness center and approximately 20,000 square feet of street retail uses along the Ocean View Boulevard frontage. These street retail uses would retain and incorporate portions of the existing industrial structure complex. No specific businesses or end users of the retail space have been identified.

Project actions include demolition of existing structures (except the American Tin Cannery factory building), grading, tree and vegetation removal, and construction of new buildings to establish the new hotel and related commercial uses. The project’s parking plan calls for a total 304 valet parking spaces (260 subgrade parking spaces and 44 surface spaces) on site.

The applicant is seeking a Use Permit, Architectural Approval and Tree Permit applications, and a Coastal Development Permit. The project also includes a long-term lease agreement or similar instrument for use of a portion of Sloat Avenue and encroachment onto Ocean View Boulevard.

The project is proposed to be constructed in a single phase, with the hotel and commercial components constructed simultaneously. The general sequence of activity would involve demolition, utility relocation, site grading and excavation, ATC Building renovation, foundation setting, and hotel construction. Construction activities are anticipated to last approximately 18 to 24 months.

### 1.1.3 City of Pacific Grove CEQA Evaluation Process

This EIR has been prepared to evaluate and disclose changes in the environment that could result from implementation of the proposed project. The California Environmental Quality Act (CEQA) requires the Lead Agency with discretionary authority over the project to consider the information contained in the EIR prior to taking any discretionary action. This EIR provides information to the Lead Agency and other public agencies, the general public, and decision makers regarding the potential environmental impacts from the construction and operation of the proposed project. Public review of the EIR is intended to provide an objective evaluation of the proposal consistent with CEQA requirements.

The City has the authority to take discretionary actions relating to development of the proposed project and may conditionally approve or deny the project permits. This EIR evaluates and mitigates the identified impacts associated with the proposed project. The EIR also discloses growth-inducing impacts; impacts found not to be significant; and the potential for cumulative impacts of past, present, and reasonably anticipated future projects.

## 1.2 Areas of Controversy and Issues to be Resolved

This Draft EIR addresses environmental impacts associated with the project that are known to the City, raised during the Notice of Preparation (NOP) scoping process, or were raised during preparation of the Draft EIR. The Draft EIR addresses potentially significant impacts and areas of controversy such as: aesthetics and community character, air quality, biological resources, cultural and historic resources, greenhouse gases, hazards, hydrology, noise, public services, transportation, tribal cultural resources, and utilities (including water supply). During the NOP process, comment letters were received from 34 individuals, organizations and/or agencies. The comments are summarized in [Chapter 2, Introduction](#), and are also provided in Appendix A.

## 1.3 Summary of Environmental Impacts

[Table 1-1: Summary of Project Impacts and Proposed Mitigation Measures](#) provides a summary of project impacts and proposed mitigation measures that could avoid or minimize potential impacts. The mitigation measures associated with each impact are to be implemented by the project applicant to reduce the environmental impacts to a less than significant level, where possible.

Table 1-1: Summary of Significant Impacts of the Proposed Project

Impact	Significance Before Mitigation	Mitigation Measure	Significance After Mitigation
<b>Aesthetics</b>			
<b>Impact AES-1:</b> The project could affect or alter views as seen from a scenic vista.	Less than significant	None required	Less than significant
<b>Impact AES-2:</b> The project could substantially degrade the existing visual character or quality of the site and its surroundings.	Significant	<b>MM AES-2.1 Construction Screening</b> To minimize and soften the visual effect as seen from visitors and nearby residents, the project applicant shall incorporate construction fencing or screening around the perimeter of the site. The screening material shall be of sufficient height to mask activities within and be designed with graphics, murals, historic references or other design features to blend as much as possible with the neighborhood surroundings while communicating the future uses at the site. Screening shall remain in place during demolition of existing structures, site preparation and new building construction. Applicant shall be responsible for continued maintained and condition of the screening throughout the construction period. Screening shall not be necessary during the final stages of construction when architectural coatings, detailing and landscaping are applied. The screening concept and design shall be submitted for approval to the City of Pacific Grove prior to groundbreaking.	Significant and unavoidable
<b>Impact AES-3:</b> The project would introduce new sources of light and glare to the project site and project area.	Significant	<b>MM AES-3.1 Glare Reduction</b> 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. 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.	Less than significant
<b>Impact AES-4:</b> The project would not significantly contribute to cumulatively considerable visual or aesthetic impacts.	Less than significant	None required	Less than significant



Impact	Significance Before Mitigation	Mitigation Measure	Significance After Mitigation
<b>Air Quality</b>			
<b>Impact AQ-1:</b> The project would not conflict with the MBARD Air Quality Plan.	Less than significant	None required	Less than significant
<b>Impact AQ-2:</b> The project could generate dust and exhaust emissions of criteria pollutants and toxic air contaminants during construction.	Significant	<p><b>MM AQ-2.1 Reduce Fugitive Dust</b></p> <p>The project applicant shall implement the following measures to minimize nuisance impacts and to significantly reduce fugitive dust emissions, and the project applicant shall require all of the following measures to be shown on grading and building plans:</p> <ul style="list-style-type: none"> <li>▪ Limit grading to 8.1 acres per day, and grading, demolition and excavation to 2.2 acres per day.</li> <li>▪ Water graded/excavated areas and active unpaved roadways, unpaved staging areas, and unpaved parking areas at least twice daily or apply non-toxic chemical soil stabilization materials per manufacturer's recommendations. Frequency should be based on the type of operations, soil and wind exposure.</li> <li>▪ Prohibit all grading activities during periods of high wind (more than 15 mph).</li> <li>▪ Apply chemical soil stabilizers on inactive construction areas (disturbed lands within construction projects that are unused for at least four consecutive days).</li> <li>▪ Stabilize all disturbed soil areas not subject to using approved chemical soil binders, jute netting, or gravel for temporary roads and any other methods approved in advance by the APCD.</li> <li>▪ Sow exposed ground areas that are planned to be reworked at dates greater than one month after initial grading with a fast germinating, non-invasive grass seed, and water until vegetation is established.</li> <li>▪ Plant vegetative ground cover in disturbed areas as soon as possible.</li> </ul>	Less than significant

Impact	Significance Before Mitigation	Mitigation Measure	Significance After Mitigation
		<ul style="list-style-type: none"> <li>▪ Use street sweepers, water trucks, or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Reclaimed (non-potable) water should be used whenever possible.</li> <li>▪ Spray dirt stock pile areas daily as needed (without causing off-site runoff).</li> <li>▪ Place gravel on all roadways and driveways as soon as possible after grading. In addition, construct building pads as soon as possible after grading unless seeding, soil binders, or frequent water application are used.</li> <li>▪ Not exceed a 15-mph vehicle speed for all construction vehicles on any unpaved surface at the construction site.</li> <li>▪ Cover or maintain at least 2 feet of freeboard (minimum vertical distance between top of load and top of trailer) on all trucks hauling dirt, rock, sand, soil, or other loose materials in accordance with California Vehicle Code Section 23114.</li> <li>▪ Limit unpaved road travel to the extent possible, for example, by limiting the travel to and from unpaved areas, by coordinating movement between work areas rather than to central staging areas, and by busing workers where feasible.</li> <li>▪ Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site, and inspect vehicle tires to ensure free of soil prior to carry-out to paved roadways.</li> <li>▪ Sweep streets at the end of each day, or as needed, if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water shall be used where feasible.</li> </ul> <p><b>MM AQ-2.2 Designate a Dust Compliance Monitor</b></p> <p>The project applicant shall require the contractor(s) or builder(s) to designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20 percent</p>	

Impact	Significance Before Mitigation	Mitigation Measure	Significance After Mitigation
		opacity, and to prevent transport of dust off-site. Their duties shall include monitoring during holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the MBARD Compliance Division prior to the start of any grading, earthwork, or demolition. The project applicant shall provide and post a publicly visible sign that specifies the telephone number and name to contact regarding dust complaints. This person shall respond to complaints and take corrective action within 48 hours. The phone number of the MBARD shall also be visible to ensure compliance with Rule 402 (Nuisance).	
<b>Impact AQ-3:</b> The project could generate dust and exhaust emissions of criteria pollutants during future long-term operations.	Less than significant	None required	Less than significant
<b>Impact AQ-4:</b> The project could increase carbon monoxide concentrations above State and federal standards.	Less than significant	None required	Less than significant
<b>Impact AQ-5:</b> The project could contribute to cumulatively considerable air quality impacts.	Significant	Refer to MM GHG-2.1	Less than significant
<b>Biological Resources</b>			
<b>Impact BIO-1:</b> The project could have a direct or indirect adverse effect on a federally protected species (harbor seal) and species of local and regional interest (black oystercatcher).	Significant	<b>MM BIO-1.1 Noise Attenuation of Minimize Effects on Shoreline Species</b> 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.	Less than significant

Impact	Significance Before Mitigation	Mitigation Measure	Significance After Mitigation
		<p>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.</p> <p><b>MM BIO-1.2 Timing of Demolition and Excavation</b></p> <p>Demolition, grading and excavation of the site for sub grade construction shall take place 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.</p> <p><b>MM BIO-1.3 Biological Monitor</b></p> <p>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 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.</p>	
<p><b>Impact BIO-2:</b> The project could interfere or impede with migratory bird habitat, as well as the use of native wildlife nursery sites for harbor seal and black oystercatcher.</p>	<p>Significant</p>	<p><b>MM BIO-2.1 Preconstruction Bird Surveys</b></p> <p>The applicant shall schedule all on-site tree removal and grading to occur between August 31st and March 1st of any given year to avoid the Central Coast bird nesting season. If this schedule is not practical, the project sponsor shall fund the engagement of a qualified biologist to conduct preconstruction nesting bird surveys no more than two weeks prior to removal of trees and grading. If no active bird nests are observed, no additional measures are required. If nesting birds are observed, the biologist will establish a buffer zone where no tree removal or grading will occur until the biologist confirms that all chicks have fledged.</p>	<p>Less than significant</p>

Impact	Significance Before Mitigation	Mitigation Measure	Significance After Mitigation
<p><b>Impact BIO-3:</b> The removal of 79 trees for construction of the project could conflict with local policies and ordinances regarding tree preservation.</p>	<p>Significant</p>	<p><b>MM BIO-3.1 Pre-Construction Meeting and Training</b></p> <p>Prior to site disturbance the project sponsor shall retain a City-approved or -qualified project arborist/forester to conduct a meeting and training session to communicate and instruct personnel about tree removal, retention of trees on adjacent properties, and their protection. The pre-construction meeting shall include instruction on required tree protection and exclusionary fencing to be installed prior to grading, excavation and construction procedures. Meeting attendees shall include all involved parties such as site clearance personnel, construction managers, heavy equipment operators, and tree service operators. A list of pre-construction attendees and the materials discussed shall be maintained and be provided to the City for review. Meeting attendees must agree to abide to tree protection and instructions as indicated during the meeting and agree to ensure any tree protection implemented will remain in place during entire construction period.</p> <p><b>MM BIO-3.2 Off Site Mitigation and/or Payment of In-Lieu Fees</b></p> <p>For all trees that ultimately require removal and cannot be incorporated into the site plan, the project sponsor shall either replace/replant new trees on a 2:1 ratio on site; replace/replant at another location(s) identified in consultation with the City of Pacific Grove if 2:1 on-site replanting is not feasible; pay an in-lieu tree impact fee (“tree fund”) as acceptable mitigation pursuant to Chapter 12 of the Municipal Code; or, a combination thereof to fully mitigate for tree loss. Mitigation shall be implemented prior to occupancy. Should in-lieu mitigation fees be proposed, these fees shall be collected prior to issuance of grading permits and prior to any tree removal activities.</p> <p><b>MM BIO-3.3 Tree Planting/Replanting</b></p> <p>Replacement trees (on- or off-site) shall be five-gallon stock or larger. Spacing between trees should be at least 8 feet apart where available space is indicated. Occasional deep watering (more than</p>	<p>Less than significant</p>



Impact	Significance Before Mitigation	Mitigation Measure	Significance After Mitigation
		<p>two weeks apart) during the late spring, summer, and fall is recommended during the first two years after establishment.</p> <p><b>MM BIO-3.4 Best Management Practices</b></p> <p>During construction, the project sponsor shall ensure compliance with the following best practices for potentially affected trees on <u>adjacent</u> properties:</p> <ul style="list-style-type: none"> <li>▪ Do not deposit any fill around trees that may compact soils and alter water and air relationships. Avoid depositing fill, parking equipment, or staging construction materials near existing trees. Covering and compacting soil around trees can alter water and air relationships with the roots. Fill placed within the dripline may encourage the development of oak root fungus (<i>Armillaria mellea</i>). As necessary, trees shall be protected by boards, fencing or other materials to delineate protection zones.</li> <li>▪ Pruning, when necessary, shall be conducted to avoid injury to any tree. General principals of pruning include placing cuts immediately beyond the branch collar, making clean cuts by scoring the underside of the branch first, and for live oak, avoiding the period from February through May.</li> <li>▪ Native trees are not adapted to summer watering and may develop crown or root rot as a result. Do not regularly irrigate within the drip line of native trees.</li> <li>▪ Root cutting should occur outside of the springtime. Late June for such root cutting is optimal. Pruning of the live crown should not occur February through May.</li> <li>▪ A mulch layer up to approximately 4 inches deep shall be applied to the ground under selected trees in disturbed areas following construction. Only 1 to 2 inches of mulch should be applied within 1 to 2 feet of the trunk, and under no circumstances should any soil or mulch be placed against the root crown (base) of trees. The best source of mulch would be from chipped material generated on site.</li> <li>▪ If trees along near the development site are visibly declining in vigor, a Professional Forester or Certified Arborist shall be</li> </ul>	

Impact	Significance Before Mitigation	Mitigation Measure	Significance After Mitigation
		<p>contacted to inspect the site, contact the owner, and to recommend a course of action.</p> <p><b>MM BIO-3.5 Additional Tree Protection and Pruning Standards</b></p> <p>If for any reason on site trees are <u>not</u> removed and preserved within the site plan, the project sponsor shall implement all tree protection standards as identified in the ATC Hotel and Commercial Project Tree Resource Assessment prepared for the project. Such measures may include reasonable disturbance setbacks, protective netting, protection of trunks with lumber, and limiting work within the dripline.</p>	
<b>Impact BIO-4:</b> The project could contribute to cumulatively considerable effects on biological resources (tree removal).	Significant	MM BIO-3.2, MM BIO-3.3, MM BIO-3.4, MM BIO-3.5	Less than significant
<b>Cultural Resources</b>			
<b>Impact CR-1:</b> The project would result in a substantial adverse change in the significance of a historical resource as defined by the significance criteria established by CEQA.	Significant	<p><b>MM CR-1.1 HABS Documentation</b></p> <p>Prior to the start of demolition, the project sponsor shall retain a qualified professional acceptable to the City to prepare written and photographic documentation the ATC complex.</p> <p>The documentation for each property shall be prepared based on the National Park Service’s Historic American Building Survey (HABS) Historical Report Guidelines. This type of documentation is based on a combination of the HABS standards and the National Park Service’s new policy for National Register of Historic Places (NRHP)/National Historic Landmark photographic documentation as outlined in the NRHP and the National Park Service’s 2013 National Historic Landmarks Survey Photo Policy Expansion. The documentation will include the following:</p> <ol style="list-style-type: none"> <li><b>Sketch Plan Drawings:</b> Efforts should be made to locate original construction drawings or plans of the property during the period of significance. If located, these drawings should be</li> </ol>	Significant and unavoidable

Impact	Significance Before Mitigation	Mitigation Measure	Significance After Mitigation
		<p>photographed or scanned at high resolution, reproduced, and included in the dataset. If construction drawings or plans cannot be located, sketch plans in accordance with HABS Documentation Level III shall be prepared. HABS guidance for sketch plans notes that these should be floor plans “generally not to exact scale although often drawn from measurements, where the features are shown in proper relation and proportion to one another.” A sketch site plan should also be produced that includes buildings and landscape features. Sketch plans shall be prepared by an architect who meets or exceeds the Secretary of the Interior’s Professional Qualification Standards for Historic Architecture or Architecture, and be reviewed by the qualified consultant preparing the HABS report.<sup>1</sup></p> <p>2. <b>Photographs:</b> Standard large-format or digital photography shall be used. If digital photography is used, the ink and paper combinations for printing photographs must comply with the NRHP/National Historic Landmark photo expansion policy and have a permanency rating of approximately 115 years. Digital photographs shall be taken in uncompressed .TIF file format. The size of each image shall be 1600x1200 pixels at 300 pixels per inch or larger, color format, and printed in black and white. The file name for each electronic image shall correspond with the index of photographs and photograph labels. Photographs should include general overviews that illustrate the setting and include Building 3; all exterior façades of Buildings 0, 1, and 2; typical original windows and doors; and exterior details indicative of era of construction or of historic or architectural interest from the period of significance (1927-1954), including but not limited to the sawtooth roof and chevron capped</p>	

<sup>1</sup> The Secretary of the Interior’s Professional Qualification Standards for Architecture are a professional degree in architecture plus at least two years of full-time experience in architecture, or a State license to practice architecture.

Impact	Significance Before Mitigation	Mitigation Measure	Significance After Mitigation
		<p>pilasters of Building 1, the metal smokestacks of Building 2, and the concrete smokestack remnant south of Building 1. All views shall be referenced on a photographic key. This photograph key shall be on a map of the property and shall show the photograph number with an arrow indicating the direction of the view. Historical photographs shall also be collected, reproduced, and included in the dataset.</p> <p><b>3. Written data:</b> A historical report shall be prepared, summarizing the history of the buildings, property description, and historical significance. Documentation shall adhere to National Park Service standards for “short form” HABS documentation.</p> <p><b>4. Drone photography:</b> Drone photography of the historic resource and site is recommended as additional documentation. Execution of drone photography is understood to be conditional upon ability to fly a drone over the site within relevant local and FAA regulations and approvals. Drone photography should capture the full extent of the site, all buildings and their special relationships on the site and immediate surroundings, as well as the character of the Building 1 sawtooth roof and representative portions of facades of Buildings 0, 1, and 2. If conducted, drone photography should be submitted in digital format along with HABS documentation to the City of Pacific Grove Community Development Department and publicly accessible repositories such as the Pacific Grove Heritage Society, Pacific Grove Public Library, and the Monterey County Public Library California History Room. If desired, the drone photography could also be used in the public interpretive displays on site.</p> <p>Copies of the HABS documentation shall be provided to the City of Pacific Grove Community Development Department and publicly accessible repositories such as the Pacific Grove Heritage Society, Pacific Grove Public Library, and the Monterey County Public Library California History Room. This measure would create a collection of reference materials that would be available to the public and inform future research.</p>	

Impact	Significance Before Mitigation	Mitigation Measure	Significance After Mitigation
		<p><b>MM CR-1.2 Public Interpretive Display</b></p> <p>As a component of the finished project, the project sponsor shall prepare a plan for permanent exhibit/display in consultation with the City of Pacific Grove Community Development Department staff that would commemorate the industrial fish canning history of the American Can Company. The exhibit/display may consist of static, video and/or interactive displays, as deemed appropriate, but should include relevant historical information, interpretive text, historical photographs, and/or drawings that may be based on this Historic Resource Technical Report and/or the HABS documentation. The exhibit/display shall be installed at a publicly accessible location on the project site, near the remaining historic portions of the complex.</p> <p><b>MM CR-1.3 Protection of Historical Resources from Construction Activities</b></p> <p>The project sponsor shall undertake a construction monitoring program to minimize damage to remaining portions of Building 0 and Building 1. Prior to the start of any ground-disturbing activity, the project sponsor shall engage a historic architect or qualified historic preservation professional to undertake a preconstruction survey of Building 0 and Building 1 and photograph the buildings' existing conditions. This survey may be completed in conjunction with MM CR-1.1. The construction monitoring plan may include staging of equipment and materials as far as feasible from historic buildings to avoid direct damage; using techniques in demolition, excavation, shoring, and construction to minimize vibration (such as using concrete saws instead of jackhammers or hoe-rams to open excavation trenches, the use of non-vibratory rollers, and similar measures); maintaining a buffer zone when possible between heavy equipment and historic resource(s); and/or enclosing construction scaffolding to avoid damage from falling objects or debris.</p> <p>The consultant shall conduct a final post-construction survey to document the condition of the contributing historic buildings to the ATC at that time and produce a report on the condition of the</p>	

Impact	Significance Before Mitigation	Mitigation Measure	Significance After Mitigation
		<p>historic structures. The final post-construction report shall be submitted to the City Community Development Department for review and approval.</p> <p><b>MM CR-1.4 Historic Materials and Features Rehabilitation</b></p> <p>The project applicant shall ensure that the project complies with National Park Service treatment recommendations for the cleaning, repair, and rehabilitation of all remaining historic materials and features to be incorporated into the project. Features such as exterior stucco cladding, original doors, and original wood and steel sash windows at Building 0 and Building 1 that are retained should be repaired and rehabilitated in accordance with the following guidance documents:</p> <ul style="list-style-type: none"> <li>• John H. Myers, <i>Preservation Brief No. 9: The Repair of Historic Wooden Windows</i> (U.S. Department of the Interior, National Park Service, 1981), available online at <a href="https://www.nps.gov/tps/how-to-preserve/briefs/9-wooden-windows.htm">https://www.nps.gov/tps/how-to-preserve/briefs/9-wooden-windows.htm</a></li> <li>• Robert M. Powers, <i>Preservation Tech Notes, Windows Number 17, Repair and Retrofitting Industrial Steel Windows</i> (U.S. Department of the Interior, National Park Service, August 1989), available online at <a href="https://www.nps.gov/tps/how-to-preserve/tech-notes/Tech-Notes-Windows17.pdf">https://www.nps.gov/tps/how-to-preserve/tech-notes/Tech-Notes-Windows17.pdf</a></li> <li>• Sharon C. Park, <i>Preservation Brief No. 13: The Repair and Thermal Upgrading of Historic Steel Windows</i> (U.S. Department of the Interior, National Park Service, 1981), available online at <a href="https://www.nps.gov/tps/how-to-preserve/briefs/13-steel-windows.htm">https://www.nps.gov/tps/how-to-preserve/briefs/13-steel-windows.htm</a></li> <li>• Anne E. Grimmer, <i>Preservation Brief No. 22: The Preservation and Repair of Historic Stucco</i> (U.S. Department of the Interior, National Park Service, October 1990), available online at <a href="https://www.nps.gov/tps/how-to-preserve/briefs/22-stucco.htm">https://www.nps.gov/tps/how-to-preserve/briefs/22-stucco.htm</a></li> </ul>	



Impact	Significance Before Mitigation	Mitigation Measure	Significance After Mitigation
		<p>Abrasive chemical or physical treatments or cleaning methods must not be used. For additional information, see:</p> <ul style="list-style-type: none"> <li>Anne E. Grimmer, <i>Preservation Brief No. 6: Dangers of Abrasive Cleaning to Historic Buildings</i> (U.S. Department of the Interior, National Park Service, June 1979), available online at <a href="https://www.nps.gov/tps/how-to-preserve/briefs/6-dangers-abrasive-cleaning.htm">https://www.nps.gov/tps/how-to-preserve/briefs/6-dangers-abrasive-cleaning.htm</a>.</li> </ul>	
<p><b>Impact CR-2:</b> The project has the potential to cause a substantial adverse change to known and unknown archaeological and cultural resources.</p>	Significant	<p><b>MM CR-2.1 Preconstruction Archaeological and Paleontological Sensitivity Training</b></p> <p>Prior to construction, all personnel directly involved in project related ground disturbance shall be provided archaeological and paleontological sensitivity training. The training will be conducted by a qualified Archaeologist who meets the Secretary of the Interior's standards for archaeology, and a qualified professional paleontologist, as defined by the Society of Vertebrate Paleontology, who is experienced in teaching non-specialists. A Native American representative from the Ohlone/Costanoan-Esselen Nation (OCEN) will also be invited to be present and participate in the training from a tribal perspective. The training will take place at a day and time to be determined in conjunction with the project construction foreman, and prior to any scheduled ground disturbance. The training will include: a discussion of applicable laws and penalties; samples or visual aids of artifacts and paleontological resources that could be encountered in the project vicinity, including what those artifacts and resources may look like partially buried, or wholly buried and freshly exposed; and instructions to halt work in the vicinity of any potential cultural resources discovery, and the need to notify the archaeological monitor as necessary.</p> <p><b>MM CR-2.2 Preconstruction Identification and Avoidance of Recorded Archaeological Resources</b></p> <p>Prior to construction, the Project Archaeologist and OCEN's tribal leadership shall be provided with the following: (1) plans, blueprints, conceptual drawings, etc., detailing sub-surface impacts to the</p>	Less than significant

Impact	Significance Before Mitigation	Mitigation Measure	Significance After Mitigation
		<p>project area (grading or excavation prints will normally be sufficient); and (2) the proposed construction schedule or activity to be monitored, with types of excavation and/or earthmoving identified. Final grading plans will be reviewed by the Archaeologist to ensure all recorded archaeological resources adjacent to the project site will remain unaffected by project related ground disturbance. Any changes in project construction (or related off-site facilities) that could potentially impact known archaeological resources will require review by the Project Archaeologist who will then make a determination regarding the need and scope of any further work or mitigation required.</p> <p><b>MM CR-2.3 Construction Monitoring for Archaeological and Paleontological Resources</b></p> <p>Due to the hardscaped and highly developed nature of the site, archaeological testing is impractical and unlikely to reveal scientifically significant results. All project related ground disturbance shall therefore be monitored by an Archaeologist who meets the Secretary of Interior’s qualification standards for archaeology, as well as the assigned Native American representative(s) from OCEN tribal leadership. Due to the paleontological sensitivity of the site, a Paleontological Resources Monitor shall also be present during all project excavations. A qualified cross-trained Monitor in archaeology and paleontology may serve in both capacities on-site.</p> <p>Archaeological and paleontological monitoring will involve the close inspection of excavations and other ground disturbing activities within the project area. The Site Supervisor, Foreman, or similar on-site authority must be informed of the Monitors’ presence and authority to halt and/or relocate construction work. The Supervisor shall inform all construction personnel of the Monitors’ role. The Monitors will follow excavations and construction as closely as conditions require, making all reasonable efforts for safety and noninterference with construction. The number and placement of</p>	

Impact	Significance Before Mitigation	Mitigation Measure	Significance After Mitigation
		<p>Monitors will be determined by the Project Archaeologist after consultation with the Client or their designated representative(s).</p> <p>Activities that require monitoring include but are not limited to: clearing and grubbing; demolition activities that could disturb native soil; or any earthmoving (e.g., grading or excavation for foundations, footings or other subterranean elements, and trenching for underground utilities). Monitors shall keep a daily log and photographic record of all activities involving ground disturbance during the construction phase and shall submit a final report (upon completion of the ground-disturbing activities) to the City Community Development Department for review and approval.</p> <p><b>MM CR-2.4 Procedures for Inadvertent Discovery</b></p> <p><b>Inadvertent Discovery of Archaeological Resources</b></p> <p>In the event archaeological resources are encountered during ground disturbing activities, the Archaeological Monitor shall temporarily halt or divert excavations within a 100-foot radius of the find until it can be evaluated.</p> <p>California Environmental Quality Act (CEQA) Guidelines requires that all potentially significant archaeological deposits be evaluated to demonstrate whether the resource is eligible for inclusion on the California Register of Historic Resources, even if discovered during construction. If archaeological deposits are encountered they will be evaluated and mitigated simultaneously in the timeliest manner practicable, allowing for recovery of materials and data by standard archaeological procedures. For prehistoric archaeological sites, this data recovery involves the hand-excavated recovery and non-destructive analysis of a small sample of the deposit. Historic resources are also sampled through hand excavation, though architectural features may require careful mechanical exposure and hand excavation.</p> <p>Any previously undiscovered resources found during construction activities shall be recorded on appropriate DPR forms and evaluated for significance in terms of CEQA criteria by a qualified Archaeologist.</p>	

Impact	Significance Before Mitigation	Mitigation Measure	Significance After Mitigation
		<p>Potentially significant cultural resources consist of but are not limited to stone, bone, glass, ceramics, fossils, wood, or shell artifacts, or features including hearths, structural remains, or historic dumpsites. If the resource is determined significant under CEQA, the qualified Archaeologist shall prepare and implement a research design and archaeological data recovery plan that will capture those categories of data for which the site is significant in accordance with Section 15064.5 of the CEQA Guidelines. If such resources or artifacts are of native tribal origin, any mitigation or recovery program shall include direction from OCEN tribal leadership. The Archaeologist shall also perform appropriate technical analyses, prepare a comprehensive report complete with methods, results, and recommendations, including recommendations of the Tribal Representatives and monitors. The report shall be submitted to the City of Pacific Grove, the NWIC, and the State Historic Preservation Office, as required.</p> <p><b>Inadvertent Discovery of Paleontological Resources</b></p> <p>In the event that fossils or fossil-bearing deposits are discovered during construction activities, the paleontological monitor shall temporarily halt or divert excavations within a 100-foot radius of the find until it can be evaluated. If the find is deemed significant, the applicant shall retain a qualified Paleontologist to document the discovery as needed in accordance with Society of Vertebrate Paleontology standards and assess the significance of the find under the criteria set forth in CEQA Guidelines Section 15064.5. The Paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction activities are allowed to resume at the location of the find. If the applicant determines that avoidance is not feasible, the Paleontologist shall prepare an Excavation Plan for mitigating the effect of construction activities on the discovery. The Excavation Plan shall be submitted to the City of Pacific Grove for review and approval prior to implementation, and the applicant shall adhere to the recommendations in the Excavation Plan.</p> <p><b>Inadvertent Discovery of Human Remains</b></p>	

Impact	Significance Before Mitigation	Mitigation Measure	Significance After Mitigation
		<p>In the event that human remains (or remains that may be human) are discovered at the project site, Public Resource Code Section 5097.98 must be followed. All grading or earthmoving activities shall immediately stop within a 100-foot radius of the find. The project proponent shall then inform the Monterey County Coroner and the City of Pacific Grove immediately, and the Coroner shall be permitted to examine the remains as required by California Health and Safety Code Section 7050.5(b).</p> <p>Section 7050.5 also requires that excavation be stopped in the vicinity of discovered human remains until the Coroner can determine whether the remains are those of a Native American. If human remains are determined as those of Native American origin, the applicant shall comply with applicable State regulations relating to the disposition of Native American burials that fall within the jurisdiction of the NAHC (Public Resource Code [PRC] § 5097). The Coroner shall contact the NAHC to determine the most likely descendant(s) (MLD). The MLD shall complete his or her inspection and make recommendations or preferences for treatment within 48 hours of being granted access to the site. The MLD will determine the most appropriate means of treating the human remains associated grave artifacts, and shall oversee the disposition of the remains.</p> <p>In the event the NAHC is unable to identify an MLD or the MLD fails to make a recommendation within 48 hours after being granted access to the site, the landowner or his/her authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity within the project area in a location not subject to further subsurface disturbance.</p>	
<b>Impact CR-3:</b> The project may incrementally contribute to the cumulative change or disturbance to historic or prehistoric resources known to exist in the vicinity of the project.	Less than significant	None required	Less than significant

Impact	Significance Before Mitigation	Mitigation Measure	Significance After Mitigation
<b>Energy</b>			
<b>Impact ER-1:</b> The project will utilize more energy than the site currently consumes, resulting in the potential for wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation.	Less than significant	None required	Less than significant
<b>Impact ER-2:</b> The project would not obstruct a State or local plan for renewable energy or energy efficiency.	Less than significant	None required	Less than significant
<b>Impact ER-3:</b> The project would not contribute to cumulatively considerable impacts to energy consumption.	Less than significant	None required	Less than significant
<b>Geology &amp; Soils</b>			
<b>Impact GEO-1:</b> The project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map.	Less than significant	None required	Less than significant
<b>Impact GEO-2:</b> The proposed project could be subject to strong seismic ground shaking during a seismic event.	Less than significant	None required	Less than significant
<b>Impact GEO-3:</b> The project's susceptibility to landslide conditions is low.	Less than significant	None required	Less than significant

Impact	Significance Before Mitigation	Mitigation Measure	Significance After Mitigation
<b>Impact GEO-4:</b> The project could result in soil erosion or the loss of topsoil.	Less than significant	None required	Less than significant
<b>Impact GEO-5:</b> The project is located on a geologic unit or soil that could be either unstable, or that could become unstable as a result of the project, and potentially result in on-or off-site landslide, lateral spreading, subsidence, liquefaction, collapse or expansive soils.	Less than significant	None required	Less than significant
<b>Impact GEO-6:</b> The project could directly or indirectly destroy a unique paleontological resource or site or unique geologic features during construction.	Significant	Refer to MM CR-2.1, MM CR-2.3 and MM CR-2.4	Less than significant
<b>Impact GEO-7:</b> The project would not contribute to cumulatively considerable effects on geology and soils.	Less than significant	None required	Less than significant
<b>Greenhouse Gas Emissions</b>			
<b>Impact GHG-1:</b> The project could contribute to cumulatively considerable effects on construction-related greenhouse gas emissions.	Less than significant	None required	Less than significant
<b>Impact GHG-2:</b> The project could contribute to cumulatively considerable effects on long-term operations-related greenhouse gas emissions.	Significant	<b>MM GHG-2.1 Commute Trip Reduction/Transportation Demand Management Plan</b>  Prior to the issuance of grading permits for the project, the project applicant shall develop a final and qualifying Commute Trip Reduction (CTR)/Transportation Demand Management (TDM) plan to reduce mobile GHG emissions for all uses. The TDM plan shall be approved by the City prior to the issuance of building permits and incorporated into the project's Conditions of Approval. The TDM plan shall discourage single-occupancy vehicle trips and encourage	Less than significant



Impact	Significance Before Mitigation	Mitigation Measure	Significance After Mitigation
		<p>alternative modes of transportation such as carpooling, taking transit, walking, and biking. The following measures shall be incorporated into the TDM plan.</p> <ul style="list-style-type: none"> <li>The CTR/TDM plan for the project shall include, but not be limited to the following potential measures or combination of measures: ride-matching assistance, preferential carpool parking, flexible work schedules for carpools, half-time transportation coordinators, providing a web site or message board for coordinating rides, transit subsidies for employees, employee vanpool/shuttle, guest shuttle, designating adequate passenger loading and unloading and waiting areas for ride-sharing vehicles, extension or funding of MST Trolley, and including bicycle end of trip facilities. This list may be updated as new or alternative methods become available. Verification of this measure and quantification of trip and emission reduction shall occur prior to the first building permit issuance for the hotel and commercial uses.</li> </ul> <p>Refinement of the estimated project GHG emissions may be completed at the time of discretionary approval in order to reflect the project refinements and the most current and accurate data available regarding the project's estimated emissions (including emission rates). Once project emissions are shown to be below 1,100 MTCO<sub>2</sub>e per year and trips are reduced at key intersections as identified in Chapter 17 of this EIR, then this GHG-related mitigation may be considered satisfied.</p>	
<b>Impact GHG-3:</b> The project will not conflict with a plan, policy or regulation adopted for the purpose of reducing greenhouse gas emissions.	Less than Significant	Refer to MM GHG-2.1, MM BIO-3.3, MM TRA-3.2	Less than Significant
<b>Hazards &amp; Hazardous Materials</b>			
<b>Impact HAZ-1:</b> The project has minimal potential to create a hazard to the public or the environment through the	Less than Significant	None required	Less than significant

Impact	Significance Before Mitigation	Mitigation Measure	Significance After Mitigation
routine transport, use, or disposal of hazardous materials.			
<p><b>Impact HAZ-2:</b> The project could create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.</p>	Significant	<p><b>MM HAZ-2.1 Dry Season Excavation and Testing of Discharge</b></p> <p>Construction shall be timed for dry-season excavation of potentially contaminated areas in order to minimize the amount of groundwater that could be generated by dewatering. To ensure that groundwater discharges during construction do not pose an environmental hazard, the applicant shall test exposed groundwater prior to discharge to ensure that PERC levels are below actionable levels. If above actionable levels, groundwater sources shall be treated to regulated levels prior to discharge.</p> <p><b>MM HAZ-2.2 Soil and Groundwater Management</b></p> <p>Prior to excavation within the ATC parking lot and/or where soil contaminants have been identified or suspected, the project applicant shall prepare a soil management plan (SMP) to establish management practices for isolating the veneer of contaminated sediments from cleaner overburden to minimize the volume of material requiring disposal as an impaired waste. The plan shall be reviewed and approved by City prior to implementation.</p> <p><b>MM HAZ-2.3 Soil Vapor and Groundwater Barriers</b></p> <p>For areas proposed to be structurally developed where contamination has been identified or suspected, final improvement plans shall demonstrate that lower stories of the project are impermeable to both groundwater and soil vapor. Plans shall be prepared and submitted by the applicant or review and approval of the City.</p> <p><b>MM HAZ-2.4 Testing and Disposal of Contaminated Materials</b></p> <p>Prior to demolition, the applicant shall perform testing for the presence of lead paint and asbestos containing materials (ACMs) consistent with regulatory protocols and shall implement the resulting recommendations. The applicant shall ensure that all contaminated materials – known or that may be identified during</p>	Less than Significant

Impact	Significance Before Mitigation	Mitigation Measure	Significance After Mitigation
		excavation and demolition – are handled, transported and disposed of consistent with all applicable laws and regulations.	
<b>Impact HAZ-3:</b> The project could emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.	Significant	Refer to MM HAZ-2.4	Less than significant
<b>Impact HAZ-4:</b> The project is not located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.	Less than significant	None Required	Less than significant
<b>Impact HAZ-5:</b> The project is located within an airport land use plan but is located more than two miles of a public airport or public use airport. Regardless of distance, however, the project is located within the Monterey Regional Airport's Airport Influence Area Safety Zone 7.	Significant	<b>MM HAZ-5.1 Avigation Easement</b> Prior to issuance of the first construction permit for the project, the owner/developer shall grant an avigation and hazard easement to the appropriate airport authority. The easement shall be recorded at the Monterey County Recorder's Office and shall include rights and restrictions as specified by the ALUC's February 2020 review and conditional approval.	Less than significant
<b>Impact HAZ-6:</b> The project would not significantly impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.	Less than Significant	None required	Less than significant
<b>Impact HAZ-7:</b> The project would not contribute to cumulatively considerable impacts to hazards and hazardous materials.	Less than significant	None required	Less than significant
<b>Hydrology &amp; Water Quality</b>			

Impact	Significance Before Mitigation	Mitigation Measure	Significance After Mitigation
<b>Impact HYD-1:</b> The project is subject to stringent water quality control standards which would prevent potential degradation of local surface water or groundwater quality.	Less than significant	None required	Less than significant
<b>Impact HYD-2:</b> The project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge.	Less than significant	None required	Less than significant
<b>Impact HYD-3:</b> The project could alter the existing drainage pattern of the site, but would not cause substantial erosion, cause flooding or exceed the capacity of the existing stormwater system.	Less than significant	None required	Less than significant
<b>Impact HYD-4:</b> The project site could be susceptible to release of pollutants due to project inundation in a tsunami zone, and is located near an area that experiences coastal erosion.	Less than significant	None required	Less than significant
<b>Impact HYD-5:</b> The project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.	Less than significant	None required	Less than significant
<b>Impact HYD-6:</b> The project would not contribute to cumulatively considerable impacts on hydrology and water quality.	Less than significant	None required	Less than significant
<b>Land Use &amp; Planning</b>			

Impact	Significance Before Mitigation	Mitigation Measure	Significance After Mitigation
<b>Impact LU-1:</b> The project would not substantially conflict with an applicable land use plan, policy, or regulation (including the LCP) adopted for the purpose of avoiding or mitigating an environmental effect.	Less than significant	None required	Less than significant
<b>Impact LU-2:</b> The project will not contribute to cumulatively considerable land use impacts.	Less than significant	None required	Less than significant
<b>Noise &amp; Vibration</b>			
<b>Impact N-1:</b> The project could cause a temporary or periodic increase in ambient noise levels during construction that could substantially disturb sensitive receptors.	Significant	<p><b>MM N-1.1 Construction Noise Reduction</b></p> <p>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:</p> <p><u>Construction Hours.</u> Limit construction activity to the hours listed in Table 15-9 (10:00 am to 5:00 pm on Sundays and 8:00 am to 6:00 pm on Monday through Saturday).</p> <p><u>Construction Equipment.</u> 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.</p> <p><u>Vehicle and Equipment Idling.</u> Construction vehicles and equipment shall not be left idling for longer than five minutes when not in use.</p> <p><u>Stationary Equipment.</u> All noise-generating stationary equipment such as air compressors or portable power generators shall be located as far as possible from sensitive receptors. Temporary noise</p>	Less than significant

Impact	Significance Before Mitigation	Mitigation Measure	Significance After Mitigation
		<p>barriers shall be constructed to screen stationary noise generating equipment when located near adjoining sensitive land uses. Temporary noise barriers could reduce construction noise levels by 10 dBA.</p> <p><u>Construction Route.</u> All construction traffic to and from the project site shall be routed via designated truck routes where feasible. All construction-related heavy truck traffic in residential areas shall be prohibited where feasible.</p> <p><u>Workers' Radios.</u> All noise from workers' radios shall be controlled to a point that they are not audible at sensitive receptors near the construction activity.</p> <p><u>Construction Plan.</u> Prior to issuance of any grading and/or building permits, the contractor shall prepare and submit to the City for approval a detailed construction plan identifying the schedule for major noise-generating construction activity.</p> <p><u>Disturbance Coordinator.</u> A "noise disturbance coordinator" shall be designated by the contractor. The noise disturbance coordinator shall be responsible for responding to any local complaints about construction noise. The noise disturbance coordinator shall determine the cause of the noise complaint (e.g. starting too early, bad muffler, etc.) and shall require that reasonable measures warranted to correct the problem 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.</p> <p><b>MM N-1.2 Noise Barriers</b></p> <p>Construction shall use temporary noise barriers along the project boundary to break the line of sight between construction equipment and adjacent sensitive receptors as well as the adjacent Monterey Bay Aquarium offices. The temporary noise barrier shall be designed to reduce construction noise by a minimum of 10 dB. To achieve this, the barrier may consist of steel tubular framing, welded joints, a layer of 18-ounce tarp, a two-inch thick fiberglass blanket, a half-inch</p>	

Impact	Significance Before Mitigation	Mitigation Measure	Significance After Mitigation
		<p>thick weatherwood asphalt sheathing, and 7/16-inch sturdy board siding. Additionally, to avoid objectionable noise reflections, the source side of the noise barrier shall be lined with an acoustic absorption material. Temporary construction noise barriers shall be used at the following locations where construction noise impacts to sensitive receptors have been identified:</p> <ul style="list-style-type: none"> <li>▪ Along the northeastern project boundary along Dewey Avenue</li> <li>▪ Along the northern project boundary along Ocean View Boulevard</li> <li>▪ Between the construction area and the Monterey Bay Aquarium administrative office building</li> </ul> <p>This measure shall be implemented with MM BIO-1.1 to provide multi-purpose noise attenuation.</p>	
<p><b>Impact N-2:</b> The project will not result in a substantial permanent increase in ambient noise level from typical project operations.</p>	<p>Less than significant</p>	<p>None required</p>	<p>Less than significant</p>
<p><b>Impact N-3:</b> The project could temporarily cause excessive groundborne vibration or groundborne noise from typical construction-related activities.</p>	<p>Significant</p>	<p><b>MM N-3.1 Vibration Monitoring</b></p> <p>Prior to any ground-disturbing activities, the applicant shall fund the installation of vibration 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 excavation, such effects shall cause immediate work stoppage and notification of the City and project sponsor. Work shall resume only after additional vibration protection measures are employed and tested.</p> <p><b>MM N-3.2 Vibration Management Plan</b></p>	<p>Less than significant</p>

Impact	Significance Before Mitigation	Mitigation Measure	Significance After Mitigation
		Prior to any construction or demolition activities, the applicant shall provide a Vibration Management Plan or other evidence acceptable to the City that demonstrates that vibration control of demolition and construction activities will be implemented to minimize the effects of vibration at nearby receptors. This includes performing high-vibration activities during the middle of the day and spaced as far apart as possible to avoid multiple high-vibration activities at once, equipment choices and construction methods to minimize vibration, or other measures. Vehicle routes should use designated truck routes and avoid residential areas as much as possible.	
<b>Impact N-4:</b> The project will not contribute to cumulatively considerable noise impacts.	Less than significant	None required	Less than significant
<b>Public Services</b>			
<b>Impact PSR-1:</b> The project could introduce a new visitor service population that could incrementally increase demands upon fire protection facilities and corresponding service ratios.	Less than significant	None required	Less than significant
<b>Impact PSR-2:</b> The project could introduce a new service population that could incrementally increase demands upon police protection facilities and corresponding service ratios.	Less than significant	None required	Less than significant
<b>Impact PSR-3:</b> 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.	Less than significant	None required	Less than significant
<b>Impact PSR-4:</b> The project would not significantly contribute to cumulatively	Less than significant	None required	Less than significant



Impact	Significance Before Mitigation	Mitigation Measure	Significance After Mitigation
considerable public services and recreation impacts.			
<b>Transportation &amp; Circulation</b>			
<b>Impact TRA-1:</b> The project is fundamentally consistent with the programs, plans, ordinances and policies of the cities of Pacific Grove and Monterey regarding transit, roadway, bicycle and pedestrian facilities.	Less than significant	None required	Less than significant
<b>Impact TRA-2:</b> The project would be consistent with CEQA Guidelines Section 15064.3 regarding changes to vehicle miles travelled (VMT).	Less than significant	None required	Less than significant
<b>Impact TRA-3:</b> The project could substantially increase hazards due to a geometric design feature or incompatible use.	Significant	<p><b>MM TRA-3.1 Commercial Vehicle Access and Movement</b></p> <p>Prior to approval of final improvement plans, the following design elements shall be included:</p> <ul style="list-style-type: none"> <li>▪ Dewey Avenue between Ocean View Boulevard and Sloat Avenue, and the remaining portion of Sloat Avenue, shall be widened along the project frontage as necessary to allow improved commercial vehicle access while minimizing loss of on-street parking.</li> <li>▪ During site plan review, the intersections of Ocean View Boulevard/Dewey Avenue and Dewey Avenue/Sloat Avenue shall reflect geometric dimensions based on truck turning templates. Turning radii shall be designed to limit truck size/type.</li> <li>▪ The loading dock area at the end of Sloat Avenue shall include a hammerhead turn around to allow trucks to enter and exit the site head-in and head-out.</li> </ul>	Less than significant

Impact	Significance Before Mitigation	Mitigation Measure	Significance After Mitigation
		<ul style="list-style-type: none"> <li>Commercial truck traffic shall be required to adhere to an established truck route from David Avenue to Ocean View Boulevard to Sloat Avenue, returning the same way.</li> <li>Commercial deliveries to the retail center shall be allowed within a loading zone along the Ocean View Boulevard frontage to allow more direct access to individual retailers and to reduce the volume of commercial truck traffic accessing Sloat Avenue.</li> </ul> <p><b>MM TRA-3.2 Crosswalk Installation</b></p> <p>The applicant shall fund or install a designated crosswalk across Ocean View Boulevard at Dewey Avenue.</p>	
<b>Tribal Cultural Resources</b>			
<p><b>Impact TCR-1:</b> 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.</p>	Significant	<p><b>MM TCR-1.1 Native American Consultation and Participation</b></p> <p>Consistent with current California requirements and LCP policy, the project's Archaeological Monitoring and Treatment Plan will be provided to representatives of the Ohlone Costanoan Esselen Nation for review and comment as part of the City's consultation process. Amendments to this plan will be made as necessary following the completion of the consultation process.</p> <p>During project construction, a Native American monitor assigned by the Ohlone/Costanoan Esselen Nation (OCEN) tribal leadership will be present for all ground disturbance. If any tribal cultural resources are found, the project applicant and/or its contractor shall cease all work within 50 feet of the discovery and immediately notify the City of Pacific Grove Planning Division. The OCEN Native American monitor(s) will contact the OCEN Tribal Chair and in consultation with the City and an archeologist evaluate the finds. Appropriate mitigation measures for the inadvertently discovered tribal cultural resource shall be at the direction of OCEN tribal leadership. The City and tribal representative shall consider the mitigation recommendations and agree on implementation of the measure(s) that are feasible and appropriate. Such measures may include</p>	Less than significant

Impact	Significance Before Mitigation	Mitigation Measure	Significance After Mitigation
		<p>reburial of any ancestral remains, avoidance, preservation in place, excavation, documentation, or other appropriate measures.</p> <p><b>MM TCR-1.2 Reporting of Monitoring Results</b></p> <p>At the completion of grading, excavation, and ground disturbing activities on the site, an Archaeological and Paleontological Monitoring Report shall be submitted to the City and the project applicant documenting all monitoring activities and observations. This report shall document any impacts to known resources on or adjacent to the property; describe how each mitigation measure was fulfilled; document the type of cultural resources identified and the disposition and treatment of such resources; provide evidence of the required cultural sensitivity training for the construction staff held during the required pre-construction meeting; and, in a confidential appendix, include the daily/weekly monitoring notes from the Project Archaeologist and tribal monitor(s). All reports produced will be submitted to the Northwest Information Center (NWIC) at Sonoma State University and the State Historic Preservation Office as required.</p> <p>Any TCRs will be handled and reburied in a location designated through coordination with the OCEN tribal leadership in a location that will not be subject to further disturbance. Following repatriation, a legal description and map showing the reburial location shall be prepared by the Project Engineer and filed with the NAHC, NWIC, and the City.</p>	
<b>Impact TCR-2:</b> The project may incrementally contribute to the cumulative change or disturbance to tribal cultural resources known to exist in the vicinity of the project.	Less than significant	None required	Less than significant
<b>Utilities &amp; Service Systems</b>			

Impact	Significance Before Mitigation	Mitigation Measure	Significance After Mitigation
<b>Impact UTIL-1:</b> The project will require construction to relocate, extend or connect to service systems to service the project.	Significant	Refer to MM AES-2.1, MM AQ-2.1, MM AQ-2.2, MM GHG-2.1, MM HAZ-2.1, MM HAZ-2.2, MM HAZ-2.4, MM N-1.1, MM N-1.2, MM N-3.1, MM N-3.2	Less than significant
<b>Impact UTIL-2:</b> The project would have sufficient water supplies to serve the project and reasonably foreseeable development during normal, dry and multiple dry years.	Less than significant	None required	Less than significant
<b>Impact UTIL-3:</b> The wastewater provider, Monterey One Water, has sufficient capacity within its treatment system to accommodate the project.	Less than significant	None required	Less than significant
<b>Impact UTIL-4:</b> The project will not generate solid waste beyond the capacity of existing infrastructure or landfills, and would comply with federal, State and local statutes related to solid waste.	Less than significant	None required	Less than significant
<b>Impact UTIL-5:</b> The project would not contribute to cumulatively considerable utilities and service system impacts.	Less than significant	None required	Less than significant

## 1.4 Alternatives to the Proposed Project

Section 15126.6 of the CEQA Guidelines states that an EIR must address “a range of reasonable alternatives to the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives.” Based on the significant impacts identified in this EIR, along with the proposed project objectives, several alternatives were considered as summarized below and discussed in detail in [Chapter 20, Alternatives](#).

Four alternatives were identified for examination and analysis in this EIR:

### 1.4.1 No Project Alternative

Under the No Project Alternative, no hotel and commercial project would be built in the near term, and the existing commercial uses at the project site would remain for the foreseeable future. Over time, building conditions would continue to deteriorate and become more difficult to maintain. At some point in the future, it is reasonable to assume that a project would be implemented consistent with the policies and development standards of the LCP. Existing environmental conditions at the site as of November 2019 establish the environmental baseline for this alternative.

### 1.4.2 Alternative A: Limited Alteration of ATC Factory Building

This alternative would either eliminate the courtyard feature currently proposed for the ATC Factory building, relocate the courtyard feature to the back of the building, or provide the courtyard while otherwise preserving the front façade of the structure along Ocean View Boulevard. The purpose of this alternative is to reduce or eliminate the significant impact associated with modification of a building determined to be eligible as a historic resource under Secretary of the Interior standards.

### 1.4.3 Alternative B: Lower Profile Alternative

This alternative would eliminate Level 6 of the project, which is the top floor (fourth floor) of the Executive Wing. This alternative would lower this portion of the hotel by approximately 10 feet, resulting in the removal of approximately 35 guest rooms. The purpose of this alternative is to mitigate or reduce the degree of significant impacts associated with visual and aesthetic effects within the Coastal Zone, as it would lower the profile the hotel structure and have less of an overall effect on visual changes as seen from public roadways and viewpoints. With a reduction in guest rooms, a secondary benefit would be a reduction in parking demand, potentially reducing the amount of excavation required in Level B-1 or elsewhere or making the additional parking available for public/coastal use.

### 1.4.4 Alternative C: Revised Parking Concept

This alternative would result in a two-level parking structure located at 124 Central Avenue, where surface valet parking is currently proposed next to DiMaggio’s Custom Cleaners. The intent of this parking concept is to provide up to 107 valet parking spaces to replace all or most of the 107 subterranean valet spaces currently proposed in Level B1. By providing alternative parking opportunities accessed from Central Avenue, noise and construction related impacts associated with excavation of hard bedrock could be lessened, or at least transferred to a location with fewer sensitive residential and biological receptors. If public parking is included in the parking concept, this alternative may also serve to enhance visitor parking opportunities within the Coastal Zone. To provide the number of spaces needed and to address existing site constraints, the applicant may need to obtain full control of the

parcel and the cleaners building may need to be removed. This alternative assumes that all other aspects of the project remain the same.

Pursuant to the CEQA Guidelines, Alternative A, Limited Alteration of the ATC Factory Building, would be the Environmentally Superior Alternative. This is the only alternative that could fully mitigate an otherwise significant unavoidable impact.

## 2 Introduction

This Environmental Impact Report (EIR) has been prepared to identify and evaluate the potential environmental impacts associated with the American Tin Cannery Hotel and Commercial Project (proposed project, or ATC project) in the City of Pacific Grove (City). CCS Pacific Grove Manager, LLC (project applicant) has submitted a development application to the City to remove or modify most of the approximately 165,000 square foot American Tin Cannery (ATC) building complex and construct of a new 225-room hotel with restaurants, bar/lounge areas, meeting facilities, spa and fitness center, and approximately 20,000 square feet of street retail uses. The project is located at 109/125 Ocean View Boulevard and adjacent properties.

The City is the public agency with the principal responsibility for approving the project, and as such is the Lead Agency for this project under the California Environmental Quality Act (CEQA) as defined in CEQA Guidelines Section 15367. CEQA requires the Lead Agency to consider the information contained in the EIR prior to taking any discretionary action on the proposal. This EIR is intended to serve as an informational document to be considered by the City and other responsible or permitting agencies during their respective processing of permits and approvals for the proposed project.

### 2.1 Purpose and Intended Uses of the EIR

This EIR has been prepared to evaluate the environmental consequences that may result from implementation of the proposed project. The EIR provides an evaluation of the proposed project at a project-level pursuant to the Guidelines for the California Environmental Quality Act (State CEQA Guidelines) (CCR Title 14, Chapter 3, Sections 15000-15387), Sections 15161 and 15168(a)(2), respectively. According to Section 15161 of the State CEQA Guidelines, a project-level EIR is appropriate for specific development projects for which information is available for all phases of the project, including planning, construction, and operation.

CEQA requires the Lead Agency to consider the information contained in the EIR prior to taking any discretionary action. This EIR provides information to the Lead Agency and other public agencies, the general public, and decision makers regarding the potential environmental impacts from the construction and operation of the proposed project. The purpose of the public review of the EIR is to evaluate the adequacy of the environmental information in a transparent and publicly available setting. Section 15151 of the CEQA Guidelines states the following regarding standards by which adequacy is judged:

*An EIR should be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among experts. The courts have not looked for perfection but for adequacy, completeness, and a good faith effort at full disclosure.*

Under CEQA, “The purpose of an environmental impact report is to identify the significant effects on the environment of a project, to identify alternatives to the proposed project, and to indicate the manner in which those significant effects can be mitigated or avoided” (PRC Section 21002.1[a]). An EIR is the most comprehensive form of environmental documentation identified in CEQA and the CEQA Guidelines and provides the information needed to assess the environmental consequences of a proposed project. EIRs are intended to provide an objective, factually supported, full-disclosure analysis of the environmental consequences associated with a proposed project that has the potential to result in significant, adverse environmental impacts.

As required by State CEQA Guidelines Section 15128, this EIR must identify the effects of the project determined to be significant. Chapter 4 of this EIR identifies the subject matter that is the focus of analysis, and also identifies where certain environmental issues will have no resulting impact from the project.

## 2.2 EIR Organization

Pursuant to State CEQA Guidelines, Section 15120(c), this EIR contains the information and analysis required by Sections 15122 through 15131. Each of the required elements is covered in one of the EIR chapters and appendices, organized as follows.

- **Executive Summary.** A concise overview of the project description, summary impacts and mitigation measures, project alternatives, and key findings of the EIR document.
- **Introduction.** A discussion of the background, purpose and need for the project, briefly describing the project, and outlining the public agency’s use of the EIR.
- **Project Description.** Detailed description of all aspects the proposed project.
- **Environmental Analysis:** A comprehensive analysis and assessment of impacts and mitigation measures for the proposed project. This section is divided into separate chapters for each environmental resource and contains the environmental setting, analysis and impacts of the proposed project. A description of the approach to cumulative impacts analysis is presented in **Chapter 4: Introduction to Environmental Analysis**, and cumulative impacts are discussed at the end of each environmental resource chapter.
- **Alternatives.** This chapter includes a description of the alternatives evaluation process, as well as a description of alternatives considered but eliminated from further analysis and the rationale thereof. This section focuses on the analysis and assessment of feasible alternatives to the proposal, including the No Project Alternative.
- **Other CEQA Considerations.** A discussion of growth-inducing effects, long-term implications of the project, and significant environmental effects that cannot be avoided if the proposed project is implemented.
- **EIR Preparers and Organizations Consulted**



- **Appendices.** Copies of project-related appendices have been compiled as Volume II of this EIR, and are available on the City of Pacific Grove's website.

## 2.3 Environmental Review Process

**Figure 2-1: The EIR Process**, provides a basic flowchart of the main steps in the environmental review process. CEQA requires the Lead Agency to provide the public with a full disclosure of the expected environmental consequences of the proposed project and with an opportunity to provide comments. Consistent with CEQA, the opportunities for public participation in the review process are provided in the following steps:

### 2.3.1 Notice of Preparation (NOP), Public Scoping, and Summary of Comments Received

Pursuant to Section 15082 of the CEQA Guidelines, as amended, the City prepared and circulated a NOP to affected agencies and interested parties for a 36-day public review period beginning on November 7, 2019 and ending on December 13, 2019. A public scoping meeting was held on December 3, 2019 at 5:00pm at the City of Pacific Grove Community Center (515 Junipero Avenue, Pacific Grove, CA 93950).

Comments were received from 34 individuals, organizations and/or agencies, received as both written letters and emails. Additional comments were voiced at the public scoping meeting. Concerns raised in response to the NOP and scoping meeting have been considered during preparation of the Draft EIR, throughout the individual chapters. The NOP and responses by interested parties are presented in **Appendix A** of the EIR Appendices.

Public and agency comments on the NOP expressed an interest to see the following issues addressed in the EIR. It should be noted that the responsibility of the EIR is to disclose environmental effects of the project, and not all comments, letters and subjects submitted are subject to evaluation under CEQA if such comments do not relate to recognized environmental issues or thresholds.

- Traffic, circulation and parking effects/roadway system capacity
- Emergency access/emergency response
- Effects on local businesses
- Water usage and conservation/water demand and availability/water rights/sustainability
- Cultural and tribal resources/historic preservation/historic resources/building reuse options
- Tree removal/trees as a biological resource/trees as a coastal resource
- Visual changes/aesthetics/community character and design/project size and scale/view corridors
- Exterior lighting
- Required construction methods
- Hydrology and water quality

- Sewer and storm drain capacity/physical effects of expansion
- Construction impacts/air quality/odors
- Climate change/sea level rise/greenhouse gasses
- Economic effects/jobs/affordable housing/effects on existing housing/environmental justice
- Geologic/geotechnical/seismic effects
- Potential exposure to hazardous materials
- Land use buffers
- Noise/vibration impacts
- Effects on nearby harbor seal colony, birds and protected species
- Quality of life issues
- Coastal Act consistency/coastal hazards
- CEQA process/policy consistency
- Cumulative effects/project alternatives

### **2.3.2 Draft EIR**

This Draft EIR addresses the potential environmental effects of the project and was prepared following input from the public and responsible and affected agencies, through the EIR scoping process, as discussed above. The Draft EIR contains a project description, an environmental setting description, identification of project impacts, mitigation measures for impacts found to be significant, and an analysis of project alternatives. Upon completion of the Draft EIR, a Notice of Completion (NOC) was filed with the Governor's Office of Planning and Research to begin the public review period pursuant to PRC Section 21161.

### **2.3.3 Public Notice/Public Review**

Concurrent with the NOC, the City has provided public notice of availability of the DEIR consistent with CEQA Guidelines Section 15087. As required by CEQA Guidelines Section 15105, a DEIR that requires State agency review shall be circulated for no less than 45 days. Consistent with the Guidelines and statute, this DEIR will be circulated for public and agency review for 45 days as specified in the NOC. Written comments may be sent to the City at the address below. Comments must be received no later than 5:00 p.m. on the last day of the comment period.

#### **City of Pacific Grove**

Community & Economic Development Department  
300 Forest Avenue, 2nd Floor  
Pacific Grove, CA 94806  
Attention: Rob Mullane, AICP, Consulting Planner  
[rmullane@hrandassociates.org](mailto:rmullane@hrandassociates.org)

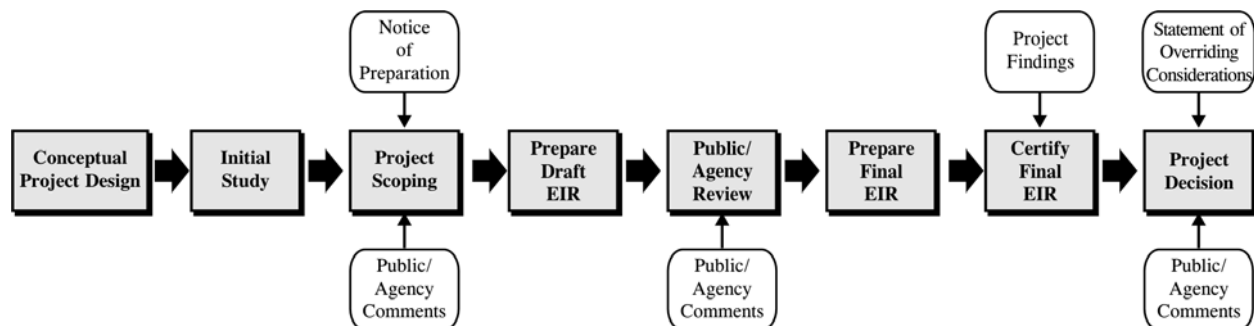
### 2.3.4 Response to Comments/Final EIR Process

Following the close of the public comment period, a Final EIR will be prepared to respond to all substantive comments related to environmental issues surrounding the content of the Draft EIR. Pursuant to Section 15088.5(f)(2) of the CEQA Guidelines, the City will request that reviewers limit their comments to the content of the Draft EIR and will respond to all comments related to the disposition of environmental effects made during the Draft EIR public review period.

The Final EIR will be available prior to the Planning Commission public hearing to consider the EIR and the proposed project.

Concurrent with the City's consideration of the Final EIR, the Planning Commission will also consider the merits of the project itself. This consideration may result in project approval, a request to revise the project, or denial. If the project is approved, the City may require mitigation measures specified in this EIR as conditions of project approval. Alternatively, the City could require other mitigation measures deemed to be effective mitigations for the identified impacts, or it could find that the mitigation measures cannot be feasibly implemented. For any identified significant impacts for which no mitigation measure is feasible, or where mitigation would not reduce the impact to a less-than-significant level, the City would be required to adopt a finding that the impacts are considered acceptable because specific overriding considerations indicate that the project's benefits outweigh the anticipated project impacts.

Figure 2-1: The EIR Process



### 3 Project Description

#### 3.1 Project Location

The proposed project is located in the City of Pacific Grove, California. Pacific Grove is a coastal community located at the northern tip of the Monterey Peninsula, in Monterey County, surrounded by the City of Monterey to the southeast, unincorporated Pebble Beach to the southwest, and the Pacific Ocean to the north. The City was established in the late 1800s as a Methodist retreat center and incorporated in 1889. Pacific Grove is characterized by its historic downtown and residential neighborhoods, and dramatic views along a rocky coastline. Pacific Grove is located about 15 miles to the southwest of the City of Salinas, and 50 miles southwest of San Jose.

The 5.59-acre project site is located primarily at 109/125<sup>1</sup> Ocean View Boulevard. The project site is bordered by Central Avenue to the southwest, Dewey Avenue to the northwest, Ocean View Boulevard to the northeast, and Eardley Avenue to the southeast. The property is one block northeast of and one-half block from the jurisdictional boundary with the City of Monterey. The property fronts Ocean View Boulevard directly across from Stanford University's Hopkins Marine Station. Monterey Bay Aquarium and historic Cannery Row are nearby the project site to the east and southeast.

The project's regional location is shown in [Figure 3-1: Project Location](#). A focused vicinity map is provided in [Figure 3-2: Project Vicinity Map](#).

#### 3.2 Existing Site and Surrounding Conditions

The main portions of the project site proposed for development consists of three parcels (APNs 006-231-001, 006-234-004, 006-234-005). The entirety of the project site also includes a portion of a public street (Sloat Avenue) and a surface parking lot accessed from Central Avenue (APN 006-234-008). These parcels and their relative sizes are shown in [Table 3-1: Project Parcels and Existing Uses](#) below:

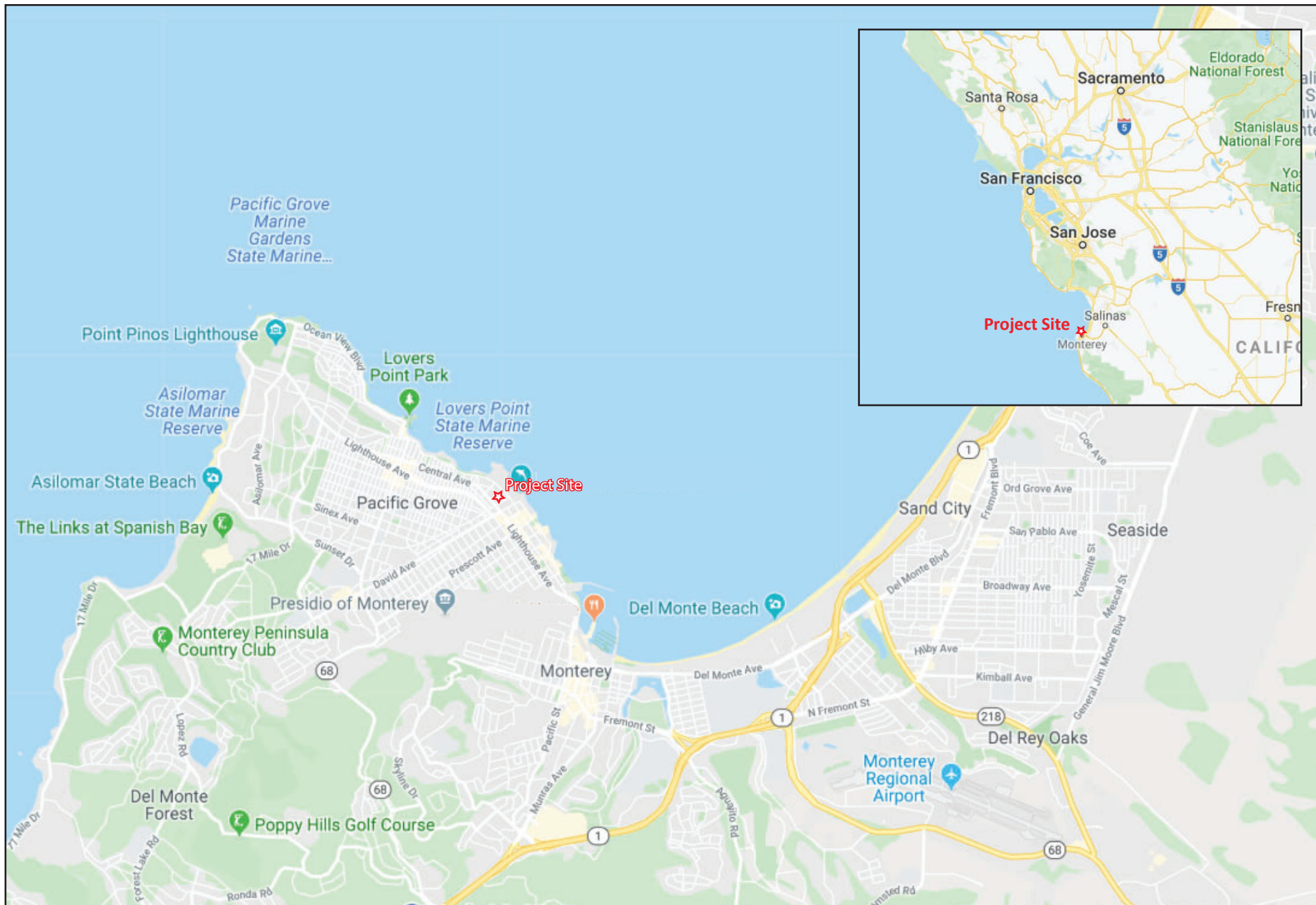
**Table 3-1: Project Parcels and Existing Uses**

Assessor's Parcel Number	Location/Address	Size (square feet)	Existing Use(s)
006-231-001	109/125 Ocean View Boulevard	124,755	Existing ATC buildings
006-234-005	Eardley Avenue	55,776	ATC surface parking lot
006-234-004	Sloat Avenue	14,204	Small surface parking lot adjacent to ATC parking lot
Sloat Avenue ROW	Sloat Avenue	26,778	Public street
006-234-008	124 Central Avenue	22,307	Portion of parcel leased by applicant used for surface parking

Source: ATC Application, Whitson Engineers

<sup>1</sup> The project address of 109/125 Ocean View Boulevard acknowledges that the address has changed over time. Both addresses are noted in title and historic documents.

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Source: Google Earth, 2019

### Figure 3-1: Project Location

American Tin Cannery Hotel and Commercial Project  
Draft EIR



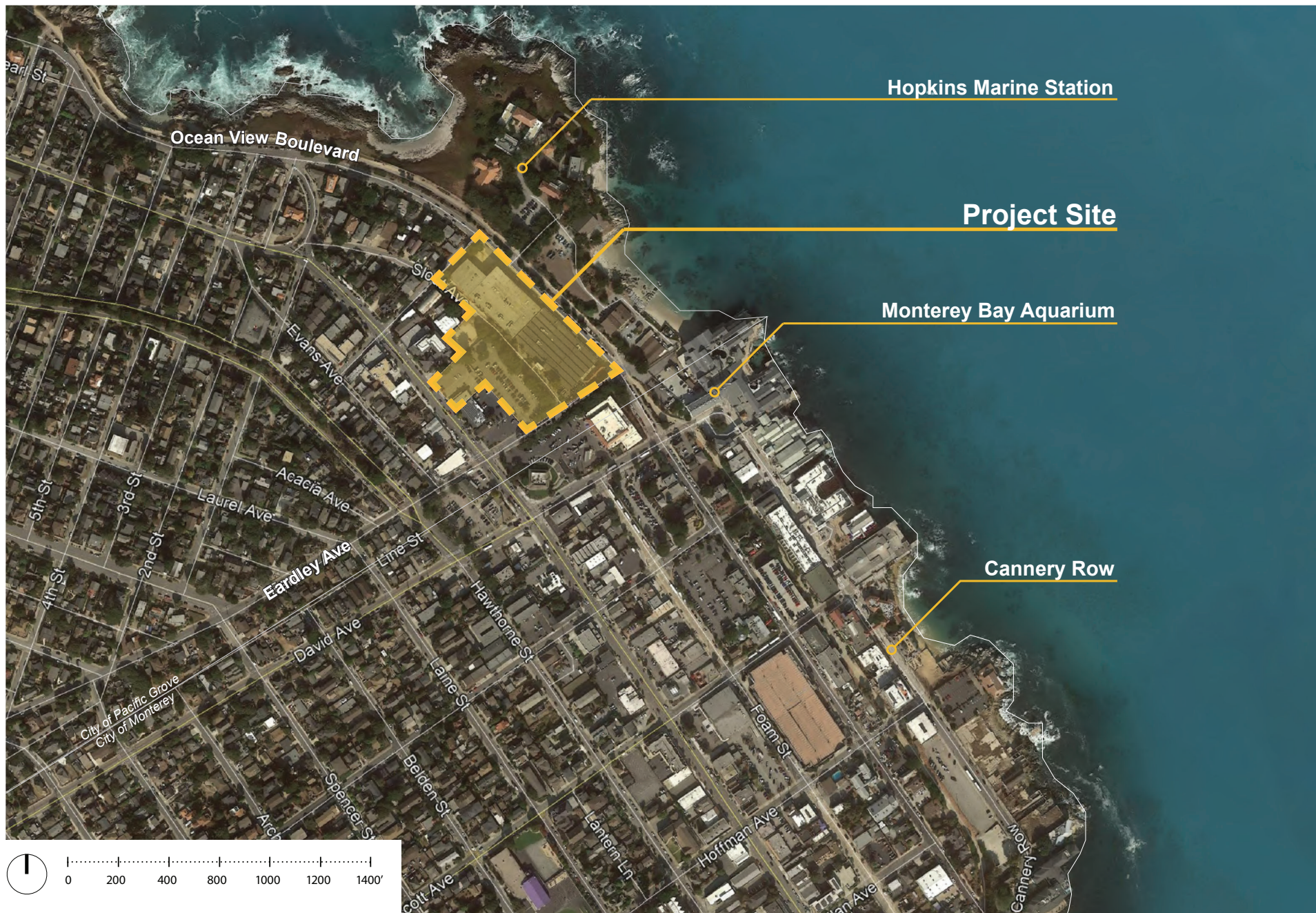
Not to scale

**Kimley»Horn**

Expect More. Experience Better.

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**Figure 3-2: Project Vicinity Map**

American Tin Cannery Hotel and Commercial Project  
Draft EIR



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The existing buildings located on the project site were originally constructed for industrial use associated historically with the local fisheries and canning industries; however, industrial and manufacturing uses on the property ceased operation decades ago. The main portion of the project site is currently used as a partially occupied retail outlet center with retail stores, restaurants, and recreation uses (bicycle rentals, mini-golf and a fitness facility). The southeastern portions of the site are used for parking. Sloat Avenue, a one-way eastbound public street, currently bisects the project site. For reference, the existing, connected structures (from Eardley Avenue down to Dewey Avenue) are referred to as the “ATC Building” (including the factory and factory office), “Warehouse Building” and the National Automotive Fibre, Inc. Building, or “NAFI Building”. The existing dry cleaner building at 124 Central Avenue is not a part of the project.

The entire area around the site experiences significant tourist activity. Surrounding properties include commercial, office, residential and visitor serving uses, with the Pacific Grove portion of the Monterey Bay Coastal Recreation Trail located directly across Ocean View Boulevard. A grocery store and fast food restaurant are located on the adjacent parcel to the southeast, and multifamily residential zoning district (R-3 and R-4) areas are adjacent to the west and southwest across Dewey Avenue. Additional office and light commercial uses are southwest of the site along Central Avenue. The project site is entirely within the California Coastal Zone. Surrounding uses are illustrated in [Figure 3-3: Surrounding Land Use Map](#).

Existing parking on the project site includes 147 uncovered spaces dedicated to the existing ATC uses. This includes 140 spaces on APN 006-234-005 and approximately seven spaces along and accessed from Sloat Avenue (including three handicapped spaces). On-street metered parking is currently available along the southwest side of Sloat Avenue, along Eardley Avenue, along the southeast side of Dewey Avenue, and along Ocean View Boulevard. There are 52 on-street metered parking spaces on streets adjacent to the site.

### 3.3 Existing General Plan Land Use Designations and Zoning

#### 3.3.1 General Plan and Local Coastal Program

Under the City of Pacific Grove’s existing General Plan, the majority of the project site is designated V-C, Visitor Commercial. The parcel at 124 Central Avenue is designated Central-Eardley Commercial (CEC). The City of Pacific Grove’s Local Coastal Program (LCP) was adopted by the City Council in January 2020 and certified by the Coastal Commission in March 2020. The LCP as approved recognizes the ATC site for “Visitor Accommodation” and “Visitor Serving Commercial” uses. Hotel and commercial uses are explicitly allowed and anticipated by the LCP for this location, with site-specific development standards set forth in the LCP’s Implementation Plan (IP) as discussed below in Section 3.3.2. Allowed uses include:

- Overnight lodging facilities and appurtenant uses
- Eating and drinking establishments
- Visitor-oriented retail, service commercial, and event venues
- Institutional uses oriented to tourism
- Public and private parking facilities

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Source: Nearmap, 2019

### Figure 3-3: Surrounding Land Use Map

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The CEC commercial designation provides for retail and services uses, offices, restaurants, parking lots and other compatible uses. As noted previously, only a portion of this parcel is leased by the applicant for surface parking.

Overall, the City's 2020 LCP constitutes a far more comprehensive, detailed, and robust plan than the City's previously certified 1989 LUP and is anticipated to result in better coastal resource protection and access when implemented in the City. The project applicant proposes to meet the LCP's low-cost visitor accommodation needs through measures that could include: 1) payment of in-lieu fees; or 2) restrictions on room rates for a designated block of rooms at the ATC Hotel.

### 3.3.2 Zoning

On April 19, 2016, the voters of the City of Pacific Grove passed an initiative (Measure X) approving a rezone of the project site to allow it to be used for a hotel development project. The measure required that the Pacific Grove Municipal Code be amended to add Section 23.31.025 to change the zoning designation from Visitor Commercial (C-V) and Heavy Commercial (C-2) to Visitor Commercial (C-V-ATC) to establish hotels as a permissible land use.

The C-V-ATC designation allows for all of the proposed uses:

- Hotels and any accessory uses, such as restaurants, bars and lounges, meeting and event facilities, spa and fitness facilities, parking, and buildings, spaces, and structures incidental to such uses, subject to first securing a use permit.
- All uses that are permitted in the C-V zoning district and additional uses permitted by subsequent amendment to the zoning ordinance.

Development standards in the C-V-ATC zoning district, including site coverage, density, setbacks and height limits must conform to the applicable standards set forth in the LCP Land Use Plan, as updated or amended, or if no such standards are provided in the LCP Land Use Plan, as updated or amended, in accordance with the standards set forth in the use permit or other required permit for a use allowed in the C-V-ATC zoning district.

The building's design specifications (including site coverage and height) propose 50 percent building coverage, 89 percent site coverage, building heights of 40 feet<sup>2</sup>, and a front setback of 8 feet for new structures. All design standards and specifications are subject to the design standards and related conditions for development under the LCP (2020).

The portion of the parcel at 124 Central Avenue leased by the applicant is zoned Light Commercial (C-1), which allows for neighborhood scale and locally oriented retail.

## 3.4 Requested Entitlements, Permits and Easements

CCS Pacific Grove Manager, LLC, has filed applications with the City of Pacific Grove for approval of a Use Permit, Architectural Approval, Coastal Development Permit and Tree Permit applications. Also proposed is a long-term lease agreement or similar instrument for development and project use of 19,699 square feet of the southeastern portion of the Sloat Avenue Right-of-Way (ROW), as well as an

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<sup>2</sup> Under the LCP, buildings and other structures may be allowed up to 40 feet in height as measured from existing grade, with an allowance of an additional eight (8) feet for mechanical equipment. Minor rooftop structures may not exceed 48 feet and must be appropriately screened.

agreement to allow encroachment of approximately 3,000 square feet along the Ocean View Boulevard frontage. The remaining portion of Sloat Avenue would require an easement to allow continued access to three existing properties that are not part of the project. Project construction and operation would require all associated grading, building and occupancy permits. As the lead agency, the City of Pacific Grove has the ultimate authority for project approval or denial. A Water Permit from Monterey Peninsula Water Management District (MPWMD) is also required for the construction of this project.

### 3.5 Project Objectives

#### 3.5.1 Background

Section 15124 of the CEQA Guidelines requires that a clearly written statement of objectives be presented in an EIR to help lead agencies develop a reasonable range of alternatives, and to aid the decision makers in preparing findings of significant effects or a statement of overriding considerations, as necessary.

#### 3.5.2 Statement of Project Objectives

The following objectives have been identified for the proposed project:

##### Project Purpose

The purpose of the project is to redevelop an under-utilized commercial property to establish a new hotel with commercial uses that will enhance the economic vitality of the project area as envisioned by the City of Pacific Grove.

##### Project Objectives

1. Provide public fiscal benefits (i.e., transient occupancy tax and sales tax revenues), economic development and employment opportunities in the City of Pacific Grove.
2. Facilitate renewal of an under-utilized property with an economically viable hotel and commercial uses.
3. Establish land uses that address the needs of business, education and tourism visitors to the City, including additional meeting and gathering space.
4. Increase the range of visitor lodging types in the City and provide a high-quality visitor experience for families, leisure and business travelers.
5. Promote access to coastal resources in the City and surrounding areas by providing increased visitor lodging opportunities.
6. Create an architectural design program for the site that is responsive to program needs, is contextually appropriate, and that will present a distinctive and attractive gateway transition into the City.
7. Support sustainability practices by incorporating sustainable building design features, sustainable hospitality operations and promote the use of alternative transportation methods.

8. Implement a hotel and commercial project consistent with the vision and policies of the City of Pacific Grove Local Coastal Program.

### 3.6 Project Components

The project is a proposal to replace the existing 165,000 square feet of “factory outlet” commercial and related uses with a new hotel and commercial uses. The hotel and commercial uses would provide 225 guest rooms in two primary guest wings (Family/Group Wing and Executive Wing) with a restaurant and bars, meeting and gathering spaces, spa and fitness center and approximately 20,000 square feet of street retail uses along the Ocean View Boulevard frontage. These street retail uses would retain and incorporate portions of the existing industrial structure complex. No specific businesses or end users of the retail space have been identified. The overall development program as proposed is summarized in **Table 3-2: Hotel and Commercial Development Program Summary** below:

**Table 3-2: Hotel and Commercial Development Program Summary**

Project Component	Guest Rooms/Keys	Square Footage
Hotel		
Executive Wing Guestrooms	104 rooms <sup>1</sup>	65,564
Group/Family Wing Guestrooms	121 rooms <sup>1</sup>	53,564
Restaurant/Bar		3,245
Rooftop bar		3,330
Ballroom/Meeting Space		13,380
Spa/Fitness		8,800
Lobby/Lounge		2,735
Street retail		21,570
Hotel back of house		38,123
Core and circulation		34,721
<b>Hotel Interior Subtotal</b>	<b>225 rooms</b>	<b>245,032</b>
Exterior Covered Areas		18,809
<b>Total Hotel</b>	<b>225 rooms/keys</b>	<b>263,841</b>

Source: Project Application, September 2019. Updated January 2020 per site plan review.

<sup>1</sup> A small number of adjoining rooms could be combined for larger parties.

### 3.7 Project Site Design & Engineering

#### 3.7.1 Site Layout and Architectural Design

The project’s design concept is to retain and modify a portion of the existing ATC factory building at the corner of Ocean View Boulevard and Eardley Avenue for retail use and construct new hotel structures with open courtyards, restaurants, a spa/fitness center, meeting spaces, and additional parking areas on the remainder of the property. The structures that are not proposed for complete demolition have been



significantly degraded over time and will require replacement of certain building elements with new materials that would be visually compatible and structurally sound. The site layout uses the existing natural grade to “stairstep” the hotel uses from Ocean View Boulevard upslope toward Central Avenue.

The architecture of the major hotel structures is a modern design, and currently proposes a mix of architectural concrete, steel, glass and wood materials on a building mass intended to tie back to the industrial and cannery structures of the past. The architectural elevations include gaps or voids along the street frontages. The project site plan (Figure 3-4: Project Site Plan) also identifies two pools with additional water features. The pre- and post-project conditions are illustrated in Figure 3-5A: Pre-Project Conditions and Figure 3-5B: Post Project Conditions. Project elevations from Eardley Avenue and Dewey Avenue are depicted in Figure 3-6A: Eardley Avenue Elevation and Figure 3-6B: Dewey Avenue Elevation.

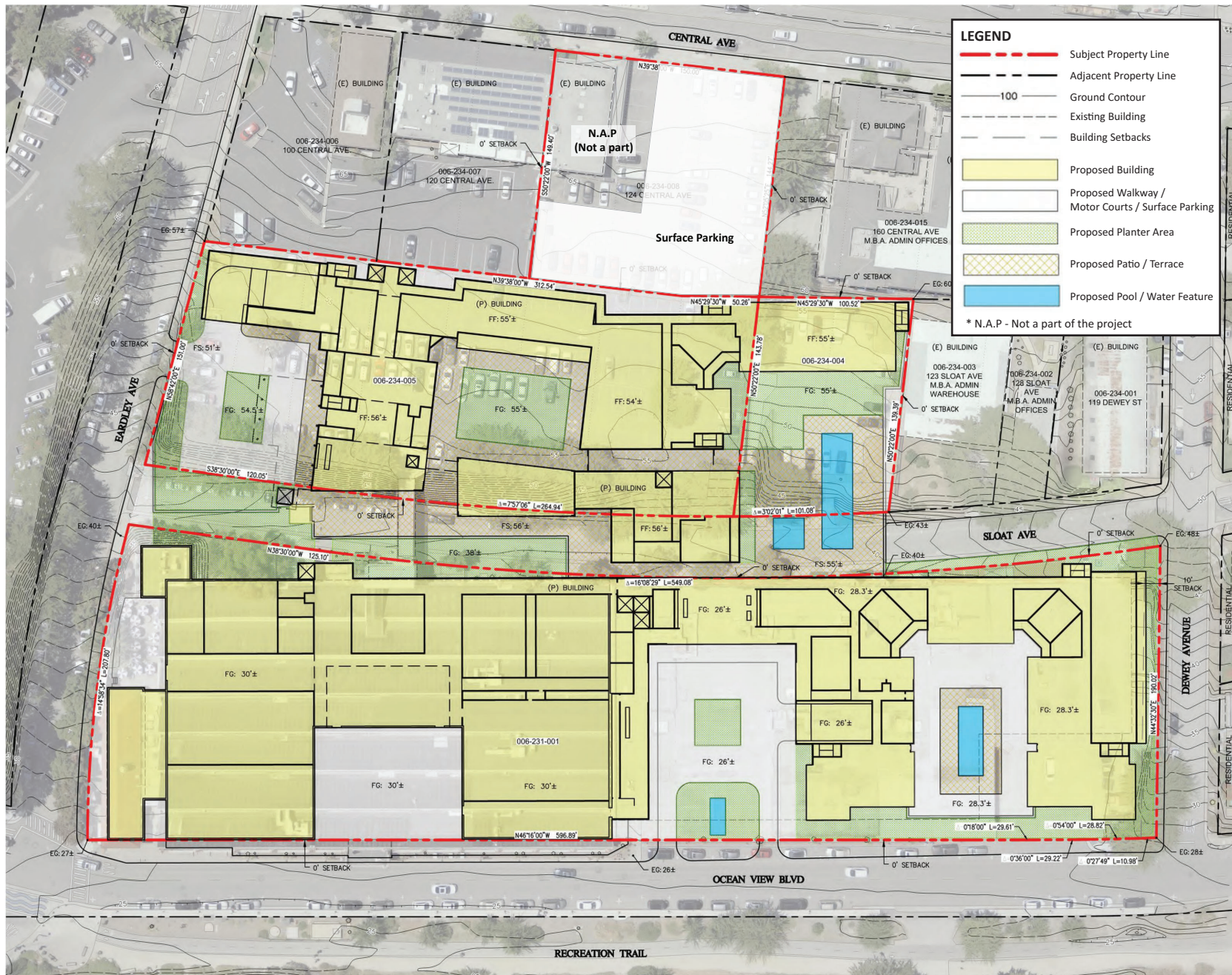
### 3.7.2 Access, Circulation and Parking

Hotel guests would arrive and access the property via one of the two formal arrival ports on Eardley Avenue and Ocean View Boulevard. On-site valet parking spaces would be provided on the lower level of each building and via a surface parking lot (Upper Lot) accessed from 124 Central Avenue. The project would only utilize the existing parking area of 124 Central Avenue. As this surface lot would be used as valet parking only, it could be designed for maximum efficiency and/or utilize parking lifts. Access to back-of-house operations would be via Dewey Avenue to the truncated Sloat Avenue. Pedestrian access would be available from several entrance points along Ocean View Boulevard and Eardley Avenue. On-site parking is 100 percent valet. There is no self-parking; however, the valet parking would also be available to the public.

As shown in Table 3-3: Parking Summary, the project would provide a total 304 valet parking spaces (260 subgrade parking spaces and 44 surface spaces). The parking inventory is intended to accommodate all proposed uses (hotel rooms, meeting spaces, retail, restaurant/lounge/bar and spa/fitness uses). To accommodate the current project design, the project would result in a net loss of 23 metered spaces, primarily along Sloat Avenue and Ocean View Boulevard.

**Table 3-3: Parking Summary**

Parking Area	Capacity	Square Footage
Parking (valet)		
Executive Wing (subterranean garage)	153 cars	58,585
Group/Family Wing (subterranean garage)	107 cars	32,890
Upper Lot (surface parking)	44 cars	14,720
<b>Parking Total</b>	<b>304 cars</b>	<b>106,195</b>



Source: CCS Pacific Grove Manager, LLC.

**Figure 3-4: Project Site Plan**

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Source: CCS Pacific Grove Manager, LLC.

### Figure 3-5A: Pre-Project Conditions

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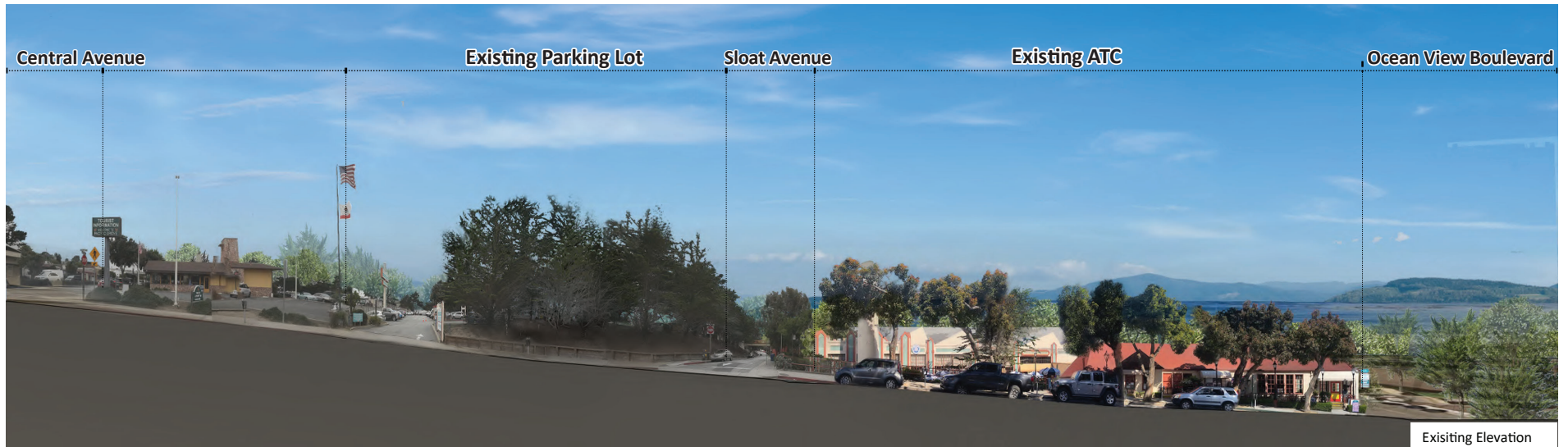
Source: CCS Pacific Grove Manager, LLC.

### Figure 3-5B: Post-Project Conditions

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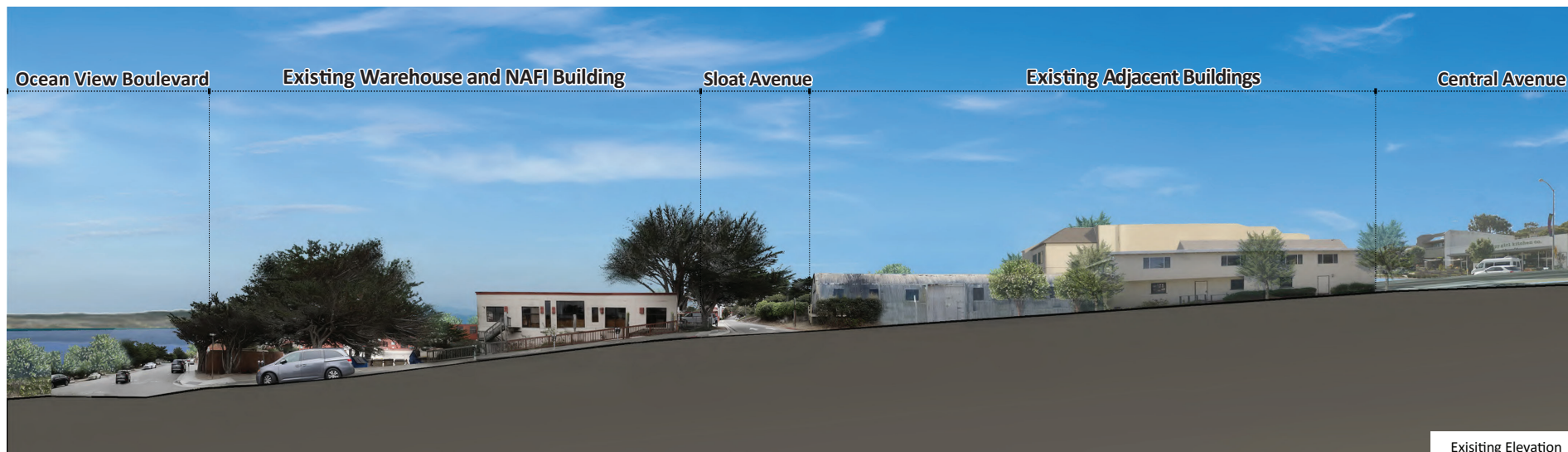
Source: CCS Pacific Grove Manager, LLC.

### Figure 3-6A: Eardley Avenue Elevation

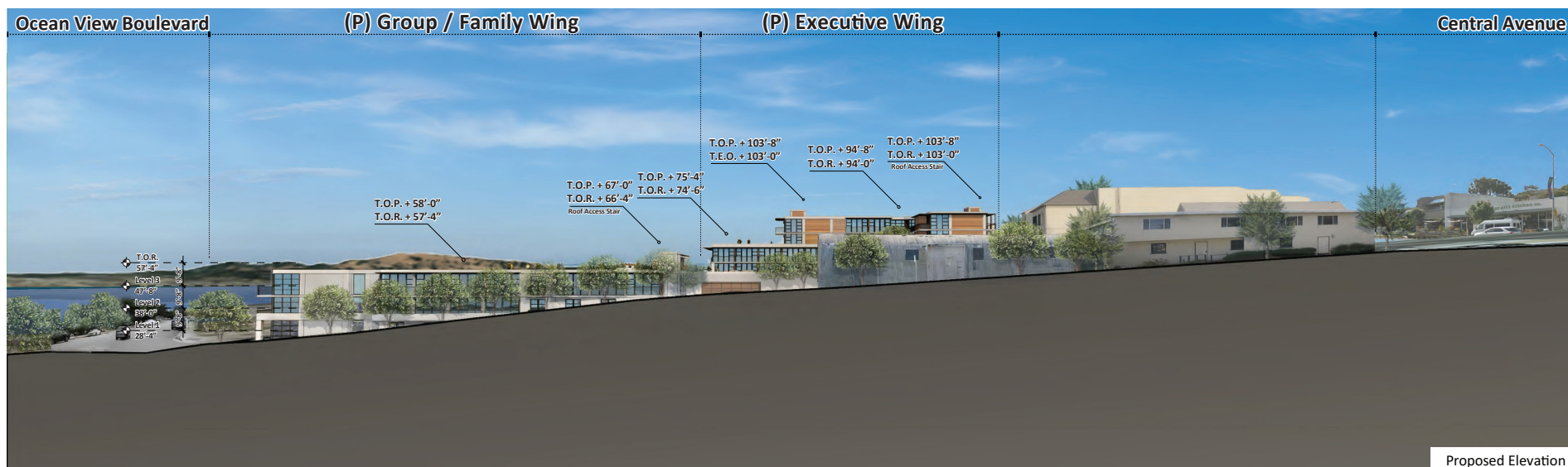
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Existing Elevation



Proposed Elevation

Source: CCS Pacific Grove Manager, LLC.

### Figure 3-6B: Dewey Avenue Elevation

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### 3.7.3 Transportation Demand Management

The project applicant has prepared a Draft Transportation Demand Management (TDM) plan as part of the overall project description. The intent of the TDM plan is to identify alternative transportation sources available to project guests and visitors to reduce vehicle trips and secondary effects such as vehicle emissions. The project's TDM plan, described and analyzed in the Transportation section of this EIR, proposes a combination measures that fall into two primary categories:

**Design Elements.** TDM measures that the application would incorporate into the project design and construction. These include measures such as a vehicle drop-off and pick up areas that are off set from the street and sidewalk, valet parking on operation, direct access to retail and event/meeting space from the sidewalk and the Monterey Bay Coastal Recreation Trail, pedestrian-accessible spaces and restaurants.

**Program Operations.** TDM measures that would be tailored to the end user (employees and hotel guests) to incentivize and change transportation behaviors and may evolve over the life of the project. Such measures would include:

- Bicycle sharing and financial incentives
- Secured bike parking, showers and changing facilities for employees
- Operation of fixed route shuttles to downtown Pacific Grove, Monterey and Monterey Regional Airport
- Operation of on-demand shuttle service to nearby destinations
- Provision of travel information for visitors, information kiosk and related technology
- Bike, walk and transit maps
- TDM support programs (internal coordinator and monitoring efforts)
- Incentives and subsidies (such as Monterey-Salinas Transit [MST] bus passes for employees, discounts for off-peak check in/check out, etc.)
- Parking Management (shared parking, valet)

Additional TDM measures may be incorporated as appropriate in order to reduce single private use of motorized vehicles and to maximize trip reduction associated with the project. It is anticipated that the TDM Program will be finalized in consultation with City staff to incorporate the most effective trip reduction measures specific to the project.

### 3.7.4 Demolition and Grading

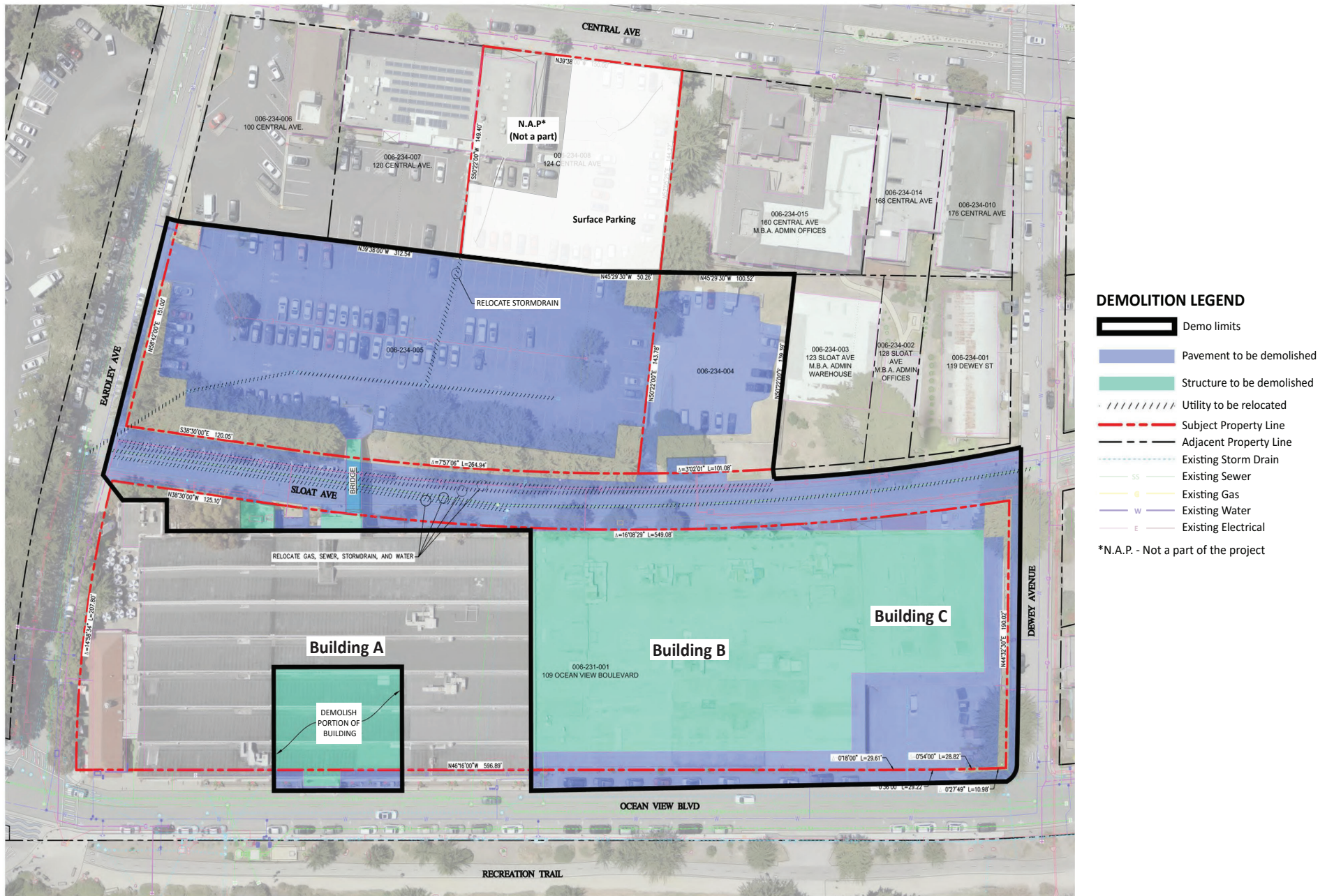
The project would require complete demolition of the Warehouse Building and NAFI Building structures at 109/125 Ocean View Boulevard, as well as partial demolition of the ATC Building, and site clearing of existing pavement and materials for all areas to be developed, including portions of Sloat Avenue. Approximately 102,000 square feet of pavement would be demolished, together with approximately 56,600 square feet of buildings. While some materials such as metals and concrete can be recycled, much of the demolished materials would be collected and hauled to Monterey Peninsula Landfill in Marina. The demolition phase is estimated to occur over a five-week period.

There is a grade differential between the main development area and parcels used for surface parking. Site preparation will require alteration of these grades to accommodate the main components of the hotel structures and to construct the proposed subterranean parking. This earthwork would require

## Project Description

excavation into weathered and intact granite bedrock. Construction of subterranean levels would require excavations of up to 18 feet in depth in the upper portion of project and 3 to 6 feet in the lower portion. Preliminary estimates are for 47,100 cubic yards of cut material, and 400 cubic yards of fill, resulting in a net export and off haul of approximately 46,700 cubic yards of material. This material is currently planned to be hauled to Monterey Peninsula Landfill unless another end user can be found. Grading and excavation work is estimated to take nine to ten weeks to complete. The project's demolition plan is shown in **Figure 3-7: Project Demolition Plan**.





Source: CCS Pacific Grove Manager, LLC.

### Figure 3-7: Project Demolition Plan

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### 3.7.5 Stormwater Management

As a project that will redevelop an existing developed site, the project's footprint is limited to the existing developed footprint and will have a slight reduction in impervious surface in the post-project condition. Due to the hard granite bedrock below the site, the project will utilize a combination of Low Impact Development (LID) design strategies, non-retention-based treatment systems such as box filters, and (to a lesser degree) biofiltration. With parking provided underground, parking areas would be used to collect and divert pollutants associated with motor vehicles to a treatment device before entering the public storm drain system.

### 3.7.6 Water, Wastewater, Solid Waste and Dry Utilities

The project site would be served by local public utility and service providers, including:

- Pacific Gas and Electric
- California American Water
- Monterey One Water (wastewater)
- Monterey Peninsula Water Management District
- Monterey Regional Waste Management District
- Local cable and telecommunications providers

Connections for service to the project currently exist within public rights of way and would be upgraded as necessary to service the project's demands. Existing sewer and natural gas utilities within Sloat Avenue would be relocated or abandoned in place, depending on new connection points. Several new points of connection will be required to existing infrastructure in Eardley Avenue, Ocean View Boulevard, and Dewey Avenue. **Figure 3-8: Utility Plan** depicts the project's utility plan and connections.

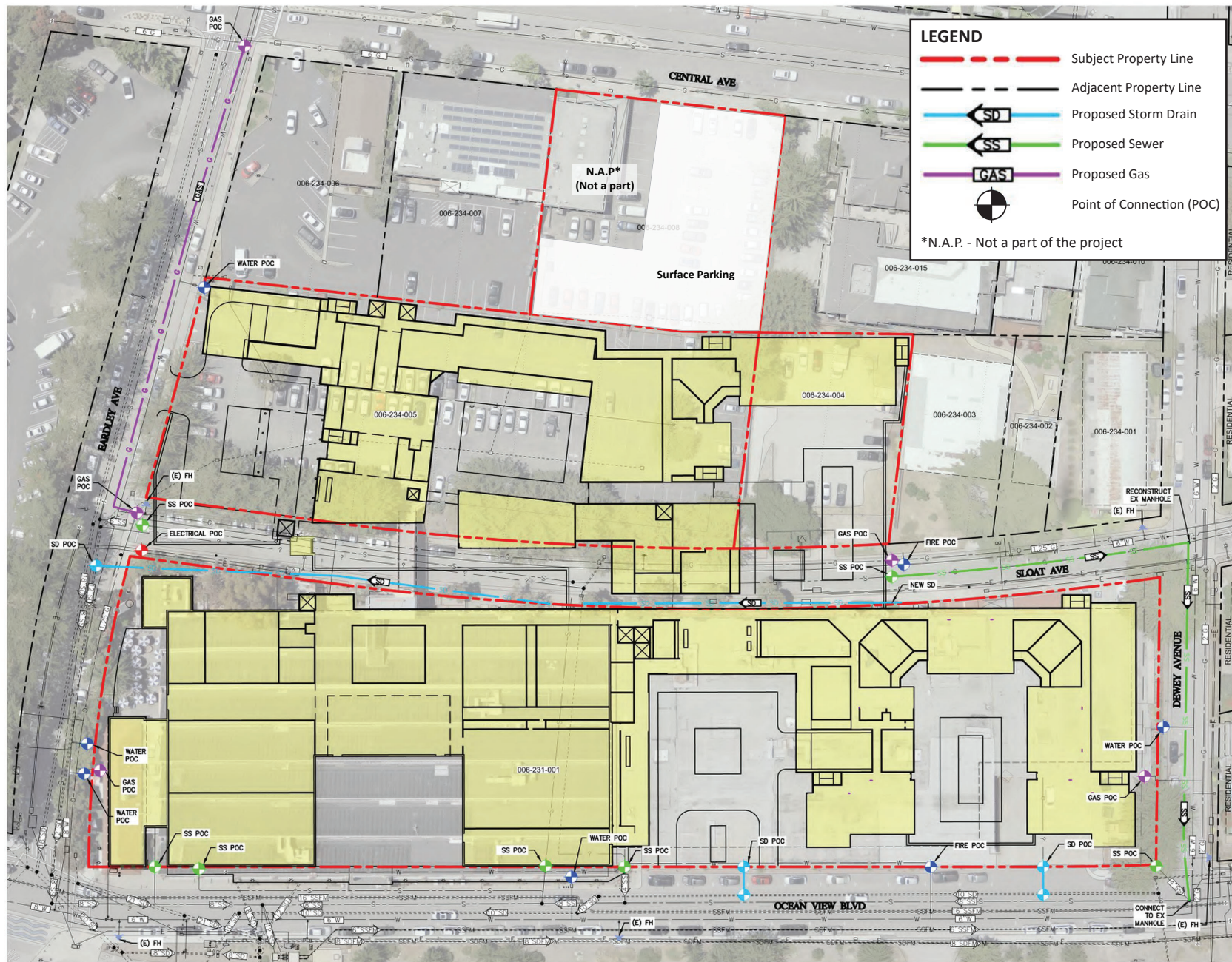
### 3.7.7 Tree Removal and Landscaping

To construct the project, disturbance would occur on nearly 100% of the project site, resulting in the removal of 79 trees (including 52 Monterey cypress). Excavation, shoring and grading activity necessitates removal of nearly the entire existing tree population, consisting of eucalyptus, Monterey cypress, Strawberry, Canary Island pine, and Coast live oak. These trees are primarily planted landscape trees, and replanting would occur as part of the project's landscape plan. No disturbance or tree removal is proposed for the parcel at 124 Central Avenue.

The project's preliminary landscape plan currently proposes replacement of 79 trees on the site, consisting of swan hill olive, cajeput, pink melaleuca, bronze loquat, and strawberry tree. The plans also include planted green roof areas throughout the hotel complex, as well as areas of low water native shrubs and ground cover. The project proposes water efficient irrigation systems using drip irrigation, bubblers, high efficiency heads and weather-based controls. The project's landscape plan is depicted in **Figure 3-9: Preliminary Landscape Plan**.



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Source: CCS Pacific Grove Manager, LLC.

### Figure 3-8: Utility Plan

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LEGEND			
SYMBOL	NAME	QNT.	BOX SIZE
	Existing Monterey Cypress <i>Cupressus macrocarpa</i>	3	
	Swan Hill Olive Tree <i>Olea europaea</i> 'Swan Hill'	19	48"
	Cajeput Tree <i>Melaleuca quinquenervia</i>	14	24"
	Pink Melaleuca <i>Melaleuca nesophila</i>	28	36"
	Bronze Loquat <i>Eriobotrya deflexa</i>	10	36"
	Strawberry Tree <i>Arbutus</i> 'Marina'	8	36"
	Proposed Extensive Green Roof		
	Proposed Shrubs & Ground Cover		

\*N.A.P. - Not a part of the project

#### IRRIGATION NOTES

The proposed irrigation system for this site will be designed with the latest technology in water conservation and efficiency. The system will consist of the following types of irrigation methods and equipment complying with the State and Local Water Ordinance. All small planting beds will be irrigated with highly efficient, water conserving inline drip. All bioswales areas will be irrigated with high efficiency pop-up spray pressure compensating spray sprinklers. These sprinklers apply the water at a lower application rate to reduce runoff and ponding. All sprinklers will include built in check valves and pressure regulators to prevent misting and low head drainage on sloped areas. The controller that will manage this system uses local weather to adjust the run times of the valves based on daily weather conditions. Utilizing this type of weather based system will help the landscape manager save 25% more water than with a conventional controller.

#### Irrigation Zones

1. Low water use/California native shrubs/groundcover/grasses/annuals area will be irrigated with an inline drip emitters system.
2. Large shrubs/trees/ areas will use point source bubblers.

#### Irrigation Equipment

1. The irrigation system will be automated using an "ET" weather based controller. The controller receives ET/weather updates from a local weather station or sensing device and will automatically adjust the irrigation system run times accordingly.
2. Pressurized mainline 2" and smaller shall be solvent weld Schedule 40 PVC with Schedule 40 fittings buried a minimum 18" below grade.
3. Lateral line piping shall be solvent weld Schedule 40 PVC with Schedule 40 fittings buried a minimum 12" below grade.
4. Bubblers, Pop-up spray and rotor heads will be Toro.
5. Subsurface inline drip emitters will be provided by Toro and buried approximately 4" below grade.



Source: CCS Pacific Grove Manager, LLC.

### Figure 3-9: Preliminary Landscape Plan

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Not to scale

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### 3.7.8 Sustainability and Conservation

The project would be constructed and operated in accordance with the standards and methods established by Leadership in Energy and Environment Design (LEED). The project would strive to incorporate features equivalent to LEED Gold standards, but will not seek official LEED certification. To attain such standards, a project must integrate several sustainable design features to maximize energy efficiency, reduce waste streams, conserve water and mitigate greenhouse gas emissions. The project's proposed sustainability features include:

- Retention of portions of the developed site to reduce construction waste
- Construction Management Plan consistent with City of Pacific Grove requirements for Construction Debris Reuse and Recycling Plan and pursuant to CalGreen mandates of 65% diversion of solid waste to recycled material
- Use of low-VOC finishes and materials
- Non-glare and bird-deterrent glass finishes
- Use of a "green roof" atop the Family/Group hotel building. The green roof proposal would be designed to achieve energy savings through insulation performance, would be planted with drought-tolerant native and adaptive species, irrigated with the project's harvested rainwater and greywater, would reduce the urban heat island effect, would improve stormwater runoff quality and reduce greenhouse gas emissions.
- Automated energy management technology
- Energy efficient lighting (LED lighting)
- Electric Vehicle (EV) charging stations
- Rainwater harvesting
- Use of reclaimed water and greywater for landscape irrigation
- Off-site laundry service
- Waterless urinals in employee restrooms
- Landscaping plans consistent with MPWMD Efficient Landscaping Requirements (Rule 142.1) regarding landscaping design, plant selection and irrigation systems

In addition to mandatory and traditional sustainability practices (such as water on request at restaurants, elimination of single-use plastics, encouraging linen and towel reuse), additional sustainable hospitality operations practices would include:

- Food waste reduction programs
- Participation in food sustainability programs such as Seafood Watch
- Participation in sustainable hospitality programs
- Waste stream reduction measures
- Environmentally friendly soaps, shampoos for guest use
- Rooftop gardens
- Locally sourced food products
- Sustainability education opportunities for guests and staff
- Sustainable business management practices

### 3.8 Project Phasing, Construction and Staging

The project is proposed to be constructed in a single phase, with the hotel and commercial components constructed simultaneously. The general sequence of activity would involve demolition, utility relocation, site grading and excavation, ATC Building renovation, foundation setting, and hotel construction.

Construction activities are anticipated to last approximately 18 to 24 months. Initial site grading, preparation and excavation is expected to last approximately nine to ten weeks. Consistent with the City's noise ordinance, construction would generally occur Monday through Friday and be limited to the hours of 8:00 a.m. to 7:00 p.m. on weekdays and from 9:00 a.m. to 4:00 p.m. on Saturdays. No work would take place on Sundays or federal, state or local holidays.

Construction work would consist of demolition (see Section 3.7.4 above), site preparation, excavation, shoring, erection of new structures and all interior and exterior components. Construction equipment would include heavy equipment as bulldozers, scrapers, backhoes, excavators, loaders, compactors, pneumatic tools, impact hammer/jack hammer, cranes and lifts, rollers, paving machine, and concrete pumping equipment. The Upper Lot accessed from 124 Central Avenue would provide a staging area for equipment and materials.

### 3.9 Project Operations and Maintenance

The hotel and commercial spaces would operate year-round, with the hotel operating and accessible 24 hours per day. Staffing levels for the hotel would vary by shift. 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.

The hotel would provide accommodations for local and distant visitors to the Monterey Peninsula, Monterey Bay Aquarium, Cannery Row and surrounding attractions. All parking would be valet only. Commercial uses would operate during hours typical of retail businesses. Typical hotel maintenance would include regular landscaping maintenance, building maintenance and security.

### 3.10 References

CCS Pacific Grove Manager, LLC. *American Tin Cannery Hotel Project, Use Permit Application, Architectural Approval Application, Tree Permit Application Project Description*. June 7, 2019.

CCS Pacific Grove Manager, LLC. *American Tin Cannery Hotel Project, Use Permit Re-Submittal*. September 5, 2019.

Whitson Engineers. *Preliminary Storm Water Control Plan for American Tin Cannery Hotel and Commercial Project*. September 4, 2019.

Walker Consultants. *Transportation Demand Management Plan, American Tin Cannery Development Project*. October, 2019



## 4 Introduction to Environmental Analysis

### 4.1 Environmental Assessment Methodology

This introductory chapter is for informational purposes, to assist the reader to understand the content of the EIR, common terms used in the impact analysis, and how a lead agency makes determinations regarding the significance of a project's impacts.

The following environmental topics are evaluated in Chapters 5 through 19 of this Draft EIR ("DEIR"):

- Aesthetics
- Air Quality
- Biological Resources
- Cultural and Historic Resources
- Energy Conservation
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Noise
- Public Services and Recreation
- Transportation and Circulation
- Tribal Cultural Resources
- Utilities and Service Systems

#### 4.1.1 Environmental Baseline/Existing Conditions

CEQA Guidelines Section 15125(a) requires that an EIR include a description of the existing physical environmental conditions in the project vicinity, from both a local and regional perspective. The baseline environmental conditions are used by the lead agency to determine whether the impacts of a project are considered significant. The purpose of this requirement is to give the public and decision makers the most accurate and understandable picture of the project's likely near-term and long-term impacts.

The environmental baseline conditions in this EIR can be described generally as the on-site and surrounding exterior physical environmental conditions on the ground that existed as of November 7, 2019 (the time of publication of the Notice of Preparation [NOP]), pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15125. The existing conditions and uses within the ATC Tin Cannery commercial buildings 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.<sup>1</sup>

#### 4.1.2 Regulatory Framework

This subsection in each chapter of the EIR identifies applicable federal, State, regional, and local plans, policies, laws, and regulations that apply to the technical area of discussion. In some cases, the required application of these regulations serve to mitigate the potentially significant environmental impacts of the project.

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<sup>1</sup> Cannery Row Company, January 2020

#### **4.1.3 Thresholds of Significance**

The environmental analysis identifies the significance thresholds (i.e., the condition or state, which if reached or surpassed by the proposed project, would signify a negative or adverse physical change to the environment [environmental impact]). These standards of significance are used to determine when thresholds are crossed when the application of mitigation measures is necessary. These thresholds are derived primarily from Appendix G of the State CEQA Guidelines, General Plan policies, ordinances, generally accepted professional standards, and quantified thresholds established by the City of Pacific Grove (City) or other agencies (such as Local Coastal Program requirements or pollutant emission thresholds adopted by the Air Quality Management District).

#### **4.1.4 Environmental Impacts and Mitigation Measures**

##### **Impacts**

This subsection in each chapter of the EIR describes changes that would potentially result to the existing physical environment should the proposed project be approved, in accordance with State CEQA Guidelines Sections 15126 and 15126.2. Impact “statements” are numbered sequentially within each chapter. For example, impacts discussed in Chapter 5 (Aesthetics) are numbered AES-1, AES-2, etc.; impacts in Chapter 10 (Geology and Soils) are numbered GEO-1, GEO-2, etc. A discussion that provides supporting analysis and justification for the impact determination is presented. If mitigation is required – or if project impacts can be addressed by existing policies or regulations - those measures are identified, and a concluding statement is presented that describes the level of significance after mitigation is applied.

##### **Mitigation**

Pursuant to State CEQA Guidelines Sections 15002, 15021, and 15126.4, mitigation measures are required (as feasible) when significant impacts are identified. Unless otherwise noted, all mitigation measures contained herein are proposed by the lead agency. If a mitigation measure itself would cause a significant impact, in addition to the impact caused by the proposed project alone, that impact is also discussed, although at a lesser level of detail than the project impact (pursuant to State CEQA Guidelines Section 15126.4 (A)(1)(d)). “Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally-binding instruments” (pursuant to State CEQA Guidelines Section 15126.4(A)(2)), and “mitigation measures must be consistent with all applicable constitutional requirements” (pursuant to State CEQA Guidelines Section 15126.4(A)(4)).

##### **Mitigation Monitoring**

Public Resources Code Section 21081.6 establishes two distinct requirements for agencies involved in the CEQA process. Subdivisions (a) and (b) of the section relate to mitigation monitoring and reporting, and the obligation to mitigate significant effects where possible. Pursuant to subdivision (a), whenever a public agency completes an EIR and makes a finding pursuant to Section 21081(a) of the Public Resources Code taking responsibility for mitigation identified in the EIR, the agency must adopt a program of monitoring or reporting which will ensure that mitigation measures are complied with during implementation of the proposed project.

#### 4.1.5 Common Terminology Used in the Impact Analysis

This Draft EIR uses the following terminology to describe the environmental effects of the project:

- **No Impact:** Due to the nature or location of the project, this particular environmental impact will not occur. For example, underground facilities do not have the potential for long-term visual impacts.
- **Less Than Significant:** Although an impact may occur, it will not be at a significant level based on the adopted or applied standards of the lead or responsible agency. For example, construction-related air emissions that fall below the local air district's adopted standards are less than significant.
- **Less Than Significant with Mitigation Incorporated:** In this case, there is an impact that may be potentially significant. However, the significance of this impact will be reduced to a less-than-significant level through adherence to and/or implementation of one or more mitigation measures.
- **Significant and Unavoidable:** This determination is made for a potentially significant impact where there is either no mitigation available, or the recommended mitigation measures are not sufficient to reduce the impact to a less-than-significant level. For projects with one or more significant and unavoidable impacts, a Statement of Overriding Considerations, pursuant to CEQA guidelines Section 15093 would need to be adopted by the City Council prior to approving the project.

### 4.2 Effects Not Found to Be Significant

Pursuant to the CEQA Guidelines §15128, "An EIR shall contain a statement briefly indicating the reasons that various possible significant effects of a project were determined not to be significant and were therefore not discussed in detail in the EIR." This chapter of the Draft EIR describes the resource areas which were found not to pose any potentially significant effects.

Based on the scope of the proposed project, comment letters in response to the NOP, site visits, review of project applicant materials and technical reports, and additional background research on the construction and operational features of the project, the following resource topics were found to not have impacts that would be considered potentially significant. These topics, therefore, are not subject to further detailed analysis in the EIR.

#### 4.2.1 Agricultural and Forestry Resources

The project site is not designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance by the State Farmland Mapping and Monitoring Program (FMMP). It is designated as Urban and Built-Up Land (DOC, 2016). No Williamson Act contract applies to the project site. The project site does not currently comprise agricultural or forestry uses, and it is designated for Visitor Commercial uses pursuant to the City General Plan and Zoning Ordinance. There would be no impact to agricultural and forestry resources.

#### 4.2.2 Mineral Resources

The project site lies within Mineral Resource Zone 3 (MRZ-3), as mapped by the California Department of Conservation (DOC) Division of Mines and Geology. MRZ-3 zones are "areas containing mineral

deposits the significance of which cannot be evaluated from available data” (DMG, 1999). While the project will include excavation into weathered and unweathered granite bedrock, no significant mineral resources are anticipated in this location. The project site is not a feasible mineral resource recovery site and therefore there would be no impact to mineral resources.

#### **4.2.3 Population and Housing**

The proposed project replaces the existing 165,000 square feet of retail use with a hotel of approximately 225 rooms and 20,000 square feet of street retail uses. Neither the existing project site nor the proposed project include housing or other structures where people reside. Therefore, the proposed project would not displace housing or people, and it would not necessitate construction of replacement housing elsewhere. The project could generate approximately 172 hotel, commercial and restaurant jobs.

The population of Pacific Grove is approximately 15,041 (US Census, 2010). In 2015, the City had an employment of approximately 5,000 and is forecasted to increase employment by 16 percent by 2040 (AMBAG, 2018). The new hotel and retail employees working at the site are reasonably assumed within this forecast. Project employees would likely consist of service and hospitality staff already living regionally, rather than a resulting in a new influx of employees within the City. For these reasons, the proposed hotel would not directly induce substantial, unplanned population growth. Therefore, there would be no impact.

#### **4.2.4 Wildfire**

The California Department of Forestry and Fire Protection (CAL FIRE) has mapped the relative wildfire risk in areas of large population by intersecting residential housing density with proximate fire threat according to three risk levels, namely Moderate, High, and Very High. Wildfires are large-scale brush and grass fires in undeveloped areas. The proposed project is within an urbanized area and not within a Very-High Fire Hazard Severity Zone as mapped by CALFIRE. Therefore, there would be no impact at this location.

According to the Monterey County Community Wildfire Protection Plan (2016), forested portions of Pacific Grove are identified as “moderate” to “high” fire threat. However, the project site is in the urbanized sectors of the city, which is rated “little to no threat”. These designations are confirmed by the city’s 2015 Climate Change Vulnerability Assessment, which shows the highest risk areas in the inland central portion of the city, and the project site well outside these risk areas.

### **4.3 Cumulative Impacts**

#### **4.3.1 CEQA Requirements**

Under the CEQA Guidelines, “a cumulative impact consists of an impact which is created as a result of the combination of the project evaluated in the environmental impact report (“EIR”) together with other projects causing related impacts” (14 CCR §15130(a)(1)). CEQA PRC §21000 et seq., an EIR must discuss cumulative impacts if the incremental effect of a project, combined with the effects of other projects is “cumulatively considerable” (14 CCR §15130(a)). Such incremental effects are to be “viewed in connection with the effects of past projects, the effects of other current projects, and the effects of

probable future projects” (14 CCR §15164(b)(1)). Together, these projects compose the cumulative scenario which forms the basis of the cumulative impact analysis.

The analysis of cumulative impacts highlights past actions that are closely related either in time or location to the project being considered, catalogues past projects, and discusses how these have harmed the environment. The analysis also discusses past actions even if these were undertaken by another agency or another person. Both the severity of impacts and the likelihood of their occurrence are to be reflected in the discussion, “but the discussion need not provide as great detail as is provided for the effects attributable to the project alone. The discussion of cumulative impacts shall be guided by standards of practicality and reasonableness, and shall focus on the cumulative impact to which the identified other projects contribute rather than the attributes of other projects which do not contribute to the cumulative impact” (14 CCR §15130(b)).

The analysis must be in sufficient detail to be useful to the decision maker in deciding whether, or how, to alter the program to lessen cumulative impacts. Most of these are undergoing, or will be required to undergo, their own independent environmental review under CEQA. Significant adverse impacts of the cumulative projects would be required to be reduced, avoided or minimized through the application and implementation of mitigation measures. The net effect of these mitigation measures is assumed to be a general lessening of contribution to cumulative impacts.

There are two commonly used approaches, or methodologies, for establishing the cumulative impact setting or scenario. One approach is to use a “list of past, present, and probable future projects producing related or cumulative impacts” (14 CCR §15130(b)(1)(A)). The other is to use a “summary of projects contained in an adopted general plan or related planning document, or in a prior environmental document which has been adopted or certified, which described or evaluated regional or area wide conditions contributing to the cumulative impact” (14 CCR §15130(b)(1)(B)).

This EIR generally uses the list-based approach to provide a tangible understanding and context for analyzing the cumulative effects of a project. Past, present and/or probable future projects producing related effects include: Hotel Durell in downtown Pacific Grove (approved but not constructed); Ocean View Plaza on Cannery Row in the City of Monterey (approved but not constructed); the Monterey Bay Aquarium’s Bechtel Education Center at Cannery Row/Hoffman Avenue (completed in 2019); Holman Building residential project (completed and occupied in 2020); and the mixed-use project located at the former Goodie’s Deli site at 520/522 Lighthouse Avenue in Pacific Grove (currently under City building permit review).

### **Cumulative Impact Analysis Methodology**

While the cumulative analysis focuses on the “project list” described above, the area within which a cumulative effect can also vary by resource. For example, air quality impacts generally affect a large area (such as the regional Air Basin), while cumulative transportation effects may be based on projected growth within a regional traffic model (in this case the AMBAG Transportation Demand Model). For this reason, the geographic scope for the analysis of cumulative impacts is identified for each resource area in the following chapters.

The analysis of cumulative effects considers a number of variables, including geographic (spatial) limits, time (temporal) limits, and the characteristics of the resource being evaluated. The geographic scope of

each analysis is based on the topography surrounding the project site and the natural boundaries of the resource affected, rather than jurisdictional boundaries. The geographic scope of cumulative effects will often extend beyond the scope of the direct effects, but not beyond the scope of the direct and indirect effects of the proposed project.

In addition, each project has its own implementation schedule, which may or may not coincide or overlap with the proposed project's schedule. This is a consideration for short-term impacts from the proposed project. However, to be conservative, the cumulative analysis assumes that all projects in the cumulative scenario are built and operating during the operating lifetime of the proposed project.

#### 4.4 References

Association of Monterey Bay Area Governments (AMBAG). 2018. *2018 Regional Growth Forecast*. Adopted June 13, 2018.

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U.S. Census. 2010. DP-1. *Profile of General Population and Housing Characteristics: 2010*. Pacific Grove, California. Accessed November 6, 2019.

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## 5 Aesthetics

### 5.1 Introduction

This section describes the potential aesthetic changes and effects upon existing visual resources that could be caused by implementation of the proposed project. The primary visual and aesthetic issues under review include potential obstruction of public views or vistas (including blue water views), impacts to locally important scenic resources such as trees, scenic and aesthetic quality of the development (including scale and massing), and the potential for additional sources of light and glare. Information used to prepare this section came from the following resources:

- Aerial/Satellite Imagery
- Site visit photographs and field analysis
- Project application materials
- Visual simulations
- Pacific Grove Local Coastal Program (March 2020)

### 5.2 Scoping Issues Addressed

During the NOP public comment and scoping period for the proposed project, several comments were received regarding aesthetics and visual impacts. Comments received were generally concerned with the size and scale of the proposal relative to its surroundings, potential impacts to views and view corridors, views from scenic roadways/public viewpoints, visual impacts from tree removal as a coastal scenic resource, and potential for glare from new reflective surfaces.

### 5.3 Determination of Existing Visual Quality

Key viewing points (KVPs) were selected to be representative of the most critical locations from which the proposed project would be seen from public viewpoints. These locations were selected based on their usefulness in evaluating existing landscapes and potential impacts on aesthetics with various levels of viewer sensitivity, in different landscape types and terrain, and from various vantage points. Locations typically considered for the establishment of KVPs include those: 1) along major or significant travel corridors; 2) along local roads; 3) along recreational access areas, public parks and trails; 4) at designated vista points; and 5) from locations that provide good examples of the existing landscape context and viewing conditions, which in this case could include the Pacific Ocean and Monterey Bay.

When analyzing existing aesthetic conditions, the elements of visual quality, viewer concern, visibility, number of viewers, and duration of view are considered. These parameters are then factored into an overall rating of viewer sensitivity.

**Visual Quality.** Visual quality is an expression of the visual impression or appeal of a given landscape (e.g. landforms, rock forms, water features, vegetative patterns, and cultural features). Visual quality is rated from low to high. Landscapes rated low are often dominated by visually discordant human alterations. Landscapes rated high generally are memorable because of the way the individual landscape



features combine in a coherent and harmonious visual pattern. Also, those landscapes are typically free from discordant human alterations, so they retain their visual integrity.

**Viewer Concern.** Viewer concern addresses the level of interest or concern (from low to high) of viewers regarding an area's aesthetic values and the potential for visible change to the landscape. Viewer concern is closely associated with viewers' expectations for a given viewshed (i.e. an area of land or water visible from a fixed vantage point) and reflects the importance placed on the human perceptions of the intrinsic beauty and visual interest of the existing landscape characteristics. Official statements of public values and goals and adopted local public policy pertaining to aesthetics or visual resources also reflect viewers' expectations regarding a visual setting and are given weight in determining levels of viewer concern.

Land uses associated with designated parks, monuments, and wilderness areas; scenic highways and corridors; recreational areas; conservation areas; and historic residential areas are generally considered to have high viewer concern. However, existing landscape character may temper viewer concern on some State and locally designated scenic highways and corridors. In general, people driving for pleasure or engaged in recreational activities tend to have high viewer concern.

Travelers on other highways and roads, including those in rural or agricultural areas, may have moderate or high viewer concern depending on viewer expectations as conditioned by regional and local landscape conditions in these areas.

Commercial uses, including business parks and hotels, typically have low-to-moderate viewer concern, although some commercial developments have specific requirements related to visual quality with respect to landscaping, building height limitations, building design, and prohibition of certain uses.

Industrial uses and their occupants typically have the lowest viewer concern because employees generally work in utilitarian surroundings with relatively low visual value. However, some areas of lower visual quality and degraded visual character may contain particular views of substantially higher visual quality or interest to the public.

**Visibility.** Visibility is a measure of how well an object can be seen. Visibility depends on the angle or direction of views; viewing distance; extent of visual screening; and elevated topographical relationships between the object and key public viewpoints (scenic vistas). Visibility takes into consideration any and all obstructions that may be in the sightline, including landforms, trees and other vegetation, buildings, transmission poles or towers, general air quality conditions such as haze, and general weather conditions, such as fog.

**Number of Viewers.** Number of viewers is a measure of the number of viewers per day who would have a view of a proposed project or a visual resource and can range from low to high. The types of viewers can include residents, employees, motorists, and recreationists.

**Duration of View.** Duration of view is the amount of time to view a project site or a visual resource. For example, a high or extended view of a project site is one experienced over the course of two minutes or more (e.g. in a park). In contrast, a low or brief duration of view is available in a short amount of time — generally less than 10 seconds (e.g. travelling on a public road).

**Viewer Exposure.** Viewer exposure is a function of three elements previously listed: visibility; number of viewers; and duration of view. Viewer exposure can range from low to high. A partially obscured and brief background view for a few motorists represents low viewer exposure, and an unobstructed foreground view from a large number of residences represents a high viewer exposure.

**Overall Visual Sensitivity.** Visual sensitivity is derived from three elements previously listed: visual quality; viewer concern; and viewer exposure and is a concluding assessment of an existing landscape's susceptibility to an adverse visual outcome. A landscape with a high degree of visual sensitivity is able to accommodate only a lower degree of adverse visual change without resulting in a significant aesthetic impact. A landscape with a low degree of visual sensitivity is able to accommodate a higher degree of adverse visual change before exhibiting a significant aesthetic impact. Visual sensitivity can range from low to high.

## 5.4 Environmental Setting

This section presents information on aesthetic conditions in the study area. The current condition and quality of aesthetic resources is used as the baseline against which to compare potential impacts of the project.

### 5.4.1 City-Wide Visual Landscape

Pacific Grove is a small coastal community located on the Monterey Peninsula, bordered by Pebble Beach to the southwest, City of Monterey to the southeast, the Monterey Bay to the northeast, and the Pacific Ocean to the northwest. The City is characterized by its historic buildings, quaint neighborhoods, urban forests and stands of trees, Monarch butterfly habitat, rugged coastline, and dramatic ocean views.

Pacific Grove's scenic resources within the Coastal Zone include nearly continuous unobstructed views of the sea and sea life in the Bay. Year-round residents and visitors enjoy the recreation trail and the sandy beaches at Lovers Point. The City's scenic resources are publicly visible from not only areas in the City's Coastal Zone but also from areas on Monterey Bay, across the bay, and from some distant locations along Highway 1. Few structures exist seaward of Ocean View Boulevard or Sunset Drive, and most of the shoreline is in public ownership with public access provided in many areas by a heavily used recreation trail along a major portion of the coastline.

The two main vehicular entrances to the city are State Route 68 (Holman Highway) from the south and Lighthouse Avenue (through Monterey) from the southeast.

### 5.4.2 Project Site

Aesthetically, the project site can be described as a developed, commercial environment even though it is directly across Ocean View Boulevard from the coastline and Monterey Bay. The lower, or ocean side portion of the project site consists of a collection of buildings including the existing American Tin Cannery. Consistent with other chapters of this EIR, these buildings are identified as Building 0 (ATC Building office appendage currently used for a restaurant and retail); Building 1 (ATC Factory Building); Building 2 (Warehouse Building currently used as retail); and Building 4 (NAFI Building). All structures are along Ocean View Boulevard between Eardley Avenue and Dewey Avenue. The upper portion of the site consists of a surface parking lot that supports the ATC outlets, and a second parking lot and dry cleaners

building on a parcel that fronts Central Avenue. The upper and lower portions are grade separated and connected by pedestrian bridge across Sloat Avenue.

Despite current commercial and restaurant use, the aesthetic character of the site is indicative of its industrial past. The architectural features, scale, treatments and materials – including the factory’s iconic “sawtooth” roof and the corrugated metal siding of the warehouse – portray an industrial feel and character consistent with that of the old Cannery Row. There is very little open space on or around the site, and vegetation is limited to ornamental street trees and eucalyptus along Dewey Avenue and Sloat Avenue, and rows of Monterey cypress trees along the south edge of the ATC parking lot. These rows of cypress are tightly spaced and create a somewhat dense tree canopy near the center of the ATC site.

The existing aesthetic setting of the site is portrayed in the series of photographs in [Figures 5-1A and 5-1B: Existing Site Appearance](#).

### 5.4.3 Scenic Vistas

Scenic vistas are typically areas of elevated expansive views toward a landscape or scenery of high visual quality. The elevated, hillside areas of Pacific Grove and views toward the ocean and Monterey Bay from both high and low elevations provide for scenic vistas or viewpoints with Monterey Bay as the focal point. In the immediate vicinity of the project site, ocean views from the recreation trail provide ocean vistas. From the hills inland of the project site, views are primarily from private property. With the exception of views from public roadways, there are no obvious public vistas such as elevated parks, vista/lookout points, or similar visits in the immediate vicinity of the ATC project site.

### 5.4.4 Key Viewpoints (KVPs)

The project site can be viewed from several publicly accessible viewpoints, identified by walking and driving the area around the site. As shown in [Figure 5-2: Location of Key Viewpoints](#) and [Figures 5-2A through 5-2D: Key Viewpoints](#), the KVPs were selected based on the overall potential for the project site to be visible within the public viewshed from several locations and angles.

- KVP 1 – Ocean View Boulevard/Monterey Bay Coastal Recreation Trail (north of the site)
- KVP 2 – Monterey Bay Coastal Recreation Trail (Eardley Avenue and Ocean View Boulevard near Monterey Bay Aquarium)
- KVP 3 – Foam Street and David Avenue
- KVP 4 – Evans Avenue and Eardley Avenue
- KVP 5 – Central Avenue and Eardley Avenue
- KVP 6 – Central Avenue Mid-Block between Dewey Avenue and Eardley Avenue
- KVP 7 – Lighthouse Avenue at 1<sup>st</sup> Street
- KVP 8 – Inland from Monterey Bay

It should also be noted that LCP Figure 4, Scenic Areas, identifies a “scenic view point” in the vicinity of Dewey Avenue toward the bay. This is the only such view point within Area 1 of the LCP’s Land Use Plan. Upon field review, however, the view from this location was dominated by structures and trees along Ocean View Boulevard blocking any potential bay views, and the overall public view quality was considered low. For this reason, the view point was not selected for further analysis in the EIR





Source: Kimley-Horn, 2019

## Figure 5-1A: Existing Site Appearance

American Tin Cannery Hotel and Commercial Project  
Draft EIR

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Source: Kimley-Horn, 2019



### Figure 5-1B: Existing Site Appearance

American Tin Cannery Hotel and Commercial Project  
Draft EIR



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Source: Nearmap, 2019; Kimley-Horn, 2019

## Figure 5-2: Location of Key Viewpoints

American Tin Cannery Hotel and Commercial Project  
Draft EIR

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**KVP 1** - From Monterey Bay Coastal Recreation Trail



**KVP 2** - From Monterey Bay Coastal Recreation Trail (Eardley Avenue at Ocean View Boulevard)

Source: Kimley-Horn, 2019

## Figure 5-2A: Key Viewpoints 1 and 2

American Tin Cannery Hotel and Commercial Project  
Draft EIR

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**KVP 3 - Foam Street at David Avenue**



**KVP 4 - Evans Avenue and Eardley Avenue**

Source: Kimley-Horn, 2019

## Figure 5-2B: Key Viewpoints 3 and 4

American Tin Cannery Hotel and Commercial Project  
Draft EIR



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**KVP 5 - Central Avenue at Eardley Avenue**



**KVP 6 - Central Avenue, Mid-Block**

Source: Kimley-Horn, 2019

## Figure 5-2C: Key Viewpoints 5 and 6

American Tin Cannery Hotel and Commercial Project  
Draft EIR

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Source: Kimley-Horn, 2019

**KVP 7 - Lighthouse Avenue at 1st Street**



Source: CCS Pacific Grove Manager, LLC, 2019

**KVP 8 - Inland from Monterey Bay**

## Figure 5-2D: Key Viewpoints 7 and 8

American Tin Cannery Hotel and Commercial Project  
Draft EIR

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**KVP 1 – Ocean View Boulevard/Monterey Bay Coastal Recreation Trail, North of Project**

KVP 1 was selected to characterize the aesthetic and visual condition as seen to both motorized and non-motorized travelers using the roadway and recreation trail traveling southbound.

**Visual Quality:** *Low.* Views from this portion of the recreation trail approaching Monterey are of lower quality than other segments of the trail. While the coastline is viewed to the left, views of the project site and industrial buildings are compromised by urban alterations.

**Viewer Concern:** *Low to Moderate.* While high quality views are expected by trail users and drivers along this section of coastline, the existing industrial structures of the site would generally mitigate expectations and limit concerns associated with future changes.

**Viewer Exposure:** *High.* In this location approaching the Monterey Bay Aquarium, daily visual exposure to the site from Ocean View Boulevard and the recreation trail would typically be high. The site is highly visible, heavily traveled, and visual for a long duration while traveling in this direction. However, this exposure is tempered by the low visual quality of the viewpoint. Duration would obviously be longer for pedestrians and bicyclists.

**Overall Visual Sensitivity:** *Low to Moderate.* While viewer exposure is high, the quality of the existing views of the structures with a focal point away from the coastline renders the overall sensitivity of the viewpoint as low to moderate.

**KVP 2 – Monterey Bay Coastal Recreation Trail at Eardley Avenue, Near Monterey Bay Aquarium**

KVP 2 was selected to characterize the aesthetic and visual condition as seen non-motorized travelers using the recreation trail traveling northbound, leaving the Monterey Bay Aquarium area and entering the Pacific Grove segment of the trail.

**Visual Quality:** *Low to Moderate.* The facades of the existing ATC structures do not provide particularly high-quality view, although the factory building does have some visual interest due to its age and architecture. This is the last grouping of large buildings along the Cannery Row portion of the trail, providing more open views in the distance.

**Viewer Concern:** *Low to Moderate.* While high quality views are expected by trail users along this section of coastline, the existing industrial structures of the site would generally mitigate expectations and limit concerns associated with future changes.

**Viewer Exposure:** *High.* Similar to KVP 1, daily visual exposure to the site from Ocean View Boulevard and the recreation trail would typically be high. The site is highly visible, heavily traveled, and visual for a long duration while traveling in this direction. However, this exposure is tempered by the low visual quality of the viewpoint.

**Overall Visual Sensitivity:** *Low to Moderate.* While viewer exposure is high, the quality of the existing views of the structures with more distant views to the ocean renders the overall sensitivity of the viewpoint as low to moderate.

### KVP 3 – Foam Street at David Avenue

KVP 3 was chosen since this busy intersection provides a direct line of sight toward the upper portion of the site where the Executive Wing would be located on what is now parking lot.

**Visual Quality:** *Low.* While this viewpoint looks directly toward the site, the streetscape and view across the market parking lot is of limited quality.

**Viewer Concern:** *Low.* Travelers on this public roadway in a busy commercial area would generally have a low concern about future changes while navigating traffic.

**Viewer Exposure:** *Moderate.* Although in a high traffic area, the view toward the site is heavily screened with Monterey cypress trees, allowing only glimpses of site in the background.

**Overall Visual Sensitivity:** *Low.* Overall, this viewpoint, while important from the perspective of its relationship and proximity to the project site, is not particularly sensitive based on its visual quality, concern or exposure.

### KVP 4 – Eardley Avenue at Evans Avenue

KVP 4 was selected due to the visibility of the site from public roadways. The viewpoint is from Eardley Avenue near the intersection of Hawthorne Street, looking down Eardley Avenue. This location is considered typical of several potential viewpoints from local roadways.

**Visual Quality:** *Low to Moderate.* This is an urban viewpoint dominated by buildings and roadway, looking toward the southeast portion of the project site. Existing restaurant and commercial uses are in the foreground, partially blocking visibility to the site. However, some blue water views of the bay are visible within gaps of the tree canopy.

**Viewer Concern:** *Low to Moderate.* Travelers in this area would generally have a low concern about future changes in this area dominated by commercial uses. However, the glances of the bay are noteworthy and help define the importance of the view.

**Viewer Exposure:** *Low.* Viewer exposure would be primarily by motorists moving along Eardley Avenue and surrounding streets. Views toward the site would be of short duration and glances between buildings.

**Overall Visual Sensitivity:** *Low to Moderate.* While this viewpoint is important from the perspective of views toward the site and Monterey Bay from public roadways, the view is not particularly sensitive based on its visual quality, concern or exposure.

### KVP 5 – Central Avenue at Eardley Avenue

KVP 5 was chosen for its proximity to the project and potential visibility from two busy public roads, Central Avenue and Eardley Avenue. This viewpoint, while dominated by signage, parking areas and buildings, provides screened glimpses to Monterey Bay between structures and a stand of Monterey cypress. The existing rooftop architectural elements of the of the ATC buildings can be seen from this location.

**Visual Quality:** *Low to Moderate.* While this viewpoint provides glimpses of the bay, its quality is compromised by signage, light standards and other urban improvements. The existing cypress trees obscure and screen blue water views to the ocean.

**Viewer Concern:** *Low to Moderate.* This is a busy intersection in an urban location dominated by commercial uses, where visual changes would be noticed more by local residents than the casual visitor.

**Viewer Exposure:** *Low.* Exposure would be primarily by motorists making their way through the intersection.

**Overall Visual Sensitivity:** *Low to Moderate.* While the quality of this viewpoint is compromised, it does provide glimpses of water toward the bay. And while the cypress trees screen and obscure views toward the water, the trees themselves are also a visual resource and contributors to the visual quality of Pacific Grove.

#### KVP 6 – Central Avenue Mid-Block

KVP 6 provides a traveler's view from Central Avenue, directly across the parking lot that is within the project boundaries, looking toward the proposed Executive Wing. This view is dominated by the parking lot, with short glimpses toward the bay through stands of cypress trees. The stands of cypress are on the project site.

**Visual Quality:** *Low to Moderate.* Similar to KVP 5, the viewpoint is compromised by asphalt and parking, but does provide peeks of the bay with Monterey cypress trees dominating the view.

**Viewer Concern:** *Low to Moderate.* This "gap" in built structures along Central Avenue provides a visual break along an otherwise unremarkable stretch of public roadway; however, sensitivity to view from moving vehicles would not be particularly high.

**Viewer Exposure:** *Low.* As with other viewpoints from public roadways, view duration is typically short and fleeting.

**Overall Visual Sensitivity:** *Low to Moderate.* Similar to KVP 5, while the cypress trees screen and obscure views toward the bay, the trees themselves are contributors to the quality of the view and coastal visual landscape of Pacific Grove.

#### KVP 7 – Lighthouse Avenue at 1<sup>st</sup> Street

This divided segment of Lighthouse Avenue coming from downtown Pacific Grove is elevated and provides locations with more expansive views of Monterey Bay, such as this location near 1<sup>st</sup> Street. This viewpoint from a traveler's perspective provides elevated, intermittent ocean views between rooftops and stands of vegetation along the road. The project site and proposed location of the Executive Wing would be near the stand of cypress in the background. The Monterey Bay Aquarium administrative offices on Central Avenue are also visible.

**Visual Quality:** *Moderate to High.* While viewpoints vary along this segment of Lighthouse Avenue, this view demonstrates that views from the public roadway can be expansive and dramatic, even if they are somewhat compromised by structures, utility poles and other improvements.

**Viewer Concern:** *Moderate.* This section of Lighthouse Avenue, along the hillside, exhibits a unique feel and character while traveling toward Monterey. Such qualities suggest an expectation or concern that a view should be retained or otherwise not significantly impacted.

**Viewer Exposure:** *Moderate.* While this viewpoint is more expansive and higher quality than other roadway viewpoints around the project site, views are still somewhat brief to traveling vehicles.

**Overall Visual Sensitivity:** *Moderate to High.* Public views from active roadways in urban environments are not typically of the highest quality due to the presence of buildings, visual obstructions, and limited duration of views. However, this viewpoint provides a moderate to high level of sensitivity due to view of the water over existing rooftops, the divided roadway (that limits views of pavement and other vehicles) and the view of the urban tree canopy that contributes to the visual character of the area.

#### KVP 8 – Inland View from Monterey Bay

KVP 8 is a viewpoint from the water and Monterey Bay, looking directly inland toward the project site. This viewpoint was provided by the project applicant as part of the project application submittal. Although the viewpoint is elevated from above the waterline, it provides an accurate representation of the site and its surroundings as viewed by commercial and recreational watercraft near the shoreline. The Monterey Boat Works building and existing ATC buildings are prominent and highly visible from this vantage point.

**Visual Quality:** *Moderate to High.* Views inland from Monterey Bay are often of high quality and visual interest due to the perspective from the water. Views from the water such as KVP 8 show the water and shoreline in the foreground, and the visually interesting patchwork of hillsides and hillside development in the midground, and the tree line of the forest in the background. The primary detractor from this view is the large industrial structure of the ATC complex, which to some degree degrade the foreground views of the shoreline.

**Viewer Concern:** *Moderate.* Although not as accessible as landward locations, public views from the water would be expected to be moderately high to commercial and recreational interests; however, the expectation or concern of views of the ATC site itself present only a moderate concern due to the large-scale industrial character of the structures.

**Viewer Exposure:** *Moderate.* While viewer exposure from the water would typically be of longer duration (compared to roadways, for example), the number of viewers taking to the water for commercial or recreational activity tend to be much lower than landward locations.

**Overall Visual Sensitivity:** *Moderate.* Overall visual sensitivity from this viewpoint is only moderate, considering the somewhat degraded visual character of the ATC structures within the overall visual landscape.

#### Views from Monterey Bay Aquarium

This analysis also reviewed several viewpoints from the grounds of the Monterey Bay Aquarium, specifically the publicly (visitor) accessible concrete viewing platforms on the north end of aquarium's exterior. There is an upper platform accessed through the Splash Zone, and a lower platform that wraps around the aquarium's main level. While these locations provide interesting views of the project site from a location accessible by aquarium visitors, the locations from where the ATC site could be seen

were generally out of the way from the main traffic pattern of aquarium visitors and observed to be scarcely used even during a busy weekend<sup>1</sup>. The upper platform has a more direct view of the project site and attracts more visitors outside; however, visitor attention is naturally directed toward the water, sea life and sights within the bay rather than back inland toward the shoreline. Views from these locations are shown in [Figure 5-3: Views from the Monterey Bay Aquarium](#); however, they were not selected as “key viewpoints” of the project site for the reasons stated above.

## 5.5 Applicable Regulations, Plans, and Standards

### 5.5.1 Federal

None applicable.

### 5.5.2 State

In 1963, the California Legislature established the State’s Scenic Highway Program, which is intended to preserve and protect scenic highway corridors from changes that would diminish the aesthetic value of lands adjacent to highways. The state laws governing the Scenic Highway Program are found in the Streets and Highways Code, Section 260 et seq.

The State Scenic Highways program, established by the Streets and Highways Code, is administered by the California Department of Transportation (Caltrans). The State Scenic Highway System includes highways that are either eligible for designation as scenic highways or have been designated as such.

For Caltrans to grant an eligible route official status as a California State Scenic Highway, the local jurisdiction must implement a Corridor Protection Program by either adopting ordinances, zoning, and/or planning policies to preserve the scenic quality of the corridor, or documenting that such regulations already exist in various portions of local codes. Policies to prevent visual degradation of these view corridors might include restriction of dense and continuous development, reflective surfaces, ridgeline development, extensive cut and fill grading, disturbed hillsides and landscape, exposed earth, and non-native vegetation (Caltrans, 2014).

Highway 1 traveling south from Monterey along the coastline and State Route 68 heading east from Monterey toward the Salinas River are State-designated scenic highways (Caltrans 2013). The project site is not visible from either of these designated highways, except for very distant views from Highway 1 across Monterey Bay.

### 5.5.3 Local

#### City of Pacific Grove General Plan

The Pacific Grove General Plan designates two scenic drives in the city: Ocean View Boulevard and Sunset Drive between Ocean View Boulevard and Asilomar Avenue. The project site directly on the frontage of Ocean View Boulevard.

Existing city-wide General Plan goals and policies related to aesthetics and visual character are identified below. These goals and policies are shown to demonstrate where policies or existing regulations are in

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<sup>1</sup> Aquarium observations taken on Sunday November 17 and Thursday November 21, 2019.



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Source: Kimley-Horn, 2019

**Figure 5-3: Views from the Monterey Bay Aquarium**  
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place to help guide land use decisions and/or mitigate environmental concerns. Where inconsistencies exist, if any, they are addressed in the respective impact analysis below.

### **Land Use**

**Goal 2:** Repair and upgrade the City's infrastructure.

- **Policy 1:** Seek to preserve Pacific Grove's traditional "hometown" qualities.
- **Policy 2:** Ensure that new development is compatible with adjacent existing development.
- **Policy 13:** Assure that new commercial development is designed to avoid the appearance of strip development.

### **Urban Structure and Design**

**Goal 1:** Emphasize and promote the overall visual attractiveness of Pacific Grove.

- **Policy 1:** Develop a cohesive and aesthetically pleasing urban structure for Pacific Grove.
- **Policy 2:** Continue to require citywide architectural review for all new structures, and for exterior changes to existing structures.
- **Policy 3:** Improve the visual quality of Pacific Grove's major boulevards.
- **Policy 4:** Enhance city entrances and major commercial nodes.

**Goal 2:** Enhance the relationship between the city and the Pacific Ocean and Monterey Bay.

**Goal 3:** Maintain and enhance the quality of the city's landscape and streetscape.

- **Policy 8:** Endeavor to protect the tree canopy created by mature trees by planting replacement trees.
- **Policy 9:** Use street trees to enhance and soften the visual character of major streets within the city.
- **Policy 10:** Ensure that the use of signs in Pacific Grove is not excessive but appropriate.
- **Policy 11:** Reduce the visual chaos that results from overhead wires, light poles, and a high density of commercial signs.

**Goal 4:** Encourage public art in Pacific Grove.

### **Natural Resources**

**Goal 3:** Preserve public visual access to the ocean.

### **City of Pacific Grove Local Coastal Program**

The recently certified Local Coastal Program (LCP, March 2020) contains background information and policies addressing the city's scenic resources along the coastline. The ATC project site is located within the Coastal Zone, with high quality "scenic view areas" of the rocky shoreline directly across Ocean View Boulevard.

LCP Section 2.3.4 contains policies that address scenic resource protection. Policies that may be applicable to the ATC project site include protection and enhancement of public views and areas of special scenic significance, project-specific development standards, utility undergrounding, careful

selection of building materials, and protection or replanting of trees that are “visually integral” to the scenic quality of the coastline.

LCP Sections 3.1.4 and 3.2.4 address land use designations within the Coastal Zone, as well as community design. These sections contain policies directly related to the ATC project site, addressing height limits, lighting fixtures, and development standards for this property.

LCP policies are referenced as project mitigation, where warranted. Please also see Chapter 14, Land Use, regarding overall project consistency with the LCP.

## 5.6 Environmental Impacts and Mitigation Measures

### 5.6.1 Significance Criteria

The following significance criteria for aesthetics were derived from the Environmental Checklist in CEQA Guidelines Appendix G. These significance criteria have been amended or supplemented, as appropriate, to address lead agency requirements and the full range of potential impacts related to this project.

An impact of the project would be considered significant and would require mitigation if it would meet one or more of the following criteria.

- Cause a substantial adverse effect on a scenic vista.
- Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway.
- Substantially degrade the existing visual character, coastal scenic resources, or quality of public views of the site and its surroundings. (Public views are those that are experienced from publicly accessible vantage points.)
- In an urbanized area, conflict with applicable zoning and other regulations governing scenic quality.
- Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area.

A significant aesthetic impact could occur if the proposed project’s incremental aesthetic impact would be cumulatively considerable.

### Impact Assessment Methodology

To determine potential impacts, the impact significance criteria identified above were applied to the construction and operation of the proposed project. Impacts are identified as being either short-term or long-term in nature.

An adverse aesthetic (visual) impact occurs within public view when: (1) an action perceptibly changes existing features of the physical environment so that they no longer appear to be characteristic of the subject locality or region; (2) an action introduces new features to the physical environment that are perceptibly uncharacteristic of the region and/or locale; or (3) aesthetic features of the landscape become less visible (i.e. partially or totally blocked from view) or are removed. Changes that seem uncharacteristic are those that appear out of place, discordant, or distracting. The degree of the



aesthetic impact depends upon how noticeable the adverse change may be, and conclusions can be subjective. The noticeability of an adverse aesthetic impact is a function of project features, context, and viewing conditions (e.g. angle of view, distance, primary viewing directions, and duration of view).

Views and viewpoints were assessed in the field by walking and driving all accessible areas in the vicinity of the project to search for and photograph prominent public vantage points. The viewpoint from Monterey Bay looking inland was provided by the project applicant, as were the visual simulations. 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.

### 5.6.2 Summary of No and/or Beneficial Impacts

#### State-Designated Scenic Highway

The project site is not located within the viewshed of a state-designated scenic highway, and therefore would not impact or substantially alter scenic resources related to a scenic highway. While the Pacific Grove coastline can be seen from some distant locations along Highway 1 from across the bay, the project is not considered within the direct viewshed of this scenic highway.

#### Conflict with Applicable Zoning and Other Regulations Governing Scenic Quality in an Urbanized Area

As discussed in further detail below under “Design Standards, Size, Scale and Mass”, the project is consistent with the recently certified development standards of the LCP and Implementation Plan. These standards serve to define the development envelope of property, and by doing so address the scenic quality of this currently developed site. As such, there would be no impact/conflict with these standards or this threshold of significance.

### 5.6.3 Impacts of the Proposed Project

**Impact AES-1:** The project could affect or alter views as seen from a scenic vista. This is a **less than significant impact**.

#### Construction

The temporary aesthetic effects of project construction are more appropriately discussed in the context of visual character or quality. Please see discussion under impact AES-2.

#### Operation

The primary “scenic vista” associated with the ATC hotel project is the open, dramatic view from the Monterey Bay, inland toward the project. As described and shown in the existing setting, this vista shows the topography of Pacific Grove in the background, the ATC buildings in the foreground, a thick canopy and tree line of urban forest, and the dramatic, rocky coastline. Besides public roadways, there are no fixed public vistas or viewing areas in the vicinity (such as designated turnouts or public parks) with a view of the project site. Vistas provided from public roadways at higher elevations looking toward the project site are mostly screened by buildings, trees and other obstructions. This is demonstrated by the photographs of the KVPs.

In terms of project impact, the appearance of the site would be permanently changed with the alteration of the ATC factory building and the construction of the hotel wings. The most prominent change would be the introduction of the Executive Wing, resulting in a roof line 38 feet above existing grade and located on what is now a parking lot. While resulting in prominent new buildings, there are no scenic vistas that would experience a substantial adverse effect, as per the standards of significance.

From KVP 8, the viewpoint of the ocean that best meets the definition of a vista, the physical appearance of the project would permanently change. Compared to the existing condition, however, this change is not “adverse” and the project appearance is generally consistent with the surrounding built environment and scale of development. The project will be replacing buildings with new buildings of similar scale and more modern architectural design as seen from the ocean, but this replacement would not be considered a substantial adverse effect. For these reasons, changes to the most prominent vista – from the ocean – will also be less than significant with introduction of the project.

While there are glimpses of higher-quality views from elevated locations while driving or traveling, such as KVP 7 along Lighthouse Avenue, the views are of short duration or have a focal point much further away in the distance, well beyond the project site. It should be noted that the project would be visible in the mid-ground from the vista provided by KVP 7 (see simulation in [Figure 5-4: Visual Simulation – Lighthouse Avenue at 1<sup>st</sup> Avenue](#)). Although the roofline would be visible at the same general height as other structures in the neighborhood, the effect would not be considered a “substantial adverse” change as the view duration is short and views to the bay would remain open. The existing view or vista from this location would not be blocked or significantly degraded.

## Conclusion

While physical changes would occur as viewed from the two identifiable vistas near the project site, these changes are neither substantial or adverse, resulting in a less than significant impact. No mitigation is required.

**Impact AES-2:** The project could substantially degrade the existing visual character or quality of the site and its surroundings. This is a **significant unavoidable impact**.

## Construction

Construction of the project will entail the removal of existing trees, demolition of warehouse structures, grading, excavation and construction activity in the immediate vicinity for approximately 18 to 24 months. While temporary, the visual character and quality of the site in the immediate area could be substantially degraded while construction is underway, compared to existing conditions.

### MM AES-2.1 Construction Screening

To minimize and soften the visual effect as seen from visitors and nearby residents, the project applicant shall incorporate construction fencing or screening around the perimeter of the site. The screening material shall be of sufficient height to mask



Proposed



Existing



Source: Hart Howerton, 2020

## Figure 5-4: Visual Simulation - Lighthouse Avenue at 1st Street (KVP 7)

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activities within and be designed with graphics, murals, historic references or other design features to blend as much as possible with the neighborhood surroundings while communicating the future uses at the site. Screening shall remain in place during demolition of existing structures, site preparation and new building construction. Applicant shall be responsible for continued maintenance and condition of the screening throughout the construction period. Screening shall not be necessary during the final stages of construction when architectural coatings, detailing and landscaping are applied. The screening concept and design shall be submitted for approval to the City of Pacific Grove prior to groundbreaking.

## Operation

Visual character is the overall perceptible aesthetic quality of an area created by its unique combination of visual features such as form, bulk, scale, texture, color and viewing range. The key factors in determining the potential for an adverse effect on visual character are (1) substantial changes to the existing physical features of the landscape that are characteristic of the region or locale; or (2) the introduction of new features to the physical landscape that are perceptibly uncharacteristic of the region or locale that become visually dominant from common view points. Within the Coastal Zone, trees can be considered a “visually integral” part of the scenic coastline and local visual character.

As described in the Environmental Setting, the visual quality of the site is dominated and compromised by the existing ATC factory and warehouse structures, resulting in generally low visual quality of the site. The relative change to the visual character of the site and its surroundings once the project is constructed is best illustrated from the key viewpoints (KVPs) identified previously:

### KVP 1 – Ocean View Boulevard/Monterey Bay Coastal Recreation Trail (north of project site).

The changes in appearance to the project site from this location would focus on the replacement of the warehouse and NAFI building with the Group/Family Wing of the hotel. The proposed hotel would be 37 feet above existing grade at its highest point, which is comparable to the height of the existing warehouse and NAFI building. By comparison, the new structures would be more prominent from this viewpoint, primarily because the NAFI building is set back approximately 120 feet from Ocean View Boulevard, while the new building would be about 30 feet from the roadway. But in terms of visual character, aesthetic changes from this location would be less than significant. The new structures would have a newer, more modern appearance, and would be of a similar mass and scale. These changes would not be considered a substantial degradation of the visual character.

KVP 2 – Monterey Bay Coastal Recreation Trail (Eardley Avenue at Ocean View Boulevard). Post-project views of the project site from this vantage point would be similar to baseline conditions. The viewpoint is dominated by the ATC factory building, which will be largely retained. The front façade of the building would be updated with the street retail modifications; however, the overall visual quality of the view would be similar to existing conditions.

KVP 3 – Foam Street at David Avenue. This viewpoint across the existing market parking lot is not of exceptionally high quality; however, it is a point of view from where the Executive Wing of the new hotel would be visible and more prominent along Eardley Avenue. Both sides of Eardley Avenue in the vicinity of the proposed hotel is lined with Monterey cypress trees. The cluster of trees on the project side would be removed, thinning the mid-level tree canopy and reducing the screening effect of existing



trees. The new hotel wing would be visible in the background through the remaining trees along the market parking lot. While the new structure, with a roofline 38 feet above existing grade, would be more prominent and different than the existing cluster of trees, the visual character of this urban, commercial viewpoint would not be significantly degraded.

**KVP 4 – Evans Avenue and Eardley Avenue.** Evans Avenue is a half block inland from Central Avenue and the project site, just below Hawthorne Street. This is a slightly elevated location, providing more distant glimpses of Monterey Bay between buildings and tree canopy. The Executive Wing of the hotel would remove the cluster of Monterey cypress trees visible beyond the “Outlets” sign in this view. Based on the cross-section drawings of the proposed building (see **Figure 5-5: Eardley Avenue Elevation**), the 38-foot roofline would be lower than the tops of the existing visible cypress trees, allowing a similar, broken view of the Bay, as the screening effect replaces trees with building. The potential visual impact from this location is not so much the introduction of the building as a visual element, but rather the partial removal of the tree canopy in the Coastal Zone, which is part of the visual identity of the community as specified in the Local Coastal Program. Please see **Chapter 7 Biological Resources** regarding impacts and mitigation for tree removal, which are applicable to this impact.

**KVP 5 – Central Avenue at Eardley Avenue.** KVP 5 is a closer variation of KVP 4, with similar findings and conclusions. While the view provides glimpses of the bay it is dominated by buildings, parking and signage. The Monterey cypress trees proposed for removal are in the location where the hotel would be, with the signs and flag poles providing scale and landmarks. Based on the cross-section in **Figure 5-5** and the visual simulation provided in **Figure 5-6: Visual Simulation – Central Avenue at Eardley Avenue (KVP 5)**, the hotel roofline in this location would be about the same height as the existing trees and flagpoles. However, as discussed previously, the removal of trees that contribute the visual identity of the community represent a significant impact, which is further addressed in **Chapter 7**. Although the view of the tree canopy would be replaced with views of the hotel from this viewpoint, it should be noted that the simulation shows that tree removal will also open the blue water view somewhat with the removal of the trees.

**KVP 6 – Central Avenue, Mid-Block.** This viewpoint from Central Avenue across a parking lot toward the aquarium would be permanently altered with the introduction of the hotel structure. Similar to changes to KVP 4 and KVP 5, most of the cypress trees visible from this viewpoint would be removed and replaced with the hotel structure. The visual impact of this tree removal in the coastal zone is considered a substantial change to the quality of the view, necessitating mitigation as identified in **Chapter 7**. While the hotel structure would not block views of the water (due to the density of existing trees), it would change the appearance of the area and obstruct this small window of a view across the parking lot. This change is demonstrated in **Figure 5-7: Visual Simulation-Central Avenue Mid-Block (KVP 6)**.

**KVP 7 – Lighthouse Avenue at 1st Street.** Lighthouse Avenue in this general location is elevated and provides glimpses toward the bay. From this particular vantage point, the aquarium administrative offices can be seen in the midground, with the cypress trees in the background. As discussed previously, glimpses of the roofline of the new hotel structure would be visible to travelers. Impacts of changes to this vista are discussed above in Impact AES-1.



Pre-Project View



Post Project View

Source: CCS Pacific Grove Manager, LLC.

### Figure 5-5: Eardley Avenue Elevation

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Proposed



Existing



Source: Hart Howerton, 2020

## Figure 5-6: Visual Simulation - Central Avenue at Eardley Avenue (KVP 5)

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Proposed



Existing



Source: Hart Howerton, 2020

### Figure 5-7: Visual Simulation - Central Avenue Midblock (KVP 6)

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**KVP 8 – Inland from Monterey Bay.** This viewpoint, considered moderate to high quality, would permanently change the visual character of the built environment at the project site. In the building facades in the foreground will have a different appearance, and the Executive Wing of the hotel in the upper portion of the site will be more visually prominent than the existing ATC buildings. However, in terms of visual character, this view would not be significantly impacted as the new structures will blend into the existing hillside development similar to the existing condition, and no features of the project would result in significant degradation of this visual character as seen from the water. This conclusion is visually demonstrated in **Figure 5-8: Visual Simulation from Monterey Bay (KVP 8)**.

### Design Standards, Size, Scale and Mass

“Size”, “scale” and “mass” are terms often used when describing how a building or project “fits” in relationship to its surroundings or neighboring properties. For the ATC project relative size and scale is best represented in the elevation (profile) illustrations from Dewey Avenue and Eardley Avenue, as well the simulations. (see **Figure 5-9: Dewey Avenue Elevation**). Whether or not a project or structure is too large (or too small for that matter) is often a matter of opinion, as CEQA thresholds do not specifically speak to size as a significant impact. These issues are addressed by CEQA in terms of “visual character” from public viewpoints, as described in Impact AES-2 above, and also if the project is consistent with applicable zoning and other regulations governing scenic quality.

The City of Pacific Grove Local Coastal Program Implementation Plan (IP) is now the governing zoning document for projects in the Coastal Zone, and also addresses Coastal Community Design (23.90.180). The objectives of this section of the IP are to protect and maintain the City’s unique natural setting and character, and to promote orderly development in the community through compliance with identified design standards.

The LCP IP also identifies development standards specific to the American Tin Cannery project site (23.90.180 [C] [5] [g]). This specific subsection allows a 90% site coverage if the project contains specific public amenities, while building heights are limited to 40 feet, with minor exceptions allowed for mechanical equipment provided that no public views are significantly impacted.

In terms of overall community character, the project as proposed meets the development standards for Visitor Serving Commercial with respect to site coverage, setbacks, and building heights as defined by the IP. This analysis acknowledges that the project could alter blue water views from some public roadway locations with the introduction of buildings and removal Monterey cypress trees. However, the overall scale of the structure is consistent with the scale of the existing ATC factory and warehouse structures, and the introduction of hotel and commercial uses along the Central Avenue and Eardley Avenue corridors is generally consistent with the existing commercial character of the built environment the immediate area.

### Conclusion

Temporary aesthetic effects from construction can be minimized with screening measures during the construction phase and are considered a temporary condition while the site undergoes larger visual changes. However, based on the potential changes to visual character from several viewpoints around the project, the visual change associated with placement of new hotel-related buildings throughout the

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Pre-Project View



Post Project View

Source: CCS Pacific Grove Manager, LLC.

### Figure 5-8: Visual Simulation - From Monterey Bay (KVP 8)

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Pre-Project View



Post Project View

Source: CCS Pacific Grove Manager, LLC.

**Figure 5-9: Dewey Avenue Elevation**  
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project site and the removal of existing stands of Monterey cypress trees is considered significant and unavoidable. Although replanting and landscaping plans will help soften this impact and enhance the visual quality of the development, the loss of up to 52 mature Monterey cypress trees (and 79 trees in total) would significantly affect the visual character of the community specific to this location, as trees are a unique coastal resource as defined by the LCP. The City's trees and tree canopy, particularly created by native species, are considered "visually integral" within the LCP and contributors of the visual identity of the community per the Coastal Act. For these reasons, the impact should be considered a significant and unavoidable visual consequence of the proposal, even with replanting and other offsets.

**Impact AES-3:** The project would introduce new sources of light and glare to the project site and project area. This is a **less than significant impact with mitigation incorporated**.

### Construction

Construction activity associated with the project would not result in unusual or permanent light sources that would significantly affect day or nighttime views in the area. During darker winter months some flood lighting or work lighting may be necessary near the end of the work day but would not be considered significant or obtrusive. All lighting required for construction would be temporary.

### Operation

Light and glare are currently generated from multiple sources on the project site. The site currently has interior and exterior lighting associated with the existing buildings, restaurants, commercial uses and a large public surface parking lot used by the existing ATC Outlets and visitors.

The project's conceptual lighting plan identifies lighting schemes for several outdoor areas on the property. Light fixtures include bollard lights, recessed wall lights, pendant and string lights, and lanterns. These exterior light sources are intended to be subdued and subordinate to the landscape, while providing enough light for pedestrians and safety. Most lighting from automobiles will be below ground within the subterranean garages once they enter the property.

Pursuant to Pacific Grove Municipal Code Section 23.70.060, the project would be subject to review by the City's Architectural Review Board, which would review the details and specification of the project's lighting plans to ensure consistency with the City's design objectives and sensitivities. The LCP also requires that projects in the Coastal Zone avoid glare and reflective surfaces. Compliance with existing City codes and regulations during this review process would render the impacts of new lighting sources less than significant. The project was also reviewed by the Monterey County Airport Land Use Commission (ALUC) in February 2020. The ALUC staff review concluded that the project is consistent with the 2019 ALUCP for the Monterey Regional Airport. A standard condition of approval requiring airport manager review of Exterior Lighting Plans was applied to the project and is referenced in MM AES-3.1 below.

With respect to glare, however, the project could produce new sources of glare from windows and reflective surfaces that are more intense than current conditions. Given the project (and Pacific Grove's) location at the tip of the Monterey Peninsula, the project faces east/northeast. During several months of the year, clear mornings provide bright and dramatic sunrises on this section of the coastline in the early morning. Based on the project design and orientation, and extensive use of glass surfaces, increased

glare could be experienced from reflection and glare along the Ocean View Boulevard and Eardley Avenue frontages. Recipients of glare could include the Andronico's commercial site (not sensitive), and Hopkins Marine Station (potentially sensitive). The potential for glare at these locations is not anticipated to be particularly invasive or hazardous (such as a building that reflects glare toward a busy highway, for example), but may present as an unwanted nuisance to these nearby uses and worth of disclosure in this EIR.

#### MM AES-3.1 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. 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.

#### Conclusion

Compared to existing conditions and lighting sources, the ATC hotel and commercial project would create new and different sources of lighting, but not to the extent that the project would adversely affect day or nighttime views in the area. With the incorporation of glass with anti-reflective properties as identified in MM AES-3.1, the potential for significant glare would be minimized and mitigated.

#### 5.6.4 Cumulative Impact Analysis

The geographic context for the analysis of cumulative aesthetic impacts includes the project site viewshed and the visual character of its surroundings in the City of Pacific Grove. Cumulative projects considered are those that could be seen in proximity to the project site and taken together would result in a substantial change to the project site viewshed. Nearby projects that could have similar and cumulatively considerable effects include the Hotel Durrell in downtown Pacific Grove, and the Ocean View Plaza mixed-use proposal on Cannery Row.

**Impact AES-4:** The project would not significantly contribute to cumulatively considerable visual or aesthetic impacts. This is a **less than significant impact** of the project.

The vast majority of the vicinity near the project site is built out with existing development and improvements. The most significant pending projects that are similar in nature to the ATC hotel project are the Hotel Durrell and Ocean View Plaza (both approved but not constructed). These projects are far enough away from the ATC site that they will not combine or contribute to a larger cumulative effect with respect to visual character, direct visual impacts or light and glare. Cumulative effects are therefore less than significant.

#### 5.7 References

California Department of Transportation (Caltrans). 2015. State Scenic Highway Program. Available at: [http://www.dot.ca.gov/hq/LandArch/16\\_livability/scenic\\_highways/faq.htm](http://www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways/faq.htm), accessed September 14, 2015.

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City of Pacific Grove. 2017. *Hotel Durell Final EIR*.

## 6 Air Quality

### 6.1 Introduction

This section describes effects on air quality that would be caused by implementation of the proposed project. Information used to prepare this section came from the following resources:

- California Emissions Estimator Model (CalEEMod) projections ([Appendix B](#))
- California Air Resource Board (CARB)
- State Office of Environmental Health Hazard Assessment (OEHHA)
- California Environmental Quality Act (CEQA) Air Quality Guidelines
- Monterey Bay Air Resources District (MBARD)
- CEQA Air Quality Guidelines

### 6.2 Scoping Issues Addressed

During the NOP public comment and scoping period for the proposed project, several comments were received regarding air quality. Comments received were generally concerned with construction (and demolition) particulates and air quality impacts, particularly due to trucks and construction equipment; operational air quality impacts due to increased vehicle trips; and cumulative air quality impacts adding the proposed projects air quality impacts to the other projects currently under construction.

### 6.3 Environmental Setting

#### 6.3.1 Climate and Topography

The project site is located within the North Central Coast Air Basin (NCCAB), which includes Monterey County, San Benito County, and Santa Cruz County, composing an area of approximately 5,159 square miles along the central California coast. MBARD is responsible for local control and monitoring of criteria air pollutants throughout the NCCAB.

The climate of the Basin is determined largely by a high-pressure system that is almost always present over the eastern Pacific Ocean off the West Coast of North America. During winter, the Pacific high-pressure system shifts southward, allowing storms to pass through the region. Air descends in the Pacific High, forming a stable temperature inversion of hot air over a cool coastal layer of air. The onshore air currents pass over cool ocean waters to bring fog and relatively cool air into the coastal valleys. The warmer air aloft acts as a lid to inhibit vertical air movement.<sup>1</sup>

Climatological conditions, an area's topography, and the quantity and type of pollutants released commonly determine ambient air quality. The project site is located in the City of Pacific Grove, California. Pacific Grove is a coastal community located at the far southwest reach of Monterey Bay, and along the northern tip of the Monterey Peninsula, in Monterey County.

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<sup>1</sup> MBARD

Climate, or the average weather condition, affects air quality in several ways. Wind patterns can remove or add air pollutants emitted by stationary or mobile sources. Inversion, a condition where warm air traps cooler air underneath it, can hold pollutants near the ground by limiting upward mixing (dilution). Topography also affects the local climate, as valleys often trap emissions by limiting lateral dispersal.

### 6.3.2 Air Pollutants of Primary Concern

The State and federal Clean Air Acts mandate the control and reduction of certain air pollutants. Under these Acts, the U.S. Environmental Protection Agency (U.S. EPA) and CARB have established ambient air quality standards for certain “criteria” pollutants. Ambient air pollutant concentrations are affected by the rates and distributions of corresponding air pollutant emissions, as well as by the climactic and topographic influences discussed above. The primary determinant of concentrations of non-reactive pollutants (such as carbon monoxide [CO] and inhalable particulate matter [PM<sub>10</sub>]) is proximity to major sources. Ambient CO levels in particular closely follow the spatial and temporal distributions of vehicular traffic. A discussion of primary criteria pollutants is provided below.

Ozone. Ozone (O<sub>3</sub>) is a colorless gas with a pungent odor. Most ozone in the atmosphere is formed as a result of the interaction of ultraviolet light, reactive organic gases (ROG), and oxides of nitrogen (NO<sub>x</sub>). ROG (the organic compound fraction relevant to ozone formation, and sufficiently equivalent for the purposes of this analysis to volatile organic compounds, or VOC<sup>2</sup>) is comprised of non-methane hydrocarbons (with some specific exclusions), and NO<sub>x</sub> consists of different chemical combinations of nitrogen and oxygen, mainly NO and NO<sub>2</sub>. As a highly reactive molecule, ozone readily combines with many different components of the atmosphere. Consequently, high levels of ozone tend to exist only while high ROG and NO<sub>x</sub> levels are present to sustain the ozone formation process. Once the precursors have been depleted, ozone levels rapidly decline. Given that these reactions occur on a regional rather than local scale, ozone is considered a regional pollutant.

Carbon Monoxide. CO is an odorless, colorless, gas. CO causes a number of health problems including fatigue, headache, confusion, and dizziness, and prolonged exposure to highly concentrated levels of CO can be fatal. The incomplete combustion of petroleum fuels in on-road vehicles and at power plants is a major cause of CO. CO is also produced by use of wood stoves and fireplaces, which are more frequently used in winter months. CO tends to dissipate rapidly into the atmosphere; consequently, violations of the State CO standard are generally associated with major roadway intersections during peak hour traffic conditions.

Localized CO “hotspots” can occur at intersections with heavy peak hour traffic. Specifically, hotspots can be created at intersections where traffic levels are sufficiently high such that the local CO concentration exceeds the National Ambient Air Quality Standards (NAAQS) of 35.0 parts per million (ppm) or the California Ambient Air Quality Standards (CAAQS) of 20.0 ppm.

Nitrogen Dioxide. Nitrogen dioxide (NO<sub>2</sub>) is a by-product of fuel combustion, with the primary source being motor vehicles and industrial boilers and furnaces. The principal form of nitrogen oxide produced by combustion is nitric oxide (NO), but NO reacts rapidly to form NO<sub>2</sub>, creating the mixture of NO and NO<sub>2</sub> commonly called NO<sub>x</sub>. Nitrogen dioxide is an acute irritant. A relationship between NO<sub>2</sub> and chronic pulmonary fibrosis may exist, and an increase in bronchitis in young children at concentrations below

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<sup>2</sup> ROG is equivalent to volatile organic compounds (VOC) per MBUAPCD Rule 101, 2.32

0.3 ppm may occur. Nitrogen dioxide absorbs blue light and causes a reddish-brown cast to the atmosphere and reduced visibility. It can also contribute to the formation of PM<sub>10</sub> and acid rain.

Particulate Matter. Suspended particulate matter (PM) consists of airborne dust small enough to remain suspended in the air for long periods. Fine particulate matter includes particles small enough to be inhaled, pass through the respiratory system, and lodge in the lungs, with resultant adverse health effects. Particulate matter can include materials such as sulfates and nitrates, which are particularly damaging to the lungs. Studies of the health effects resulted in revision of the Total Suspended Particulate (TSP) standard in 1987 to focus on particulates that are small enough to be considered “inhalable,” i.e. 10 microns or less in size (PM<sub>10</sub>). In July of 1997, a further revision of the federal standard added criteria for PM<sub>2.5</sub>, reflecting recent studies that suggested that particulates less than 2.5 microns in diameter are of particular concern.

Sulfur Dioxide. Sulfur dioxide (SO<sub>2</sub>) is produced by such stationary sources as coal and oil combustion, steel mills, refineries and pulp and paper mills. The major adverse health effects associated with SO<sub>2</sub> exposure pertain to the upper respiratory tract. SO<sub>2</sub> is a respiratory irritant with constriction of the bronchioles occurring with inhalation of SO<sub>2</sub> at 5 ppm or more. On contact with the moist mucous membranes, SO<sub>2</sub> produces sulfurous acid, which is a direct irritant. Concentration rather than duration of the exposure is an important determinant of respiratory effects.

Lead. Lead (Pb) is a metal found naturally in the environment, as well as in manufacturing products. The major sources of lead emissions historically have been mobile and industrial sources. As a result of the phase-out of leaded gasoline, as discussed below, metal processing currently is the primary source of lead emissions. The highest level of lead in the air is generally found near lead smelters. Other stationary sources are waste incinerators, utilities, and lead-acid battery manufacturers.

Historically, mobile sources were the main contributor to ambient lead concentrations in the air. In the early 1970s, U.S. EPA set national regulations to gradually reduce the lead content in gasoline. In 1975, unleaded gasoline was introduced for motor vehicles equipped with catalytic converters. U.S. EPA completed the ban prohibiting the use of leaded gasoline in highway vehicles in early 1996.<sup>3</sup> As a result of U.S. EPA’s regulatory efforts to remove lead from gasoline, lead concentrations have declined substantially over the past several decades. The most dramatic reductions in lead emissions occurred prior to 1990 in the transportation sector due to the removal of lead from gasoline sold for most highway vehicles. Lead emissions were further reduced substantially between 1990 and 2008, with significant reductions occurring in the metals industries at least in part as a result of national emissions standards for hazardous air pollutants.<sup>4</sup>

U.S. EPA and CARB establish ambient air quality standards for major pollutants at thresholds intended to protect public health. Federal and State standards have been established for O<sub>3</sub>, CO, NO<sub>2</sub>, SO<sub>2</sub>, lead, and PM<sub>10</sub> and PM<sub>2.5</sub>.

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<sup>3</sup> 40 CRF Part 80.

<sup>4</sup> U.S. EPA 2013. Policy Assessment for the Review of the Lead National Ambient Air Quality Standards – External Review Draft. EPA – 452/P-13-001.

Criteria air pollutant NAAQS and CAAQS are provided in [Table 6-1: Current National and State Ambient Air Quality Standards](#). California standards are more restrictive than federal standards for each of these pollutants, except for lead and the 8-hour average for CO.

**Table 6-1: Current National and State Ambient Air Quality Standards**

Pollutant	Averaging Time	Federal Primary Standards	California Standard
Ozone (O <sub>3</sub> )	1-Hour	---	0.09 ppm
	8-Hour	0.070 ppm	0.070 ppm
Carbon Monoxide (CO)	8-Hour	9.0 ppm	9.0 ppm
	1-Hour	35.0 ppm	20.0 ppm
Nitrogen Dioxide (NO <sub>x</sub> )	Annual	0.053 ppm	0.030 ppm
	1-Hour	0.100 ppm	0.18 ppm
Sulfur Dioxide (SO <sub>x</sub> )	Annual	---	---
	24-Hour	---	0.04 ppm
	1-Hour	0.075 ppm	0.25 ppm
Inhalable Particulates (PM <sub>10</sub> )	Annual	---	20 µg/m <sup>3</sup>
	24-Hour	150 µg/m <sup>3</sup>	50 µg/m <sup>3</sup>
Fine Particulates (PM <sub>2.5</sub> )	Annual	12 µg/m <sup>3</sup>	12 µg/m <sup>3</sup>
	24-Hour	35 µg/m <sup>3</sup>	---
Lead (Pb)	30-Day Average	---	1.5 µg/m <sup>3</sup>
	Rolling 3-Month Average	0.15 µg/m <sup>3</sup>	---

ppm = parts per million; µg/m<sup>3</sup> = micrograms per cubic meter

Source: CARB, 2013; U.S. EPA, 2015

### 6.3.3 Current Ambient Air Quality

Local air districts and CARB monitor ambient air quality to assure that air quality standards are met, and if they are not met, to also develop strategies to meet the standards. Air quality monitoring stations measure pollutant ground-level concentrations (typically, ten feet aboveground level). Depending on whether the standards are met or exceeded, the local air basin is classified as in “attainment” or “non-attainment.” Some areas are unclassified, which means no monitoring data are available. Unclassified areas are considered to be in attainment. [Table 6-2: Attainment Status of the North Central Coast Air Basin](#) summarizes the State and federal attainment status for criteria pollutants in the NCCAB.



**Table 6-2: Attainment Status of the North Central Coast Air Basin**

Pollutant	State Standard	Federal Standard
Ozone (O <sub>3</sub> )	<b>Non-attainment</b> <sup>1</sup>	Attainment/Unclassified <sup>2</sup>
Inhalable Particulates (PM <sub>10</sub> )	<b>Non-attainment</b>	Attainment
Fine Particulates (PM <sub>2.5</sub> )	Attainment	Attainment/Unclassified <sup>3</sup>
Carbon Monoxide (CO)	Attainment (Monterey County)/ Unclassified (San Benito County)	Attainment/Unclassified
Nitrogen Dioxide (NO <sub>x</sub> )	Attainment	Attainment/Unclassified <sup>4</sup>
Sulfur Dioxide (SO <sub>x</sub> )	Attainment	Attainment <sup>5</sup>
Lead (Pb)	Attainment	Attainment/Unclassified <sup>6</sup>

## Notes:

1. Effective July 26, 2007, the CARB designated the NCCAB a non-attainment area for the State ozone standard, which was revised in 2006 to include an 8-hour standard of 0.070 ppm.
2. On March October 1, 2015, U.S. EPA adopted a new 8-hour ozone standard of 0.070 ppm. However, U.S. EPA has not yet reviewed recent NCCAB emissions to determine attainment with the current 0.070 ppm standard. Therefore, this attainment status is based upon the 0.075 ppm standard.
3. In 2006, the Federal 24-hour standard for PM<sub>2.5</sub> was revised from 65 to 35 µg/m<sup>3</sup>. Although final designations have yet to be made, it is expected that the NCCAB will remain designated unclassified/attainment.
4. In 2011, EPA indicated it plans to designate the entire State as attainment/unclassified for the 2010 NO<sub>2</sub> standard. Final designations have yet to be made by EPA.
5. In June 2011, the CARB recommended to EPA that the entire State be designated as attainment for the 2010 primary SO<sub>2</sub> standard. Final designations have yet to be made by EPA.
6. On October 15, 2008 EPA substantially strengthened the national ambient air quality standard for lead by lowering the level of the primary standard from 1.5 µg/m<sup>3</sup> to 0.15 µg/m<sup>3</sup>. Final designations were made by EPA in November 2011.

Non-attainment pollutants are highlighted in **Bold**.

Source: CARB, 2013.

As shown in **Table 6-2: Attainment Status of the North Central Coast Air Basin**, although the NCCAB is in attainment or unclassifiable as to all NAAQS, it is designated as non-attainment with respect to the more stringent State PM<sub>10</sub> standard and the State's 8-hour ozone standard. Since the NCCAB is designated as non-attainment for State standards for ozone and PM<sub>10</sub>, these are the primary pollutants of concern.

Ambient air quality is monitored at seven MBARD-operated monitoring stations located in Salinas, Hollister, Carmel Valley, Santa Cruz, Scotts Valley, Watsonville, and Davenport. In addition, the National Park Service operates a station at the Pinnacles National Monument and an industry consortium operates a station in King City. **Table 6-2** summarizes the representative annual air quality data for the project vicinity over the past 3 years. The nearest monitoring station to the project site is the Carmel Valley-Ford Road Monitoring Station (approximately 14 miles southeast of the project site). As shown in **Table 6-2**, there have been no exceedances of State standards for ozone or carbon monoxide at this location during the 3-year data period.

**Table 6-3: Ambient Air Quality Data**

Pollutant	2016	2017	2018
<b>Ozone (ppm), Worst 1-Hour</b>	<b>0.078</b>	<b>0.073</b>	<b>0.062</b>
Number of days of State exceedances (>0.09 ppm)	0	0	0
<b>Ozone (ppm), 8-Hour Average</b>	<b>0.061</b>	<b>0.066</b>	<b>0.054</b>
Number of days of State exceedances (>0.07 ppm)	0	0	0
Number of days of Federal exceedances (>0.07 ppm)	0	0	0
<b>Carbon Monoxide (ppm), Highest 8-Hour Average</b>	<b>NA</b>	<b>NA</b>	<b>NA</b>
Number of days of above State or Federal standard (>9.0 ppm)	NA	NA	NA
<b>Particulate Matter &lt;2.5 microns, µg/m<sup>3</sup>, Worst 24 Hours</b>	<b>104.7</b>	<b>43.6</b>	<b>50.7</b>
Number of days above Federal standard (>65 µg/m <sup>3</sup> )	12	1	4

ppm = parts per million; µg/m<sup>3</sup> = micrograms per cubic meter

Measurements taken at the Carmel Valley-Ford Road Monitoring Station located at 34 Ford Road, Carmel Valley ARB#27550

Source: All pollutant measurements are from the CARB Aerometric Data Analysis and Management system database (arb.ca.gov/adam).

### 6.3.4 Sensitive Receptors

Sensitive populations are more susceptible to the effects of air pollution than the general population. Sensitive receptors in proximity to localized sources of toxics are of particular concern. Land uses considered sensitive receptors include residences, schools, playgrounds, childcare centers, long-term health care facilities, rehabilitation centers, convalescent centers, and retirement homes.

The project site is located in an urban area at the edge of Monterey Bay in the City of Pacific Grove. The surrounding land uses are predominantly commercial, with residential uses to the west. The northeastern boundary of the site is Ocean View Boulevard. **Table 6-4: Sensitive Receptors** lists the distances and locations of nearby sensitive receptors, which primarily include single- and multifamily residences. Prevailing winds are onshore from the west; however, wind direction is highly variable in this location due to topography, storm events, and seasonal changes.

**Table 6-4: Sensitive Receptors**

Receptor Description	Distance and Direction from the Project Site
Single- and multi-family residential community	50 feet west
Nan's Nursery	80 feet west
Monterey Bay Aquarium	100 feet east
Church of Christ	100 feet west
Single-Family Residences	170 feet west
Martine Inn	975 feet northwest
Green Gables Inn	0.20 miles northwest
Andy Jacobson Park	0.20 miles west
Intercontinental Clement Monterey (hotel)	0.20 miles southeast
First Baptist Church	0.23 miles southwest
St. Mark Coptic Orthodox Church	0.25 miles southeast

### 6.3.5 Hazardous Air Pollutants/Toxic Air Contaminants

Both the U.S. EPA and CARB regulate hazardous air pollutants (HAPs)/ toxic air contaminants (TACs). According to Section 39655 of the California Health and Safety Code, a TAC is “an air pollutant which may cause or contribute to an increase in mortality or an increase in serious illness, or which may pose a present or potential hazard to human health.” HAPs/TACs are found in ambient air, especially in urban areas, and are caused by industry, agriculture, fuel combustion, and commercial operations (e.g. dry cleaners). In addition, 189 substances that have been listed as federal hazardous air pollutants (HAPs) pursuant to Section 7412 of Title 42 of the United States Code are TACs under the State’s air toxics program pursuant to Section 39657 (b) of the California Health and Safety Code.

HAPs tend to be localized and are found in relatively low concentrations in ambient air. However, they can result in adverse chronic health effects if exposure to low concentrations occurs for long periods. Many HAPs originate from human activities, such as fuel combustion and solvent use.

TACs can cause various cancers, depending on the chemical, chemical type and duration of exposure. Additionally, some of the TACs may cause other health effects with short- or long-term exposure. The ten TACs posing the greatest health risk in California are acetaldehyde, benzene, 1-3 butadiene, carbon tetrachloride, hexavalent chromium, para-dichlorobenzene, formaldehyde, methylene chloride, perchloroethylene, and diesel particulate matter (DPM). Mobile sources of TACs include freeways and other roads with high traffic volumes, while stationary sources include distribution centers, rail yards, ports, refineries, dry cleaners, and large gas dispensing facilities. The project site is not located near any major sources of TACs, but is adjacent to a dry cleaner at 124 Central Avenue. For cancer health effects, the risk is expressed as the number of instances per a population of one million people who might be expected to get cancer over a 70-year lifetime.

## 6.4 Regulatory Setting

This analysis has been prepared pursuant to California Environmental Quality Act of 1970 and associated Guidelines (Public Resources Code 21000 *et seq.* and California Code of Regulations, Title 14, Chapter 3 sections 15000 – 15387) and in accordance with local, State and federal laws, including those

administered by MBARD, CARB, and the EPA. The principal air quality regulatory mechanisms include the following:

- Federal Clean Air Act (FCAA), in particular, the 1990 amendments;
- California Clean Air Act (CCAA);
- California Health and Safety Code (H&SC), in particular, Chapter 3.5 (Toxic Air Contaminants) (H&SC Section 39650 et. seq.) and Part 6 (Air Toxics “Hot Spots” Information and Assessment) (H&SC Section 44300 et. seq.).
- MBARD’s Rules and Regulations and air quality planning documents:
  - Rule 400 (Visible Emissions), Rule 402 (Nuisance), Rule 425 (Use of Cutback Asphalt)
  - 2012 Triennial Plan Revision - Adopted April 2013 to update the 2008 Air Quality Management Plan
  - 2008 Air Quality Management Plan - Adopted August 2008 for achieving the 2006 California ozone standard
  - 2008 MBARD California Environmental Quality Act Air Quality Guidelines most recently revised February 2008.
  - 2007 Federal Maintenance Plan - Adopted May 2007 for maintaining the 1997 federal ozone standard
  - 2005 Particulate Matter Plan - Adopted December 2005 for particulate matter made in response to Senate Bill 656.

#### **6.4.1 Federal and State**

As discussed in more detail below, the federal and State governments have been empowered by FCAA and CCAA, respectively, to regulate the emission of airborne pollutants and have established ambient air quality standards for the protection of public health. U.S. EPA is the federal agency designated to administer air quality regulation, while CARB is the State equivalent in California. Local control in air quality management is provided by CARB through county-level or regional (multi-county) air pollution control districts (APCDs). CARB establishes air quality standards and is responsible for control of mobile emission sources, while the local APCDs are responsible for enforcing standards and regulating stationary sources. CARB has established 14 air basins statewide.

##### **Federal Clean Air Act**

U.S. EPA is charged with implementing national air quality programs. U.S. EPA’s air quality mandates are drawn primarily from the FCAA). The FCAA was passed in 1963 by the U.S. Congress and has been amended several times. The 1970 FCAA amendments strengthened previous legislation and laid the foundation for the regulatory scheme of the 1970s and 1980s. In 1977, Congress again added several provisions, including non-attainment requirements for areas not meeting NAAQS and the Prevention of Significant Deterioration program. The 1990 FCAA amendments represent the latest in a series of federal efforts to regulate the protection of air quality in the U.S. The FCAA allows states to adopt more stringent standards or to include other pollution species.

### National Ambient Air Quality Standards

The FCAA requires U.S. EPA to establish primary and secondary NAAQS for a number of criteria air pollutants. The air pollutants for which standards have been established are considered the most prevalent air pollutants that are known to be hazardous to human health. NAAQS have been established for the following pollutants: O<sub>3</sub>, CO, SO<sub>2</sub>, PM<sub>10</sub>, PM<sub>2.5</sub>, and Pb.

### Title III of the Federal Clean Air Act

As discussed above, HAPs are the air contaminants identified by U.S. EPA as known or suspected to cause cancer, other serious illnesses, birth defects, or death. The FCAA requires U.S. EPA to set standards for these pollutants and reduce emissions of controlled chemicals. Specifically, Title III of the FCAA requires U.S. EPA to promulgate National Emissions Standards for Hazardous Air Pollutants (NESHAP) for certain categories of sources that emit one or more pollutants that are identified as HAPs. The FCAA also requires U.S. EPA to set standards to control emissions of HAPs through mobile source control programs. These include programs that reformulated gasoline, national low emissions vehicle standards, Tier 2 motor vehicle emission standards, gasoline sulfur control requirements, and heavy-duty engine standards.

Emission standards may differ between “major sources” and “area sources” of the HAPs/TACs. Under the FCAA, major sources are defined as stationary sources with the potential to emit more than 10 tons per year (tpy) of any one HAP or more than 25 tpy of any combination of HAPs; all other sources are considered area sources. Mobile source air toxics (MSATs) are a subset of the 188 HAPs. Of the 21 HAPs identified by U.S. EPA as MSATs, a priority list of six HAPs were identified that include: diesel exhaust, benzene, formaldehyde, acetaldehyde, acrolein, and 1, 3-butadiene. While vehicle miles traveled in the United States are expected to increase by 64 percent over the period 2000 to 2020, emissions of MSATs are anticipated to decrease substantially as a result of regulations designed to control mobile source emissions (by 57 percent to 67 percent depending on the contaminant).<sup>5</sup>

### **California Clean Air Act**

The CCAA, signed into law in 1988, requires all areas of the State to achieve and maintain the CAAQS by the earliest practical date. CARB is the State air pollution control agency and is a part of the California Environmental Protection Agency (Cal EPA). CARB is the agency responsible for coordination and oversight of State and local air pollution control programs in California, and for implementing the requirements of the CCAA. CARB oversees local district compliance with California and federal laws, approves local air quality plans, submits the State Implementation Plans (SIPs) to U.S. EPA, monitors air quality, determines and updates area designations and maps, and sets emissions standards for new mobile sources, consumer products, small utility engines, off-road vehicles, and fuels.

### California Ambient Air Quality Standards

The CCAA requires CARB to establish CAAQS. Similar to the NAAQS, CAAQS have been established for the following pollutants: O<sub>3</sub>, CO, NO<sub>2</sub>, SO<sub>2</sub>, PM<sub>10</sub>, PM<sub>2.5</sub>, Pb, vinyl chloride, hydrogen sulfide, sulfates, and visibility-reducing particulates. In most cases, the CAAQS are more stringent than the NAAQS. The CCAA requires that all local air districts in the State endeavor to achieve and maintain the CAAQS by the

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<sup>5</sup> Federal Highway Administration, 2006. Interim Guidance on Air Toxic Analysis in NEPA Documents.



earliest practical date. The CCAA specifies that local air districts should focus particular attention on reducing the emissions from transportation and area-wide emission sources, and provides districts with the authority to regulate indirect sources.

### **Tanner Air Toxics Act and Air Toxics Hot Spots Information and Assessment Act**

TACs<sup>6</sup> in California primarily are regulated through the Tanner Air Toxics Act (AB 1807) and the Air Toxics Hot Spots Information and Assessment Act of 1987 (AB 2588) (Hot Spots Act). Because chronic exposure can result in adverse health effects, TACs are regulated at the regional, State and federal level.

AB 1807 sets forth a formal procedure for CARB to designate substances as TACs. Research, public participation, and scientific peer review are necessary before CARB can designate a substance as a TAC. To date, CARB has identified more than 21 TACs and adopted the U.S. EPA's list of HAPs as TACs. In 1998, DPM was added to CARB's list of TACs. Once a TAC is identified, CARB adopts an Airborne Toxic Control Measure for sources that emit that particular TAC. If a safe threshold exists at which no toxic effect occurs from a substance, the control measure must reduce exposure below that threshold. If no safe threshold exists, the measure must incorporate Best Available Control Technology (BACT) to minimize emissions.

The Hot Spots Act requires for existing facilities that emit toxic substances above a specified level to prepare a toxic emissions inventory and a risk assessment if the emissions are significant, notify the public of significant risk levels, and prepare and implement risk reduction measures.

### **Diesel Exhaust and Diesel Particulate Matter**

Diesel exhaust is the predominant TAC in urban air and is estimated to represent about two-thirds of the cancer risk from TACs (based on the statewide average). According to CARB, diesel exhaust is a complex mixture of gases, vapors, and fine particles. This mixture makes the evaluation of health effects of diesel exhaust a complex scientific issue. Some chemicals in diesel exhaust, such as benzene and formaldehyde, have been previously identified as TACs by CARB, and are listed as carcinogens either under State Proposition 65 or under the Federal Hazardous Air Pollutants programs.

CARB reports that recent air pollution studies have shown an association between diesel exhaust and other cancer-causing toxic air contaminants emitted from vehicles and much of the overall cancer risk from TACs in California. DPM was found to compose much of that risk. CARB has adopted and implemented a number of regulations for stationary and mobile sources to reduce emissions of DPM. Several of these regulatory programs affect medium- and heavy-duty diesel trucks that generate the bulk of DPM emissions from California highways. These include the solid waste collection vehicle (SWCV) rule, in-use public and utility fleet regulations, and the heavy-duty diesel truck and bus regulations. In 2011, CARB approved the latest regulation to reduce emissions of DPM and NO<sub>x</sub> from existing on-road heavy-duty diesel fueled vehicles. The regulation requires affected vehicles to meet specific performance requirements between 2012 and 2023, with all affected diesel vehicles required to have 2010 model-year engines or the equivalent by 2023. These requirements are phased in over the compliance period and depend on the model year of the vehicle. With implementation of CARB's Risk Reduction Plan, DPM concentrations are expected to be reduced by 85 percent in 2020 from the

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<sup>6</sup> TACs are referred to as HAPs under the FCAA.

estimated year-2000 level.<sup>7</sup> As emissions are reduced, risks associated with exposure to emissions also are expected to be reduced.

### CARB Air Quality and Land Use Handbook

In April 2005, CARB released the final version of its *Air Quality and Land Use Handbook: A Community Health Perspective*. This guidance document is intended to encourage local land use agencies to consider the risks from air pollution before they approve the siting of sensitive land uses (e.g. residences) near sources of air pollution, particularly TACs (e.g. freeway and high traffic roads, commercial distribution centers, rail yards, ports, refineries, dry cleaners, gasoline stations and industrial facilities). These advisory recommendations include general setbacks or buffers from air pollution sources. However, unlike industrial or stationary sources of air pollution, the siting of new sensitive land use does not require air quality permits or approval by air districts, and as noted above, the CARB handbook provides guidance only rather than binding regulations.

### CAPCOA Health Risk Assessments for Proposed Land Use Projects

The California Air Pollution Control Officer's Association (CAPCOA), which is a consortium of air district managers throughout California, provides guidance material to addressing air quality issues in the State. As a follow up to CARB's 2005 *Air Quality and Land Use Handbook*, CAPCOA prepared the *Health Risk Assessments for Proposed Land Use Projects*.<sup>8</sup> CAPCOA released this guidance document to ensure that the health risk of projects be identified, assessed, and avoid or mitigated, if feasible, through the CEQA process. The CAPCOA guidance document provides recommended methodologies for evaluating health risk impacts for development projects.

## 6.4.2 Regional

MBARD regulates air quality in the NCCAB and is responsible for attainment planning related to criteria air pollutants and for district rule development and enforcement. It also reviews air quality analyses prepared for CEQA assessments and has published the *CEQA Air Quality Guidelines* document (last revised February 2008) for use in evaluation of air quality impacts. The purpose of these Guidelines is to assist in the review and evaluation of air quality impacts from projects which are subject to CEQA. These Guidelines are an advisory document intended to provide lead agencies, consultants, and project applicants with uniform procedures for assessing potential air quality impacts and preparing the air quality section of environmental documents. These Guidelines are also intended to help these entities anticipate areas of concern from the MBARD in its role as a lead, commenting, and/or responsible agency for air quality.

### Air Quality Management Plan

In accordance with the California Clean Air Act, MBARD has developed the *2017 Air Quality Management Plan for the Monterey Bay Region* (2017 AQMP). The 2012-2015 AQMP is a transitional plan shifting focus of MBARD's efforts from achieving the 1-hour component of the CAAQS for ozone to achieving the 8-hour requirement CAAQS for ozone. The plan includes an updated air quality trends

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<sup>7</sup> CARB. 2000. Risk Reduction Plan to Reduce Particulate Matter Emissions from Diesel-Fueled Engines and Vehicles.

<sup>8</sup> CAPCOA. 2009. Health Risk Assessments for Proposed Land Use Projects.

analysis, which reflects both the 1- and 8-hour standards, as well as an updated emission inventory, which includes the latest information on stationary, area and mobile emission sources.

In April 2013, MBARD adopted the *2012 Triennial Plan Revision* (2012 AQMP Revision), which assesses and updates elements of the 2008 AQMP, including the air quality trends analysis, emission inventory, and mobile source programs. The 2012 AQMP Revision only addresses attainment of the State ozone standard. In 2012, U.S. EPA designated the NCCAB as in attainment of the current 8-hour NAAQS for ozone of 0.075 ppm.<sup>9</sup>

The following MBARD rules would limit emissions of air pollutants from construction and operation of the proposed project:

- *Rule 400 (Visible Emissions)* – Discharge of visible air pollutant emissions into the atmosphere from any emission source for a period or periods aggregating more than 3 minutes in any 1 hour, as observed using an appropriate test method, is prohibited.
- *Rule 402 (Nuisances)* - No person shall discharge from any source whatsoever such quantities of air contaminants or other materials which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public; or which endanger the comfort, repose, health, or safety of any such persons or the public; or which cause, or have a natural tendency to cause, injury or damage to business or property.
- *Rule 425 (Use of Cutback Asphalt)* – The use of cutback asphalt (asphalt cement that has been blended with petroleum solvents) is restricted.
- *Rule 426 (Architectural Coatings)* – This rule limits the emissions of ROG from the use of architectural coatings.

### 6.4.3 Local

#### City of Pacific Grove General Plan

Project relevant General Plan policies for air quality are addressed in this section. Where inconsistencies exist, if any, they are addressed in the respective impact analysis below. Relevant Health and Safety Element policies that directly address reducing and avoiding air pollution impacts include the following:

**Goal 3:** Promote attainment, and insofar as possible, improve air quality in Pacific Grove and the Monterey Bay area.

- Policy 10: Address State and Federal regulations to keep funding to maintain attainment.
- Policy 11: Use the CEQA process to identify and avoid or mitigate potentially significant air quality impacts of development.
- Policy 12: Continue to support the efforts of the Transportation Agency for Monterey County to implement the Monterey County Congestion Management Plan.

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<sup>9</sup> On October 1, 2015, U.S. EPA adopted a new 8-hour ozone standard of 0.070 ppm. However, U.S. EPA has not yet reviewed recent NCCAB emissions to determine attainment with the current 0.070 ppm standard. Therefore, this attainment status is based upon U.S. EPA's prior 0.075 ppm standard.

## 6.5 Environmental Impacts and Mitigation Measures

### 6.5.1 Significance Criteria

The following significance criteria for air quality were derived from MBARD's 2008 CEQA Air Quality Guidelines (MBARD, 2008) and are summarized in Table 6-5: MBARD Significance Thresholds for Construction and Operational Emissions.

Short-term construction emission thresholds, as stated in MBARD's 2008 *CEQA Air Quality Guidelines*, involve identifying the level of construction activity that could result in significant temporary impacts if not mitigated. Construction activities (e.g., excavation, demolition, grading, on-site vehicle movements) that directly exceed MBARD criterion for PM<sub>10</sub> would have a significant impact on local air quality when they are located nearby and upwind of sensitive receptors (MBARD, 2008). Regarding ozone, construction projects using typical equipment that temporarily emits ozone precursors are accommodated in the emission inventories of State and federally required air quality management plans and would not have a significant impact on ozone concentrations (MBARD, 2008).

If construction-related activities exceed the PM<sub>10</sub> threshold of 82 pounds per day, the project would be characterized as contributing substantially to existing violations of CAAQS for PM<sub>10</sub>.

In addition to the tabulated thresholds, a project may also have significant adverse impacts on air quality if the project individually or cumulatively results in any of the following:

- Exceedance of a CAAQS or NAAQS for any criteria pollutant (as determined by modeling).
- Exposure of sensitive receptors to substantial pollutant concentrations of toxic air contaminants.
- Exposure of a substantial number of people to objectionable odors.
- Inconsistency with applicable MBARD air quality management plans, policies, or regulations.

**Table 6-5: MBARD Significance Thresholds for Construction and Operational Emissions**

Pollutant of Concern	Daily Threshold	Comments
<b>Construction</b>		
Fugitive Particulate Matter (PM <sub>10</sub> )	82 lbs.	Examples: 1) Construction site with minimal earthmoving exceeding 8.1 acres per day, 2) Construction site with substantial earthmoving (grading, excavation) exceeding 2.2 acres per day.
<b>Operational</b>		
Ozone Precursors (NO <sub>x</sub> as NO <sub>2</sub> )	137 lbs./day (direct + indirect)	
Fugitive Particulate Matter (PM <sub>10</sub> ), Dust	82 lbs./day (on-site) AAQS exceeded along unpaved roads (off-site)	The District's 82 lb./day operational phase threshold of significance applies only to on-site emissions and project-related exceedances along unpaved roads. These impacts are generally less than significant. On large development projects, almost all travel is on paved roads (0% unpaved), and entrained road dust from vehicular travel can exceed the significance threshold. District approved dispersion modeling can be used to refute (or validate) a determination of significance if modeling shows that emissions would not cause or substantially contribute to an exceedance of State and national AAQS.
CO	LOS at intersection/road segment degrades from D or better to E or F or V/C ratio at intersection/road segment at LOS E or F increases by 0.05 or more or delay at intersection at LOS E or F increases by 10 seconds or more or reserve capacity at unsignalized intersection at LOS E or F decreases by 50 or more.	Modeling should be undertaken to determine if the project would cause or substantially contribute (550 lbs./day) to exceedance of CO AAQS. If not, the project would not have a significant impact;
SO <sub>x</sub> or SO <sub>2</sub>	150 lbs./day (direct)	

Source: MBARD, 2008.

The criteria for assessing cumulative impacts on localized air quality (i.e. the cumulative impacts of CO and PM<sub>10</sub>) are identical to those for individual project operation. The criteria for determining a project's cumulative impact on regional ozone levels depends on consistency with the applicable AQMP. Consistency with the AQMP does not mean that a project will not have a significant project-specific adverse air quality impact. However, inconsistency with the AQMP is considered a significant cumulative adverse air quality impact. The Association of Monterey Bay Area Governments also provides consistency determinations for population-related projects.



MBARD guidelines state that odor impacts would be significant if the project would result in the emission of substantial concentrations of pollutants that produce objectionable odors, causing injury, nuisance, or annoyance to a considerable number of persons, or endangering the comfort, health, or safety of the public. If construction or operation of the project would emit pollutants associated with odors in substantial amounts, the analysis should assess the impact on existing or reasonably foreseeable sensitive receptors.

A project would conflict with or obstruct implementation of the 2017 MBARD AQMP and *2012 Triennial Plan Revision* (2012 AQMP Revision) if it is inconsistent with the plan's growth assumptions, in terms of population, employment, or regional growth in VMT. These population forecasts were developed, in part, using data obtained from local jurisdictions regarding projected land uses and population projections identified in community plans. Projects that result in an increase in population that is inconsistent with local community plans would be considered inconsistent with MBARD's AQMP.

### Impact Assessment Methodology

The analysis of air quality impacts conforms to the methodologies recommended in the MBARD's *CEQA Air Quality Guidelines*. The handbook includes thresholds for emissions associated with both construction and operation of proposed projects.

#### Construction Emissions

The regional construction emissions associated with the proposed project were calculated using the most recent version of CalEEMod with default inputs for the type and size of proposed land uses, including the types and number of pieces of equipment that would be used on-site during each construction phase and off-site vehicle trips that would result from construction activities on the project site. CalEEMod is a computer model developed by the South Coast Air Quality Management District to estimate air pollutant and greenhouse gas (GHG) emissions from land use development projects and is based on parameters that include the duration of construction activity, area of disturbance, and anticipated equipment used during construction.

The construction activities associated with hotel and commercial development pursuant to the proposed project would generate diesel emissions and dust. Construction equipment that would generate criteria air pollutants includes excavators, bulldozers, graders, dump trucks, loaders and similar equipment. It is assumed that this type of equipment would be used during both grading/demolition and construction. It is also assumed that all of the construction equipment used would be diesel-powered.

Complete results from CalEEMod and assumptions can be viewed in [Appendix B: Air Quality Technical Analysis](#).

#### Operational Emissions

Operational emissions associated with on-site development were also estimated using CalEEMod. Operational emissions would comprise mobile source emissions, emissions associated with energy consumption, and area source emissions. Mobile source emissions are generated by the increase in motor vehicle trips to and from the project site associated with operation of a project. Emissions attributed to energy use include electricity and natural gas consumption for space and water heating

and cooling. Area source emissions are generated by, for example, landscape maintenance equipment, consumer products, and architectural coatings.

#### Toxic Air Contaminants

MBARD provides guidance for evaluating impacts from TACs in its *CEQA Air Quality Guidelines* document. As noted therein, construction equipment or processes could result in significant impacts if emissions at any sensitive receptor would exceed the threshold that is based on the best available data or may result in a cancer risk greater than one incident per 100,000 population. CARB recommends evaluating impacts to sensitive receptors within 1,000 feet of a project site (CARB, 2005). Operational equipment or processes would not result in significant air quality impacts if they would comply with MBARD Rule 1000, which applies to any source that requires a permit to construct or operate pursuant to District Regulation II and has the potential to emit carcinogenic or non-carcinogenic TACs. The rule also requires sources of carcinogenic TACs to install best available control technology and reduce cancer risk to less than one incident per 100,000 population.

Consistent with MBARD recommendations, human health risks from TACs are analyzed based on the presence of mobile equipment that would generate DPM during construction and operation of the proposed project, as well as on the proximity of the nearest sensitive receptors that could be exposed to such.

#### CO Hotspots

Based on MBARD *CEQA Air Quality Guidelines*, a significant CO hotspot impact may occur at:

- Intersections or road segments that operate at Level of Service (LOS D) or better that would operate at LOS E or F with project-generated traffic, or
- Intersections that operate at LOS E or F where delay would increase by 10 seconds or more with project-generated traffic.

Where intersections may operate under conditions that could result in a CO hotspot, a significant impact would occur where existing or reasonably foreseeable sensitive receptors would be exposed to the CO hotspot.

It should be noted that while LOS and traffic delay is no longer the CEQA threshold for determining transportation and traffic impacts, it is relevant here in the context of MBARD's guidelines for determining CO hotspot impacts.

### **6.5.2 Summary of No and/or Beneficial Impacts**

#### **Exposure to Toxic Air Contaminants (TACs)**

No major existing stationary or area sources of TACs were identified in the project site vicinity. While there is a dry cleaner adjacent to the project site on a parcel leased by the project proponent, California has banned the use of perchloroethylene (PERC), a known TAC, in dry cleaning machines since 2010. All PERC dry cleaning machines are to be taken out of service in California by 2023.<sup>10</sup> The proposed project would include hotel and commercial uses. Neither of the proposed uses are considered a TAC source of potential concern. As a result, the proposed project would not result in increased exposure of sensitive

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<sup>10</sup> <https://www.enviroforensics.com/blog/california-perc-ban-2023-deadline-inching-closer/>

land uses to localized concentrations of TACs that would exceed MBARD's recommended significance thresholds, and therefore there would be no impact.

### Exposure to Odorous Emissions

The occurrence and severity of odor impacts depends on numerous factors, including the nature, frequency, and intensity of the source; wind speed and direction; and the sensitivity of the receptors. While offensive odors rarely cause physical harm, they can still be unpleasant, leading to considerable distress among the public and often generating citizen complaints to local governments and regulatory agencies. Projects with the potential to frequently expose members of the public to objectionable odors would be deemed to violate the MBARD standards.

MBARD enforces permit and nuisance rules to control odorous emissions from stationary sources. For instance, MBARD Rule 402 (Nuisances) prohibits the discharge of air contaminants or other materials that cause injury, detriment, nuisance, or annoyance to any considerable numbers of persons. Given these regulations, and based on the site plan with restaurant and kitchen uses located at the center and east end of the property away from residential areas, odorous emissions from food preparation would be typical of a restaurant use and have no impact on the more sensitive receptors compared to existing conditions.

### 6.5.3 Impacts of the Proposed Project

**Impact AQ-1:** The project would not conflict with the MBARD Air Quality Plan. This is a **less than significant impact**.

#### Construction and Operation

The MBARD's 2008 CEQA Air Quality Guidelines provides criteria for determining cumulative impacts and consistency. The CEQA Air Quality Guidelines note that a project which is inconsistent with an Air Quality Plan would have a significant cumulative impact on regional air quality. As discussed above, the project is consistent with the Air Quality Management Plan for the Monterey Bay Region. In addition, the proposed project's construction and operation emissions would not exceed MBARD thresholds as noted below. The NCCAB is currently in non-attainment for State ozone and PM<sub>10</sub> standards which represents an existing cumulatively significant impact within the NCCAB. Ozone precursors include reactive organic gases (ROG) and NO<sub>x</sub>. The project would not exceed quantitative thresholds for either of these ozone precursors. Similarly, PM<sub>10</sub> thresholds also would not be exceeded for construction or operation of the project. Therefore, the project would not make a considerable contribution to this existing, cumulatively significant impact. This is a less than significant impact.

**Impact AQ-2:** The project could generate dust and exhaust emissions of criteria pollutants and toxic air contaminants during construction. This is a **less than significant with mitigation incorporated**.

#### Construction

Emissions produced during grading and construction activities are "short-term" because they would cease following completion of the initial development. Construction emissions would include the generation of fugitive dust, onsite generation of construction equipment exhaust emissions, and the off-site generation of mobile source emissions related to construction traffic.

Construction for the proposed project would begin 2021 and last approximately 18-24 months. Demolition, site preparation, rock excavation, and grading would occur first. The project would require approximately 10,015 tons of demolition for the existing buildings and pavement onsite, over a period of approximately five weeks. The proposed project would require grading of the entire project site over a period of approximately nine to ten weeks. Earthwork is estimated to be approximately 47,100 cubic yards (cy) of cut material, 400 cy of fill for a total of 46,700 cy of net export. Substantial portions of the cut will be in weathered or intact granodiorite bedrock. CalEEMod estimates that the project would generate up to 195 worker trips and 77 vendor trips per day for building construction. For grading, the model estimates approximately 5,838 hauling trips over 45 days which would result in approximately 130 daily hauling trips. During the grading phase there would be approximately 20 daily worker trips. Therefore, a total of 150 daily trips would occur during the grading phase. Fugitive dust emissions are associated with land clearing, ground excavation, cut-and-fill operations, rock excavation, demolition, and truck travel on unpaved roadways. Dust emissions also vary substantially from day to day, depending on the level of activity, the specific operations, and weather conditions. Fugitive dust emissions that may have a substantial, temporary impact on local air quality. In addition, fugitive dust may be a nuisance to those living and working in the project vicinity.

Fugitive dust from grading and construction is expected to occur during the approximately 18 to 24-month construction phase of the project, but would be concentrated within the first months. It would cease following completion of the initial development. Additionally, most of this fugitive dust associated with construction, grading, and excavation activities is inert silicates and is less harmful to health than the complex organic particulates released from combustion sources. Dust (larger than ten microns) generated by such activities usually becomes more of a local nuisance than a serious health problem. However, excessive amounts of finer PM<sub>10</sub> generated as a part of fugitive dust emissions is a concern and requires mitigation.

#### Particulate Matter

MBARD CEQA Guidelines state that construction activities (e.g. excavation, grading, on-site vehicles), which emit 82 pounds per day or more of PM<sub>10</sub>, would have a significant impact on local air quality when they are located nearby and upwind of sensitive receptors. Based on this emission threshold, construction activity occurring on more than 2.2 acres per day, as expected for this project, may result in significant PM<sub>10</sub> emissions. The Basin is currently in non-attainment of the State PM<sub>10</sub> standard, thus triggering the impact. The Basin designation of non-attainment is based on exceedances measured at the Davenport, Moss Landing, Salinas, and King City monitoring stations.

As shown in Table 6-6: Project Daily and Annual Construction Emissions, construction emissions associated with the project would not exceed the 82 lb./day threshold of significance for PM<sub>10</sub> during the mass grading phase of construction activities.

Table 6-6: Project Daily Construction Emissions

Emissions Source	Pollutant (pounds/day)					
	ROG	NO <sub>x</sub>	CO	SO <sub>2</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>
2020	5.33	82.38	39.51	0.17	20.26	6.16
2021	78.43	26.11	27.73	0.07	3.37	1.51
<b>Threshold</b>	---	---	---	---	<b>82</b>	---
Exceed Threshold	NA	NA	NA	NA	No	NA

## Notes:

The reduction/credits for construction emission mitigations are based on mitigation included in CalEEMod and as typically required by the MBARD (Basic Control Measures). The mitigation includes the following: replace ground cover on disturbed areas quickly, water exposed surfaces twice daily, and proper loading/unloading of mobile and other construction equipment.

Source: CalEEMod v. 2016.3.2 and Appendix B

Given the proximity of sensitive receptors to the project site, implementation of the following mitigation measures would further ensure impacts would be reduced to a less than significant level for all construction activities on the project site.

**MM AQ-2.1 Reduce Fugitive Dust**

The project applicant shall implement the following measures to minimize nuisance impacts and to significantly reduce fugitive dust emissions, and the project applicant shall require all of the following measures to be shown on grading and building plans:

- Limit grading to 8.1 acres per day, and grading, demolition and excavation to 2.2 acres per day.
- Water graded/excavated areas and active unpaved roadways, unpaved staging areas, and unpaved parking areas at least twice daily or apply non-toxic chemical soil stabilization materials per manufacturer's recommendations. Frequency should be based on the type of operations, soil and wind exposure.
- Prohibit all grading activities during periods of high wind (more than 15 mph).
- Apply chemical soil stabilizers on inactive construction areas (disturbed lands within construction projects that are unused for at least four consecutive days).
- Stabilize all disturbed soil areas not subject to using approved chemical soil binders, jute netting, or gravel for temporary roads and any other methods approved in advance by the APCD.
- Sow exposed ground areas that are planned to be reworked at dates greater than one month after initial grading with a fast germinating, non-invasive grass seed, and water until vegetation is established.
- Plant vegetative ground cover in disturbed areas as soon as possible.
- Use street sweepers, water trucks, or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Reclaimed (non-potable) water should be used whenever possible.



- Spray dirt stock pile areas daily as needed (without causing off-site runoff).
- Place gravel on all roadways and driveways as soon as possible after grading. In addition, construct building pads as soon as possible after grading unless seeding, soil binders, or frequent water application are used.
- Not exceed a 15-mph vehicle speed for all construction vehicles on any unpaved surface at the construction site.
- Cover or maintain at least 2 feet of freeboard (minimum vertical distance between top of load and top of trailer) on all trucks hauling dirt, rock, sand, soil, or other loose materials in accordance with California Vehicle Code Section 23114.
- Limit unpaved road travel to the extent possible, for example, by limiting the travel to and from unpaved areas, by coordinating movement between work areas rather than to central staging areas, and by busing workers where feasible.
- Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site, and inspect vehicle tires to ensure free of soil prior to carry-out to paved roadways.
- Sweep streets at the end of each day, or as needed, if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water shall be used where feasible.

**MM AQ-2.2     Designate a Dust Compliance Monitor**

The project applicant shall require the contractor(s) or builder(s) to designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20 percent opacity, and to prevent transport of dust off-site. Their duties shall include monitoring during holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the MBARD Compliance Division prior to the start of any grading, earthwork, or demolition. The project applicant shall provide and post a publicly visible sign that specifies the telephone number and name to contact regarding dust complaints. This person shall respond to complaints and take corrective action within 48 hours. The phone number of the MBARD shall also be visible to ensure compliance with Rule 402 (Nuisance).

**Conclusion**

The project as proposed would result in dust and particulate emissions requiring mitigation. Mitigation measures MM AQ-2.1 and AQ-2.2 would effectively mitigate this impact by implementing common dust control measures (watering, soil stabilization, etc.) during each phase of construction for the duration of construction activity. With these measures, the impact would be reduced to a less than significant level.

**Impact AQ-3:** The project could generate dust and exhaust emissions of criteria pollutants during future long-term operations. This is a **less than significant impact**.

### Operations

Operational emissions for non-residential developments are typically generated from mobile sources (burning of fossil fuels in cars); energy sources (cooling, heating, and commercial cooking); and area sources (landscape equipment and cleaning/maintenance products). **Table 6-7: Project Buildout Operational Emissions – Unmitigated** shows that the project's maximum emissions would not exceed MBARD operational thresholds.

**Table 6-7: Project Buildout Operational Emissions – Unmitigated**

Emission Source	Pollutants (pounds/day)				
	Reactive Organic Gases (ROG)	Nitrogen Oxides (NO <sub>x</sub> )	Carbon Monoxide (CO)	Particulate Matter (<10 microns [PM <sub>10</sub> ])	Sulfur Dioxide (SO <sub>x</sub> )
<b>Existing</b>					
Area	1.68	0.00	0.01	0.00	0.00
Energy	0.04	0.35	0.29	0.03	0.00
Mobile	6.61	22.29	50.91	4.35	0.07
<b>Emissions Subtotal</b>	<b>8.33</b>	<b>22.63</b>	<b>51.21</b>	<b>4.38</b>	<b>0.07</b>
<b>Project Buildout</b>					
Area	8.84	0.00	0.06	0.00	0.00
Energy	0.43	3.90	3.27	0.30	0.23
Mobile	7.42	28.65	67.64	10.13	0.14
<b>Emissions Subtotal</b>	<b>16.70</b>	<b>32.55</b>	<b>70.97</b>	<b>10.43</b>	<b>0.16</b>
<b>Net</b>					
<b>Net Total</b>	<b>8.37</b>	<b>9.92</b>	<b>19.76</b>	<b>6.05</b>	<b>0.09</b>
MBARD Threshold	137	137	550 <sup>1</sup>	82	150
Are Thresholds Exceeded?	No	No	No	No	No

Notes:

Area source emissions include natural gas fuel combustion, landscape fuel combustion, consumer products, and architectural coatings.

(1) Applies to Area Source (Direct) emissions of Carbon Monoxide only.

Source: CalEEMod v. 2013.2.2 and Kimley-Horn and Associates, 2020.

### Mobile Source Emissions

Mobile sources are emissions from motor vehicles, including tailpipe and evaporative emissions. Depending upon the pollutant being discussed, the potential air quality impact may be of either regional or local concern. For example, ROG, NO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub> are all pollutants of regional concern (NO<sub>x</sub> and ROG react with sunlight to form O<sub>3</sub> [photochemical smog], and wind currents readily transport PM<sub>10</sub> and PM<sub>2.5</sub>). However, CO tends to be a localized pollutant, dispersing rapidly at the source.

Project-generated vehicle emissions have been estimated using CalEEMod. As described in [Chapter 17: Transportation & Circulation](#), the proposed project would result in a total of 4,759 daily trips, and 321 net additional trips over existing conditions, including trips for all proposed uses, guests, employees, deliveries, off-site laundry, etc. The net project emissions generated by vehicle traffic associated with the project would not exceed established MBARD regional thresholds.

#### *Energy Source Emissions*

Energy source emissions would be generated as a result of electricity and natural gas (non-hearth) usage associated with the project. The primary use of electricity and natural gas by the project would be for space heating and cooling, water heating, ventilation, lighting, appliances, and electronics. Electric-power generating plants are distributed throughout the Basin, and their emissions contribute to the total regional pollutant burden. The net project emissions generated by electricity and natural gas usage associated with the project would not exceed established MBARD regional thresholds.

#### *Area Source Emissions*

Area source emissions are generally a function of land use (e.g., number of single-family residential units or equivalent), activity (e.g., fuel use per residential unit or equivalent), and emission factor (e.g., mass of pollutant emitted per fuel usage). These include the following:

- **Hearth fuel combustion.** This source typically includes wood stoves, wood fireplaces, and natural gas-fired stoves. The proposed hotel rooms would not include any of these sources, although the hotel could incorporate a few natural gas fire pits and/or fireplaces in common areas/lobbies.
- **Landscape fuel combustion.** This source includes exhaust and evaporative emissions from landscaping equipment including lawnmowers, rototillers, shredders/grinders, trimmers, chain saws, and hedge trimmers, and leaf-blowers used in residential and commercial applications.
- **Consumer products.** This source category comprises a wide range of products including air fresheners, automotive products, household cleaners, and personal care products.
- **Architectural coatings.** This source includes ROG emissions resulting from the evaporation of solvents contained in paints, varnishes, primers, and other surface coatings, from residential and nonresidential structures.

Operational impacts are less than significant because none of the established emissions thresholds will be exceeded.

#### *Mitigated Emissions*

While the criteria pollutants for the project are below MBARD thresholds, [Table 6-8: Project Buildout Operational Emissions – Mitigated](#) shows the project's maximum emissions including GHG Mitigation Measure GHG-2.1. This mitigation measure is required for the project's GHG emissions to remain under the GHG threshold. Mitigation Measure GHG-2.1 requires a final Commute Trip Reduction (CTR)/Transportation Demand Management (TDM) plan to reduce mobile GHG emissions for all uses. The TDM plan is intended to discourage single-occupancy vehicle trips and encourage alternative modes of transportation such as carpooling, private shuttle, public transit, walking, and biking. The CTR/TDM plan for the hotel may include potential measures such as a guest shuttle, employee vanpool/shuttle, MST Trolley, flexible work schedules, transit subsidies for employees, bicycle end of trip facilities, or

other measures. While a draft TDM plan has been prepared and considered in this analysis, the applicant will develop a final TDM plan in consultation with the City based on the most effective trip reduction strategies available.

**Table 6-8: Project Buildout Operational Emissions – Mitigated**

Emission Source	Pollutants (pounds/day)				
	Reactive Organic Gases (ROG)	Nitrogen Oxides (NO <sub>x</sub> )	Carbon Monoxide (CO)	Particulate Matter (<10 microns [PM <sub>10</sub> ])	Sulfur Dioxide (SO <sub>x</sub> )
<b>Existing</b>					
Area	1.68	0.00	0.01	0.00	0.00
Energy	0.04	0.35	0.29	0.03	0.00
Mobile	6.61	22.29	50.91	4.35	0.07
<b>Emissions Subtotal</b>	<b>8.33</b>	<b>22.63</b>	<b>51.21</b>	<b>4.38</b>	<b>0.07</b>
<b>Project Buildout</b>					
Area	8.84	0.00	0.06	0.00	0.00
Energy	0.31	2.86	2.40	0.22	0.02
Mobile	6.73	24.33	53.49	5.84	0.09
<b>Emissions Subtotal</b>	<b>15.89</b>	<b>27.19</b>	<b>55.94</b>	<b>6.06</b>	<b>0.11</b>
<b>Net</b>					
<b>Net Total</b>	<b>7.56</b>	<b>4.56</b>	<b>4.73</b>	<b>1.68</b>	<b>0.04</b>
MBARD Threshold	137	137	550 <sup>1</sup>	82	150
Are Thresholds Exceeded?	No	No	No	No	No

Notes:

Area source emissions include natural gas fuel combustion, landscape fuel combustion, consumer products, and architectural coatings.

(1) Applies to Area Source (Direct) emissions of Carbon Monoxide only.

**Impact AQ-4:** The project could increase carbon monoxide concentrations above State and federal standards. This is a **less than significant impact**.

## Construction and Operation

### Carbon Monoxide Hotspots

Local air quality is a major concern along roadways. CO is a primary pollutant, and unlike ozone, is directly emitted from a variety of sources. For this reason, CO concentrations are usually indicative of the local air quality generated by a roadway network and are used as an indicator of its impacts upon the local air quality. Areas of vehicle congestion have the potential to create “pockets” of CO called “hot spots.” These pockets have the potential to exceed the 1-hour CAAQS of 20 parts per million (ppm) and/or the 8-hour CAAQS of 9 ppm.

To identify CO hotspots, MBARD criterion recommends performing a CO hotspot analysis when:

- Intersections or road segments that operate at LOS D or better that would operate at LOS E or F with the project's traffic,
- Intersections or road segments that operate at LOS E or F where the volume-to-capacity (V/C) ratio would increase 0.05 or more with the project's traffic,
- Intersections that operate at LOS E or F where delay would increase by 10 seconds or more with the project's traffic,
- Unsignalized intersections which operate at LOS E or F where the reserve capacity would decrease by 50 or more with the project's traffic. This criterion is based on the turning movement with the worst reserve capacity, or
- Project would generate substantial heavy-duty truck traffic or generate substantial traffic along urban street canyons or near a major stationary source of CO.

According to the traffic analysis prepared for the proposed project, the project would generate 4,759 total daily trips, with a net increase of 321 trips over existing conditions. All study intersections would operate at acceptable levels of service under the Existing Plus Project Conditions during the weekday AM and PM peak hours with the exception of the Central Avenue at Eardley Avenue intersection, which would decrease from LOS A to LOS D during overall PM peak hour operations<sup>11</sup>. According to the traffic analysis, a traffic signal at the intersection of Central Avenue at Eardley Avenue could improve congestion conditions at this location; however, this intersection does not meet signal warrants, and changes to LOS are not the current CEQA analysis standard.

Therefore, the CO hotspot screening procedure has been conducted in accordance with the Caltrans Transportation Project-Level Carbon Monoxide Protocol (CO Protocol) as required by MBARD. The purpose of the screening procedure is to obtain conservative estimates of CO concentrations without having to run the computational models (i.e., EMFAC and CALINE4). For the purposes of this analysis, the ambient concentration used in the modeling was the highest one-hour measurement from the past three years of MBARD monitoring data at the Salinas Monitoring Station (CARB #27554). Actual future ambient CO levels may be lower due to emissions control strategies that would be implemented between now and the project buildout date.

The parameters used for the screening procedure included using a two-lane intersection type and average cruise speed of 25 miles per hour (mph), since both Central Avenue at Eardley Avenue have two through lanes and have speed limits of 25 mph. The coastal/coastal valley geographic location was selected as representative of the area. The most conservative distance to receiver of 3 meters was used, and as the project would not add vehicles operating in cold start mode at this location, the analysis used the lowest percentage of vehicles operating in cold start mode (10 percent). Traffic volumes from Section 17 of this EIR were also used.

The contribution of the project to the 1-hour CO concentration was obtained based on the screening procedure, and then added to the background concentration. The 8-hour CO concentration was then estimated by applying a persistence factor of 0.7 to the total 1-hour CO concentration as recommended

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<sup>11</sup> The worst approach at Central/Eardley would operate at LOS F during the AM and PM peak hours. However, the worst approach is of short duration and not representative of overall intersection operation.



by the EPA<sup>12</sup>. Table 6-9: Project Buildout Carbon Monoxide Concentration, provides the CO concentrations at the Central Avenue at Eardley Avenue intersection as calculated with the CO Protocol screening procedure.

**Table 6-9: Project Buildout Carbon Monoxide Concentration**

Intersection	1-Hour CO (ppm) <sup>1</sup>		8-Hour CO (ppm) <sup>1</sup>	
	1-Hour Standard	Existing Plus Project	8-Hour Standard	Existing Plus Project
Central Avenue at Eardley Avenue	20	5.9	9	4.1

Notes:

1. As measured at a distance of 3 meters from the corner of the intersection predicting the highest value. The 1-hour CO concentrations include a background concentration of 4.2 ppm. Eight-hour concentrations are based on a persistence of 0.7 of the 1-hour concentration.

As indicated in Table 6-9, CO concentrations would be well below the State and federal standards. The modeling results are compared to the California Ambient Air Quality Standards for CO of 9 ppm on an 8-hour average and 20 ppm on a 1-hour average. Neither the 1-hour average nor the 8-hour average would be equaled or exceeded. Additionally, the project is below the MBARD screening threshold for CO, and the modeling showed total CO significantly below the 550 lbs/day threshold. The proposed project would add traffic to the roadway network, with a concentration of traffic at the Central Avenue/Eardley Avenue intersection. However, this volume of traffic would not generate a significant number of vehicle trips on this or other study intersections, and effects related to CO concentrations would be less than significant based on the thresholds.

#### Parking Structure Hotspots

Carbon Monoxide concentrations are a function of vehicle idling time, meteorological conditions, and traffic flow. Therefore, parking structures (and particularly subterranean parking structures) tend to be of concern regarding CO hotspots, as they are enclosed spaces with frequent cars operating in cold start mode. The parking garage would include approximately 304 parking spaces. The proposed project would be required to comply with the ventilation requirements of the International Mechanical Code (Section 404 [Enclosed Parking Garages]), which requires that mechanical ventilation systems for enclosed parking garages operate automatically by means of carbon monoxide detectors in conjunction with nitrogen dioxide detectors. Section 404.2 requires a minimum air flow rate of 0.05 cubic feet per second per square foot and the system shall be capable of producing a ventilation airflow rate of 0.75 cubic per second per square foot of floor plan area. Impacts regarding parking structure CO hotspots would be less than significant.

### **6.5.4 Cumulative Impact Analysis**

The geographical area for cumulative air emission impacts is the North Central Coast Air Basin, which includes Monterey County.

<sup>12</sup> United States EPA, Guideline for Modeling Carbon Monoxide from Roadway Intersections, November 1992 and FHWA, Carbon Monoxide Categorical Hot-Spot Finding Technical Report, 2017.

**Impact AQ-5:** The project could contribute to cumulatively considerable air quality impacts. This is a **less than significant impact**.

MBARD updated the regional *Air Quality Management Plan* in 2008, with further amendments in the 2012 Triennial Plan Revision. The plan includes current air quality data, revises the emission inventory and emission forecasts, provides an analysis of emission reductions needed to meet and maintain State ozone standards, and includes adoption of five stationary source controls to achieve emission reductions. In developing the emission forecasts, the Plan accounts for population growth for cities and counties located within the Basin.

The hotel and commercial development, together with past, present, and reasonably foreseeable future projects, would comply with MBARD rules and requirements and implement all feasible mitigation measures on a project by project basis. Adherence to MBARD rules and regulations would alleviate potential impacts related to cumulative conditions, as each project would mitigate for its own contribution. Construction emissions associated with the project would not result in a cumulatively considerable contribution to significant cumulative air quality impacts based on the emissions modeling.

According to **Table 6-8: Project Buildout Operational Emissions**, the project's operational emissions would not exceed MBARD thresholds, and are far below those thresholds. As a result, operational emissions associated with the project would not result in a cumulatively considerable contribution to significant cumulative air quality impacts.

Additionally, the traffic analysis included vehicular trips from all present and future projects in the project vicinity, as represented by growth assumptions within the AMBAG travel demand model. Therefore, CO hot spot concentrations calculated at these intersections include the cumulative traffic effect. No significant cumulative CO-related impacts would occur.

With implementation of a TDM plan identified in **Chapter 3: Project Description** and in MM GHG-2.1, the project's cumulative contribution to mobile source emissions would be reduced further by minimizing vehicle trips and encouraging alternative modes of transportation such as carpooling, private shuttle, public transit, walking, and biking. Compliance with MBARD rules and requirements would also reduce stationary source emissions such as odorous emissions. As the project would not exceed MBARD thresholds, the combined effects from both the proposed project and other cumulative projects, and their incremental effects, would not be cumulatively considerable. Therefore, the cumulative impacts of the proposed project would be less than significant.

## 6.6 References

California Air Resources Board (CARB). 2010a. Current Air Quality Standards.

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## 7 Biological Resources

### 7.1 Introduction

This section identifies local biological resources within and near the project site and describes potential effects on those resources that could be caused by implementation of the proposed project. The following discussion addresses existing environmental conditions in the affected area, identifies and analyzes potential environmental impacts, and recommends measures to reduce or avoid adverse impacts from project construction and operation.

The following background documents and technical reports were prepared for and/or referenced for this chapter:

- Biotic Resources Group, *Draft Pacific Grove Shoreline Management Plan Biological Resources Technical Report*. December 2018.
- Biotic Resources Group, *Biological Resources Technical Memorandum and Habitat Assessment for the ATC Hotel and Commercial Project*. June 2020. (Appendix C).
- Frank Ono, Forester. *ATC Hotel and Commercial Project Tree Resources Assessment*. June 2019. (Appendix D).
- City of Pacific Grove. *Local Coastal Program – Land Use Plan and Implementation Plan*. March 2020.

### 7.2 Scoping Issues Addressed

During the Notice of Preparation (NOP) public comment and scoping period for the EIR, several comments were received regarding biological resources. Comments received were generally concerned with tree removal and protection, habitat value of trees as potential Monarch butterfly and avian wildlife habitat, and potential impacts of construction noise relative to a known harbor seal rookery and roosting and nesting habitats of shorebird species. These issues have been considered and addressed in this chapter.

### 7.3 Environmental Setting

This section presents information on existing biological resources and conditions at the project site and immediate vicinity. The current condition, quality and sensitivity of biological resources was used as the baseline against which to compare impacts of the proposed project.

#### 7.3.1 City-Wide Setting

The City and Monterey Bay region is biologically rich, with a wide range of habitat types inland and within the Coastal Zone. The Pacific Grove Coastal Zone in particular supports a diversity of environmentally sensitive habitats. Many of these, especially in the marine environment, are in a mostly undisturbed condition yet are potentially endangered by changes in land use or offshore activities. Terrestrial habitats range from those that have undergone complete conversion to urban use, to those in largely natural condition that benefit from active conservation management.

Wildlife habitats are protected when located in legally designated areas such as the State's Marine Protected Areas, and rare and endangered plants are singled out for preservation under State and

federal legislation. Examples of such legally designated areas include Areas of Special Biological Significance (ASBS) identified by the State Water Resources Control Board; State Marine Protected Areas; rare and endangered species habitat; all coastal wetlands and lagoons; all marine wildlife haulouts, breeding and nesting area; education, research and wildlife reserves; near-shore reefs; tide pools; sea caves; islets and offshore rocks; kelp forests; indigenous dune plant habitats; riparian habitats; Monarch butterfly mass overwintering sites; and forest areas. Environmentally Sensitive Habitat Areas (ESHA) can include several types of sensitive habitats, which require careful management to protect native resident and migratory species.

The shoreline area of Pacific Grove supports several specific plant community types: coastal bluff scrub, coyote brush scrub, dune sedge meadow, salt grass flat and seeps, ice plant mat, landscape shrubs and groundcovers, grassland, and Monterey cypress trees/tree groves. The area also supports the rocky shoreline and sandy beaches.

The City has several flora and fauna that play a significant part in the visual and cultural identity of the City. Characteristic flora include rosy ice plant (*Drosanthemum floribundum*), and several trees: Monterey pine (*Pinus radiata*), and Monterey cypress (*Cupressus macrocarpa*) and Coast Live Oak (*Quercus agrifolia*). Characteristic fauna include Monarch butterfly, Black-tailed deer (*Odocoileus hemionus*), Harbor seals (*Phoca vitulina richardii*), Southern sea otter (*Enhydra lutris nereis*), Humpback whale (*Megaptera novaeangliae*), Gray whale (*Eschrichtius robustus*), Brown Pelican (*Pelecanus occidentalis*), Brandt's Cormorant (*Phalacrocorax penicillatus*), Double-crested Cormorant (*Phalacrocorax auritus*) and Pelagic Cormorant (*Phalacrocorax pelagicus*) and Black Oystercatcher (*Haematopus bachmani*).

The City's General Plan also recognizes the trees of Pacific Grove as "major natural resources." Accordingly, the City's Local Coastal Program (LCP) recognizes that certain trees are "major vegetation," the removal of which constitutes development that requires a Coastal Development Permit. A Coastal Development Permit is required for removal of all native trees within the Coastal Zone including all Gowen Cypress regardless of size; Coast Live Oak, Monterey Cypress, Shore Pine, Torrey Pine, Monterey Pine six (6) inches or greater in trunk diameter measured 54 inches above grade.

### Pacific Grove's Urban Forest Resources

The community urban forest in Pacific Grove is in fair to good condition overall. The publicly owned urban forest areas consist of 8,017 individual sites, including 7,394 trees and 623 vacant sites. The City Arborist (under contract to the Public Works Department) recognizes the community trees as a valued resource, an important component of the urban infrastructure, and part of the City's identity. The trees in the urban forest consist of many young trees with nearly 30 percent of trees 6-inches to 12-inches in diameter at breast height (City of Pacific Grove, 2015). This resource has a healthy diversity with more than 136 difference species.

### Monterey Cypress Trees and Tree Groves

The coastal area of the City supports numerous Monterey cypress (*Hesperocyparis macrocarpa*) tree groves. One grove is located near Asilomar Avenue at the western edge of the City; smaller groves, as well as isolated trees, grow along Ocean View Boulevard from Acropolis Street eastward to Hopkins Marine Station. Monterey cypress tree groves occur at Lovers Point and Berwick Park along Ocean View Boulevard between Carmel Avenue and 9th Street. The groves support single and multi-trunked individuals. Although Monterey cypress are native to Monterey County, the trees within the City's



coastal area are located outside the species' native stands, and the trees likely became established through plantings or natural colonization from nearby planted individuals.

The tree groves provide perching, roosting, cover, foraging and nesting opportunities for native wildlife. Because the tree groves lack a natural stratified understory, the habitat does not provide the variety of niches for wildlife usually found in a natural forest habitat. Common wildlife species that may occur in the tree groves include mourning dove (*Zenaidura macroura*), western scrub-jay (*Aphelocoma californica*), American crow (*Corvus brachyrhynchos*), chestnut-backed chickadee (*Poecile rufescens*), and California towhee (*Pipilo crissalis*).

### 7.3.2 Special Status Species

#### Special Status Plant Species

The City's *Draft Shoreline Management Plan* identifies several plant species of concern based on those listed by either the federal or State resources agencies and species identified as rare (on List 1B) by the California Native Plant Society (CNPS). Seven special status plant species have been recorded along the shoreline from the Point Pinos area based on CNDDDB records; however, only one, Tidestrom's lupine (*Lupinus tidestromii*), a State and federally-listed endangered species, has been found in the City's shoreline management area based on recent surveys. The closest extant occurrence of other a State- or federally-listed species are Menzies wallflower (*Erysimum menziesii* ssp. *menziesii*), Monterey spineflower (*Chorizanthe pungens* var. *pungens*), and beach layia (*Layia carnosa*) from the dunes at the Pacific Grove Golf Course and Asilomar State Beach.

#### Special Status Wildlife Species

Based on the *Draft Shoreline Management Plan*, there were several special status wildlife species reviewed for their potential to occur in the coastal area of Pacific Grove. These species are listed below in **Table 7-1: Special Status Wildlife Species and Potential Occurrence in the Vicinity of the Pacific Grove Shoreline**. In addition, all raptor nests are protected by Fish and Wildlife Code, and all migratory bird nests are protected by the federal Migratory Bird Treaty Act. Within the immediate project area, harbor seals are protected by the Marine Mammal Protection Act (MMPA).

**Table 7-1: Special Status Wildlife Species and Potential Occurrence in the Vicinity of the Pacific Grove Shoreline**

Species	Status	Habitat	Potential Occurrences in Project Area
<b>Invertebrates</b>			
Monarch butterfly <i>Danaus plexippus</i>	*	Eucalyptus, acacia and pine trees groves provide winter habitat when they have adequate protection from wind and nearby source of water and nectar	Unlikely, trees present lack wind protection and surrounding areas lack suitable nectar plants
Smith's blue butterfly <i>Euphilotes enoptes smithi</i>	FE	Coastal dunes, coastal scrub and sage scrub with host plant of buckwheat present	Habitat patches too small and isolated to support a population of this species.
<b>Fish</b>			
Steelhead <i>Oncorhynchus mykiss</i>	FT, CSC	Perennial creeks and rivers with gravels for spawning.	No suitable habitat on site.

Species	Status	Habitat	Potential Occurrences in Project Area
<b>Amphibians</b>			
California tiger salamander <i>Ambystoma californiense</i>	FT, ST	Ponds, vernal pools for breeding, grasslands with burrows for upland habitat	No suitable habitat on site.
California red-legged frog <i>Rana draytonii</i>	FT, CSC	Riparian, marshes, estuaries and ponds with still water at least into June.	No suitable habitat on site.
<b>Reptiles</b>			
Western pond turtle <i>Actinemys marmorata</i>	CSC	Creeks and ponds with water of sufficient depth for escape cover, and structure for basking; grasslands or bare areas for nesting.	No suitable habitat on site.
Black legless lizard <i>Anniella pulchra nigra</i>	CSC	Sand dunes with native vegetation	There are no sand dunes near the project site. No suitable habitat on site.
<b>Birds</b>			
Black oystercatcher <i>Haematopus bachmani</i>	**	Rocky intertidal for both foraging and nesting	Known to nest on rocks in rocky shore areas near project site. Seven nesting pairs observed in 2016 along the City's shoreline. No habitat on site.
Ashy storm-petrel <i>Oceanodroma homochroa</i>	CSC	Nests in colonies on off-shore islands in crevices under loose rocks or caves	No habitat on site.
California brown pelican <i>Pelecanus occidentalis californicus</i>	FP	Nests on coastal islands, winter coastal visitor along Central coast	May perch on nearshore rocks occasionally, forage in ocean. No nesting known in Monterey County.
Western snowy plover <i>Charadrius alexandrinus nivosus</i>	FT, CSC	Nests on sandy beach, shores of salt ponds	No suitable habitat on site.
Western burrowing owl <i>Athene cunicularia hypugea</i>	CSC	Grasslands with short grass and burrows.	No suitable habitat on site.
Black swift <i>Cypseloides niger</i>	CSC	Nests in small colonies on cliffs behind or adjacent to waterfalls and along sea bluffs	No suitable habitat on site.

Species	Status	Habitat	Potential Occurrences in Project Area
<b>Mammals</b>			
Monterey dusky-footed woodrat <i>Neotoma fuscipes Luciana</i>	CSC	Scrub, forest, and riparian habitats	No suitable habitat on site.
Harbor seal <i>Phoca vitulina</i>	MMPA	Resting on nearshore rocks, pupping and weaning on sandy beaches	Resting areas present along nearby beach areas, pupping beach used by local colony located at west end of Hopkins Marine Station. No habitat on site.

<sup>1</sup> Key to status:

FE = Federally listed as endangered species

FT = Federally listed as threatened species

MMPA = Protected by the Marine Mammal Protection Act

ST = State listed as threatened species

CSC = California species of special concern

FP = Fully protected species under CDFG Code

\* = Protected under County Local Coastal Plan

\*\* = Species of local and regional interest; actively monitored local population to gather additional information on status

Source: Pacific Grove Shoreline Management Plan Biological Resources Technical Report, Table 3, 2018

Of the species listed, black oystercatcher and California brown pelican may perch or nest on the nearby rocky shoreline, while harbor seal haul out and rest on the nearby beach area located at the west end of Hopkins Station. There is no locally suitable habitat for the other species listed.

### 7.3.3 Biological Resources on and Adjacent to the Project Site

#### On Site Resources

Biological resources on the ATC project site are limited due to the fact that the site is nearly completely developed with structures and parking, with the primary resources being mature individual and stands of trees. The vegetation on the site is comprised of planted native trees and ornamental plantings. Species include a mixture of Monterey cypress trees around the parking lots, with Eucalyptus and Arbutus landscape trees. The site has been predominantly developed since the 1920s, and surrounding forest canopy is fragmented. The trees onsite are mostly in fair condition and in the 50 to 60-year-old age range. The complete inventory of existing trees on the project site is shown below in [Table 7-2: Tree Inventory](#).

**Table 7-2: Tree Inventory**

Diameter (inches)	Species	Number of Trees Identified
14 - 23	Eucalyptus	18
5 - 8	Strawberry	4
8 - 55	Monterey Cypress	52
7	Canary Island Pine	1
15 - 22	Coast Live Oak	4

Source: ATC Hotel and Commercial Project Tree Resource Assessment, June 2019 (Appendix D)

A field visit conducted by Biotic Resources Group documented and confirmed the presence of Monterey cypress (*Cupressus macrocarpa*), coast live oak (*Quercus agrifolia*), eucalyptus (*Eucalyptus spp.*), *Podocarpus*, Canary Island pine (*Pinus canariensis*), and strawberry tree (*Arbutus unedo*). Landscape shrubs and groundcovers were also observed, such as escallonia (*Escallonia sp.*), pyracantha (*Pyracantha sp.*), bottlebrush (*Callistemon sp.*), bird of paradise (*Strelitzia sp.*), pride of Madeira (*Echium fastuosum*), aloe (*Aloe sp.*), butterfly bush (*Buddleia sp.*), honeysuckle (*Lonicera sp.*), *Phormium sp.*, fortnight lily (*Dietses sp.*), and calla lily (*Zantedeschia sp.*).

The majority of the landscape plants are non-native species, with the exception of Monterey cypress and coast live oak. These two trees are native to the central coast region. Native stands of Monterey cypress are limited to distinct areas of Monterey County and their forests are considered a sensitive resource by local and State agencies. The Monterey cypress trees on site are not located within a natural, native stand/forest, as they were planted as landscape trees amid an otherwise built environment; therefore, the trees are not considered to be a sensitive botanical resource by State agencies. The oak trees are also planted specimens within the built environment. Although oak woodlands are considered a sensitive resource; the trees on site do not meet the definition of an oak woodland and are not considered to be a sensitive botanical resource by State agencies.

Based on the vegetation community and habitat maps of the *Draft Shoreline Management Plan* and a field visit conducted by Biotic Resources Group, the project site does not support any microhabitats that would be suitable for special status plant species. Although special status plant species are known to occur in the nearby vicinity (i.e., rare endemic species occurring in dunes at Asilomar State Reserve), the project site does not provide any suitable habitat for special status species due to the built, developed condition of the site. However, as the site is within the Coastal Zone, existing trees must be considered for both biological and aesthetic considerations.

There are no federal or State-designated wetlands, waterways or riparian habitat areas on the ATC project site.

### Nearby Biological Resources

Parcels immediately adjacent to the ATC site on three sides are developed with commercial and residential uses, supporting a similar mix of native and ornamental vegetation consistent with the neighborhood fabric of Pacific Grove.

Immediately across Ocean View Boulevard from the ATC site is rocky shore habitat, including tidepools (intertidal and subtidal areas) and small sandy beaches. The study area is located within the Monterey Bay National Marine Sanctuary and the Lover's Point-Julia Platt State Marine Reserve (SMR). This habitat also supports diverse marine bird life and marine mammal uses such as harbor seal (*Phoca vitulina*) pupping and haul out areas. The larger rocks above high tide and wave spray support roosting birds such as Brandt's cormorant (*Phalacrocorax penicillatus*), non-breeding California brown pelican (*Pelecanus occidentalis californicus*), several gull species, and nesting black oystercatcher (*Haematopus bachmani*). Several shorebird species utilize the rocky inlets and sandy beaches to forage on invertebrates when they are exposed during lower tides.

Harbor seals rest and pup in a rookery in relatively close proximity to the ATC site. Harbor seals are particularly vulnerable to human disturbance when pupping and weaning their pups, and the seals are protected by the Marine Mammal Protection Act (MMPA). The nearest pupping and weaning sites are

located at the sandy beach at the west end of the Hopkins Marine Station, approximately 400 feet northwest from the nearest corner of the project site.

The southeast section of Hopkins Marine Station contains large aquatic ecological research tanks used for the study of tuna and other species. These facilities are located across Ocean View Boulevard from the ATC factory building, adjacent to the Monterey Bay Aquarium.

## **7.4 Applicable Regulations, Plans, and Standards**

### **7.4.1 Federal**

#### **Federal Endangered Species Act (FESA) and Marine Mammal Protection Act**

The U. S. Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NOAA) administer the FESA of 1973 and Title 16 (implementing regulations) of the U.S. Code of Regulations (CFT) 17.1 et seq. USFWS administers the FESA for wildlife and most freshwater aquatic species; NOAA Fisheries administers the FESA for anadromous fish and marine species. FESA designates and provides protection for threatened and endangered plants and animals and their critical habitat. Section 9 of FESA prohibits the “take” of federally listed wildlife species; however, the “incidental take” of federally listed species may be permitted during the course of an otherwise lawful activity through provisions included in Section 7 or Section 10 of the Act. Section 7 of the Act applies to projects where a federal agency is involved by issuing a permit, funding, or conducting the study. Under Section 7, the federal agency involved with the study consults with the USFWS, which authorizes limited incidental take of the affected species in the form of a Biological Opinion letter, with specific terms and conditions to avoid and minimize the effects on the species. Section 10 instruments, such as a Habitat Conservation Plan, may be developed and issued for take of a federally listed species for all non-federal projects (e.g., State and local governments, private owners). Tidestrom’s lupine is a federally listed plant species and is known to occur in the westernmost portion of the City’s coastal area, but not the ATC project site. Smith blue butterfly, a federally-listed species, is not expected to occur in or near the project site.

The Marine Mammal Protection Act (MMPA) of 1972, as amended in 1994, protects all marine mammals from whales to polar bears to sea otters within the waters of the U.S. As with FESA, the MMPA protects marine mammals from “take” in U.S. waters and by U.S. citizens on the high seas, as well as the importation of marine mammals or their products with certain exceptions. NMFS is responsible for cetaceans (e.g., whales and dolphins), otariids (e.g., “eared seals” such as sea lions), and phocids (e.g., true seals). The USFWS is responsible for all other marine mammals. Exceptions to take may be authorized for research, education, recovery, and other waivers granted by the government. Within the City’s coastal area, the harbor seal is protected by the MMPA.

#### **Migratory Bird Treaty Act**

Raptors (e.g., eagles, hawks, and owls) and their nests are protected under both federal and State regulations. The federal Migratory Bird Treaty Act (MBTA) prohibits killing, possessing, or trading in migratory birds except in accordance with regulations prescribed by the Secretary of Interior. This Act encompasses whole birds, parts of birds, and bird nests and eggs.



## 7.4.2 State

### California Endangered Species Act

Provisions of the California Endangered Species Act (CESA) protect State-listed Threatened and Endangered species. CDFW regulates activities that may result in “take” of individuals (“take” means “hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill”). Habitat degradation or modification is not expressly included in the definition of “take” under the California Department of Fish and Wildlife (CDFW) Code. Additionally, the CDFW Code contains lists of vertebrate species designated as “fully protected” (§§ 3511 [birds], 4700 [mammals], 5050 [reptiles and amphibians], 5515 [fish]). Such species may not be taken or possessed.

In addition to federal and State-listed species, CDFW also has produced a list of Species of Special Concern to serve as a “watch list.” Species on this list are of limited distribution or the extent of their habitats has been reduced substantially, such that threat to their populations may be imminent. Potential impacts on Species of Special Concern must be analyzed as part of the environmental review of a project, but these species do not have statutory protection, e.g., under CESA.

Birds of prey are protected under the CDFG Code. Section 3503.5 states it is “unlawful to take, possess, or destroy any birds of prey (in the order Falconiformes or Strigiformes) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this Code or any regulation adopted pursuant thereto.” Construction-related disturbance during the breeding season could result in the incidental loss of fertile eggs or nestlings or otherwise lead to nest abandonment. Disturbance that causes nest abandonment and/or loss of reproductive effort is considered “take” by CDFW. Under Sections 3503 and 3503.5 of the State Fish and Wildlife Code, activities that would result in the taking, possessing, or destroying of any birds-of-prey, taking or possessing of any migratory nongame bird as designated in the MBTA, or the taking, possessing, or needlessly destroying of the nest or eggs of any raptors or non-game birds protected by the MBTA, or the taking of any non-game bird pursuant to CDFG Code Section 3800 are prohibited.

### CDFW Natural Communities

CDFW recognizes sensitive vegetation communities include: a) areas of special concern to resource agencies, b) areas protected under the California Environmental Quality Act (CEQA), c) areas designated as sensitive natural communities by California Department of Fish and Wildlife (CDFW), d) areas outlined in Section 1600 of the California Fish and Game Code, e) areas regulated under Section 404 of the federal Clean Water Act (CWA), and f) areas protected under local regulations and policies. The CDFW tracks sensitive vegetation communities that are considered rare (CDFG 2010). Vegetation types are ranked between S1 and S5. For vegetation types with ranks of S1-S3, all associations within the type are considered to be highly imperiled. If a vegetation alliance is ranked as S4 or S5, these alliances are generally considered common enough to not be of concern; however, it does not mean that certain associations contained within them are not rare (CDFG, 2007 and 2010). The City’s coastal area has been observed to support one vegetation type with an imperiled status. Dune sedge meadow is ranked S3, but is not located on or near the ATC project site.

### California Fish and Game Code for Fully Protected Species

Sections 3511, 4700, 5050, and 5515 of the California Fish and Game Code list animals that are fully protected species and may not be taken or possessed at any time. Permits or licenses to take any fully protected species are issued only for very limited types of activities such as research. Section 3503,

3503.5 and 3513 of the Code protect resident, migratory non-game, and birds-of-prey. No fully protected species are known to occur within the City's coastal area or ATC project site.

### California State Species of Concern

CDFW has designated certain vertebrate species, subspecies, or distinct population of an animal native to California as Species of Special Concern. CDFW's criteria for this category is that a species satisfies one or more of the following criteria: 1) is extirpated from the State or, in the case of birds, is extirpated in its primary season or breeding role; 2) is listed as federally, but not State, threatened or endangered; meets the State definition of threatened or endangered but has not formally been listed; 3) is experiencing, or formerly experienced, serious (noncyclical) population declines or range restrictions (not reversed) that, if continued or resumed, could qualify it for State threatened or endangered status; and/or 4) has naturally small populations exhibiting high susceptibility to risk from and factor(s), that if realized, could lead to declines that would qualify it for State threatened or endangered status (CDFW, 2020). No Species of Special Concern are expected in the City's coastal area or ATC project site.

### California Oak Woodland Conservation Act

This Act formally recognizes the role of oak woodlands as wildlife habitat, erosion control, and sustaining water quality. The Act encourages voluntary, long-term private stewardship and conservation of oak woodland by landowners and promotes landowners to protect biologically functional oak woodlands. In a related action, effective January 2005, the State amended CEQA with the addition of Public Resources Code 21083.4. This Code requires that counties consider the significance of oak woodland conversions under CEQA and adopt an oak woodland management plan pursuant to the Oak Woodlands Conservation Act that contains measures to minimize impacts to oak woodlands along riparian zones, near wetlands and those that contain snags or other features used by wildlife. If significant impacts are determined under CEQA, mitigation alternatives may include conserving oaks through the use of conservation easements (2:1 ratio, conserved to impacted), restoration of former oak woodland area (2:1 ratio), contribution to the Oak Conservation Fund established under CDFW, or other mitigation measures developed by the Counties. If a planting program is implemented, replanting shall be at a 3:1 ratio (tree replacement) with requirements for planting maintenance and monitoring for seven years. The City's coastal area does not support oak woodlands as outlined in this Act.

### Native Plant Protection Act

The Legislature formally recognized the plight of rare and endangered plants in 1977 with the passage of the Native Plant Protection Act (NPPA). The NPPA directs the CDFW to carry out the Legislature's intent to "preserve, protect and enhance rare and endangered plants in this State." The NPPA gave the California Fish and Game Commission the power to designate native plants as endangered or rare, and to require permits for collecting, transporting, or selling such plants. An occurrence of Tidestrom's lupine, a State listed plant, is located in the westernmost portion of the City's coastal area, but not within the ATC project site.

### Regulated Habitats

The State Water Resources Control Board is the State agency (together with the Regional Water Quality Control Boards [RWQCB]) charged with implementing water quality certification in California. The proposed project falls under the jurisdiction of the Central Coast RWQCB.

CDFW potentially extends the definition of stream to include “intermittent and ephemeral streams, rivers, creeks, dry washes, sloughs, blue-line streams (USGS), and watercourses with subsurface flows. Canals, aqueducts, irrigation ditches, and other means of water conveyance can also be considered streams if they support aquatic life, riparian vegetation, or stream-dependent terrestrial wildlife” (CDFG, 1994). Such areas of the proposed project were determined using methodology described in A Field Guide to Lake and Streambed Alteration Agreements, Sections 1600-1607 (CDFG, 1994).

Activities that result in the diversion or obstruction of the natural flow of a stream; or which substantially change its bed, channel, or bank; or which utilize any materials (including vegetation) from the streambed, may require that the project applicant enter into a Streambed Alteration Agreement with the CDFW.

### **California Coastal Act**

The California Coastal Commission was established by voter initiative in 1972 (Proposition 20) and later made permanent by the Legislature through adoption of the California Coastal Act of 1976. In partnership with coastal cities and counties, the Coastal Commission plans and regulates the use of land and water in the Coastal Zone. Development activities, which are broadly defined by the Coastal Act to include (among others) construction of buildings, divisions of land, and activities that change the intensity of use of land or public access to coastal waters, generally require a coastal permit from either the Coastal Commission or the local government, if the local government has been delegated this authority through the certification of a LCP.

The Coastal Zone varies in width from several hundred feet in highly urbanized areas up to five miles in certain rural areas, and offshore, the Coastal Zone includes a three-mile-wide band of ocean. The proposed project is located within the Coastal Zone and is subject to provisions of the City’s March 2020 LCP. A small portion of the site is within the Coastal Commission Appeals Jurisdiction.

The coastal dune scrub, dune bluff scrub, and dune sedge meadow in the City’s coastal area are considered Environmentally Sensitive Habitats (ESHA) under the Coastal Act. In addition, the small seeps that support the salt grass flats may meet the Coastal Act’s definition of a wetland and be considered ESHA. These coastal habitats and features are not located on the ATC project site.

### **Marine Sanctuary and Refuges**

The rocky shore and bay/ocean areas that extend outward from Point Pinos are within the federally protected Monterey Bay National Marine Sanctuary. Along the Pacific Grove coastline, the California Department of Fish and Wildlife has designated State Marine Reserves (SMRs) and State Marine Conservation Areas (SMCAs). SMRs prohibit damage or take of all marine resources, including recreational and commercial take. SMCAs may allow some recreational and/or commercial take of marine resources and are signed accordingly. The waters off Point Cabrillo, across from the project site, are within the Lover’s Point-Julia Platt SMR. To the northwest is the Pacific Grove Marine Gardens SMCA, and to the east is the Edward F. Ricketts SMCA.

The marine environment immediately offshore from the City of Pacific Grove limit line with the City of Monterey to Asilomar Avenue has been designated by the State Water Resources Control Board and the Central Coast Regional Water Quality Control Board as an Area of Significant Biological Significance (ASBS). ASBS’s are established in an effort to preserve unique and sensitive marine ecosystems by prohibiting waste discharge. The Pacific Grove ASBS lies within the Monterey Bay Marine Sanctuary and contains the Pacific Grove Marine Conservation Area and Hopkins Marine Reserve. The Pacific Grove

ASBS follows guidelines of the California Ocean Plan. The City is covered under a General Exception to the Ocean Plan that governs point and non-point source waste discharge (including municipal storm water discharges) to the ASBS. A Final ASBS Compliance Plan for the City was prepared in September 2016.

### 7.4.3 Local

#### Pacific Grove General Plan

Project relevant general plan policies for biological and natural resources are addressed in this section. Where inconsistencies exist, if any, they are addressed in the respective impact analysis below. Relevant General Plan Policies that directly address reducing and avoiding biological impacts are from the City's Natural Resources Element and include the following:

**Goal 1:** Comprehensively manage Pacific Grove's vegetation and wildlife habitat.

- **Policy 1:** Consult with the Pacific Grove Museum of Natural History staff regarding matters of natural resource management.
- **Policy 3:** Actively promote tree planting to maintain and renew the urban forest.
- **Policy 4:** mitigate development in environmentally sensitive areas.

**Goal 2:** Protect Pacific Grove's coastal resources.

**Goal 4:** Protect Pacific Grove's water and marine resources.

- **Policy 9:** Prohibit the unsafe use of chemical pesticides and herbicides.

**Goal 5:** Protect Pacific Grove's biological resources.

- **Policy 10:** Continue to promote Pacific Grove as "Butterfly Town U.S.A".

**Goal 6:** Protect endangered species.

- **Policy 12:** Develop methods to maintain endangered species within the Asilomar Dunes neighborhood, Asilomar State Beach and Conference Grounds, the U.S. Coast Guard Reservation, the Pacific Grove Shoreline, and other appropriate areas.

#### Pacific Grove Local Coastal Program

The City's Local Coastal Program (LCP, March 2020) contains background information and policies addressing biological resources and Environmentally Sensitive Habitat Areas within the City's Coastal Zone. Based on the Land Habitat Sensitivity Map (LCP Figure 5), the ATC project site is considered to have "low" habitat sensitivity, consistent with the findings of independent surveys conducted for the project.

LCP Section 2.4.4 contains policies that address biological resources and Environmentally Sensitive Habitat Areas (ESHA). Policies that may be applicable to the ATC project site include requirements for habitat assessments, protections for character defining flora and fauna, prohibition of non-native invasive plants, protections for harbor seal and black oystercatcher, and treatment for stands of Monterey cypress trees. LCP policies are referenced as project mitigation, where warranted. Please also see [Chapter 14, Land Use](#), regarding overall project consistency with the LCP.

## Pacific Grove Tree Protection Regulations

### City of Pacific Grove Urban Forestry Standards

The City's Urban Forestry Standards are the primary tool to provide protection of specified trees, to promote the health, safety, welfare, and quality of life for the residents of Pacific Grove, to protect property values and to avoid significant negative impacts on adjacent properties. The Urban Forestry Standards establish specific technical standards and specifications to implement the City's tree ordinance (Pacific Grove Municipal Code [PGMC] Title 12) and to achieve the City's tree preservation goals.

### City of Pacific Grove Municipal Code Chapter 12.20

Chapter 12.20 of the PGMC is the City's tree ordinance and regulates removal, replacement and maintenance of Protected Trees in the City. Relevant sections of the City's tree ordinance that regulated removal of Protected Trees are provided below.

#### *Municipal Code Section 12.20.020*

Section 12.20.020 of the PGMC identifies the categories of protected trees in the City. The five categories of protected trees are defined below:

**Native Trees.** All Gowen cypress, regardless of size; all Coast live oak, Monterey cypress, Shore pine, Torrey pine, and Monterey pine six inches or greater in trunk diameter, measured at 54 inches above native grade.

**All Other Private Trees.** In addition to all Native trees, all other trees on private property, regardless of species, 12 inches or greater in trunk diameter, measured at 54 inches above native grade.

**Monarch Butterfly Habitat Trees.** All trees in or within 100 yards of designated Monarch sanctuaries. Monarch Grove Sanctuary and George Washington Park are designated as Monarch sanctuaries in the City, serving as official Pacific Grove Monarch butterfly over-wintering sites.

**Public Trees.** All trees on public property six inches or greater in trunk diameter, measured at 54 inches above native grade, and all Street Trees, regardless of size.

**Designated Trees.** All trees that are otherwise protected and will be impacted as a result of development, both proposed for pruning or removal and where the development will impact the Critical Root Zone of the tree that requires protection during construction, and all trees otherwise identified – during development or otherwise – for special protection by the property owner.

Applicants for projects that involve removal of protected trees are required to obtain a Tree Removal Permit as part of the community development permit application and approval process. Trees to be replaced are required to be replaced in accordance with Chapter 12.30 PGMC and the Urban Forestry Standards.

### **7.4.4 Other Applicable Regulations, Plans, and Standards**

The mission of the California Native Plant Society (CNPS) Rare Plant Program is to develop current, accurate information on the distribution, ecology, and conservation status of California's rare and endangered plants, and to use this information to promote science-based plant conservation in



California. Once a species has been identified as being of potential conservation concern, it is put through an extensive review process. Once a species has gone through the review process, information on all aspects of the species (listing status, habitat, distribution, threats, etc.) are entered into the online CNPS Inventory. The program currently recognizes more than 2,300 plant taxa (species, subspecies and varieties) as rare or endangered in California (CNPS List, 2015).

Vascular plants listed as rare or endangered by the CNPS, but which might not have designated status under State endangered species legislation, are defined as follows:

- List 1A – Plants considered by the CNPS to be extinct in California
- List 1B – Plants rare, threatened, or endangered in California and elsewhere
- List 2 – Plants rare, threatened, or endangered in California, but more numerous elsewhere
- List 3 – Plants about which we need more information – a review list
- List 4 – Plants of limited distribution – a watch list

In addition to the list designations above, the CNPS adds a Threat Rank as an extension added onto the CNPS List and designates the level of endangerment by a 1 to 3 ranking, with 1 being the most endangered and 3 being the least endangered and are described as follows:

- 0.1 – Seriously threatened in California (high degree/immediacy of threat)
- 0.2 – Fairly threatened in California (moderate degree/immediacy of threat)
- 0.3 – Not very threatened in California (low degree/immediacy of threats or no current threats known)

The combined definition and Threat Rank (such as 1B.1) provide an overall classification of the species.

## 7.5 Environmental Impacts and Mitigation Measures

### 7.5.1 Significance Criteria

The following significance criteria for biological resources were derived from the Environmental Checklist in CEQA Guidelines Appendix G. These significance criteria have been amended or supplemented, as appropriate, to address lead agency requirements and the full range of impacts related to the proposed project.

An impact of the proposed project would be considered significant and would require mitigation if it would meet one of the following criteria.

- Have a substantial adverse effect, either directly or through habitat modification, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulation, or by the CDFW or USFWS.
- Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the CDFW or USFWS.
- Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to marshes, vernal pools, etc.) through direct removal, filling, hydrological interruption, or other means.

- Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.
- Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.
- Conflict with the provisions of an adopted Habitat Conservation Plan (HCP), Natural Communities Conservation Plan (NCCP), or other approved local, regional, or state HCP.

### 7.5.2 Summary of No and/or Beneficial Impacts

The project site does not support riparian or other sensitive natural communities as defined by the CDFW or USFWS, and the project will not directly or indirectly affect federally protected wetlands. There are also no adopted Habitat Conservation or Natural Community Conservation Plans applicable to the project site. For these reasons, these topics are not discussed further in this chapter.

The City is currently preparing a Shoreline Management Plan that addresses the management of natural resources along the coastline, including biological resources. Although this plan is in draft form and has not been adopted, background information from the plan is cited in this chapter. The ATC project site is located immediately southeast of the study area of the Shoreline Management Plan but is not within its boundaries.

### 7.5.3 Impacts of the Proposed Project

**Impact BIO-1:** The project could have a direct or indirect adverse effect on a federally protected species (harbor seal) and species of local and regional interest (black oystercatcher). This impact is **less than significant with mitigation incorporated**.

### Construction

The project as proposed will involve construction activity over an approximately 18-24 month period. Construction would typically involve site preparation, demolition, excavation, grading, trenching, and erection of new structures, with activity levels fluctuating over time. Demolition, site grading, excavation and site preparation is expected to occur over a period of nine to ten weeks. A unique feature of project construction involves excavation of granite base rock for sub surface 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. Based on the noise evaluation prepared for the project, the noise and vibration will result in temporarily elevated levels, particularly during the initial phases of construction. Noise levels from the loudest equipment may reach up to 86 decibels (dBA) at the tuna research facilities, and up to 77 dBA at the beach at Point Cabrillo. These noise levels would not be constant, but would fluctuate during the day as work progresses. In terms of vibration, while Federal Transportation Administration (FTA) thresholds would not be met, the unique characteristics of the seal rookery at the beach (400 feet away) and black oystercatcher nesting grounds (500 feet away) warrant additional precaution in order to avoid shoreline habitats. These noise levels, concentrated over a period of approximately nine to ten weeks, could disturb protected species along the rocky shoreline known to occur or potentially occur approximately 400-500 feet from the nearest construction zones.

The potential for vibration at the Hopkins Marine Station tuna research tanks (approximately 135 feet away) is addressed in [Chapter 15, Noise and Vibration](#). While those facilities have a mission to further

marine biology and conservation research, they do not contain habitat or resources addressed by the thresholds of significance of this chapter.

### Pacific Harbor Seal

Pacific harbor seals (*Phoca vitulina richardii*) are found north of the equator in both the Atlantic and Pacific Oceans. In the northeast Pacific, they range from Alaska to Baja California, Mexico. They favor near-shore coastal waters and are often seen on rocky islands, sandy beaches, mudflats, bays, and estuaries. In California, harbor seal pups are born between February and April and weigh about 20 to 24 pounds at birth. A pup can swim at birth and will sometimes ride on its mother's back when tired. After about four weeks, the pups are weaned. Adult females usually mate and give birth every year. They may live for 25 to 30 years.

As stated previously, harbor seals are protected by the federal Marine Mammal Protection Act. The seals are particularly vulnerable to human disturbance when pupping and weaning their pups. The primary pupping and weaning site near the ATC project site is located off site at a distance of 400 feet, across Ocean View Boulevard, at the sandy beach at the west end of the Hopkins Marine Station. This rookery location is known to be used by a harbor seal colony for both resting and pupping. Direct disturbance of this colony during construction, from noise and/or vibration, could result in a violation of the MMPA if such disturbance interrupts pupping or weaning, or otherwise causes the colony to relocate. Based on the noise data from Chapter 15, Noise and Vibration, construction noise levels at the beach and seal rookery could reach 77 decibels (dBA), while the average noise level at this location (CNEL) is 64 decibels. As identified in Chapter 15, changes in the noise environment at these levels is not expected to be significant enough to modify harbor seal behavior; however, this is a unique receptor and marine mammal protection is a priority for the City.

Similarly, vibration levels at 400 or more feet from the construction zone will also be well below FTA thresholds (Chapter 15, Table 15-12), and should not be perceptible at this distance. In addition, the National Oceanic and Atmospheric Administration (NOAA) released a study in 2018 that evaluated primarily underwater noise thresholds for marine mammals.<sup>1</sup> A separate study released by the United States Coast Guard Monterey Station evaluated both air and underwater noise thresholds. This study identified a level of 90 dB RMS (root-mean-square) for harbor seals and 100 dB RMS for non-harbor seal pinnipeds.<sup>2</sup> The data found limited responses to levels of 90 to 120 dB RMS but increased probability of behavioral effects in the 120 to 160 dB RMS range. The nearest seals would be located approximately 400 feet from the project site, where construction vibration levels would be a maximum level of 58 dB RMS.

Regardless of these findings, animal reaction to noise may be less predictable than human responses. The mitigation measures below reflect a conservative (and preventative) approach to avoiding and addressing this potential impact.

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<sup>1</sup> NOAA Technical memorandum NMFS-OPR-59, *2018 Revisions to: Technical Guidance for Assessing the Effects of Anthropogenic Sound on Marine Mammal Hearing*, April 2018.

<sup>2</sup> U.S. Coast Guard Civil Engineering Unit Oakland, *Incidental Harassment Authorization for Waterfront Repairs at USCG Station Monterey*, June 2013.

## Black Oystercatcher

A second species of local and regional concern, the black oystercatcher (*Haematopus bachmani*) is present year-round and nests on the rocky shoreline areas. Nesting pairs have been observed along the rocky shoreline adjacent to Hopkins Marine Station, approximately 500 feet from the ATC project site across Ocean View Boulevard.

Although this shorebird is not currently state or federally listed, the population is being monitored to gather more information on its overall status along the California coast, and its vulnerability to future population declines from both recreational use of coastal areas and climate change induced rising sea levels. Seven pairs of black oystercatchers were documented to nest within the Pacific Grove shoreline area in 2016 (City of Pacific Grove, 2018).

This shorebird forages on invertebrates along the rocky shoreline, and nests in scrapes they make on the ground on “islets” above the high-water mark. They nest March through September along the Central Coast (City of Pacific Grove, 2018). The black oystercatcher young spend a relatively long time (1-3 months) learning foraging skills from their parents, do not sexually mature until the age of 4 or 5 years, are relatively long-lived (up to 15 years documented), and their monogamous parents vigorously defend their territories from year-to-year.

The species is confined to the rocky intertidal zone, which is a long, linear habitat type. The life history attributes of the oystercatcher make it vulnerable to adjacent human disturbance (e.g., development projects, roads, etc.), as well as loss of required nesting, rearing and foraging habitats from rising sea levels.

Given the proximity of nesting black oystercatcher pairs in proximity (approximately 500 feet) to planned construction and excavation activity at the ATC, the potential exists for disturbance of this species from noise and/or vibration. However, based on the vibration data quantified in Chapter 15 Noise and Vibration (Table 15-12), levels of vibration should not be perceptible to either harbor seal or black oystercatcher populations given their distance from the construction areas.

## Operation

Once the project is constructed and operational as a hotel and related uses, noise conditions would normalize and no new or additional impacts or disruption would be expected to the harbor seal colony in the nearby beach haul out areas, or to black oystercatcher nesting pairs, compared to existing conditions. LCP policies BIO-11 and BIO-12 include educational programs, signage, interpretive programs, seal pupping protection measures, and other conservation measures to protect harbor seals and black oystercatcher from disturbance from the general public where these species interface with people in specific locations, such as along the Monterey Bay Coastal Recreation Trail.

### 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.

#### **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.

#### **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 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.

### **Conclusion**

The measures listed above would effectively mitigate impacts to protected species by reducing the levels of noise emanating from the construction site, monitoring behavior for effectiveness and timing construction activity to least sensitive time of year for the harbor seal.

**Impact BIO-2:** The project could interfere or impede with migratory bird habitat, as well as the use of native wildlife nursery sites for harbor seal and black oystercatcher. This is a **less than significant impact with mitigation incorporated**.

### **Construction**

The project could interfere with the movement of migratory wildlife (avian) species, but would not interfere with native terrestrial species or wildlife corridors. The project site is not located along a known terrestrial wildlife corridor. The primary migratory species of local concern – Monarch butterfly (*Danaus plexippus*) – has not been observed or is known to utilize the Eucalyptus trees present on the project site. Based on site observations and habitat assessment by the project biologist (Biological Resources Group) and the Pacific Grove Shoreline Management Study, presence or use of the site by Monarch butterfly is unlikely due to lack of wind protection and suitable nectar plants. The removal of trees on site could also reduce or eliminate pockets of forage and cover for migrating bird species common to the Central Coast.

In addition, the project could have adverse effects on harbor seal pupping activity and/or nesting for black oystercatcher along the rocky shoreline. These potential effects are addressed under Impact BIO-1 above. Mitigation measures MM-BIO-1, MM-BIO-2, and MM-BIO-3 apply to the wildlife nursery effects identified under Impact BIO-2.



## Operation

Similar to Impact BIO-1, day to day operation of the hotel and commercial uses would not be expected to adversely affect migratory fish or wildlife species, wildlife corridors, or impact the use of native wildlife nursery sites as no such resources exist on the site and operational activities of the new structures would not be substantially different from existing commercial uses in terms of urban activity.

### MM BIO-2.1 Preconstruction Bird Surveys

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

## Conclusion

Avoidance and preconstruction surveys are one of the most effective methods of avoiding impacts to bird species. By avoiding nesting season and/or ensuring birds are not present during construction, impacts can be fully mitigated.

**Impact BIO-3:** The removal of 79 trees for construction of the project could conflict with local policies and ordinances regarding tree preservation. This is a **less than significant impact with mitigation incorporated**.

## Construction and Operation

Direct impacts to trees occur through removal. Indirect impacts to trees include disturbance to trees from grading and construction activities that may affect trees or their roots directly from mechanical damage or indirectly due to alterations in soil structure, drainage, microbiology, etc., and tree removal for clearance of land for construction and grading.

Title 12.30.010 of the PGMC requires a Tree Resource Assessment when tree removal is necessary of native trees to preserve and maintain the urban forest and its beneficial uses. The City identifies native trees as Gowen cypress, regardless of size; all Coast live oak, Monterey cypress, Shore pine, Torrey pine, and Monterey pine, which are six inches or greater in trunk diameter, measured at 54 inches above native grade. It also identifies all other trees on private property, regardless of species, 12 inches or greater in trunk diameter, measured at 54 inches above native grade as tree species that require special consideration for management. A coastal development permit (CDP) is also required for removal of "major vegetation" pursuant to the City's LCP.

Oak, Cypress, and Eucalyptus trees found on this property are considered protected trees as defined by the PGMC. The removal of these trees would constitute a significant impact under CEQA.

The tree assessment conducted for the project (Frank Ono, 2019) documented the following observations, which were confirmed by Biotic Resources Group for the EIR:

- Four (4) trees (three of which are Monterey cypress) were found to be in poor condition.
- Nine (9) trees are outside of the grading and demolition limits but will be impacted by removal and replacement of the existing sidewalk. These trees include eight (8) Eucalyptus City-owned street trees and one (1) Monterey cypress in the courtyard of the existing restaurant on Eardley Avenue.

### Short-Term Impacts

Site disturbance will occur during demolition and construction. Nearly the entire project site (approximately 100 percent of the parcel) will be disturbed by the proposed improvements and construction activities, including demolition, excavation, construction, and renovation. Short-term site impacts are confined to the construction and demolition envelope and immediate surroundings where trees must be removed.

### Long-Term Impacts

No significant long-term impacts to the urban forest ecosystem are anticipated due to fact that the trees being removed are planted landscape trees which can be replanted or otherwise mitigated through accepted methods such as payment of in-lieu fees. The wildlife value of the trees to be removed are addressed elsewhere in this chapter.

#### MM BIO-3.1 Pre-Construction Meeting and Training

Prior to site disturbance the project sponsor shall retain a City-approved or -qualified project arborist/forester to conduct a meeting and training session to communicate and instruct personnel about tree removal, retention of trees on adjacent properties, and their protection. The pre-construction meeting shall include instruction on required tree protection and exclusionary fencing to be installed prior to grading, excavation and construction procedures. Meeting attendees shall include all involved parties such as site clearance personnel, construction managers, heavy equipment operators, and tree service operators. A list of pre-construction attendees and the materials discussed shall be maintained and be provided to the City for review. Meeting attendees must agree to abide to tree protection and instructions as indicated during the meeting and agree to ensure any tree protection implemented will remain in place during entire construction period.

#### MM BIO-3.2 Off Site Mitigation and/or Payment of In-Lieu Fees

For all trees that ultimately require removal and cannot be incorporated into the site plan, the project sponsor shall either replace/replant new trees on a 2:1 ratio on site; replace/replant at another location(s) identified in consultation with the City of Pacific Grove if 2:1 on-site replanting is not feasible; pay an in-lieu tree impact fee ("tree fund") as acceptable mitigation pursuant to Chapter 12 of the Municipal Code; or, a combination thereof to fully mitigate for tree loss. Mitigation shall be implemented prior to occupancy. Should in-lieu mitigation fees be proposed, these fees shall be collected prior to issuance of grading permits and prior to any tree removal activities.

### MM BIO-3.3 Tree Planting/Replanting

Replacement trees (on- or off-site) shall be five-gallon stock or larger. Spacing between trees should be at least 8 feet apart where available space is indicated. Occasional deep watering (more than two weeks apart) during the late spring, summer, and fall is recommended during the first two years after establishment.

### MM BIO-3.4 Best Management Practices

During construction, the project sponsor shall ensure compliance with the following best practices for potentially affected trees on adjacent properties:

- Do not deposit any fill around trees that may compact soils and alter water and air relationships. Avoid depositing fill, parking equipment, or staging construction materials near existing trees. Covering and compacting soil around trees can alter water and air relationships with the roots. Fill placed within the dripline may encourage the development of oak root fungus (*Armillaria mellea*). As necessary, trees shall be protected by boards, fencing or other materials to delineate protection zones.
- Pruning, when necessary, shall be conducted to avoid injury to any tree. General principals of pruning include placing cuts immediately beyond the branch collar, making clean cuts by scoring the underside of the branch first, and for live oak, avoiding the period from February through May.
- Native trees are not adapted to summer watering and may develop crown or root rot as a result. Do not regularly irrigate within the drip line of native trees.
- Root cutting should occur outside of the springtime. Late June for such root cutting is optimal. Pruning of the live crown should not occur February through May.
- A mulch layer up to approximately 4 inches deep shall be applied to the ground under selected trees in disturbed areas following construction. Only 1 to 2 inches of mulch should be applied within 1 to 2 feet of the trunk, and under no circumstances should any soil or mulch be placed against the root crown (base) of trees. The best source of mulch would be from chipped material generated on site.
- If trees along near the development site are visibly declining in vigor, a Professional Forester or Certified Arborist shall be contacted to inspect the site, contact the owner, and to recommend a course of action.

### MM BIO-3.5 Additional Tree Protection and Pruning Standards

If for any reason on site trees are not removed and preserved within the site plan, the project sponsor shall implement all tree protection standards as identified in the ATC Hotel and Commercial Project Tree Resource Assessment prepared for the project. Such measures may include reasonable disturbance setbacks, protective netting, protection of trunks with lumber, and limiting work within the dripline.

## Conclusions

Implementation of mitigation measures, tree protection standards and compliance with City ordinances will effectively mitigate tree removal impacts as these measures will result in the replacement trees or fund the replacement of trees to maintain the City's urban forest and scenic resource-related objectives.

### 7.5.4 Cumulative Impact Analysis

**Impact BIO-4:** The project could contribute to cumulatively considerable effects on biological resources (tree removal). This is a **less than significant impact with mitigation incorporated**.

The geographic extent for the analysis of cumulative impacts to other biological resources includes the Pacific Grove Coastal Zone, which contains known habitat for wildlife species, harbor seal and black oystercatchers. As stated above, noise and/or vibration from construction activities has the potential to impact the harbor seal colony that is known to use the primary pupping and weaning site near the project site and nesting black oystercatchers in close proximity to the project site. Mitigation would be implemented as detailed above that would reduce the direct impacts to harbor seals and black oystercatchers to levels that are less than significant pursuant to CEQA. There are no similar development proposals or projects within the Coastal Zone that would combine with the ATC project to create a new or amplified effect on these populations that is either different or considerable. For these reasons, cumulative effects to these resources are less than significant.

Regarding the effects of tree removal, as stated above, the proposed project would result in a loss of 79 mature trees for construction, including 52 Monterey cypress within the Coastal Zone. Tree removal would have localized impacts, as well as the potential for temporary cumulative effects within the City's coastal urban forest with respect to overall tree canopy goals, until replacement trees mature. The project would be fully mitigated by tree replanting or otherwise mitigated through accepted methods such as payment of in-lieu fees and other measures pursuant to MM BIO-3.2, MM BIO-3.3, MM BIO-3.4, MM BIO-3.5. The project's contribution to cumulative effects related to tree removal would also be mitigated to less than significant over time, as trees are replaced and mature.

## 7.6 References

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## 8 Cultural Resources

### 8.1 Introduction

This section describes effects on cultural resources that could be caused by implementation of the proposed project. Cultural resources include archaeological and historic resources. The information in this chapter identifies existing cultural resources and environmental conditions in the area, identifies and analyzes environmental impacts based on accepted thresholds of significance, and recommends measures to reduce or avoid adverse impacts anticipated from project construction, operation, and site disturbance.

This section is based upon, and summarizes, the following cultural and historic resource reports:

- FirstCarbon Solutions, *Draft Archaeological Monitoring and Treatment Plan, ATC Hotel Project*. October 2019. (confidential and on file with City of Pacific Grove)
- FirstCarbon Solutions, *Cultural Resources Due Diligence Letter Report, ATC Hotel Project*. March 2020. (confidential and on file with City of Pacific Grove)
- Page & Turnbull, *American Tin Cannery 109/125 Ocean View Boulevard Historic Resources Technical Report*. June 2020. (Appendix E)
- Kent L. Seavey, *Historic Resources Opinion Letter*. October 2018. (Appendix F)
- Dudek, *Cultural Resource Assessment for the Pacific Grove Shoreline Management Plan*. 2018. (confidential and on file with City of Pacific Grove)

These reports and their findings are summarized in this section, and care has been taken to protect confidential or culturally sensitive material known to be present in the general vicinity of the project site. The City has also initiated consultation with local tribal representatives consistent with the requirements of AB 52, as discussed in Chapter 18, Tribal Cultural Resources.

While paleontological resources have been addressed in these technical reports, this information has also been summarized in Chapter 10, Geology and Soils, consistent with the current format of the CEQA Guidelines.

### 8.2 Scoping Issues Addressed

During the Notice of Preparation (NOP) public comment and scoping period for the proposed project, several comments were received by members of the public regarding cultural, and in particular, historic resources. Comments received addressed the potential historic status of existing structures at the ATC project site and the property's historic relationship to the local fishing and cannery industries. The site and its immediate surroundings are also recognized as culturally sensitive for archaeological resources based on past studies. The issues identified during early scoping are addressed in detail within this chapter of the EIR. Related issues specific to Tribal Cultural Resources are addressed separately in Chapter 18, Tribal Cultural Resources.

## 8.3 Cultural Resources Methodology

### 8.3.1 Archival and Literature Search

To establish existing conditions, an archival research study was conducted from the following resources. The research was undertaken to determine if any known archaeological, and/or historic resources were reported in or around the project area.

#### Historic Resource Repositories

The historic resources evaluation conducted for this EIR includes an evaluation of eligibility for listing in the National Register of Historic Places and the California Register of Historical Resources. Primary historic research was conducted at the following repositories: the California View Photo Archives, City of Monterey Public Library California History Room, Pacific Grove Public Library, Monterey County Historical Society, and Heritage Society of Pacific Grove. This report also provides historic context that is derived from Page & Turnbull's *Pacific Grove Historic Context Statement* (2011). All site photographs used in this report were taken by Page & Turnbull during a site visit in July 2016, unless otherwise noted. Page & Turnbull reviewed overall photos of the project site taken by Kimley-Horn in November 2019 and have verified that the complex has not been altered since 2016.

#### Northwest Information Center Records Search

On October 23, 2018, FirstCarbon Solutions staff conducted a records search at the Northwest Information Center (NWIC) in Rohnert Park, California, that included the project area and a 0.50-mile radius beyond the project boundaries. The purpose of this review was to access existing cultural resource survey reports, archaeological site records, and historic maps to evaluate whether any previously documented prehistoric or historic archaeological sites, architectural resources, cultural landscapes, or other documented resources exist within or near the project site. The current inventories of the National Register of Historic Places, the California Register of Historical Resources, the California Historical Landmarks list, the California Points of Historical Interest list, and the California State Historic Resources Inventory for Pacific Grove were reviewed to determine the existence of previously documented resources that may be eligible for inclusion.

In addition to the records searches, historic aerial photographs of the project site were reviewed to determine if previous structures or potentially significant historic resources may be present at the project location. Topographic and geologic maps were also reviewed to understand the existing terrain and natural resources within the area. On October 9, 2018, local archives and historical resources were accessed including the Monterey County Local History Directory of Archives and Resources, the Historic Resources Inventory for Pacific Grove, California, and the Pacific Grove Heritage Home Walking Tour listing. Given the fact that the project is primarily hardscaped, a pedestrian survey of the site for archaeological resources was not conducted by FirstCarbon Solutions.

#### Native American Heritage Commission Sacred Lands File Search

On October 20, 2018, FirstCarbon Solutions Senior Archaeologist Dr. Dana DePietro, RPA, contacted the NAHC to request a review of their Sacred Lands File for any Tribal Cultural Resources (TCRs) that may be adversely affected by the proposed project. On November 6, 2018, the NAHC responded to a written request from FirstCarbon Solutions to review their Sacred Lands Files. Their response included a list of

Native American tribes affiliated with the project area who may have specific information regarding areas of potential impact within the Area of Potential Effect (APE), or who otherwise may be able to recommend others with specific knowledge.

The NAHC also indicated that the results from the Sacred Lands File search were positive for sites located within the APE and recommended contacting the Costanoan Ohlone Rumsen-Mutsun Tribe. The City has taken the lead on this consultation process, as discussed further in [Chapter 18, Tribal Cultural Resources](#). The City has initiated formal consultation with the Ohlone Costanoan Esselen Nation (OCEN), per the formal request of tribal representatives.

## 8.4 Environmental Setting

The setting information below provides a broad historical context of the region and project site. This information – sourced from reports prepared for the project – provides more detail than is customary or required for an EIR’s setting section. This is purposeful, given the rich history of the area and the public’s keen interest in local history.

### 8.4.1 Historic Setting and Resources

#### Early Monterey and Pacific Grove

The natural advantages of settling along the Monterey Peninsula were recognized by native peoples thousands of years before the City was founded. In particular, the upwelling of cold water off Monterey Bay encouraged one of the richest concentrations of sea life along the Pacific Coast. European occupation of the area began with the establishment of the San Carlos Borroméo Mission by Father Junipero Serra and the El Presidio Real de San Carlos de Monterey (The Royal Presidio of Saint Charles of Monterey) by Captain Gaspar de Portolá of Spain in 1770.

Following Mexico’s independence from Spain in 1821, all former Spanish territory in California was placed under Mexican jurisdiction. Monterey was established as the capital of the new Mexican “Alta California” territory. The Mexican Congress subsequently tried to encourage further settlement of California and reduce the influence of the mission system through the process of secularization, which involved the redistribution of the Church’s enormous land holdings through sales to private interests. However, rampant corruption often led to the dispersal of the Church’s holdings in the form of large land grants, or “ranchos,” given to powerful local families or to men that had won favor during Mexico’s bid for independence.

The secularization of the Carmel mission took place in 1835. Even before that time, however, the lands around Monterey were already being parceled out to private interests. In 1833, Jose Maria Armenta, a soldier at the Monterey Presidio, was granted Rancho Punta de los Pinos (“Point of Pines”) by Mexican governor Jose Figueroa. The rancho consisted of a 2,667-acre parcel that encompassed a sizeable portion of the Monterey Peninsula. The boundaries of the grant extended in a line from Point Aulones or “Abalone Point” (later known as Point Loeb, site of today’s Monterey Bay Aquarium) to Cypress Point near Pebble Beach, including virtually all of the present-day boundaries of Pacific Grove.

Although Monterey had for a time been a whirlwind of activity, it was eclipsed by San Francisco as the most important settlement in northern California following the Mexican-American war (1846-1848) and the declaration of California’s statehood in 1850. San Francisco not only offered a superior harbor, it

also offered easier passage to the gold fields. Among those who had arrived in California during the Gold Rush was a budding entrepreneur named David Jacks. In 1850 Jacks visited Monterey and decided to settle there. Sensing opportunity in the face of Monterey's struggles to legitimize the town's claims to the surrounding land which had originally been granted by the Spanish Crown, Jacks, along with his partner, D. R. Ashley, purchased the Monterey Pueblo lands, a total of almost 30,000 acres, for \$1,002. The sale was subsequently challenged, and it was not until 1903 that the grant was finally settled by the U.S. Supreme Court in favor of Jacks.

An astute businessman, Jacks realized that many of the area's prominent citizens—often Mexican ranch owners—were land rich, but cash poor. Jacks soon used this to his advantage, loaning money to clients with strained finances and then foreclosing on their land which had been used as collateral. Eventually, it is estimated that Jacks controlled approximately 100,000 acres of Monterey County land—including all of what would become the City. For the most part, these vast landholdings were used for ranching operations, functioning much as they had during the Mexican era.

David Jacks was not the only immigrant to see potential in the Monterey area. In the early 1850s the Monterey area was settled by Chinese immigrants who had come not for gold, but for abalone. During the Spanish period a lucrative trade in sea otter pelts had decimated the sea otter population, which allowed abalone to thrive along the Monterey Bay coastline. The area was so rich in shellfish that an "abalone rush" developed about 1853, with over 500 Chinese—many from Kwangtung Province—engaged in drying and packing abalone meat for shipment back to China. Although the Chinese fishing village would subsequently become known as the Point Alones village, it was actually located along a sheltered curve of beach at the southeastern edge of what is today the Hopkins Marine Laboratory property at China Point, labeled as "Mussel Point" on late-19<sup>th</sup> century maps. It was the largest such village in the Monterey Bay area, prospering in part because of its protection from rough seas by the tip of the point, as well as its relative isolation from Monterey.

During the 1860s, the Chinese expanded their catch to include a much wider variety of fish, including rock fish, sharks, cod, halibut, mackerel and flounder. The operations grew steadily, and in 1867 the Chinese shipped some 300 tons of dried fish by steamer from Monterey. Altogether, the Chinese at Point Alones developed the first true commercial fishery on Monterey Bay, and in some ways were responsible for the most focused commercial activity in the entire Monterey area.

### The Community of Pacific Grove

Pacific Grove first developed in the 1870s as a religious retreat community. Methodist minister J.W. Ross visited the area in 1874 and decided that its beautiful natural setting would provide the ideal setting for a religious retreat. The Pacific Grove Retreat Association was formed in 1875 and entered into an agreement with Jacks for 100 acres of his land for use as a Christian resort. The first camp meeting took place later that year, an annual event which would persist for decades. In 1880, the first Chautauqua was held in Pacific Grove, serving as the catalyst for intellectual developments that greatly influenced the budding town. The movement not only brought important speakers and pursued scientific interests, it also introduced an educated class of people to the area, including scientists, philosophers, artists and poets.

The Pacific Improvement Company (PIC) exerted arguably the single greatest influence on the development of the Monterey Peninsula in its history. Not only did the PIC invest heavily in Pacific

Grove, but it also rapidly improved the Monterey Peninsula by constructing a broad-gauge railroad extension from Castroville to Monterey, building the Hotel Del Monte, and laying out scenic drives through their property.

Following the incorporation of Pacific Grove in 1889, private investment transformed the city. By 1910, the beach area at Lovers Point, long considered the focal point of recreation in the area since the first camp meeting of 1875, witnessed an explosion of private construction activity that transformed the cove from a sedate retreat for bathers and boaters into a fully-fledged seaside entertainment complex. The construction of the Hotel Del Mar in 1903, commercial development along Lighthouse Avenue, and the expansion of the central business district signaled that Pacific Grove had arrived as a full-fledged city and popular tourist attraction.

Not all of Pacific Grove's residents profited equally from this rapid development. The turn of the century coincided with increasing demands from the residents of Pacific Grove and Monterey to remove the Chinese fishing village due both ethnic prejudice and economic conditions. In 1900, the Chinese fishing village was the area's only major industry with the exception of tourism and sporadic sand and coal mining efforts. However, the development of fish-canning facilities in Monterey would soon exert pressure on the Chinese fishermen, who continued to dry their catch prior to shipment—a method viewed as both obsolete and offensive. In particular, the smell of their squid drying operations led to constant complaints by citizens of Pacific Grove and Monterey, whose cities were steadily encroaching on the village. The fact that the village was also located on what was now a prime tract of coastal land ripe for development also did not go unnoticed, as the community stood on the only tract of oceanfront land at the eastern end of Pacific Grove that had yet to be subdivided. A fire burned down the entire village in 1906, and its Chinese residents were refused reentry.

Throughout the first few decades of the twentieth century, the city saw the addition of several new subdivisions in the city, including University Park, the Hillcrest Tract subdivision, the Beach Tract, and the Fourth and Fifth Additions. This residential development (and population growth) coincided with a variety of civic improvements made to the city, including several schools, parks, the library, a museum, and city hall. The largely undeveloped area to the west of the city was cultivated as a recreational outdoor space; this was particularly illustrated by the development of Asilomar near Moss Beach by the Young Women's Christian Association (YWCA).

As Pacific Grove entered the "Roaring Twenties," commercial development was steadily building to a crescendo that would culminate in the opening of two of the largest buildings ever constructed in the city's history, E. C. Smith's two-story Neoclassical bank building at 569 Lighthouse Avenue in 1916 and the reinforced concrete Holman's Department Store at 542 Lighthouse Avenue, which opened in 1924 and was hailed as one of the largest independent stores between San Francisco and Los Angeles. By the close of the 1920s the clustering of shops, markets, theaters and social halls along Lighthouse Avenue reached a peak that would not be exceeded for several decades.

From its inception, Pacific Grove was developed primarily as a residential area, and industrial works of any kind were rare. In particular, after about 1915 auto repair facilities, garages and service stations (which are typically classified as light industrial properties) comprised the bulk of the city's industrial development. Nevertheless, the city was home to a few larger industrial operations during this period, most of which revolved around lumber, sand mining, or boat construction. It was the latter industry that connected Pacific Grove to the elite fishing industry developing in neighboring Monterey at the time.



Cochran and Peterson's Monterey Boatworks, built on the site of the former Chinese fishing village in 1916, was developed to serve Monterey's fishing fleet and the growing fishing operations at Cannery Row. Between 1925 and 1941 the facility turned out 75 boats, including double-enders, Monterey Clippers, purse seiners and small working boats. They also built specialized fish hoppers capable of holding the sardine catch before processing. As the sardine industry declined, the boatyard began to concentrate on constructing sport fishing boats.

### Cannery Row

In 1896, Frank E. Booth, president of the Sacramento River Packer's Association, briefly operated an experimental salmon canning shed in Monterey. In 1902, Harry Malpas and Ootosaburo Noda operated a small-scale Monterey Fishing and Canning Company. In 1903, Booth purchased another cannery and consolidated them into the Monterey Packing Company. In 1905, canning specialist Knut Hovden joined Booth's company. Another firm, however - the Pacific Fish Company - opened in 1908 as the first major cannery on Ocean View.

During World War I, the canning process changed significantly as the original method of frying in oil and hand-soldering cans was replaced by mechanized steam cooking in sealed cans by crews that lived above Cannery Row in an area called New Monterey. The smell of the fish reduction operations dominated Monterey. It was said that one could identify "Carmel by the Sea, Pacific Grove by God, and Monterey by the smell!"

In 1907, Sicilian fishermen from Pittsburg, California begin experimenting with lampara boats using lampara nets that replaced the earlier gill nets to fish for sardines. Two-thirds of Monterey's sardines never made it into cans. They were instead processed into sardine oil and fish meal fertilizer, carried out of town by the Southern Pacific Railroad. Fish reduction was far more profitable than canning for consumption.

In 1927, the first purse seine boats arrived in Monterey Bay, with greatly increased size, cargo capacity, and range. Through the 1930s the expansion of the Monterey sardine fleet and canning operations recorded several years with landings in excess of 200,000 tons. Eventually, freighters converted to floating reduction plants operated beyond territorial limits until stopped by legislation in 1938.

Overfishing led to drastic reductions in catches. The publication of John Steinbeck's *Cannery Row* in 1945 heralded the end. In the three years between 1945 and 1947, the catch dropped from 136,000 tons in 1945 to 84,000 tons in 1946 and down to 3,000 tons in 1947. By the early 1950s the industry was largely defunct. The last sardine catch was packed in 1964, and the last operating cannery, the Hovden Food Product Corporation which packed squid, closed in 1973. The Hovden facility was subsequently converted to the Monterey Bay Aquarium.

### History of Construction and Improvements at the Project Site

The Joss House (temple) of the Pacific Grove (Point Almejas-Point Alones) Chinese fishing village sat behind the village on the site of the current ATC location. The exact date of construction of the Joss House is not known, but a historic photo from circa 1885 depicts the temple as a white two-story building.

In 1888, plans were announced of an approximately 16-mile continuation of the Southern Pacific Railroad from Monterey to Pacific Grove and out to the mouth of the Carmel River. The railroad extension was constructed by Chinese laborers from May to August 1889.

**1900s:** The American Can Company is incorporated in New Jersey in 1901, and soon became one of the “twin giants” in the can-making industry, competing against the Continental Can Company.

The Joss House survived a 1906 fire that devastated the Chinese fishing village, and the building was moved to a new, smaller Chinese village site at McAbee Beach within the Monterey city limits. In the late 1920s, the Joss House was moved again to Wave Street in Monterey and was later demolished.

**1910s:** A 1910 brochure announced the development of the University Addition to Pacific Grove, stating:

*The University Addition, one of the choicest residence spots on the whole Peninsula, is the sixth addition of residence lots which has been put on the market in Pacific Grove within the past four years. In point of location, climate and scenery it is one of the best ever offered in that city. [...] The University Addition is laid out in large residence lots of from forty to one hundred feet frontage and from seventy-five to one hundred and fifty in depth. The improvements of the tract are all completed.*

Much of the University Addition was land that had been previously occupied by the Chinese fishing village, prior to the 1906 fire. Sometime after 1910, the future ATC site was acquired by A. J. Molera, but the property does not appear to have been developed with any new buildings at the time.

**1920s:** By the 1920s, the American Can Company was in operation nationwide and had been supplying the Monterey canning industry from its San Francisco plant since before World War I. Industry improvements (specifically, the automatic fish-cutter and the use of the purse seiner boat) made it cost effective to move the one-pound oval can production south to the source of the market. The company’s plan to build a new factory and warehouse complex in Pacific Grove was intended to consolidate the production of one-pound oval cans for the Monterey sardine canning industry.

In April 1927, the subject site, part of the University Tract in Pacific Grove, was purchased from A. J. Molera at a cost of \$500,000. Construction work for a new plant, described as “a scene of intense activity,” began July 29, 1927. The project cost, including the necessary construction equipment, was estimated at \$700,000. The construction proceeded rapidly in attempt to open the plant by January 1, 1928. The three original building components were constructed in sections: first the office (Building 0), then the factory (Building 1), and then the warehouse (Building 2).

Building 0 (where Archie’s American Diner is now located) was constructed as a wood frame stucco building with a steeply pitched composition shingle roof. A newspaper article from February 1928 states that only the office building was in use at that time. Building 1 was built with a concrete floor with parquet wood flooring above it. The factory window frames were steel, and the roof was composed of concrete with waterproof roofing material laid on top. A brick fire wall separated Buildings 1 and 2. Building 2 had corrugated metal siding and an automated ceiling-mounted sprinkler system.

Buildings 1 and 2 were completed later in 1928, and canning operations began. The American Can Company also made road improvements adjacent to the factory. Monterey’s Wave Street was extended to connect to Pacific Grove’s Ocean View Avenue to allow more direct access to Cannery Row. The

American Can Company building was located immediately across Ocean View Boulevard from the Southern Pacific Railroad line, and a spur ran along the primary façade of the complex so that cans could be loaded directly onto railcars.

In 1929, the American Can Company's canning operation was averaging 70,000,000 cans annually, with each can holding approximately half a dozen fish (420 million fish).

**1930s:** A platform near the rear of the building was demolished in 1934. Business continued throughout the 1930s. The American Can Company actually grew nationally during the Depression era as canning was a cost-effective way to preserve and store industrial and consumer food goods.

**1940s:** The 1940s saw the sardine pack begin to severely suffer, just as wartime needs during World War II were picking up. According to one account, "For many years Monterey was considered the 'Sardine Capital of the World.' [In 1942] due to the manpower shortage and the requisitioning of fishing vessels by the Navy, the Sardine pack fell so short that we lost that distinction. However, the really important thing is that we fill the requirements of the government and civilian population for the 1943-1944 season." Canned sardines were particularly valuable wartime provisions, as they could be compressed into small cans that were easily shipped. The sardine was also a food item that yielded maximum nutrition for both civilian and military populations. According to the Food Distribution Administration, "As an essential protein food they are highly digestible and furnish more calories per serving than red meat." During the 1942-43 season, sardine canners by Executive Order were required to offer 80 percent of their pack up for purchase by the Food Distribution Administration. The following 1943-44 pack season, 55 percent was required to be set aside. It was "certain where ever our armed forces may be guarding the sea lanes, the sky ways, or crashing the enemy lines California sardines are playing an important role in helping to furnish the food that keeps our fighting men fit." The American Can Company was a major participator in the canning operations of California. As demand grew, sardine pack shortages threatened to cripple the fish canning industry, and lead to a decrease in output and profits.

**1950s-1960s:** In May 1953, the American Can Company plant in Pacific Grove ceased operations. Shortly thereafter, in early 1954, the National Automotive Fibre, Inc. (NAFI) of Detroit offered \$185,000 for the property, and the facility was converted to the production of components for automobile interiors. Privately owned photographs from 1957 show the interior of the American Can Company complex and the equipment used to create the leather and cloth upholstery panels for automobiles. The photos also show women working the rows of sewing machines. When NAFI expanded and required additional space, they moved part of their operation into the San Carlos Cannery building on Cannery Row. In 1954-55 a full-width, one-story, shed roofed loading dock along the southwest elevation of the Building 2 was removed. This is also when a square, concrete, two-story addition was added to the southwest corner of Building 1. NAFI continued to manufacture products at the subject property through the 1960s.

**1970s:** The American Can Company building stood vacant when NAFI ceased operations 1971. In 1972, Minnetonka Laboratories converted Building 1 into retail space and Buildings 2 and 3 into production and wholesale distribution/warehouse facilities for toiletry products, and a pedestrian skybridge connecting the customer parking lot to Building 1 was constructed. Following the departure of Minnetonka Laboratories in 1976, Foursome Development Corporation converted the buildings to retail use. An elevated pedestrian promenade was added along the northeast perimeter to access the shops

and restaurants. Building 3 was leased by Del Monte Properties for administrative offices. The customer parking lot was constructed in the mid-1970s.

**1980s:** In 1981, Burlwood Products began using part of Building 1. A covered concrete entry, midway along the façade of Building 1, was added in the 1980s, in a design consistent with the building's history as a factory. A stepped open concrete deck was added off the southeast façade of Building 0 to accommodate restaurant use (Archie's American Diner) in about 1983. Rear doors were also added for access to the adjacent retail space.

Remodeling of the shopping complex was conducted in 1987. The New Jersey-based Chelsea Group entered a 35-year lease with Foursome Development. Planning to spend \$3 million in the conversion, Chelsea Group adapted the buildings into a mall of factory outlet stores and renamed the complex the American Tin Cannery in 1988 in deference to its original use as the American Can Company. At the time, the outlet center was "one of the first in Northern California."

**1990s:** The American Tin Cannery continued to operate through the 1990s with minimal exterior alterations. By 1991, the light beige on Building 1 had faded and a new coat of terra cotta paint, with green and gray trim and some gold was added.

**2000s:** In 2002, the top portion of the concrete smokestack southeast of Building 1 was removed due to safety concerns. As with the three metal smokestacks at Building 2, the concrete smokestack is not functional and is now a decorative feature only.

**2010s:** The property has continued to function as a retail outlet mall in recent years, with a mix of tenants and generally low occupancy. Between 2015 and 2020, hotel projects have been proposed for the property consistent with the land uses envisioned by the City's updated Local Coastal Program.

### Architectural Description of Structures at the ATC Project Site

The complex at 109/125 Ocean View Boulevard is located on the southwest side of Ocean View Boulevard, between Dewey Avenue and Eardley Avenue. Sloat Avenue runs along the southwest facade of the complex. The primary, northeast facing facade looks onto Ocean View Boulevard and the secondary facades look onto neighboring buildings and parking lots. Situated on a westward sloping parcel, four adjacent buildings collectively form the ATC complex. They are identified chronologically as Building 0, Building 1, Building 2, and Building 3. Building 0 was the first to be constructed in 1927; Buildings 1 and 2 followed in 1927-1928; Building 3 was added in 1958-1959. Facades are oriented northeast, northwest, southwest, and southeast, and are identified as such throughout this section of the EIR. The entire complex sits on a concrete foundation.

Building 0 houses **Archie's American Diner** and is located at the southeast corner of the site. Building 0 is a one-story, stucco clad building with a steeply pitched hipped roof clad in asphalt shingles with shallow eaves. The primary exterior entrance to Archie's American Diner is located on the southeast façade. The southeast facade includes, from left to right (south to north): paired single-hung (eight-lite) windows; a projecting mass with two southeast facing windows and one northeast facing partially glazed nine-lite door; three paired single-hung eight-lite windows that have been painted over; a large paired casement window, each casement has six lites, topped with a four-lite transom; five single-hung paired eight-lite windows; and a partially glazed nine-lite door flanked by eight-lite windows and topped

with a single pane transom. A wood lintel above the primary entrance to Building 0 is engraved with the name of the original tenant, “American Can Company”.

Building 1 (**Factory**) is a rectangular reinforced concrete building with a distinctive sawtooth roof and continuous (northeast-facing) clerestory windows. The primary (northeast) façade features an elevated concrete storefront promenade stretching the length of the building. The primary entry to Building 1 is located at the center of the northeast façade and is flanked by five non-original storefront awnings on either side. Art-Moderne style chevron capped concrete pilasters define the entry and the storefront bays. Typical storefronts feature original full height, steel framed warehouse windows set above a concrete sill. Several of the storefronts have been boarded up or altered with non-original windows and doors.

Building 2 (**Warehouse**) is a two-story, rectangular reinforced concrete and brick building clad in corrugated metal panels. The roof is flat and covered with tar and gravel. The primary (northeast) façade is ten bays wide and features storefront entries and industrial multi-lite steel sash windows at the first story. The second story features ten industrial multi-lite steel sash windows. Each window bay includes four four-lite pivot sashes. Three exterior stairways set parallel to the primary façade provide access to the second story. Like Building 1, an elevated concrete promenade extends the length of the primary façade of Building 2.

Building 3, the **NAFI Addition**, is located at the northwest corner of the site, abuts Building 2, and faces a concrete parking area. The reinforced concrete building is two stories in height and roughly square in plan with a flat roof covered in tar and gravel. The primary (northeast) façade of Building 3 is recessed approximately 55 feet behind Building 2 and is organized in five bays. The first story consists of an entry at the left (south) and three non-original fixed full height windows. Two of the first story windows have metal awnings above and all three were originally truck loading bays. The elevated concrete promenade at Building 2 extends along the southernmost (left) two-and-a-half bays of Building 3’s primary façade. The second story features one original multi-lite steel-sash industrial window with a six-lite pivot sash at the south (left) end. The four other second-story window bays have been partially infilled and include smaller non-original aluminum windows with fixed and sliding panes. Two non-original vertically oriented aluminum windows have also been inserted at the second story.

The interior storefronts of the complex feature a variety of styles with mixed materials. The outlet space generally consists of a large double height central corridor with skylights and windows to let in light. The material structure of the buildings has been left exposed, specifically, the concrete and glass sawtooth roof and the concrete and metal support beams.

The 124 Central Avenue property includes a one-story Midcentury Modern building (Di Maggio’s Classic Cleaners) and surface parking lot. Only the parking area of this parcel is proposed to be used by the project.

Photographs of the existing structures are shown in [Figure 8-1A](#) and [Figure 8-1B: Existing Structure Appearance](#).





Source: Page & Turnbull, 2019

**Figure 8-1A: Existing Structure Appearance**  
American Tin Cannery Hotel and Commercial Project  
Draft EIR

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Source: Page & Turnbull, 2019

**Figure 8-1B: Existing Structure Appearance**  
American Tin Cannery Hotel and Commercial Project  
Draft EIR

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## Existing Historic Status

### National Register of Historic Places

The National Register of Historic Places (National Register) is the nation's most comprehensive inventory of historic resources. The National Register is administered by the National Park Service and includes buildings, structures, sites, objects, and districts that possess historic, architectural, engineering, archaeological, or cultural significance at the national, state, or local level.

The American Tin Cannery is not listed in the National Register of Historic Places.

### California Register of Historical Resources

The California Register of Historical Resources (California Register) is an inventory of significant architectural, archaeological, and historical resources in the State of California. Resources can be listed in the California Register through a number of methods. State Historical Landmarks and National Register-listed properties are automatically listed in the California Register. Properties can also be nominated to the California Register by local governments, private organizations, or citizens. The evaluative criteria used by the California Register for determining eligibility are closely based on those developed by the National Park Service for the National Register of Historic Places.

The American Tin Cannery is not listed in the California Register of Historical Resources.

### California Historical Resource Status Code

Properties listed or under review by the State of California Office of Historic Preservation are assigned a California Historical Resource Status Code (CHRS Code) of "1" to "7" to establish their historical significance in relation to the National Register or California Register. Properties with a Status Code of "1" or "2" are either eligible for listing in the California Register or the National Register, or are already listed in one or both of the registers. Properties assigned Status Codes of "3" or "4" appear to be eligible for listing in either register, but normally require more research to support this rating. Properties assigned a Status Code of "5" have typically been determined to be locally significant or to have contextual importance. Properties with a Status Code of "6" are not eligible for listing in either register. Finally, a Status Code of "7" means that the resource has not been evaluated for the National Register or the California Register, or needs reevaluation.

The American Tin Cannery has not been formally submitted to the California Office of Historic Preservation; it is not listed in the California Historical Resource Information System's database (most updated version from 2012) with a CHRS Code.

### City of Pacific Grove Historic Resources Inventory

The American Tin Cannery building is not currently listed on the Pacific Grove HRI. While there has been debate locally regarding the building's local eligibility based on the City's criteria, the building is not included in the inventory.



## 8.4.2 Prehistoric and Ethnographic Setting

### Prehistoric Periods

The project area lies within the territory prehistorically occupied by the Costanoan or Ohlone people. Costanoan refers to eight separate language groups situated roughly from modern-day Richmond in the north to Big Sur in the south. The Rumsen tribelet occupied the Monterey area. Of the Rumsen-speaking groups, Milliken and Johnson (2010) identify four local groups in the area, of which, the *Calenda Ruc* inhabited the project vicinity.

Glimpses into the ways of life for prehistoric Californians continue to be pieced together through studies of ethnography and archaeology. Early European explorers from the 16th and 18th centuries provided the first written descriptions about the native Californians they encountered, although details are sparse. Attempts at systematic ethnographies did not occur until the early 20th century, generations after the effects of missionization and integration had altered Costanoan/Ohlone lifestyles drastically. Much of these studies focused on recording Native languages before they fell into disuse. Information from the archaeological record continues to fill in the gaps of prehistoric lifeways. Archaeologists extrapolate trends in tool use, trade, diet and migration from studies on archaeological sites. Costanoan/Ohlone descendants are often invited to participate in decisions about their ancestral sites as well as educate others about their traditional lifeways.

Information from the archaeological record continues to fill in the gaps of our understanding of prehistoric lifeways. Prehistoric research in the Monterey Bay dates back to the early 1900s, although the bulk of archaeological excavations date to the 1960s and later. Based on a large body of research for the prehistoric era of greater Central California coast, prehistory spans a period of approximately 10,000–12,000 years, and divides into six different periods. Researchers distinguish these periods by perceived changes in prehistoric settlement patterns, subsistence practices, and technological advances. (Dudek, 2018). These periods are shown in **Table 8-1: California Central Coast Chronology** below:

**Table 8-1: California Central Coast Chronology**

Temporal Period	Date Range
Paleo-Indian	Pre-8000 cal BC
Millingstone (or Early Archaic)	8000 to 3500 cal BC
Early	3500 to 600 cal BC
Middle	600 cal BC to cal AD 1000
Middle-Late Transition	cal AD 1000-1250
Late	Cal AD to 1250-1769
Source: Jones et al. (2007) via Dudek (2018)	

The updated records search (FirstCarbon Solutions 2018) revealed that 21 resources have been recorded within 0.5 miles of the project site, none of which are located within the project site boundaries (**Table 8-2: Cultural Resources within 0.5 Mile of the ATC Hotel Project Area**). Of these resources, 14 are prehistoric and the remaining seven date to the historic-era.

**Table 8-2: Cultural Resources within 0.5 Mile of the ATC Hotel Project Area**

Resource No.	Resource Description	Date Recorded
P-27-00238	Prehistoric Site CA-MNT-000103/H: AH04 (Privies/dumps/trash scatters); AP05 (Petroglyphs); AP09 (Burials); AP15 (Habitation debris)	1949, 1981
P-27-00239	Prehistoric Site CA-MNT-000104: AP04 (Bedrock milling feature); AP15 (Habitation debris)	1949, 1949, 1984
P-27-0240	Prehistoric Site CA-MNT-000105: AP15 (Habitation debris)	1949
P-27-00241	Prehistoric Site CA-MNT-000106: AP15 (Habitation debris)	1949
P-27-00242	Prehistoric Site CA-MNT-000107: AP02 (Lithic scatter); AP15 (Habitation debris)	1949
P-27-00244	Prehistoric Site CA-MNT-000109: AP09 (Burials); AP15 (Habitation debris)	1947
P-27-00481	Prehistoric Site CA-MNT-000387: AP09 (Burials); AP15 (Habitation debris)	1973
P-27-00482	Prehistoric Site CA-MNT-000388: AP15 (Habitation debris)	1973
P-27-00483	Prehistoric Site CA-MNT-000389: AP15 (Habitation debris)	1973
P-27-00484	Prehistoric Site CA-MNT-000390: AP02 (Lithic scatter)	1973
P-27-00485	Prehistoric Site CA-MNT-000391: AP09 (Burials); AP15 (Habitation debris)	1973
P-27-01054	Historic Site CA-MNT-000998H: AH04 (Privies/dumps/trash scatters)	1980, 1984, 1986
P-27-01073	Historic Site CA-MNT-001017H: AH11 (Walls/fences); AH15 (Standing structures)	1980
P-27-01859	Prehistoric Site CA-MNT-000662: AP15 (Habitation debris)	1980, 1981, 1976, 2008
P-27-02360	Prehistoric Site CA-MNT-002043: AP15 (Habitation debris)	2000
P-27-02663	Historic Building “Quock Mui’s House”: HP02 (Single family property); HP36 (Ethnic minority property)	2003
P-27-02752	Historic Building CA-MNT-002187: AP04 (Bedrock milling feature); AP15 (Habitation debris)	2003
P-27-02823	Historic Building “St. Mark Coptic Orthodox Church” HP16 (Religious building)	2005
P-27-02905	Historic Building “First Baptist Church of Monterey” HP16 (Religious building)—Church	2008
P-27-02911	Historic Building “Marine History Museum and Aquarium” HP08 (Industrial building); HP39 (Other)	2008
P-27-03587	Prehistoric Site CA-MNT-002426: AP02 (Lithic scatter); AP15 (Habitation debris)	2016
Source: FirstCarbon Solutions, 2018.		

Of the 21 recorded resources within the search radius identified, five: P-23-002360, P-27-000239, P-27-001054, P-27-002911, and P-27-003587, are located within close proximity (within 500 feet) of the

project site and warrant additional attention. Local prehistoric sites can be complex and, based on recorded findings, may consist of midden, shell fragments, fire-altered rock, ceramic fragments, fish bone and scales, wood fragments, glass bottle fragments, old building materials, stoneware, flaked chert and related artifacts. The exact location and detailed composition of nearby prehistoric resources and sites are considered culturally sensitive and held as confidential by the City.

## 8.5 Applicable Regulations, Plans, and Standards

### 8.5.1 Federal

#### National Register of Historic Places Eligibility

The National Historic Preservation Act of 1966 (as amended through 2000) authorizes the National Register of Historic Places (NRHP), a program for the preservation of historic properties (“cultural resources”) throughout the Nation. The eligibility of a resource for NRHP listing is determined by evaluating the resource using criteria defined in 36 CFR 60.4 as follows:

The quality of significance in American history, architecture, archaeology, and culture is present in districts, sites, buildings, structures, and objects of state and local importance that possess integrity of location, design, setting, materials, workmanship, feeling, association, and:

- That are associated with events that have made a significant contribution to the broad patterns of our history;
- That are associated with the lives of persons significant in our past;
- That embody the distinctive characteristics of a type, period, or method of construction;
- That represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or,
- That have yielded, or may be likely to yield, information important to prehistory or history.

Unless a site is of exceptional importance, it is not eligible for listing in the NRHP until 50 years after it was constructed.

All properties change over time. Therefore, it is not necessary for a property to retain all its historic physical features or characteristics in order to be eligible for listing on the NRHP. The property must, however, retain enough integrity to enable it to convey its historic identity; in other words, to be recognizable to a historical contemporary. The National Register recognizes seven aspects or qualities that, in various combinations, define integrity:

- Location – the place where the historic property was constructed or the place where the historic event occurred.
- Design – the combination of elements that create the form, plan, space, structure, and style of a property.
- Setting – the physical environment of a historic property.
- Materials – the physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form a historic property.

- Workmanship – the physical evidence of the crafts of a particular culture or people during any given period in history or prehistory.
- Feeling – a property’s expression of the aesthetic or historic sense of a particular period of time.
- Association – the direct link between an important historic event or person and a historic property (National Park Service, 1990).

To retain historic integrity a property will always possess several, and usually most, of these aspects. In order to properly assess integrity, however, significance (why, where, and when a property is important) must first be fully established. Therefore, the issues of significance and integrity must always be considered together when evaluating a historic property.

## 8.5.2 State

### CEQA, Archaeological Resources

CEQA and the CEQA Guidelines contain specific standards for determining the significance of impacts to archaeological sites (PRC §21083.2; 14 CCR §15064.5(c)). If the lead agency determines that the project may have a significant effect on unique archaeological resources, the EIR must address those archaeological resources (PRC §21083.2(a)). A “unique archaeological resource” is defined as an “archaeological artifact, object, or site” that, without merely adding to the current body of knowledge:

- Contains information needed to answer important scientific research questions and in which there is a demonstrable public interest;
- Has a special or particular quality such as being the oldest of its type or the best available example of its type; or
- Is directly associated with a scientifically recognized important prehistoric or historic event or person. (PRC §21083.2(g)).

Under CEQA, significant impacts on non-unique archaeological resources need not be addressed in an EIR. (PRC §21083.2(a), (h)).

The limitations in PRC §21083.2 relating to unique archaeological resources do not apply to archaeological sites that qualify as “historical resources.” (PRC §21083.2(l)). If a lead agency finds that an archaeological site is a historical resource, impact assessment is governed by PRC §21084.1, which provides standards for identification of historical resources (14 CCR §15064.5(c)(2). See §§13.58, 20.94-20.98). The CEQA Guidelines also provide that public agencies should seek to avoid effects that could damage a “historical resource of an archaeological nature” when it is feasible to do so (14 CCR §15126.4(b)(3)).

### Native American Historic Resource Protection Act; Archaeological, Paleontological, and Historical Sites; Native American Historical, Cultural, and Sacred Sites (Pub. Res. Code § 5097-5097.994)

Public Resources Code Section 5097 specifies the procedures to be followed in the event of the unexpected discovery of Native American human remains on non-federal public lands. California Public Resources Code Section 5097.9 states that no public agency or private party on public property shall “interfere with the free expression or exercise of Native American Religion.” The Code further states that:

“No such agency or party [shall] cause severe or irreparable damage to any Native American sanctified cemetery, place of worship, religious or ceremonial site, or sacred shrine...except on a clear and convincing showing that the public interest and necessity so require.”

### Human Remains

Section 7050.5 of the California Health and Safety Code states that in the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the find or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the remains are discovered has determined whether or not the remains are subject to the coroner’s authority. If the human remains are of Native American origin, the coroner must notify the Native American Heritage Commission within 24 hours of this identification. The Native American Heritage Commission will identify a Native American Most Likely Descendant (MLD) to inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods.

### CEQA, Historic Resources

CEQA and the CEQA Guidelines contain specific standards for determining the significance of impacts on “historical resources” (PRC §21084.1, 14 CCR §15064.5). A resource listed in the California Register of Historical Resources, or determined by the State Historical Resources Commission to be eligible for listing in the Register, must be treated as an “historical resource” for purposes of CEQA. PRC §21084.1; 14 CCR §15064.5(a)(1). A resource designated as historically significant in a local register of historical resources, or identified as significant in an approved historical resources survey, is presumed to be significant. The presumption of significance may be overcome if the agency concludes, based on a preponderance of the evidence, that the site is not historically or culturally significant (PRC §21084.1; 14 CCR §15064.5(a)(2)).

A lead agency may also find that a site that does not meet any of these criteria should be treated as a historical resource under CEQA (PRC §21084.1; 14 CCR §15064.5(a)(4)). A lead agency may find that “any object, building, structure, site, area, place, record, or manuscript” is historically significant or significant in the “cultural annals of California” provided that its determination is “supported by substantial evidence in light of the whole record” (14 CCR §15064.5(a)(3)). The guidelines also note that a resource ordinarily should be considered historically significant if it meets the criteria for listing on the California Register of Historical Resources (14 CCR §15064.5(a)(3)).

### California Register of Historical Resources

In order to be determined eligible for listing in the California Register of Historical Resources (CRHR), a property must be significant at the local, State, or national level under one or more of the following four criteria as defined in Public Resources Code 5024.1 and CEQA Guideline 15064.5(a).

- It is associated with events or patterns of events that have made a significant contribution to the broad patterns of the history and cultural heritage of California and the United States.
- It is associated with the lives of persons important to the nation or to California’s past.
- It embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values.



- It has yielded, or may be likely to yield, information important to the prehistory or history of the state and the nation.

In addition to meeting one or more of the above criteria, a significant property must also retain integrity. Properties eligible for listing in the CRHR must retain enough of their historic character to convey the reason(s) for their significance. Integrity is judged in relation to location, design, setting, materials, workmanship, feeling, and association.

CEQA defines a substantial adverse change in the significance of a historical resource as a significant effect on the environment (PRC §21084.1; 14 CCR §15064.5(b)). A substantial adverse change means demolition, destruction, relocation, or alteration of the resource or its immediate surroundings resulting in the significance of the resource being materially impaired (14 CCR §15064.5(b)(1)). The significance of a resource is materially impaired when the physical characteristics that convey its historical significance and that justify its designation as a historical resource are demolished or materially altered in an adverse manner (14 CCR §15064.5(b)(2)). Construction of a project in the vicinity of historical structures that does not damage or materially alter any of them is not a substantial adverse change in the significance of a historical resource. *Eureka Citizens for Responsible Gov't v City of Eureka* (2007) 147 CA4th 357, 375.

### California Historical Building Code, California Code of Regulations, Title 24, Part 8

The California Historical Building Code, defined in Sections 18950 to 18961 of Division 13, Part 2.7 of the Health and Safety Code, provides regulations and standards for the rehabilitation, preservation, restoration (including related reconstruction) or relocation of historical buildings or structures deemed by any level of government as having importance to the history, architecture, or culture of an area.

### 8.5.3 Local

#### City of Pacific Grove General Plan

Project relevant general plan policies for cultural and historical resources are addressed in this section. Where inconsistencies exist, if any, they are addressed in the respective impact analysis below. Relevant General Plan Policies that directly address reducing and avoiding cultural, historical, and archeological resources impacts include the following:

**Goal 1:** Provide for the identification, protection, preservation, and restoration of Pacific Grove's heritage of Victorian and other late 19<sup>th</sup> century and early 20<sup>th</sup> century historically and architecturally significant resources.

- Policy 1: Maintain an up-to-date official list of historic and architectural resources in the City.
- Policy 2: Regulate demolition of buildings of architectural or historical importance.
- Policy 3: Ensure that listed landmarks and cultural resources identified by ordinance are not demolished without notice and hearing.

**Goal 4:** Protect Pacific Grove's archeological resources.

- Policy 20: Support the enforcement of existing State and federal laws pertaining to pilfering of archeological sites.
- Policy 21: Ensure the protection and preservation of artifacts in those areas already identified as containing archeological remains.

- Policy 22: Work with the California Archeological Inventory to develop information that will allow the prediction of additional sites likely to contain archeological remains.
- Policy 23: Refer development proposals that may adversely affect archeological sites to the California Archeological Inventory.

### City of Pacific Grove Local Coastal Program

Section 3.3 of the City's 2020 LCP summarizes cultural resource information in the context of the Coastal Zone, identifies other General Plan and applicable policies and establishes policies to guide the city on the treatment and assessment of cultural resources for projects occurring in the Coastal Zone. These policies generally address tribal consultation, avoidance of impacts, requirements for archaeological studies, and the vulnerability of cultural sites to coastal hazards such as climate change and sea level rise. The LCP also provides guidance for the assessment and treatment of historic resources within the Coastal Zone, including specific resources such as the Pacific Grove Retreat and the Julia Morgan structures at the Asilomar Conference Grounds.

The LCP policies largely follow existing local, federal and State requirements addressing cultural resources, including tribal consultation requirements, treatment of archaeological resources discovered during construction, design review, and consistency with the Secretary of the Interior's standards for alterations to historic properties.

### City of Pacific Grove Historic Resources Inventory

The eligibility criteria for local listing in the City's Historic Resources Inventory (HRI) are similar to the California Register criteria described above. The local eligibility criteria outlined in the City's Historic Preservation Ordinance (Municipal Code §23.76.025). The criteria is detailed within Section 8.6, Environmental Impacts and Mitigation Measures, below.

## 8.6 Environmental Impacts and Mitigation Measures

### 8.6.1 Significance Criteria

The following significance criteria for cultural resources were derived from the Environmental Checklist in CEQA Guidelines Appendix G. These significance criteria have been amended or supplemented, as appropriate, to address lead agency requirements and the full range of potential impacts related to this project.

An impact of the project would be considered significant and would require mitigation if it would meet one of the following criteria.

- Cause a substantial adverse change in the significance of a historic resource pursuant to CEQA Guidelines 15064.5.
- Cause a substantial adverse change in the significance of an archaeological resource (CEQA Guideline 15064.5).
- Disturb any human remains, including those interred outside of formal cemeteries.

To the extent any cultural resource is identified as relevant to the analysis, its significance as a cultural resource deposit and subsequently the significance of any impact is determined, in part, by whether or not that deposit can increase our knowledge of the past. Key determining factors, among others, are site

content and degree of preservation. A finding of archaeological significance follows the criteria established in the CEQA *Guidelines*.

Section 15064.5 of the CEQA *Guidelines* define four ways that a property can qualify as a significant historical resource for purposes of CEQA compliance:

- A resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources (Pub. Res. Code §5024.1, Title 14 CCR, Section 4850 et seq.).
- A resource included in a local register of historical resources, as defined in section 5020.1(k) of the Public Resources Code or identified as significant in an historical resource survey meeting the requirements section 5024.1(g) of the Public Resources Code, shall be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.
- Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered to be an historical resource, provided the lead agency's determination is supported by substantial evidence in light of the whole record. Generally, a resource shall be considered by the lead agency to be "historically significant" if the resource meets the criteria for listing on the California Register of Historical Resources (Pub. Res. Code §5024.1, Title 14 CCR, Section 4852) including the following:
  - Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
  - Is associated with the lives of persons important in our past;
  - Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
  - Has yielded, or may be likely to yield, information important in prehistory or history.
- The fact that a resource is not listed in, or determined to be eligible for listing in the California Register of Historical Resources, not included in a local register of historical resources (pursuant to section 5020.1(k) of the Public Resources Code), or identified in an historical resources survey (meeting the criteria in section 5024.1(g) of the Public Resources Code) does not preclude a lead agency from determining that the resource may be an historical resource as defined in Public Resources Code sections 5020.1(j) or 5024.1.

Historical resources are "significantly" affected if there is demolition, destruction, relocation, or alteration of the resource or its surroundings. Preservation in place is typically viewed as the preferred form of mitigation for a "historical resource of an archaeological nature" as it retains the relationship between artifact and context, and may avoid conflicts with groups associated with the site [PRC 15126.4 (b)(3)(A)]. In general, historical resources of an archaeological nature and "unique archaeological resources" typically can be mitigated to below a level of significance by:

- Relocating construction areas such that the site is avoided;

- Incorporation of sites within parks, greenspace, or other open space;
- “Capping” or covering the site with a layer of chemically stable soil before building; or
- Deeding the site into a permanent conservation easement. [PRC 15126.4 (b)(3)(B)]

If an archaeological resource does not meet either the historical resource or the more specific “unique archaeological resource” definition, impacts to such a resource would not be considered significant for purposes of CEQA and therefore would not require mitigation under CEQA [13 PRC 15064.5 (e)]. Where the significance of a site is unknown, it may be presumed to be significant for the purpose of the EIR investigation with appropriate mitigation identified.

### 8.6.2 Impact Assessment Methodology

For cultural resources, impact assessment is based on a comparison of known resource locations with the placement of ground disturbing project activities that have the potential to remove, relocate, damage, or destroy the physical evidence of past cultural activities. If such ground disturbance overlaps recorded site locations, then a direct impact may occur. Historical buildings and structures may be directly impacted if the nearby setting and context is modified substantially, even if the building or structure itself is not physically affected. Indirect impacts may occur if activities occur near, but not directly on, known cultural resources.

### 8.6.3 Summary of No and/or Beneficial Impacts

Not applicable. While the project proposes to preserve portions of potentially historic structures, the project would potentially have adverse effects based on the thresholds of significance.

### 8.6.4 Impacts of the Project

**Impact CR-1:** The project would result in a substantial adverse change in the significance of a historical resource as defined by the significance criteria established by CEQA. As proposed, project impacts are considered **significant and unavoidable**.

#### Construction and Operation

The project would demolish and remove Building 2 (warehouse) and demolish a portion Building 1 (Factory) as part of the project’s repurposing. Both buildings were determined in the historic resource evaluation to contribute to the American Tin Cannery, a qualified historic resource. The project would materially alter the physical characteristics of the historic resource in an adverse manner such that the resource would no longer be eligible for inclusion in the California Register of Historic Resources or the Pacific Grove Historic Resources Inventory.

Demolition is often considered to be a significant adverse impact, since it could materially alter or eliminate those physical characteristics of a historic resource that convey its historical significance. In this case, one of the three buildings that contribute to the American Tin Cannery historic resource will be demolished, and one will be partially demolished. The section of Building 1 that is proposed for demolition is a central portion of the building at the primary façade, which will materially alter the design, form, and composition of the building, and result in the loss of characteristic materials, features and finishes. As a result of the demolition of Building 2 and partial demolition of Building 1, the American Tin Cannery will no longer retain sufficient historic integrity to convey its significance and will

no longer be eligible for listing in the California Register of Historical Resources or the Pacific Grove Historic Resources Inventory.

Thus, as proposed, the American Tin Cannery Hotel and Commercial project will create a significant and unavoidable impact on the historic resource as currently proposed. The evaluation and basis for this conclusion is detailed further below.

### California Register of Historical Resources Analysis

In order for a property to be eligible for listing in the California Register, it must be found significant under one or more of the following criteria.

- *Criterion 1 (Events)*: Resources that are associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States.
- *Criterion 2 (Persons)*: Resources that are associated with the lives of persons important to local, California, or national history.
- *Criterion 3 (Architecture)*: Resources that embody the distinctive characteristics of a type, period, region, or method of construction, or represent the work of a master, or possess high artistic values.
- *Criterion 4 (Information Potential)*: Resources or sites that have yielded or have the potential to yield information important to the prehistory or history of the local area, California, or the nation.

The following information examines the eligibility of the American Tin Cannery for individual listing in the California Register:

#### Criterion 1 (Events)

The American Tin Cannery does appear individually significant under Criterion 1 (Events) as a property that is individually associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States. The American Tin Cannery, originally known as the American Can Company, directly contributed to the development of the Monterey Peninsula fish canning industry. Between 1927 and 1954, the complex served as the sole producer of the famous Monterey one-pound oval sardine can. The plant's physical location in proximity to the industry, its use of modern methods of production, and its ability to efficiently produce the product, assured a competitive edge for the Monterey sardine fishery against its southern California competitors. The growth of the industry and the success of the American Can Company was directly tied with industrial development during the City's 1927-1945 period of development, as identified in the *Pacific Grove Historic Context Statement* (2011).

The American Tin Cannery was also responsible for the 1928 connection of Monterey's Wave Street to Pacific Grove's Ocean View Avenue. This provided both a commercial thoroughfare and opened up the picturesque shoreline of the Monterey Peninsula, encouraging the emerging tourist trade.

Therefore, the American Tin Cannery appears to be individually eligible for listing under Criterion 1.



The period of significance for the American Tin Cannery under Criterion 1 (Events) is 1927-1954, which represents the year of construction of the original complex to the year when the American Can Company closed and was sold to NAFI. Buildings 0, 1, and 2 contribute to this period of significance, while Building 3 post-dates the period and does not contribute to the complex's significance.

### Criterion 2 (Persons)

The American Tin Cannery does not appear to be individually significant under Criterion 2 (Persons) for an association with the lives of persons important to local, state, or national history. The complex has supported various industries and a multitude of tenants over the years. It does not appear that the potential significance of these industries can be tied to individual persons. None of the various owners or occupants of the subject building had a large impact on Pacific Grove, California, or United States history to the extent that the subject complex would be considered individually eligible for listing in the California Register under Criterion 2.

### Criterion 3 (Architecture)

The American Tin Cannery does not appear to be individually eligible for listing in the California Register under Criterion 3 (Architecture). The ATC complex, originally constructed in 1927 to 1928, features four connected buildings with various styles: Building 0 is a vernacular hipped roof building with a more residential character; Building 1 is an industrial sawtooth roof factory building with limited Art Moderne detailing; Building 2 is an industrial corrugated metal-clad warehouse with no decorative or ornamental features; and Building 3 is an addition constructed in the late 1950s with no discernable architectural style. While Building 1 has Art Moderne style chevron capped concrete pilasters, it is not a full expression of Art Moderne as it does not have any other distinctive decorative features associated with the style. The ATC's significance as an industrial complex is better represented under Criterion 1 (Events) for association with the industrial development of Pacific Grove and the canning industry. The original design of the ATC complex has not been attributed to any specific architect, and therefore cannot be said to be the work of a master architect, and the industrial complex with its limited decorative features does not possess high artistic value.

Therefore, the ATC complex does not appear to be individually eligible for listing in the California Register under Criterion 3.

### Criterion 4 (Information Potential)

The "potential to yield information important to the prehistory or history of California" typically relates to archeological resources, rather than built resources. While California Register Criterion 4 (Information Potential) does relate to built resources, it is relevant for cases when the building itself is the principal source of important construction-related information. While the historic resource assessment did not provide a detailed analysis of the structure under this criterion, the construction of these industrial buildings was common for the period and not likely to yield important construction-related information.

### **Pacific Grove Historic Resources Inventory Analysis**

The eligibility criteria for local listing in the City's Historic Resources Inventory (HRI) are similar to the California Register criteria described above. The local eligibility criteria outlined in the City's Historic Preservation Ordinance (Municipal Code §23.76.025) are as follows:

- a. Whether the structure has significant character, interest or value as part of the development, heritage or cultural characteristics of the City, the state of California, or the United States;
- b. Whether it is the site of a significant historic event;
- c. Whether it is strongly identified with a person who, or an organization which, significantly contributed to the culture, history or development of the City;
- d. Whether it is a particularly good example of a period or style;
- e. Whether it is one of the few remaining examples in the City possessing distinguishing characteristics of an architectural type or specimen;
- f. Whether it is a notable work of an architect or master builder whose individual work has significantly influenced the development of the City;
- g. Whether it embodies elements of architectural design, detail, materials or craftsmanship that represent a significant architectural innovation;
- h. Whether it has a unique location or singular physical characteristics representing an established and familiar visual feature of a neighborhood, community, or of the City;
- i. Whether it retains the integrity of the original design

The American Tin Cannery complex (originally known as the American Can Company) does appear to be eligible for the Pacific Grove Historic Resources Inventory under local eligibility criteria A, C, E, H, and I. The ATC is significant for its association with the industrial development of Pacific Grove and direct contributions to the rise of the Monterey Peninsula fish canning industry (Criterion A). The ATC was also a notable organization in Pacific Grove as the sole producer of the famous Monterey one-pound oval sardine can (Criterion C). The ATC complex represents a rather rare property type—the industrial factory and warehouse—in Pacific Grove, and Building 1 is the only example of an industrial building with Art Moderne style details in Pacific Grove (Criterion E). Although at the very southern edge of Pacific Grove, the ATC is prominently located adjacent the Monterey Bay Aquarium, along the highly trafficked Ocean View Boulevard and Monterey Bay Coastal Trail, between Point Cabrillo and Point Alones; as such, the ATC complex has a unique location and is a familiar visual feature in Pacific Grove (Criterion H). The ATC complex retains overall integrity as defined by City’s Historic Preservation Ordinance (Municipal Code §23.76.020), discussed in greater detail below.

### Character Defining Features and Integrity Analysis

In order qualify for listing in any local, state, or national historic register, a property or landscape must possess significance under at least one evaluative criterion as described above, contain the essential physical features (character-defining features) that convey its history, and retain integrity. Integrity is defined by the California Office of Historic Preservation as “the authenticity of an historical resource’s physical identity by the survival of certain characteristics that existing during the resource’s period of significance,” or more simply defined as “the ability of a property to convey its significance.”

The City’s Historic Preservation Ordinance (Municipal Code §23.76.020) definition of historic integrity is closely based on the National Park Service and California Office of Historic Preservation definitions, and states that “‘Integrity’ means the authenticity of a property’s historic identity, evidenced by the survival of physical characteristics that existed during the property’s historic period including location, design, setting, materials, workmanship, feeling and association.”

In order to evaluate whether the American Tin Cannery retains sufficient integrity to convey its historic significance, Page & Turnbull used established integrity standards outlined by the *National Register Bulletin: How to Apply the National Register Criteria for Evaluation*. Seven variables, or aspects, that define integrity are used to evaluate a resource's integrity—location, setting, design, materials, workmanship, feeling, and association. A property must be sufficiently intact under most or all of these aspects in order to retain overall integrity. If a property does not retain integrity, it can no longer convey its significance and is therefore not eligible for listing in local, state, or national registers.

There are seven aspects that define integrity. The following provides an evaluation of the project under each aspect of integrity:

**Location:** The ATC retains integrity of location because the buildings have not been moved and are still situated on their original lot along the southwest side of Ocean View Boulevard.

**Design:** The ATC retains partial integrity of design. Although the complex has experienced a number of exterior alterations, the overall design of the original three buildings remains legible and the original industrial use is apparent. In general, the original three buildings are rather modest in design, reflective of their utilitarian and industrial character, with the notable exception of the Art Moderne style chevron capped concrete pilasters on Building 1. The sawtooth roof of Building 1 is also a notable design feature which creates a dramatic building profile while serving the practical purpose of daylighting the large interior factory space. Exterior alterations to the ATC complex include the NAFI addition in the 1950s (Building 3); fenestration alterations (particularly at Building 1 doorways); the addition of elevated pedestrian promenades; the entry canopy addition at Building 1; addition of window awnings; addition of a terraced concrete patio outside Building 0; and the construction of the pedestrian skybridge to the adjacent customer parking lot. The hill at the rear of Buildings 1 and 2 has also been excavated and new lower level windows installed.

Despite these alterations, the massing, orientation, and most fenestration openings of Buildings 0, 1 and 2 have remained true to the original 1927 design. The addition of Building 3 in the 1950s does not sustainably detract from the design of the original three buildings as it is set back from the front façade of Building 2 and connected at a secondary (side) façade. Furthermore, the ATC retains its most prominent character-defining features: the overall form and massing of the complex, including the composition of three buildings; the sawtooth roof of Building 1 with uninterrupted clerestory windows; the industrial steel windows of Buildings 1 and 2; and the exterior cladding of all the buildings. A portion of the original concrete 85-foot smokestack remains, and three smaller metal smokestacks are intact, contributing to the industrial character of the complex. Some doors have been replaced and the fenestration altered, primarily around the doors at the primary façade of Building 1 and at the rear façade, but the overall fenestration pattern of the buildings remains intact.

Despite alterations, the character-defining features of the ATC complex are sufficiently intact to convey overall integrity of design.

**Setting:** The ATC does not retain integrity of setting because the surrounding area has been developed into a low-scale, urban mixture of commercial and residential buildings. The

construction of buildings and additions in the area after the 1920s detracts from property's historic industrial setting.

**Materials:** The ATC retains integrity of materials. With the exception of some storefront system alterations, the complex appears to have predominately retained original materials, including the wall cladding and roof materials, original wood and steel windows, sawtooth skylight clerestory windows, and decorative chevron pilaster detailing.

**Workmanship:** The ATC retains integrity of workmanship. Such utilitarian, industrial buildings from this early twentieth century period do not exhibit the elaborate ornamentation that is often associated with workmanship. However, the physical evidence of the craft and technology used in constructing the buildings in the 1920s are still evident through the retention of the original form, massing, and exterior materials.

**Feeling:** The ATC retains integrity of feeling. The complex, having retained the majority of its original character-defining features and original materials, still has the feeling of a factory and warehouse with industrial character. It has maintained an overall aesthetic and historic sense of the early-twentieth century.

**Association:** The ATC retains integrity of association. Although the complex is no longer in use as a canning operation, it still retains association due to the retention of integrity of location, design, materials, workmanship, and feeling.

The American Tin Cannery retains six out of seven aspects of integrity—location, design, materials, workmanship, and feeling—and thus retains integrity overall.

### Secretary of the Interior's Standards Analysis

*The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings* provides standards and guidance for reviewing proposed work on historic properties. The Standards for the Treatment of Historic Properties are used by federal agencies in evaluating work on historic properties. They have also been adopted by local government bodies across the country for reviewing proposed rehabilitation work on historic properties under local preservation ordinances. The Standards for the Treatment of Historic Properties are a useful analytic tool for understanding and describing the potential impacts of substantial changes to historic resources. Projects that comply with the Standards for the Treatment of Historic Properties benefit from a regulatory presumption that they would have a less-than-significant adverse impact on a historic resource.<sup>1</sup> Projects that *do not* comply with the Standards for the Treatment of Historic Properties may cause either a substantial or less-than-substantial adverse change in the significance of a historic resource.

The Secretary of the Interior offers four sets of standards to guide the treatment of historic properties: Preservation, Rehabilitation, Restoration, and Reconstruction. The four distinct treatments are defined as follows:

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<sup>1</sup> CEQA Guidelines subsection 15064.5(b)(3).

**Preservation:** The Standards for Preservation “require retention of the greatest amount of historic fabric, along with the building’s historic form, features, and detailing as they have evolved over time.”

**Rehabilitation:** The Standards for Rehabilitation “acknowledge the need to alter or add to a historic building to meet continuing or new uses while retaining the building’s historic character.”

**Restoration:** The Standards for Restoration “allow for the depiction of a building at a particular time in its history by preserving materials from the period of significance and removing materials from other periods.”

**Reconstruction:** The Standards for Reconstruction “establish a limited framework for recreating a vanished or non-surviving building with new materials, primarily for interpretive purposes.”

Typically, one set of standards is chosen for a project based on the project scope. In this case, the proposed project scope is seeking to change the use, alter, and add to a historic building complex. Therefore, the Standards for Rehabilitation are applied.

**Rehabilitation Standard 1:** *A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.*

*Discussion:* The American Tin Cannery complex was historically associated with an industrial use. In the 1970s, after the 1925-1954 period of significance, the complex was converted to a retail use. The proposed project includes a hotel and retail stores. The proposed project includes the complete demolition of Building 2 and demolition of a large central portion of Building 1 at the primary façade, which both contribute to the historic resource, resulting in removal of distinctive materials and features and alteration to the spatial relationships on the site that convey the historical use.

Due to the extensive alterations to the historic resource that are part of the proposed project and its new use, the proposed project is not in compliance with Rehabilitation Standard 1.

**Rehabilitation Standard 2:** *The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize the property will be avoided.*

*Discussion:* The proposed project would demolish Building 2 (a contributor to the historic ATC) and Building 3 (not a contributor), and would demolish a central portion of Building 1 (a contributor) at the primary façade to create a courtyard. It would also construct a new hotel and commercial complex that will span the north end of the historic parcel across a vacated portion of Sloat Avenue and include the two parking lot parcels (not historic) across the street. The remaining portion of the historic concrete smokestack south of Building 1 appears to be retained (based on the Demolition Plan in the “American Tin Cannery Hotel & Commercial Project Use Permit Resubmittal”). The historic character of the property would be negatively affected by the loss of Building 2 and a portion of Building 1 through the removal of distinctive features, materials, and spatial relationships. The overall form and massing of the historic complex, which is composed of Buildings 0, 1, and 2, would also be significantly altered by the loss of the large warehouse (Building 2). The proposed demolition of the front central portion of Building 1 would impact the building’s design and form as it would change the appearance of the building along



Ocean Avenue, interrupt the fenestration pattern, and result in the loss of character-defining elements such as a number of the most visually prominent chevron capped pilasters and industrial steel sash windows. Furthermore, the introduction of the courtyard at Building 1 and the large contemporary new hotel and retail complex would diminish the industrial character of the site (see Rehabilitation Standard 9 for more analysis of the new construction).

Therefore, as designed, the proposed project is not in compliance with Rehabilitation Standard 2.

**Rehabilitation Standard 3:** *Each property will be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historical properties, will not be undertaken.*

*Discussion:* The proposed project includes demolition of a central portion of Building 1 to accommodate a landscaped courtyard and demolition of Buildings 2 and 3 to construct a new hotel building. The proposed new construction, including the landscaped courtyard, is in a clearly contemporary style, and would not create a false sense of historical development. No conjectural features or elements from other historic properties are proposed to be added.

Therefore, as designed, the proposed project would be in compliance with Rehabilitation Standard 3.

**Rehabilitation Standard 4:** *Changes to a property that have acquired significance in their own right will be retained and preserved.*

*Discussion:* The vast majority of alterations to the ATC complex occurred after the 1927-1954 period of significance, including the NAFI Building addition (1954-55), alterations to the windows and storefront systems, construction of the skybridge to the adjacent parking lot, and the exterior elevated promenades and new entrance canopy. None of these alterations have acquired significance in their own right.

Therefore, as designed, the proposed project would be in compliance with Rehabilitation Standard 4.

**Rehabilitation Standard 5:** *Distinctive materials, features, finishes and construction techniques or examples of craftsmanship that characterize a property will be preserved.*

*Discussion:* As noted in the discussion of Rehabilitation Standard 2, the proposed project includes the demolition of Building 2 and partial demolition of Building 1, which would result in the loss of distinctive materials, finishes, and features that characterize the property. While distinctive materials, finishes, and features at Building 0 will be retained, and some will be retained at Building 1, the portion of Building 1 that is proposed to be removed includes the central portion of the primary façade. The demolition would result in the partial loss of the character-defining sawtooth roof, loss of Building 1's overall form and massing, loss of a number of original windows, and alteration to the building's fenestration pattern.

Therefore, as designed, the proposed project is not in compliance with Rehabilitation Standard 5.

**Rehabilitation Standard 6:** *Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.*

*Discussion:* As noted in the discussion of Rehabilitation Standard 2, many of the historic features and materials are proposed to be demolished. The buildings that are not proposed for demolition have significantly degraded over time and may require replacement of certain building elements with new materials that are visually compatible and structurally sound. The proposed project does not specify a repair versus replacement treatment of the historic materials and features that are to be retained. To the extent that the project applicants repair the distinctive historic features and materials, including but not limited to the stucco cladding, original wood and steel sash windows, and chevron capped pilasters, the proposed project would be in compliance with Rehabilitation Standard 6. Missing window and door features should be replaced based on documentary and physical evidence. Replacement of these features with features of similar design, color, texture and materials could also satisfy this Standard.

**Rehabilitation Standard 7:** *Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.*

*Discussion:* As currently proposed, the project does not provide a level of detail that specifies any chemical or physical treatments to the historic materials. If it is necessary to use chemical or physical treatments, so long as these methods do not involve the use of harmful treatments that would damage the historic elements, the proposed project will be in compliance with Rehabilitation Standard 7.

**Rehabilitation Standard 8:** *Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.*

*Discussion:* The proposed project will involve a significant amount of excavation, although most of the excavation would be in weathered and unweathered granodiorite rock, which is monolithic and would not have archaeological resources or deposits. Nevertheless, if any archaeological material is discovered during excavation, provided that standard discovery procedures for the City are followed, the proposed project will adhere to Rehabilitation Standard 8.

**Rehabilitation Standard 9:** *New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and environment.*

*Discussion:* The proposed new hotel addition is clearly differentiated from the historic resource through material, style, and design, and has a relatively compatible scale to Building 1 (the roof of the proposed addition is roughly the height of the sawtooth roof of Building 1). However, as demolition of Building 2 is required to accommodate the proposed addition, the addition destroys all the historic materials and features of Building 2. The partial demolition of Building 1 will remove a central portion of the historic primary façade, which was built out to or beyond the lot line, and would consequently alter the spatial relationships that characterize the historic property. Additionally, the proposed hotel and commercial building on the adjacent parcel (APN 006-234-005) would span the vacated portion of Sloat Avenue. Although a courtyard is proposed along most of the rear façade of Building 1, the proposed new construction is much taller than the historic building. This effect is amplified by the sloped topography, and the new construction is not substantially set back. As such, the proposed new construction encroaches on the space and environment surrounding Building 1.

Due to the demolition of the historic Building 2, demolition of historic materials and features of Building 1, and alteration to the spatial relationships that characterize the property, the proposed project is not in compliance with Rehabilitation Standard 9.

**Rehabilitation Standard 10:** *New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.*

*Discussion:* As noted in the discussion of Rehabilitation Standards 2, 5, and 9, the proposed project would involve the demolition of Buildings 2 and 3, partial demolition of Building 1, and construction of a new hotel addition at the north end of the parcel. The essential form and integrity of the historic property and its environment would be impaired if the new hotel addition were removed in the future, as the demolition of the contributing Building 2 and portion of Building 1 would remain a loss.

Due to the extensive demolition that is included in the proposed addition and reuse of the property, the proposed project is not in compliance with Rehabilitation Standard 10.

### Overall Compliance with the Standards

The proposed project is in full compliance with Standards 3 and 4. The project could be in compliance with Standard 6 so long as historic features and materials are repaired rather than replaced, or replaced in kind if necessary due to severe deterioration beyond repair. The project would be in compliance with Standard 7 so long as harmful chemical or physical treatments are not used, and with Standard 8, assuming standard discovery procedures are followed in the event archeological material is discovered. However, the project is not in compliance with Standards 1, 2, 4, 9, and 10, and the project therefore cannot be said to be in compliance with the Secretary of the Interior's Standards for Rehabilitation as currently proposed.

#### MM CR-1.1 HABS Documentation

Prior to the start of demolition, the project sponsor shall retain a qualified professional acceptable to the City to prepare written and photographic documentation the ATC complex.

The documentation for each property shall be prepared based on the National Park Service's Historic American Building Survey (HABS) Historical Report Guidelines. This type of documentation is based on a combination of the HABS standards and the National Park Service's new policy for National Register of Historic Places (NRHP)/National Historic Landmark photographic documentation as outlined in the NRHP and the National Park Service's 2013 National Historic Landmarks Survey Photo Policy Expansion. The documentation will include the following:

1. **Sketch Plan Drawings:** Efforts should be made to locate original construction drawings or plans of the property during the period of significance. If located, these drawings should be photographed or scanned at high resolution, reproduced, and included in the dataset. If construction drawings or plans cannot be located, sketch plans in accordance with HABS Documentation Level III shall be prepared. HABS guidance for sketch plans notes that these should be floor plans "generally not to exact scale although often drawn from measurements, where the features are

shown in proper relation and proportion to one another.” A sketch site plan should also be produced that includes buildings and landscape features. Sketch plans shall be prepared by an architect who meets or exceeds the Secretary of the Interior’s Professional Qualification Standards for Historic Architecture or Architecture, and be reviewed by the qualified consultant preparing the HABS report.<sup>2</sup>

2. **Photographs:** Standard large-format or digital photography shall be used. If digital photography is used, the ink and paper combinations for printing photographs must comply with the NRHP/National Historic Landmark photo expansion policy and have a permanency rating of approximately 115 years. Digital photographs shall be taken in uncompressed .TIF file format. The size of each image shall be 1600x1200 pixels at 300 pixels per inch or larger, color format, and printed in black and white. The file name for each electronic image shall correspond with the index of photographs and photograph labels. Photographs should include general overviews that illustrate the setting and include Building 3; all exterior façades of Buildings 0, 1, and 2; typical original windows and doors; and exterior details indicative of era of construction or of historic or architectural interest from the period of significance (1927-1954), including but not limited to the sawtooth roof and chevron capped pilasters of Building 1, the metal smokestacks of Building 2, and the concrete smokestack remnant south of Building 1. All views shall be referenced on a photographic key. This photograph key shall be on a map of the property and shall show the photograph number with an arrow indicating the direction of the view. Historical photographs shall also be collected, reproduced, and included in the dataset.
3. **Written data:** A historical report shall be prepared, summarizing the history of the buildings, property description, and historical significance. Documentation shall adhere to National Park Service standards for “short form” HABS documentation.
4. **Drone photography:** Drone photography of the historic resource and site is recommended as additional documentation. Execution of drone photography is understood to be conditional upon ability to fly a drone over the site within relevant local and FAA regulations and approvals. Drone photography should capture the full extent of the site, all buildings and their special relationships on the site and immediate surroundings, as well as the character of the Building 1 sawtooth roof and representative portions of facades of Buildings 0, 1, and 2. If conducted, drone photography should be submitted in digital format along with HABS documentation to the City of Pacific Grove Community Development Department and publicly accessible repositories such as the Pacific Grove Heritage Society, Pacific Grove Public Library, and the Monterey County Public Library California History Room. If desired, the drone photography could also be used in the public interpretive displays on site.

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<sup>2</sup> The Secretary of the Interior’s Professional Qualification Standards for Architecture are a professional degree in architecture plus at least two years of full-time experience in architecture, or a State license to practice architecture.

Copies of the HABS documentation shall be provided to the City of Pacific Grove Community Development Department and publicly accessible repositories such as the Pacific Grove Heritage Society, Pacific Grove Public Library, and the Monterey County Public Library California History Room. This measure would create a collection of reference materials that would be available to the public and inform future research.

#### **MM CR-1.2 Public Interpretive Display**

As a component of the finished project, the project sponsor shall prepare a plan for permanent exhibit/display in consultation with the City of Pacific Grove Community Development Department staff that would commemorate the industrial fish canning history of the American Can Company. The exhibit/display may consist of static, video and/or interactive displays, as deemed appropriate, but should include relevant historical information, interpretive text, historical photographs, and/or drawings that may be based on this Historic Resource Technical Report and/or the HABS documentation. The exhibit/display shall be installed at a publicly accessible location on the project site, near the remaining historic portions of the complex.

#### **MM CR-1.3 Protection of Historical Resources from Construction Activities**

The project sponsor shall undertake a construction monitoring program to minimize damage to remaining portions of Building 0 and Building 1. Prior to the start of any ground-disturbing activity, the project sponsor shall engage a historic architect or qualified historic preservation professional to undertake a preconstruction survey of Building 0 and Building 1 and photograph the buildings' existing conditions. This survey may be completed in conjunction with MM CR-1.1. The construction monitoring plan may include staging of equipment and materials as far as feasible from historic buildings to avoid direct damage; using techniques in demolition, excavation, shoring, and construction to minimize vibration (such as using concrete saws instead of jackhammers or hoe-rams to open excavation trenches, the use of non-vibratory rollers, and similar measures); maintaining a buffer zone when possible between heavy equipment and historic resource(s); and/or enclosing construction scaffolding to avoid damage from falling objects or debris.

The consultant shall conduct a final post-construction survey to document the condition of the contributing historic buildings to the ATC at that time and produce a report on the condition of the historic structures. The final post-construction report shall be submitted to the City Community Development Department for review and approval.

#### **MM CR-1.4 Historic Materials and Features Rehabilitation**

The project applicant shall ensure that the project complies with National Park Service treatment recommendations for the cleaning, repair, and rehabilitation of all remaining historic materials and features to be retained and incorporated into the project. Features such as exterior stucco cladding, original doors, and original wood and steel sash windows at Building 0 and Building 1 that are retained should be repaired and rehabilitated in accordance with the following guidance documents:



- John H. Myers, *Preservation Brief No. 9: The Repair of Historic Wooden Windows* (U.S. Department of the Interior, National Park Service, 1981), available online at <https://www.nps.gov/tps/how-to-preserve/briefs/9-wooden-windows.htm>
- Robert M. Powers, *Preservation Tech Notes, Windows Number 17, Repair and Retrofitting Industrial Steel Windows* (U.S. Department of the Interior, National Park Service, August 1989), available online at <https://www.nps.gov/tps/how-to-preserve/tech-notes/Tech-Notes-Windows17.pdf>
- Sharon C. Park, *Preservation Brief No. 13: The Repair and Thermal Upgrading of Historic Steel Windows* (U.S. Department of the Interior, National Park Service, 1981), available online at <https://www.nps.gov/tps/how-to-preserve/briefs/13-steel-windows.htm>
- Anne E. Grimmer, *Preservation Brief No. 22: The Preservation and Repair of Historic Stucco* (U.S. Department of the Interior, National Park Service, October 1990), available online at <https://www.nps.gov/tps/how-to-preserve/briefs/22-stucco.htm>

Abrasive chemical or physical treatments or cleaning methods must not be used. For additional information, see:

- Anne E. Grimmer, *Preservation Brief No. 6: Dangers of Abrasive Cleaning to Historic Buildings* (U.S. Department of the Interior, National Park Service, June 1979), available online at <https://www.nps.gov/tps/how-to-preserve/briefs/6-dangers-abrasive-cleaning.htm>.

## Conclusions

While the implementation of the mitigation measures listed above will assist in reducing the project-specific impacts, they will not mitigate the effects to a less-than-significant level as currently proposed. The factory building, Building 1, was the most important building in the American Can Company fish canning operations and exhibits architectural features such as the sawtooth roof that clearly convey this use as well as 1920s Art Moderne decorative elements like the chevron capped pilasters. Building 0 played an important role as an administrative office. Although the warehouse, Building 2, was integral to the overall operation of the American Can Company, the early twentieth century industrial character and significance of the American Can Company in the Monterey fish canning industry can still be conveyed through Buildings 0 and 1 if Building 2 is demolished.

**Impact CR-2:** The project has the potential to cause a substantial adverse change to known and unknown archaeological and cultural resources. This is a **less than significant impact with mitigation incorporated**.

## Construction and Operation

In terms of archaeological resources, the results of the assessment indicate the project location has high sensitivity for both historic and prehistoric resources. Prehistoric shell middens and habitation sites have been recorded to the immediate northwest, north, and southeast of the project site (P-27-002360, P-27-000239, and P-27-003587) and given their distribution and the recorded depths of deposition (approximately 1 meter below the surface), there is a high likelihood additional intact prehistoric resources may lie beneath the current ATC factory complex. Furthermore, the site is situated within the recorded boundaries of a historic Chinese village (P-27-001054) and intact deposits relating to this

resource have been recovered within the project vicinity. These archaeological resources have the potential to reveal important information about the prehistory and particularly the history of early Chinese settlement in California and the Monterey Bay area.

### **Tribal Cultural Resources**

Chapter 18, **Tribal Cultural Resources**, provides a detailed analysis of TCRs within or in close proximity to the project site.

The following measures are based on the draft Archaeological Monitoring and Treatment Plan for the ATC Hotel Project (FirstCarbon Solutions, 2019), as peer reviewed by the EIR consultant team and the City.

#### **MM CR-2.1 Preconstruction Archaeological and Paleontological Sensitivity Training**

Prior to construction, all personnel directly involved in project related ground disturbance shall be provided archaeological and paleontological sensitivity training. The training will be conducted by a qualified Archaeologist who meets the Secretary of the Interior's standards for archaeology, and a qualified professional paleontologist, as defined by the Society of Vertebrate Paleontology, who is experienced in teaching non-specialists. A Native American representative from the Ohlone/Costanoan-Esselen Nation (OCEN) will also be invited to be present and participate in the training from a tribal perspective. The training will take place at a day and time to be determined in conjunction with the project construction foreman, and prior to any scheduled ground disturbance. The training will include: a discussion of applicable laws and penalties; samples or visual aids of artifacts and paleontological resources that could be encountered in the project vicinity, including what those artifacts and resources may look like partially buried, or wholly buried and freshly exposed; and instructions to halt work in the vicinity of any potential cultural resources discovery, and the need to notify the archaeological monitor as necessary.

#### **MM CR-2.2 Preconstruction Identification and Avoidance of Recorded Archaeological Resources**

Prior to construction, the Project Archaeologist and OCEN's tribal leadership shall be provided with the following: (1) plans, blueprints, conceptual drawings, etc., detailing sub-surface impacts to the project area (grading or excavation prints will normally be sufficient); and (2) the proposed construction schedule or activity to be monitored, with types of excavation and/or earthmoving identified. Final grading plans will be reviewed by the Archaeologist to ensure all recorded archaeological resources adjacent to the project site will remain unaffected by project related ground disturbance. Any changes in project construction (or related off-site facilities) that could potentially impact known archaeological resources will require review by the Project Archaeologist who will then make a determination regarding the need and scope of any further work or mitigation required.

### **MM CR-2.3 Construction Monitoring for Archaeological and Paleontological Resources**

Due to the hardscaped and highly developed nature of the site, archaeological testing is impractical and unlikely to reveal scientifically significant results. All project related ground disturbance shall therefore be monitored by an Archaeologist who meets the Secretary of Interior's qualification standards for archaeology, as well as the assigned Native American representative(s) from OCEN tribal leadership. Due to the paleontological sensitivity of the site, a Paleontological Resources Monitor shall also be present during all project excavations. A qualified cross-trained Monitor in archaeology and paleontology may serve in both capacities on-site.

Archaeological and paleontological monitoring will involve the close inspection of excavations and other ground disturbing activities within the project area. The Site Supervisor, Foreman, or similar on-site authority must be informed of the Monitors' presence and authority to halt and/or relocate construction work. The Supervisor shall inform all construction personnel of the Monitors' role. The Monitors will follow excavations and construction as closely as conditions require, making all reasonable efforts for safety and noninterference with construction. The number and placement of Monitors will be determined by the Project Archaeologist after consultation with the Client or their designated representative(s).

Activities that require monitoring include but are not limited to: clearing and grubbing; demolition activities that could disturb native soil; or any earthmoving (e.g., grading or excavation for foundations, footings or other subterranean elements, and trenching for underground utilities). Monitors shall keep a daily log and photographic record of all activities involving ground disturbance during the construction phase and shall submit a final report (upon completion of the ground-disturbing activities) to the City Community Development Department for review and approval.

### **MM CR-2.4 Procedures for Inadvertent Discovery**

#### **Inadvertent Discovery of Archaeological Resources**

In the event archaeological resources are encountered during ground disturbing activities, the Archaeological Monitor shall temporarily halt or divert excavations within a 100-foot radius of the find until it can be evaluated.

California Environmental Quality Act (CEQA) Guidelines requires that all potentially significant archaeological deposits be evaluated to demonstrate whether the resource is eligible for inclusion on the California Register of Historic Resources, even if discovered during construction. If archaeological deposits are encountered they will be evaluated and mitigated simultaneously in the timeliest manner practicable, allowing for recovery of materials and data by standard archaeological procedures. For prehistoric archaeological sites, this data recovery involves the hand-excavated recovery and non-destructive analysis of a small sample of the deposit. Historic resources are also sampled

through hand excavation, though architectural features may require careful mechanical exposure and hand excavation.

Any previously undiscovered resources found during construction activities shall be recorded on appropriate DPR forms and evaluated for significance in terms of CEQA criteria by a qualified Archaeologist. Potentially significant cultural resources consist of but are not limited to stone, bone, glass, ceramics, fossils, wood, or shell artifacts, or features including hearths, structural remains, or historic dumpsites. If the resource is determined significant under CEQA, the qualified Archaeologist shall prepare and implement a research design and archaeological data recovery plan that will capture those categories of data for which the site is significant in accordance with Section 15064.5 of the CEQA Guidelines. If such resources or artifacts are of native tribal origin, any mitigation or recovery program shall include direction from OCEN tribal leadership. The Archaeologist shall also perform appropriate technical analyses, prepare a comprehensive report complete with methods, results, and recommendations, including recommendations of the Tribal Representatives and monitors. The report shall be submitted to the City of Pacific Grove, the NWIC, and the State Historic Preservation Office, as required.

### **Inadvertent Discovery of Paleontological Resources**

In the event that fossils or fossil-bearing deposits are discovered during construction activities, the paleontological monitor shall temporarily halt or divert excavations within a 100-foot radius of the find until it can be evaluated. If the find is deemed significant, the applicant shall retain a qualified Paleontologist to document the discovery as needed in accordance with Society of Vertebrate Paleontology standards and assess the significance of the find under the criteria set forth in CEQA Guidelines Section 15064.5. The Paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction activities are allowed to resume at the location of the find. If the applicant determines that avoidance is not feasible, the Paleontologist shall prepare an Excavation Plan for mitigating the effect of construction activities on the discovery. The Excavation Plan shall be submitted to the City of Pacific Grove for review and approval prior to implementation, and the applicant shall adhere to the recommendations in the Excavation Plan.

### **Inadvertent Discovery of Human Remains**

In the event that human remains (or remains that may be human) are discovered at the project site, Public Resource Code Section 5097.98 must be followed. All grading or earthmoving activities shall immediately stop within a 100-foot radius of the find. The project proponent shall then inform the Monterey County Coroner and the City of Pacific Grove immediately, and the Coroner shall be permitted to examine the remains as required by California Health and Safety Code Section 7050.5(b).

Section 7050.5 also requires that excavation be stopped in the vicinity of discovered human remains until the Coroner can determine whether the remains are those of a

Native American. If human remains are determined as those of Native American origin, the applicant shall comply with applicable State regulations relating to the disposition of Native American burials that fall within the jurisdiction of the NAHC (Public Resource Code [PRC] § 5097). The Coroner shall contact the NAHC to determine the most likely descendant(s) (MLD). The MLD shall complete his or her inspection and make recommendations or preferences for treatment within 48 hours of being granted access to the site. The MLD will determine the most appropriate means of treating the human remains associated grave artifacts, and shall oversee the disposition of the remains.

In the event the NAHC is unable to identify an MLD or the MLD fails to make a recommendation within 48 hours after being granted access to the site, the landowner or his/her authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity within the project area in a location not subject to further subsurface disturbance.

## Conclusion

Because the project location is situated within a high sensitivity area for prehistoric resources and the results of the cultural resource assessment revealed prehistoric and paleontological resources in the immediate vicinity of the project site, there is a potential for these archaeological and paleontological resources to be encountered during project construction. Implementation of the mitigation measures listed above would effectively reduce project-specific impacts to a less than significant level by training personnel directly involved in project related ground disturbance and construction activities to halt work in the vicinity of any potential cultural resources discovery, and notify the appropriate monitors as necessary. Implementation of the mitigation measures and compliance with existing codes and regulations for the treatment of these resources pursuant to established standards would reduce potential impacts to a less than significant level.

### 8.6.5 Cumulative Impact Analysis

The geographic extent of cumulative impacts to cultural resources is highly dependent on the resources under discussion. For example, a cumulative effect within a historic landscape or district may extend across the district, while the cumulative effects associated with individual archaeological or paleontological resources may be limited in scope to the immediate project site, depending on the nature of the resources. As this chapter addresses both historic and prehistoric resources, the geographic scope of the cumulative analysis includes the land area within a quarter mile of the project site, as well as nearby pending or reasonably foreseeable development projects.

**Impact CR-3:** The project may incrementally contribute to the cumulative change or disturbance to historic or prehistoric resources known to exist in the vicinity of the project. This would result in a **less than significant** cumulative effect on cultural resources.

Page & Turnbull reviewed the National Register of Historic Places, California Register of Historical Resources, and Pacific Grove Historic Resources Inventory to identify previously recorded historical resources within a one-block (approximately one-quarter mile) radius of the project site. There are six properties within a one-block radius that are currently listed on the Pacific Grove Historic Resources

Inventory: 120 Ocean View Boulevard (APN 006741006000), 187 Ocean View Blvd (APN 006224003000), 181 Ocean View Blvd (APN 006224005000), 115 1st St (APN 006224024000), 190 Central Ave (APN 006235001000), and 178 Central Ave (APN 006235014000).<sup>3</sup> Five of the properties are residential, and 120 Ocean View Boulevard is an institutional campus known as the Stanford Hopkins Marine Station.

There are no recent or proposed projects in the immediate area that, combined with the American Tin Cannery Hotel and Commercial Project, would contribute to a cumulative impact to historic resources either on the site or nearby. A project known as “Hotel Durrell” is proposed at 157 Grand Avenue in Pacific Grove, but the property has not been identified as a historic property and is approximately one mile from the subject site. A project known as “Ocean View Plaza” is proposed at 484 Cannery Row in Monterey, which is an identified historic resource, but is approximately 0.4 mile from the subject site. These projects are not within the immediate area of the ATC project site and would not combine with the project in such a way as to result in significant cumulative impacts. Therefore, the potential for significant cumulative effects would be less than significant.

## 8.7 References

City of Pacific Grove. 1994. *Pacific Grove General Plan*.

City of Pacific Grove. 2017. *Historic Resources Inventory*.

<http://www.cityofpacificgrove.org/living/communityeconomic-development/planning/historic-resources>.

FirstCarbon Solutions. 2019. *Draft Archaeological Monitoring and Treatment Plan, ATC Hotel Project*.

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Kent L. Seavey. 2018. *Historic Resources Opinion Letter*.

Dudek. 2018. *Cultural Resource Assessment for the Pacific Grove Shoreline Management Plan*.

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<sup>3</sup> Of these six properties, 187 Ocean View Blvd (APN 006224003000) was recommended for removal from the HRI by Page & Turnbull in the 2018-2019 *Pacific Grove Historic Resources Inventory Update Survey Report* (October 18, 2019). However, the property has not been officially removed from the HRI by the Historic Resources Committee at the time of preparing this Historic Resources Technical Report, and is therefore still considered a historic resource.



## 9 Energy

### 9.1 Introduction

This section describes the project's energy demands, changes in energy consumption, and effects of available energy conservation measures that have been designed into the project or could be applied to the project. Information used to prepare this section came from the following resources:

- California Emissions Estimator Model (CalEEMod) projections ([Appendix B](#))
- California Energy Commission (CEC)
- California Environmental Quality Act (CEQA) Air Quality Guidelines
- California Public Utilities Commission (CPUC)
- U.S. Energy Information Administration (EIA)

### 9.2 Scoping Issues Addressed

During the NOP public comment and scoping period for the proposed project, one comment was received regarding construction energy use, specifically related to the energy required for demolition and off-haul.

### 9.3 Environmental Setting

This section identifies and evaluates potential energy impacts of the project, with particular emphasis on avoiding or reducing inefficient, wasteful, and unnecessary consumption of energy to ensure that energy implications are considered in project-related decision-making processes. The Environmental Setting describes the existing setting of the project site as it relates to energy conservation; Regulatory Setting identifies associated regulatory conditions and requirements; and the Environmental Impacts and Mitigation section presents the criteria used to evaluate potential impacts related to use of fuel and energy upon implementation of the project and where applicable, identifies additional site-specific mitigation measures. This analysis considers the electricity, natural gas, and transportation fuel (petroleum) demands of the project, as well as potential service delivery impacts. This section is closely related to [Chapter 11: Greenhouse Gas Emissions](#). Where appropriate, and to minimize redundancy, cross references to the applicable analysis contained within the Greenhouse Gas Emissions chapter are provided.

#### 9.3.1 California's Energy Use and Supply

Californians consumed 284,436 gigawatt hours (GWh)<sup>1</sup> of electricity in 2018, which is the most recent year for which data is available. Of this total, Monterey County consumed 2,509 GWh<sup>2</sup>. In 2018, the

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<sup>1</sup> A watt hour is a unit of energy equivalent to one watt of power expended for one hour. For example, a typical light bulb is 60 watts, meaning that if it is left on for one hour, 60-watt hours have been used. One kilowatt equals 1,000 watts. The consumption of electrical energy by homes and businesses is usually measured in kilowatt hours (kWh). Some large businesses and institutions also use megawatt hours (MWh), where one MWh equals 1,000 kWh. One gigawatt equals 1,000 megawatts, or 1,000,000 kilowatts. The energy output of large power plants over long periods of time, or the energy consumption of jurisdictions, can be expressed in gigawatt hours (GWh).

California electricity mix included natural gas (34.91 percent), coal (3.3 percent), large hydroelectric plants (10.68 percent), nuclear (9.05 percent), oil (0.01 percent), petroleum coke/waste heat (0.15 percent) and unspecified sources of power (10.54 percent). The remaining 31.36 percent was supplied from renewable resources, such as wind, solar, geothermal, biomass, and small hydroelectric facilities<sup>3</sup>. In 2018, the state consumed 2,136,907 million cubic feet<sup>4</sup> of natural gas.<sup>5</sup>

Energy usage is typically quantified using the British Thermal Unit (BTU). Total energy usage in California was 7,881 trillion BTU in 2017 (the most recent year for which this specific data is available), which equates to an average of 200 million BTU per capita<sup>6</sup>. Of California's total energy usage, the breakdown by sector is 40 percent transportation, 23 percent industrial, 19 percent commercial, and 18 percent residential. Electricity and natural gas in California are generally consumed by stationary users such as residences and commercial and industrial facilities, whereas petroleum consumption is generally accounted for by transportation-related energy use. In 2019, taxable gasoline sales (including aviation fuel) in California accounted for 15,338,758,756 gallons of gasoline.<sup>7</sup>

### 9.3.2 Current Energy Providers

#### Pacific Gas and Electric Company

Electricity in Monterey County is primarily provided by the Pacific Gas and Electric Company (PG&E). The PG&E 2018 power mix was as follows: 15 percent natural gas, 34 percent nuclear, 39 percent renewables, and 13 percent large hydroelectric<sup>8</sup>.

The electricity consumption attributable to Monterey County from 2008 to 2018 is shown in **Table 9-1: Electricity Consumption in Monterey County 2008-2018**. As indicated in **Table 9-1**, energy consumption in Monterey County remained relatively constant between 2008 and 2018, with a slight decrease in consumption in 2018.

**Table 9-1: Electricity Consumption in Monterey County 2008-2018**

Year	Electricity Consumption (in millions of kilowatt hours)
2008	2,624
2009	2,604
2010	2,575
2011	2,577
2012	2,559
2013	2,634

<sup>2</sup> CEC. 2020. California Energy Conservation Database

<sup>3</sup> CEC. 2019. Total System Electric Generation

<sup>4</sup> 100 cubic feet (CCF) is approximately the energy equivalent to burning 100 cubic feet of natural gas. 100 CCF of natural gas equals 103,700 a British Thermal Unit (BTU). A BTU is the amount of energy needed to raise the temperature of one pound of water by one degree Fahrenheit. A kBTU is 1,000 BTUs. A therm is 100,000 BTUs.

<sup>5</sup> U.S. EIA, *California Natural Gas Total Consumption*, 2020.

<sup>6</sup> U.S. EIA, *California Consumption and Expenditures*, 2020.

<sup>7</sup> California Department of Tax and Fee Administration, *Fuel Taxes Statistics & Reports: Motor Vehicle Fuel 10 Year Reports*, 2020.

<sup>8</sup> PG&E, 2018 Electric Power Mix, 2019.

Year	Electricity Consumption (in millions of kilowatt hours)
2014	2,621
2015	2,674
2016	2,587
2017	2,587
2018	2,488

Source: CEC, Energy Consumption Database, 2020.

PG&E operates one of the largest natural gas distribution networks in the country, including approximately 42,142 miles of natural gas transmission and distribution pipelines (PG&E, 2019a). In all, PG&E delivers gas to approximately 4.3 million customer accounts and approximately 5.4 million electric customer accounts in Northern and Central California, including in Monterey County.

The natural gas consumption in Monterey County from 2008 to 2018 is shown in [Table 9-2: Natural Gas Consumption in Monterey County 2008-2018](#). Similar to energy consumption, natural gas consumption in Monterey County remained relatively constant between 2008 and 2018. There was a slight decrease in 2014 through 2016, followed by a recovery to pre-2014 consumption levels in 2017 and 2018.

The California Public Utilities Commission (CPUC) regulates California natural gas rates and natural gas services, including in-state transportation over transmission and distribution pipeline systems, storage, procurement, metering, and billing. Most of the natural gas used in California comes from out-of-state natural gas basins.

California's regulated utilities do not own any natural gas production facilities. All natural gas sold by these utilities must be purchased from suppliers or marketers. The price of natural gas sold by suppliers and marketers was deregulated by the Federal Energy Regulatory Commission in the mid-1980s and is determined by market forces. However, the CPUC decides whether California's utilities have taken reasonable steps to minimize the cost of natural gas purchased on behalf of its core customers.

Natural gas is available from a variety of in-state and out-of-state sources and is provided throughout the state in response to market supply and demand. Complementing available natural gas resources, biogas may soon be available through existing delivery systems, thereby increasing the availability and reliability of resources.

**Table 9-2: Natural Gas Consumption in Monterey County 2008-2018**

Year	Natural Gas Consumption (in millions of therms)
2008	112
2009	108
2010	109
2011	112
2012	111
2013	115
2014	102
2015	103
2016	105
2017	110
2018	112

Source: CEC, Energy Consumption Database, 2020.

## Transportation Fuels

California's transportation sector uses roughly half of the energy consumed in the state. In 2019, Californians consumed approximately 15.3 billion gallons of gasoline and 3 billion gallons of diesel fuel<sup>9</sup>. Automotive fuel consumption was estimated using California Air Resources Board (CARB) Emissions Factor (EMFAC) 2017 computer program for typical daily fuel use in Monterey County. Regulatory Setting

## 9.4 Regulatory Setting

This section presents legislation and regulations specifically related to energy conservation. See also [Chapter 6: Air Quality](#), [Chapter 11: Greenhouse Gas Emissions](#), and [Chapter 17: Transportation and Circulation](#), for other policies related to energy use. See [Chapter 19: Utilities and Service Systems](#) for policies related to water consumption. Federal, state, and local agencies regulate energy use and consumption through various means and programs. On the federal level, the U.S. Department of Transportation, the U.S. Department of Energy, and the U.S. Environmental Protection Agency are three federal agencies with substantial influence over energy policies and programs. On the state level, the CPUC and CEC are two agencies with authority over different aspects of energy. Relevant federal, state, and local energy-related regulations are summarized below.

### 9.4.1 Federal

#### National Energy Policy and Conservation Act

The National Energy Conservation Policy Act serves as the underlying authority for Federal energy management goals and requirements. Signed into law in 1975, it has been regularly updated and amended by subsequent laws and regulations. Pursuant to the Act, the National Highway Traffic Safety Administration is responsible for establishing vehicle standards. In 2012, new fuel economy standards for passenger cars and light trucks were approved for model years 2017 through 2021 (77 CFR 62624–

<sup>9</sup> California Department of Tax and Fee Administration, Fuel Taxes Statistics & Reports: *Taxable Diesel Gallons 10 Year Reports*, 2020.

63200). Fuel economy is determined based on each manufacturer's average fuel economy for the fleet of vehicles available for sale in the United States.

### Energy Policy Act of 2005

The Energy Policy Act of 2005 sets equipment energy efficiency standards and seeks to reduce reliance on non-renewable energy resources and provide incentives to reduce current demand on these resources. For example, under the Act, consumers and businesses can attain Federal tax credits for purchasing fuel-efficient appliances and products, including hybrid vehicles; constructing energy-efficient buildings; and improving the energy efficiency of commercial buildings. Additionally, tax credits are available for the installation of qualified fuel cells, stationary micro-turbine power plants, and solar power equipment.

### Energy and Independence Security Act of 2007

The Energy and Independence Security Act of 2007 sets Federal energy management requirements in several areas, including energy reduction goals for Federal buildings, facility management and benchmarking, performance and standards for new buildings and major renovations, high-performance buildings, energy savings performance contracts, metering, energy-efficient product procurement, and reduction in petroleum use and increase in alternative fuel use. This Act also amends portions of the National Energy Policy and Conservation Act. In addition to setting increased Corporate Average Fuel Economy standards for motor vehicles, the EISA includes the following other provisions related to energy efficiency:

- Renewable Fuel Standard (RFS) (Section 202)
- Appliance and Lighting Efficiency Standards (Sections 301–325)
- Building Energy Efficiency (Sections 411–441)

## 9.4.2 State

The discussion below focuses primarily on those policies, regulations, and laws that directly pertain to energy-related resources. Refer to **Chapter 11: Greenhouse Gas Emissions**, of this EIR, which addresses various policies, regulations, and laws targeted to the reduction of GHG emissions that are expected to achieve co-benefits in the form of reduced demand for energy-related resources and enhanced efficiencies in the consumption of energy-related resources.

### Assembly Bill 32 and Senate Bill 32

California's major initiative for reducing GHG emissions is outlined in Assembly Bill 32 (AB 32), the "California Global Warming Solutions Act of 2006." AB 32 codifies the statewide goal of reducing GHG emissions to 1990 levels by 2020 (essentially a 15 percent reduction below 2005 emission levels; the same requirement as under S-3-05) and requires CARB to prepare a Scoping Plan that outlines the main State strategies for reducing GHGs to meet the 2020 deadline. In addition, AB 32 requires CARB to adopt regulations to require reporting and verification of statewide GHG emissions. Reductions in overall energy consumption have been implemented to reduce emissions. See **Chapter 11: Greenhouse Gas Emissions** for a further discussion of AB 32.

In September 2016, the Governor signed into legislation SB 32, which builds on AB 32 and requires the state to cut GHG emissions to 40 percent below 1990 levels by 2030. With SB 32, the Legislature also passed AB 197, which provides additional direction for updating the Scoping Plan to meet the 2030 GHG reduction target codified in SB 32. CARB has published a draft update to the Scoping Plan and has received public comments on this draft, but as of this writing has not released the final version.

Additional energy efficiency measures beyond the current regulations are needed to meet these goals as well as the AB 32 greenhouse gas (GHG) reduction goal of reducing statewide GHG emissions to 1990 levels by 2020 and the SB 32 goal of 40 percent below 1990 levels by 2030 (see Chapter 11, Greenhouse Gas Emissions, for additional discussion of AB 32 and SB 32). Part of the effort in meeting California's long-term reduction goals include reducing petroleum use in cars and trucks by 50 percent, increasing from one-third to more than one-half of California's electricity derived from renewable sources, doubling the efficiency savings achieved at existing buildings and making heating fuels cleaner; reducing the release of methane, black carbon, and other short-lived climate pollutants, and managing farm and rangelands, forests, and wetlands so they can store carbon.<sup>10</sup>

### 2008 California Energy Action Plan Update

The *2008 Energy Action Plan Update* provides a status update to the *2005 Energy Action Plan II*, which is the State's principal energy planning and policy document (CPUC and CEC, 2008). The plan continues the goals of the original *Energy Action Plan*, describes a coordinated implementation plan for State energy policies, and identifies specific action areas to ensure that California's energy is adequate, affordable, technologically advanced, and environmentally sound. First-priority actions to address California's increasing energy demands are energy efficiency, demand response (i.e., reduction of customer energy usage during peak periods in order to address system reliability and support the best use of energy infrastructure), and the use of renewable sources of power. If these actions are unable to satisfy the increasing energy and capacity needs, the plan supports clean and efficient fossil-fired generation.

### 9.4.3 California Building Standards

#### California Green Building Standards Code

The California Green Building Standards Code (California Code of Regulations, Title 24, Part 11), commonly referred to as the CALGreen Code, is a statewide mandatory construction code that was developed and adopted by the California Building Standards Commission and the California Department of Housing and Community Development. CALGreen standards require new residential and commercial buildings to comply with mandatory measures under five topical areas: planning and design; energy efficiency; water efficiency and conservation; material conservation and resource efficiency; and environmental quality. CALGreen also provides voluntary measures (CALGreen Tier 1 and Tier 2) that local governments may adopt which encourage or require additional measures in the five green building topics. The most recent update to the CALGreen Code was adopted in 2016 and went into effect January 1, 2019.

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<sup>10</sup> California Energy Commission (CEC), *Final Integrated Energy Policy Report Update*, 2016.



Among the key mandatory provisions are requirements that new buildings:

- Reduce indoor potable water use by at least 20 percent below current standards;
- Recycle or salvage at least 50 percent of construction waste;
- Utilize low VOC-emitting finish materials and flooring systems;
- Install separate water meters tracking non-residential buildings' indoor and outdoor water use;
- Utilize moisture-sensing irrigation systems for larger landscape areas;
- Receive mandatory inspections by local officials of building energy systems, such as heating, ventilation, and air conditioning (HVAC) and mechanical equipment, to verify performance in accordance with specifications in non-residential buildings exceeding 10,000 square feet; and
- Earmark parking for fuel-efficient and carpool vehicles.

### **Building Energy Efficiency Standards**

The Energy Efficiency Standards for Residential and Nonresidential Buildings, as specified in Title 24, Part 6, of the California Code of Regulations, were established in 1978 in response to a legislative mandate to reduce California's energy consumption. The standards are updated periodically to allow consideration and possible incorporation of new energy efficiency technologies and methods. The 2016 Title 24 standards are the current applicable building energy efficiency standards, and became effective on January 1, 2017. The 2019 Building Energy Efficiency Standards will continue to improve upon the 2016 Standards for new construction of, and additions and alterations to, residential and nonresidential buildings. The 2019 Building Energy Efficiency Standards were adopted on May 9, 2018 and take effect on January 1, 2020. Under the 2019 standards, homes will use about 53 percent less energy and nonresidential buildings will use about 30 percent less energy than buildings under the 2016 Title 24 standards.

### **2006 Appliance Efficiency Regulations**

The California Energy Commission adopted Appliance Efficiency Regulations (Title 20, CCR Sections 1601 through 1608) on October 11, 2006. The regulations were approved by the California Office of Administrative Law on December 14, 2006. The regulations include standards for both Federally regulated appliances and non-Federally regulated appliances. While these regulations are now often viewed as "business-as-usual," they exceed the standards imposed by all other states and they reduce GHG emissions by reducing energy demand.

### **Senate Bill 1078 and 107; Executive Order S-14-08, S-21-09, and SB 2X**

SB 1078 (Chapter 516, Statutes of 2002) requires retail sellers of electricity, including investor-owned utilities and community choice aggregators, to provide at least 20 percent of their supply from renewable sources by 2017. SB 107 (Chapter 464, Statutes of 2006) accelerated the due date of the 20 percent mandate to 2010 instead of 2017. These mandates apply directly to investor-owned utilities. In November 2008, then-Governor Schwarzenegger signed Executive Order S-14-08, which expands the state's Renewable Portfolio Standard to 33 percent renewable power by 2020. In September 2009, then-Governor Schwarzenegger continued California's commitment to the Renewable Portfolio Standard by signing Executive Order S-21-09, which directs the CARB under its AB 32 authority to enact regulations

to help the state meet its Renewable Portfolio Standard goal of 33 percent renewable energy by 2020. CARB approved the Renewable Electricity Standard on September 23, 2010 by Resolution 10-23. SBX1-2 (2011) codified the 33 percent by 2020 goal.

### **Executive Order B-30-15; Senate Bill 100 and 350**

In April 2015, the Governor issued Executive Order B-30-15, which established a GHG reduction target of 40 percent below 1990 levels by 2030. SB 350 (Chapter 547, Statutes of 2015) advanced these goals through two measures. First, the law increases the renewable power goal from 33 percent renewables by 2020 to 50 percent by 2030. Second, the law requires the CEC to establish annual targets to double energy efficiency in buildings by 2030. The law also requires the California Public Utilities Commission (CPUC) to direct electric utilities to establish annual efficiency targets and implement demand-reduction measures to achieve this goal. In 2018, SB 100 revised the goal of the program to achieve the 50 percent renewable resources target by December 31, 2026, and to achieve a 60 percent target by December 31, 2030. SB 100 also established a further goal to have an electric grid that is entirely powered by clean energy by 2045.

### **State Vehicle Standards (AB 1493)**

AB 1493 (Pavley Regulations and Fuel Efficiency Standards), enacted on July 22, 2002, required CARB to develop and adopt regulations that reduce GHGs emitted by passenger vehicles and light duty trucks. Implementation of the regulation was delayed by lawsuits filed by automakers and by the EPA's denial of an implementation waiver. The EPA subsequently granted the requested waiver in 2009, which was upheld by the by the U.S. District Court for the District of Columbia in 2011. The regulations establish one set of emission standards for model years 2009 to 2016 and a second set of emissions standards for model years 2017 to 2025. By 2025, when all rules will be fully implemented, the objective is to have new automobiles emit 34 percent fewer CO<sub>2</sub>e emissions and 75 percent fewer smog-forming emissions.

### **Sustainable Communities Strategy**

The Sustainable Communities and Climate Protection Act of 2008, or SB 375, coordinates land use planning, regional transportation plans, and funding priorities to help California meet its GHG emissions reduction mandates. As codified in California Government Code Section 65080, SB 375 requires metropolitan planning organizations (e.g., AMBAG) to include a Sustainable Communities Strategy in their regional transportation plan. The main focus of the Sustainable Communities Strategy is to plan for growth in a fashion that will ultimately reduce GHG emissions, but the strategy is also part of a bigger effort to address other development issues, including transit and VMT, which influence the consumption of petroleum-based fuels.

### **Renewable Portfolio Standard**

In 2002, California established its Renewable Portfolio Standard program<sup>11</sup> with the goal of increasing the annual percentage of renewable energy in the State's electricity mix by the equivalent of at least 1 percent of sales, with an aggregate total of 20 percent by 2017. The California Public Utilities Commission subsequently accelerated that goal to 2010 for retail sellers of electricity (*Public Utilities*

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<sup>11</sup> The Renewable Portfolio Standard is a flexible, market-driven policy to ensure that the public benefits of wind, solar, biomass, and geothermal energy continue to be realized as electricity markets become more competitive. The policy ensures that a minimum amount of renewable energy is included in the portfolio of electricity resources serving a state or country.

Code Section 399.15(b)(1)). Then-Governor Schwarzenegger signed Executive Order S-14-08 in 2008, increasing the target to 33 percent renewable energy by 2020. In September 2009, then-Governor Schwarzenegger continued California's commitment to the Renewable Portfolio Standard by signing Executive Order S-21-09, which directs the California Air Resources Board under its AB 32 authority to enact regulations to help the State meet its Renewable Portfolio Standard goal of 33 percent renewable energy by 2020. In September 2010, the California Air Resources Board adopted its Renewable Electricity Standard regulations, which require all of the State's load-serving entities to meet this target. In October 2015, then-Governor Jerry Brown signed into legislation Senate Bill 350, which requires retail sellers and publicly owned utilities to procure 50 percent of their electricity from eligible renewable energy resources by 2030. Signed in 2018, SB 100 revised the goal of the program to achieve the 50 percent renewable resources target by December 31, 2026, and to achieve a 60 percent target by December 31, 2030. SB 100 also established a further goal to have an electric grid that is entirely powered by clean energy by 2045.

#### 9.4.4 Local

The General Plan does not contain goals or policies specific to energy. However, General Plan Policies from the Health and Safety Element related to air quality and attainment of standards are related to energy consumption, and include the following:

**Goal 3:** Promote attainment, and insofar as possible, improve air quality in Pacific Grove and the Monterey Bay area.

- **Policy 10:** Address State and federal regulation to keep funding to maintain attainment.
- **Policy 12:** Continue to support the efforts of the Transportation Agency for Monterey County to implement the Monterey County Congestion Management Plan.

### 9.5 Environmental Impacts and Mitigation Measures

#### 9.5.1 Significance Criteria

The following significance criteria for Energy were derived from the Environmental Checklist in State CEQA Guidelines Appendix G. An impact of the project would be considered significant and would require mitigation if it would:

- Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation.
- Conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

#### 9.5.2 Summary of No and/or Beneficial Impacts

Not applicable. The project will utilize energy and may have impacts based on the above criteria.

#### 9.5.3 Impacts of the Proposed Project

In determining whether implementation of the project would result in the inefficient, wasteful or unnecessary use of fuel or energy, this analysis considers the recommendations of Appendix F to the CEQA Guidelines as described above.

This section analyzes energy use on three sources of energy that are relevant to the project, including electricity, natural gas, and transportation fuel for vehicle trips associated with new development, as well as the fuel necessary for project construction. The analysis of project electricity and natural gas use is based on the California Emissions Estimator Model (CalEEMod), which quantifies energy use for occupancy. The results of CalEEMod are included in the Air Quality Assessment and Greenhouse Gas Emissions Data located in Appendix B. Modeling related to project energy use was based primarily on the default settings in CalEEMod. The amount of operational fuel use was estimated using CalEEMod outputs for the project and the California Air Resources Board (CARB) Emissions Factor (EMFAC) 2017 computer program for typical daily fuel use in Monterey County. Construction fuel was calculated based on CalEEMod emissions outputs and conversion ratios from the Climate Registry.

**Impact ER-1:** The project will utilize more energy than the site currently consumes, resulting in the potential for wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation. This is a **less than significant impact**.

### Construction (Short-Term)

The energy associated with project construction includes electricity use associated with water utilized for dust control, diesel fuel from on-road hauling trips, vendor trips, and off-road construction diesel equipment, as well as gasoline fuel from on-road worker commute trips. The methodology for each category is discussed below. This analysis relies on the construction equipment list and operational characteristics, as stated in [Chapter 6: Air Quality](#) and [Chapter 11: Greenhouse Gas Emissions](#). Quantifications of construction energy are provided for the project below.

### Electricity Usage

#### *Water for Construction Dust Control*

Electricity use associated with water use for construction dust control is calculated based on total water use and the energy intensity for supply, distribution, and treatment of water.

The total number of gallons of water used is calculated based on acreage disturbed during grading and site preparation, as well as the daily watering rate per acre disturbed.

- The total acres disturbed are calculated using the methodology described in Chapter 4.2 of Appendix A of the CalEEMod User's Guide, available at: <http://www.caleemod.com/>.
- The water application rate of 3,020 gallons per acre per day is from the Air and Waste Management Association's Air Pollution Engineering Manual (1992).

The energy intensity value is based on the CalEEMod default energy intensity per gallon of water for Monterey County.

As summarized in [Table 9-3: Project Energy Use During Construction](#), the total electricity associated with water use for construction dust control would be approximately 0.0476 GWh over the duration of project construction.

Table 9-3: Project Energy Use During Construction

Project Source	Total Construction Energy	Monterey County Annual Energy	Percentage Increase Countywide
Electricity Use		GWh	
Water Use <sup>1</sup>	0.0476	2,488	0.0019%
Diesel Use		Gallons	
On-Road Construction Trips <sup>2</sup>	56,477	29,642,248	0.1905 %
Off-Road Construction Equipment <sup>3</sup>	49,835		0.1681 %
Construction Diesel Total	106,312		0.3587 %
Gasoline Use		Gallons	
On-Road Construction Trips	24,875	166,140,811	0.0150 %

Notes:

1. Construction water use based on acres disturbed per day per construction sequencing and estimated water use per acre.

2. On-Road mobile source fuel use based on VMT from CalEEMod and fleet-average fuel use in MPG from EMFAC in Monterey County.

3. Construction fuel use was calculated based on CalEEMod emissions outputs and conversion ratios from the Climate Registry.

Source: Energy Calculations in Appendix B

### Petroleum Fuel Usage

#### *On-Road Diesel Construction Trips*

The diesel fuel associated with on-road construction mobile trips is calculated based on vehicle miles traveled (VMT) from vehicle trips (i.e., worker, vendor, and hauling), the CalEEMod default diesel fleet percentage, and vehicle fuel efficiency in miles per gallon (MPG). VMT for the entire construction period is calculated based on the number of trips multiplied by the trip lengths for each phase shown in CalEEMod. Construction fuel was calculated based on CalEEMod emissions outputs and conversion ratios from the Climate Registry.

As summarized in Table 9-3, the total diesel fuel associated with on-road construction trips would be approximately 56,477 gallons over the duration of buildout of the project.

#### *Off-Road Diesel Construction Equipment*

Similarly, the construction diesel fuel associated with the off-road construction equipment is calculated based on CalEEMod emissions outputs and conversion ratios from the Climate Registry. As summarized in Table 9-3, the total diesel fuel associated with off-road construction equipment is approximately 49,835 gallons for duration of buildout of the project.

#### *On-Road Gasoline Construction Trips*

The gasoline fuel associated with on-road construction mobile trips is calculated based on VMT from vehicle trips (i.e., worker, vendor, and hauling), the CalEEMod default gasoline fleet percentage, and vehicle fuel efficiency in MPG using the same methodology as the construction on-road trip diesel fuel calculation discussed above. As summarized in Table 9-3, the total gasoline fuel associated with on-road construction trips would be approximately 24,875 gallons over the duration of buildout of the project.

## Construction Energy Use Analysis

In total, construction of the project would use approximately 0.0476 GWh of electricity, 49,835 gallons of gasoline, and 106,312 gallons of diesel. Californians used 285,436 GWh of electricity in 2018, of which Monterey County used 2,488 GWh. Project construction electricity use would represent approximately 0.00002 percent of current electricity use in the state, and 0.0019 percent of the current electricity use in Monterey County.

In 2018, Californians used approximately 15,589,042,965 gallons of gasoline and approximately 3,107,823,655 gallons of diesel fuel<sup>12</sup>. Monterey County annual gasoline fuel use in 2018 was 166,140,811 gallons and diesel use was 29,642,248 gallons. Total project construction gasoline fuel would represent 0.015 percent of annual gasoline used in the County, and total project construction diesel fuel would represent 0.36 percent of annual diesel used in the County. Based on the total project's relatively low construction fuel use proportional to annual state and County use, the project would not substantially affect existing energy fuel supplies or resources. New capacity or additional sources of construction fuel are not anticipated to be required.

Furthermore, there are no unusual characteristics that would necessitate the use of construction equipment that would be less energy-efficient than at comparable construction sites in the region or state. In addition, some energy conservation would occur during construction through compliance with state requirements that equipment not in use for more than five minutes be turned off. Project construction equipment would also be required to comply with the latest EPA and CARB engine emissions standards. These engines use highly efficient combustion engines to minimize unnecessary fuel use.

The project would entail construction activities that would use energy, primarily in the form of diesel fuel (e.g., mobile construction equipment) and electricity (e.g., power tools). Contractors would be required to monitor air quality emissions of construction activities using applicable regulatory guidance. This requirement indirectly relates to construction energy conservation because when air pollutant emissions are reduced from the monitoring and the efficient use of equipment and materials, energy use is reduced. There are no aspects of the project that would foreseeably result in the inefficient, wasteful, or unnecessary use of energy during construction activities.

Due to increasing transportation costs and fuel prices, Contractors and Owners have a strong financial incentive to avoid wasteful, inefficient, and unnecessary use of energy during construction. There is growing recognition among developers and retailers that sustainable construction is not prohibitively expensive and that there is a significant cost-savings potential in green building practices. Substantial reduction in energy inputs for construction materials can be achieved by selecting building materials composed of recycled materials that require substantially less energy to produce than non-recycled materials. The project-related incremental increase in the use of energy bound in construction materials such as asphalt, steel, concrete, pipes, and manufactured or processed materials (e.g., lumber and gas) would not substantially increase demand for energy compared to overall local and regional demand for construction materials. It is reasonable to assume that production of building materials such as

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<sup>12</sup> California Department of Tax and Fee Administration, Fuel Taxes Statistics & Reports, 2020.



concrete, steel, etc., would employ all reasonable energy conservation practices in the interest in minimizing the costs of business.

As described above, the project's fuel from the entire construction period would increase fuel use in the County by less than one-half of one percent. It should be noted that the CEQA Guideline Appendix G and Appendix F criteria requires the project's effects on local and regional energy supplies and on the requirements for additional capacity to be addressed. A less than 0.5 percent increase in construction fuel demand is not anticipated to trigger the need for additional capacity. Additionally, use of construction fuel would be temporary and would cease once the project is fully developed. As such, project construction would have a nominal effect on the local and regional energy supplies.

As stated above, there are no unusual characteristics that necessitate the use of construction equipment that would be less energy-efficient than at comparable construction sites in the region or state. Therefore, it is expected that construction fuel use associated with the project would not be any more inefficient, wasteful, or unnecessary than other similar development projects of this nature. Therefore, potential construction-phase energy impacts are considered less than significant.

### Operations (Long-Term)

The energy consumption associated with operation of uses pursuant to the project would include building electricity, water, and natural gas usage, as well as fuel usage from on-road vehicles. The methodology for each category is discussed below.

#### Petroleum Fuel Usage

The gasoline and diesel fuel associated with on-road vehicular trips is calculated based on total VMT calculated for the analyses within Chapter 6 Air Quality, and Chapter 11 Greenhouse Gas Emissions, and average fuel efficiency from the EMFAC model. The EMFAC fuel efficiency data incorporates the Pavley Clean Car Standards and the Advanced Clean Cars Program<sup>13</sup>. As summarized in **Table 9-4: Project Annual Energy Use During Operations**, the total gasoline and diesel fuel associated with on-road trips associated with all project land uses, visitors, employees, deliveries and off site laundry, etc. would be approximately 114,484 gallons per year and 20,750 gallons per year, respectively.

**Table 9-4: Project Energy Use During Operations**

Project Source	Total Construction Energy	Monterey County Annual Energy	Percentage Increase Countywide
Electricity Use		GWh	
Area Use <sup>1</sup>	3.0708	2,488	0.1234 %
Water Use <sup>1</sup>	0.0373		0.0015 %
Total Electricity	3.1081		0.1249 %
Natural Gas		Therms	
Area Use <sup>1</sup>	106,346	112,000,000	0.0950 %

<sup>13</sup> The CARB EMFAC 2017 Technical Documentation from March 2018 notes that emissions are estimated with all current controls active, except Low Carbon Fuel Standards (LCFS). The reason for excluding LCFS is that most of the emissions benefits due to the LCFS come from the production cycle (upstream emissions) of the fuel rather than the combustion cycle (tailpipe). As a result, LCFS is assumed to not have a significant impact on CO<sub>2</sub> emissions from EMFAC's tailpipe emission estimates.

Project Source	Total Construction Energy	Monterey County Annual Energy	Percentage Increase Countywide
<b>Diesel Use</b>			
		<b>Gallons</b>	
Mobile <sup>2</sup>	20,750	29,642,248	0.0700 %
<b>Gasoline Use</b>			
		<b>Gallons</b>	
Mobile <sup>2</sup>	114,484	166,140,811	0.0689 %

Notes:

1. Construction water use based on acres disturbed per day per construction sequencing and estimated water use per acre.
2. On-Road mobile source fuel use based on VMT from CalEEMod and fleet-average fuel use in MPG from EMFAC in Monterey County.
3. Construction fuel use was calculated based on CalEEMod emissions outputs and conversion ratios from the Climate Registry.

Source: Energy Calculations in Appendix B

### Electricity Usage

The electricity use during project operations is based on CalEEMod defaults. As summarized in [Table 9-4](#), the hotel and commercial land uses along with the parking lot operations would use approximately 3.07 GWh of electricity per year.

The electricity associated with operational water use is estimated based on the annual water use and the energy intensity factor is the CalEEMod default energy intensity per gallon of water for Monterey County. Project area water use is based on the CalEEMod default rates. The project would use approximately 7.8 million gallons annually of water annually, which would require approximately 0.0373 GWh per year for conveyance and treatment.

### Natural Gas Usage

The methodology used to calculate the natural gas use associated with the project is based on CalEEMod default rates. As summarized in [Table 9-4](#), the building envelope would use 106,346 therms, or approximately 10,634,585 thousand British Thermal Units (kBtu) of natural gas per year.

### **Operational Energy Use Analysis**

Operation of the project would annually use approximately 3.11 GWh of electricity, 106,346 therms of natural gas, 114,484 gallons of gasoline, and 20,750 gallons of diesel.

Californians used 284,436 GWh of electricity in 2018, of which Monterey County used 2,488 GWh. The project's operational electricity use would represent 0.0011 percent of electricity used in the state, and 0.1249 percent of the energy use in Monterey County. Regarding natural gas, Californians used 12,666 million therms of natural gas and 112 million therms of natural gas in Monterey County in 2018. Therefore, the project's operational natural gas use would represent 0.0008 percent of the natural gas use in the state and 0.0950 percent of the natural gas use in the County.

In 2020, Californians are anticipated to use approximately 14,062,187,335 gallons of gasoline and approximately 3,367,590,333 gallons of diesel fuel. Monterey County annual gasoline fuel use in 2020 is anticipated to be 166,140,811 gallons and diesel fuel is anticipated to be 29,642,248 gallons. Expected project operational use of gasoline and diesel would represent 0.0008 percent of current gasoline use and 0.0006 percent of current diesel use in the state. Project operational use of gasoline and diesel would represent 0.0689 percent of gasoline use and 0.070 percent of diesel use in the County.

None of the project's operational energy uses exceed one percent of their corresponding County use; rather these are all less than 0.1 % of the County use totals. Project operations would not substantially affect existing energy or fuel supplies or resources. The project would comply with applicable energy standards and new capacity would not be required. Impacts would be less than significant in this regard.

### Energy Efficiency Measures

California's Energy Efficiency Standards for Residential and Non-Residential Buildings create uniform building codes to reduce California's energy use and provide energy efficiency standards for residential and non-residential buildings. These standards are incorporated within the California Building Code and are expected to substantially reduce the growth in electricity and natural gas use. For example, requirements for energy-efficient lighting, heating and cooling systems, and green building materials are expected to save additional electricity and natural gas. These savings are cumulative, doubling as years go by.

Regarding water energy conservation, water-efficient irrigation controls would be used in landscape areas. Comprehensive water conservation strategies are proposed, including a graywater reuse system, off-site laundry, and waterless urinals. Buildings would incorporate water-efficient fixtures and appliances, to comply with Title 24.

Furthermore, PG&E is subject to California's Renewables Portfolio Standard (RPS). The RPS requires investor-owned utilities, electric service providers, and community choice aggregators to increase total procurement from eligible renewable energy resources to 33 percent by 2020 and 50 percent by 2030. SB 100 revised the goal of the program to achieve the 50 percent renewable resources target by December 31, 2026, and to achieve a 60 percent target by December 31, 2030. SB 100 also established a further goal to have an electric grid that is entirely powered by clean energy by 2045. Renewable energy is generally defined as energy that comes from resources which are naturally replenished within a human timescale such as sunlight, wind, tides, waves, and geothermal heat.

The project proposes – and would be required to adhere to – all federal, State, and local requirements for energy efficiency, including the latest Title 24 standards such as LED lighting and energy efficient appliances and equipment. Considering these requirements, the project would not result in the inefficient, wasteful, or unnecessary use of building energy. Therefore, potential operational energy impacts are considered less than significant.

**Impact ER-2: The project would not obstruct a State or local plan for renewable energy or energy efficiency. This is a less than significant impact.**

Project design and operation would comply with State Building Energy Efficiency Standards, appliance efficiency regulations, and green building standards. As discussed above in Impact ER-1, project development would not cause inefficient, wasteful and unnecessary energy use, and impacts would be less than significant.

#### 9.5.4 Cumulative Impact Analysis

**Impact ER-3:** The project would not contribute to cumulatively considerable impacts to energy consumption. This is a **less than significant impact**.

Construction and operations associated with implementation of the project would result in the consumption of fuel and energy, but it would not do so in a wasteful manner. The consumption of fuel and energy would not be substantial in comparison to countywide electricity, natural gas, gasoline, and diesel demand; refer to **Table 9-3** and **Table 9-4**. New capacity or supplies of energy resources would not be required. Additionally, the project would be subject to compliance with all federal, State, and local requirements for energy efficiency.

The anticipated project impacts, in conjunction with cumulative development in the site vicinity (Hotel Durell, Ocean View Plaza on Cannery Row, Monterey Bay Aquarium's Bechtel Education Center, Holman Building residential project and a mixed-use development at 520/522 Lighthouse Avenue), would increase urbanization/intensification and result in increased energy consumption. Potential land use and resulting energy impacts are site-specific and require evaluation on a case-by-case basis. Each cumulative project would require separate discretionary approval and CEQA assessment, which would address potential energy consumption impacts and identify necessary mitigation measures, where appropriate.

As noted above, the project would not result in significant energy consumption impacts based on established thresholds. The project would not be considered inefficient, wasteful, or unnecessary with respect to energy. Thus, the project and identified cumulative projects are not anticipated to result in a significant cumulative impact, nor would they be predicted to combine to create an impact greater than the effects of each project individually. Therefore, potential cumulative energy impacts would be less than significant.

#### 9.6 References

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## 10 Geology & Soils

### 10.1 Introduction

This section describes the project's potential effects related to geologic or soil stability hazards, erosion, seismic risk, and/or effects upon local paleontological resources that could be caused by implementation of the project. It should be noted that paleontological resources are also addressed in Chapter 8, Cultural Resources, due to the close relationship between paleontological and cultural resource deposits. Information used to prepare this section came from the following resources:

- Haro, Kasunich, and Associates, Inc., *Limited Geotechnical Investigation – Phase II Exploration for the American Tin Cannery Hotel*, 2019 (Appendix L)
- First Carbon Solutions, *Cultural Resources Due Diligence Letter Report, ATC Hotel Project*. November 2018. (Confidential and on file with City of Pacific Grove)
- City of Pacific Grove, *Pacific Grove General Plan – Health and Safety Element*, 1994
- City of Pacific Grove, *Local Coastal Program*, 2020
- Geologic literature from the U.S. Geological Survey and California Geological Survey

### 10.2 Scoping Issues Addressed

During the Notice of Preparation (NOP) public comment and scoping period for the proposed project, several comments regarding geology and soils were received. Comments received were generally concerned with geologic stability, seismic risks, groundwater, methods used to excavate soils and bedrock, and topsoil erosion from tree removal. These issues are addressed in this section as they relate specifically to risks or geologic hazard conditions that could be caused by the project. Related issues, such as air quality and noise created by construction methods, are addressed in Chapter 6 and Chapter 15, respectively.

### 10.3 Environmental Setting

#### 10.3.1 Regional Setting

The City is located within Monterey County, situated in a seismically active area with several faults that transverse the county near the Monterey Peninsula. The City is situated in a relatively stable area of granitic bedrock and has historically sustained little damage from ground shaking and seismic events (City of Pacific Grove, 1994).

The geologic foundation of the entire Monterey Peninsula is a granitic rock called granodiorite overlain by marine terrace deposits. The marine terrace deposits are typically between 2 and 12 feet thick and capped by topsoil. These deposits generally consist of uncemented, friable, thinly laminate to thickly bedded silty very fine to coarse grained sand with pebbles and cobbles. The upper six inches to four feet of the marine terrace deposits are dark brown and clay rich due to topsoil. The base is generally marked in spots by a cobble and pebble rich deposit where the terrace deposits rest on top of the wave-cut platform. The contact between the granodiorite rock and marine terrace deposits typically has a seaward gradient. The terrace deposits exposed in the upper bluff are extremely erodible and unstable.



The granodiorite rock is sturdy in earthquakes, resists waves, and generally breaks up into sand and gravel rather than mud so local waters tend to be clear. The upper portion of the granite is highly weathered and portions are prone to erosion. At depth the granite is less weathered and is very erosion resistant.

### 10.3.2 Project Setting

A limited Geotechnical Investigation was conducted for the project site by Haro, Kasunich and Associates, Inc. In 2016, a total of 14 exploratory borings were performed at the project site with a machine power drill rig to collect soil samples. An additional 10 exploratory borings were performed as part of the investigation to develop a better understanding of the depth to hard rock from the ground surface in the location of the proposed parking structures. The 10 exploratory borings were drilled to depths ranging between 3.2 and 23 feet below the ground surface. The test boring logs are available in [Appendix L](#). Information collected in the test borings were used to develop a subsurface profile of the soil and bedrock conditions at the project site discussed below.

### Topography and Slope Stability

Slope instability or land sliding occurs when the shear strength of the soil within the slope is over powered by the driving forces within the slope (i.e. ground water, soil weight, seismic shaking). The existing developed project site has gentle to moderate slope gradients. Two generally level areas are separated by a steeper cut slope along the existing Sloat Avenue. The potential for land sliding to occur in the bedrock profile is low.

### Geology

The project site is mapped as Pleistocene era undivided coastal terrace deposits underlain by a type of granitic bedrock (porphyritic granodiorite). This is consistent with surrounding geology.

### Groundshaking

An earthquake is classified by the amount of energy released, which traditionally has been quantified using the Richter scale ( $M_L$ ). However, seismologists most commonly use the Moment Magnitude ( $M_W$ ) scale because it provides a more accurate measurement of the size of major and great earthquakes. For earthquakes of less than  $M 7.0$ , the Moment and Richter Magnitude scales are nearly identical. For earthquake magnitudes greater than  $M 7.0$ , readings on the Moment Magnitude scale are slightly greater than a corresponding Richter Magnitude.

The intensity of the seismic shaking, or strong ground motion, during an earthquake is dependent on the distance between the project site and the epicenter of the earthquake, the magnitude of the earthquake, and the geologic conditions underlying and surrounding the project site. Earthquakes occurring on faults closest to the project site would most likely generate the largest ground motion. Strong seismic shaking is anticipated to occur during the design life of the project.

### Faults and Seismicity

A number of faults traverse Monterey County near the Monterey Peninsula, including the San Andreas Fault, which runs north-south about 28 miles east of the City. Other active faults affecting the City are the Monterey Bay Fault zone and the Palo Colorado-San Gregorio Fault zones. These faults have experienced movement along individual fault segments and are separated by the submerged Monterey

Canyon (City of Pacific Grove, 1994). The project site is not located within an Alquist-Priolo Earthquake Fault Zone per the Alquist-Priolo Earthquake Fault Zone map (CA Department of Conservation, 2015).

### Monterey Bay-Tularcitos Fault

The Monterey Bay-Tularcitos Fault zone is located approximately 0.83 miles northeast of the City. The Monterey Bay-Tularcitos Fault is located offshore in the northern and southern areas of Monterey Bay, trending northwest-southeast and intersects the coast in the vicinity of the City of Seaside and the former Fort Ord. The fault zone is approximately 6 to 9 miles wide and approximately 25 miles long. Several onshore fault traces have been tentatively correlated with offshore traces in the heart of Monterey Bay-Tularcitos Fault zone. These onshore faults are, from southwest to northeast, the Tulcaritos-Navy fault, Berwick Canyon, Chupines, Seaside, and Ord Terrace faults.

Outcrop evidence indicates a variety of strike-dip and dip-slip movement associated with onshore and offshore traces. Earthquake studies suggest the Monterey Bay-Tularcitos Fault zone is predominantly right-lateral, strike-slip in character. Both offshore and onshore fault traces in this zone have displaced Quaternary beds and therefore are considered potentially active. One offshore trace, which aligns with the trend of the Navy fault, has displaced Holocene beds and therefore is considered active.

Seismically, the Monterey Bay-Tularcitos Fault zone may be historically active. The largest historical earthquakes located in the Monterey Bay-Tularcitos Fault zone are two events, estimated at  $M_L$  6.2 on the Richter Scale, in October 1926. The maximum magnitude earthquake likely to be generated by this fault zone is about 6.5 magnitude ( $M_w$ ), which could generate tsunamis on the Pacific Grove coastline (City of Pacific Grove, 1994).

### Palo Colorado-San Gregorio Fault

The Palo Colorado-San Gregorio Fault zone is a northwest trending zone and is located approximately 6 miles west and south of the City and skirts the coastline of Santa Cruz County northward from Monterey Bay, and trends onshore at Point Año Nuevo. Northward from Año Nuevo, it passes offshore again, to connect with the San Andreas Fault near Bolinas. Southward from Monterey Bay, it may trend onshore north of Big Sur to connect with the Palo Colorado Fault, or continue southward through Point Sur to connect with the Hosgri Fault in south-central California. Based on these two proposed correlations, the San Gregorio Fault zone has a length of at least 100 miles and possibly as much as 250 miles.

In addition to stratigraphic evidence for Holocene activity, the historical seismicity in the region is partially attributed to the San Gregorio Fault. Due to inaccuracies of epicenter locations, even the magnitude 6+ earthquakes of 1926, tentatively assigned to the Monterey Bay Fault zone, may have actually occurred on the San Gregorio Fault. The San Gregorio Fault has been assigned a slip rate that results in an  $M_w$  7.3 earthquake with a recurrence interval of 400 years.

### **Surface Fault Rupture**

Fault rupture is the surface displacement that occurs when movement on a fault deep within the earth breaks through to the surface. The Alquist-Priolo Earthquake Fault Zoning Act delineates fault rupture zones approximately 1,000 feet wide, or 500 feet on either side of an active fault trace. Fault rupture and displacement almost always follows preexisting faults, which are zones of weakness; however, not all earthquakes result in surface rupture (i.e., earthquakes that occur on blind thrusts do not result in

surface fault rupture. Rupture may occur suddenly during an earthquake or slowly in the form of fault creep).

In addition to damage caused by ground shaking from an earthquake, fault rupture is damaging to buildings and other structures due to the differential displacement and deformation of the ground surface that occurs from the fault offset. This leads to damage or collapse of structures across this zone. Fault rupture displacements in large earthquakes can range from several feet to greater than 15 feet (i.e. displacement on the San Andreas Fault in the 1857 M 7.9 Fort Tejon earthquake was at least 18 feet).

### **Liquefaction**

Liquefaction tends to occur in loose, saturated fine-grained sands, coarse silts, or clays with low plasticity. The liquefaction process typically occurs at depths less than 50 feet below the ground surface, although liquefaction can occur at deeper intervals, given the right conditions. The most susceptible zone occurs at depths shallower than 30 feet below the ground surface.

For liquefaction to occur, there must be the proper soil type, soil saturation, and cyclic accelerations of sufficient magnitude to progressively increase the water pressures within the soil mass. Non-cohesive soil shear strength is developed by the point-to-point contact of the soil grains. As the water pressures increase in the void spaces surrounding the soil grains, the soil particles become supported more by the water than the point-to-point contact. When the water pressures increase sufficiently, the soil grains begin to lose contact with each other resulting in the loss of shear strength and continuous deformation of the soil where the soil begins to liquefy.

Liquefaction can lead to several types of ground failure, depending on slope conditions and the geological and hydrological settings, of which the four most common types of ground failure are: 1) lateral spreads, 2) flow failures, 3) ground oscillation and 4) loss of bearing strength.

Ground effects related to liquefaction include vertical settlement, ground subsidence, or voids below structures, soil bearing failure, and sandy soils. Based on the Geotechnical Investigation, the potential for liquefaction to occur at the project site is low.

### **Landslides**

Landslides are gravity-driven movements of earth materials that may include rock, soil, unconsolidated sediment, or combinations of such materials. The primary factors influencing the stability of a slope are the nature of the underlying soil or bedrock, the geometry of the slope (height and steepness), and rainfall. The presence of historic landslide deposits is a good indicator of future landslides. Landslides are commonly triggered by unusually high rainfall and the resulting soil saturation, by earthquakes, or a combination of these conditions. Based on the Geotechnical Investigation, the project site has gentle to moderate slope gradients. The potential for deep seated land sliding to occur in the bedrock is low to nil.

### **Lateral Spreading**

Lateral spreading is the horizontal movement or spreading of soil toward an open face such as a stream bank or the open side of fill embankments. In the City, the most likely locations to be affected are improperly engineered fill areas or steep unstable banks. Because the City is located on stable bedrock,

the potential for significant damage from lurch cracking or lateral spreading is low (City of Pacific Grove, 1994).

### Soils

A number of soil properties have important implications for development and resource management. The soils in the City have only a moderate erosion hazard and a moderate runoff potential. Based on the Geotechnical Investigation, the subsurface profile of the site generally consists of a mantle of clayey sand topsoil over granite bedrock. The granite and firm native overburden soils were determined to be suitable for foundation support. The thickness of the overburden soil ranges from 2.8 to 12 feet. The native overburden soil is part of a coastal terrace deposit. In some area of the project site, portions of the overburden soil consist of fill. Based on the test boring results, the overburden soils at the project site have some clay content with a low potential for expansion. Haro, Kasunich and Associates, Inc. determined that localized deposits of expansive soils are usually not vast and can be easily removed from improvements using conventional construction equipment.

Soil erosion potential or susceptibility is partially defined by a soil's "K Factor," which provides an indication of a soil's inherent susceptibility to erosion, without accounting for slope and groundcover factors. Values of K range from 0.02 to 0.69. The higher the value, the more susceptible the soil is to sheet erosion by water. Soils on the project site have a low erosion potential with a K factor of 0.17 (NRCS, 2019).

### Paleontological Setting

Paleontological resources are nonrenewable scientific and educational resources, typically consisting of fossilized plants and animals. Projects subject to CEQA must determine whether a project would "directly or indirectly destroy a unique paleontological resource."

In November 2018, First Carbon Solutions prepared a due diligence level Cultural Resources Assessment for the project. The assessment included a search of the University of California Museum of Paleontology Database (UCMP), as well as additional archival research including the review of historic aerial photographs and topographic maps.

On October 25, 2018, First Carbon Solutions conducted a records search at the UCMP to assess the potential for any paleontological resources that may be adversely affected by the proposed project. The results of this search identified that the project site is located on three Pleistocene geologic units. All three units have the potential to yield significant paleontological resources and are considered highly sensitive even if, as in this case, the potential is low. The UCMP records search revealed four Pleistocene vertebrate localities and one plant locality, none of which are within 15 miles of the project site. However, the results of the assessment indicate the project location has moderate to high sensitivity for late Pleistocene paleontological resources.

## 10.4 Applicable Regulations, Plans, and Standards

### 10.4.1 Federal

#### International Building Code

Published by the International Code Council, the scope of this code covers major aspects of construction and design of structures and buildings, except for 3-story one- and two-family dwellings and town homes. In 2000, the 1997 Uniform Building Code was replaced by the International Building Code and contains provisions for structural engineering design. Published by the International Conference of Building Officials, the 2018 International Building Code (IBC) addresses the design and installation of structures and building systems through requirements that emphasize performance. The IBC includes codes governing structural as well as fire- and life-safety provisions covering seismic, wind, accessibility, egress, occupancy, and roofs.

### 10.4.2 State

#### Alquist-Priolo Earthquake Fault Zoning Act

The Alquist-Priolo Earthquake Fault Zoning Act, Public Resources Code (PRC), section 2621-2630 (formerly the Special Studies Zoning Act), regulates development and construction of buildings intended for human occupancy to avoid the hazard of surface fault rupture. This Act categorizes faults as active, potentially active, and inactive. Historic and Holocene age faults are considered active, Late Quaternary and Quaternary age faults are considered potentially active, and pre-Quaternary age faults are considered inactive. These classifications are qualified by the conditions that a fault must be shown to be “sufficiently active” and “well defined” by detailed site-specific geologic explorations to determine whether building setbacks should be established.

#### The Seismic Hazards Mapping Act

The Seismic Hazards Mapping Act, PRC, Sections 2690–2699, of 1990 directs the California Department of Conservation, Division of Mines and Geology [now called California Geological Survey (CGS)] to delineate Seismic Hazard Zones. The purpose of the act is to reduce the threat to public health and safety and to minimize the loss of life and property by identifying and mitigating seismic hazards.

Cities, counties, and State agencies are directed to use seismic hazard zone maps developed by CGS in their land-use planning and permitting processes. The act requires that site-specific geotechnical investigations be performed prior to permitting most urban development projects within seismic hazard zones.

#### California Building Standards Code

The California Building Code (CBC) is another name for the body of regulations known as the California Code of Regulations (CCR), Title 24, Part 2, which is a portion of the California Building Standards Code and establishes minimum requirements for a buildings structural strength and stability to safeguard the public health, safety and general welfare. Title 24 is assigned to the California Building Standards Commission, which, by law, is responsible for coordinating all building standards. Under state law, all building standards must be centralized in Title 24 or they are not enforceable.

Published by the International Conference of Building Officials, the Uniform Building Code (UBC) is a widely adopted model building code in the United States. The CBC incorporates by reference the 2006 International Building Code, with necessary California amendments.

### 10.4.3 Local

#### City of Pacific Grove General Plan

Project relevant general plan policies for geology and soils are addressed in this section. Where inconsistencies exist, if any, they are addressed in the respective impact analysis below. Relevant General Plan Policies that directly address reducing and avoiding geology, soil, and mineral impacts include the following:

**Goal 1:** Prevent loss of life, injury, and property damage from geologic and seismic hazards.

- **Policy 1:** Design underground utilities, including water and natural gas mains, to withstand seismic forces.
- **Policy 2:** Continue City requirements for post-earthquake building replacement, reconstruction, and rehabilitation to conform to the latest City codes.
- **Policy 3:** Ensure that any hazardous conditions associated with unreinforced masonry (URM) buildings are mitigated to an acceptable level.

#### City of Pacific Grove Local Coastal Program

The recently certified Local Coastal Program (LCP, March 2020) contains background information and policies addressing coastal hazards, primarily coastal hazards related to sea level rise, coastal erosion, shoreline protection, and placement of infrastructure. An analysis of local coastal hazards can be found in Chapter 13, Hydrology and Water Quality. Chapter 14, Land Use, provides analysis of overall project consistency with the LCP.

## 10.5 Environmental Impacts and Mitigation Measures

### 10.5.1 Significance Criteria

The following significance criteria for geology and soils were derived from the Environmental Checklist in CEQA Guidelines Appendix G. These significance criteria have been amended or supplemented, as appropriate, to address lead agency requirements and the full range of impacts related to the proposed project.

An impact of the proposed project would be considered significant and would require mitigation if it would meet one of the following criteria.

- Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:
  - i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault. Refer to Division of Mines and Geology Special Publication 42.
  - ii) Strong seismic ground shaking



iii) Landslides

- Result in substantial soil erosion or the loss of topsoil.
- Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on-or off-site landslide, lateral spreading, subsidence, liquefaction or collapse.
- Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property.
- Result in soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water.
- Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

### 10.5.2 Summary of No and/or Beneficial Impacts

#### On-site Wastewater Disposal System

The proposed project would dispose of wastewater via a sanitary sewer system. There would be no septic systems under the project. Therefore, there would be no impact associated with an on-site wastewater disposal.

### 10.5.3 Impacts of the Proposed Project

**Impact GEO-1:** The project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map. This is a **less than significant impact**.

#### Construction

The project site is not located within an Alquist-Priolo Earthquake Fault Zoning Map as mapped by the State Geologist. There would be no impacts associated with fault rupture during construction.

#### Operation

As mentioned above, the project site is not located within an Alquist-Priolo Earthquake Fault Zoning Map as mapped by the State Geologist. The closest known fault to the project site is the Monterey Bay-Tularcitos Fault Zone, located approximately 0.83 miles northeast of the project site. The next closest fault to the project site is the Palo Colorado-San Gregorio Fault, which is located approximately 6 miles west and south of the project site. Given the project's location, this impact is less than significant.

#### Conclusion

The project site is not located within an Alquist-Priolo Earthquake Fault zone and is outside both the Monterey Bay-Tularcitos Fault Zone and the Palo Colorado-San Gregorio Fault Zone. Given the project's location, this impact is less than significant.

**Impact GEO-2:** The proposed project could be subject to strong seismic ground shaking during a seismic event. This is a **less than significant impact**.

### Construction and Operation

The largest ground motion would likely be the result of movement along the Monterey Bay-Tularcitos Fault or Palo Colorado-San Gregorio Fault. Due to a maximum probable magnitude earthquake along either or both of these faults and the respective distances to the project site, seismic shaking is anticipated to occur during the design and operational life of the project. However, the project would be required to be designed and constructed to withstand substantial ground shaking in order to minimize seismic impacts. The project would be subject to the CBC seismic design force standards for Monterey County per Chapter 18.04 of the City Municipal Code. Compliance with these standard conditions would ensure that the structures would be constructed to withstand expected seismic activity and associated potential hazards, such as a significant seismic event. The required compliance with applicable CBC standards, City General Plan policies, and Chapter 18.04 of the City Municipal Code would reduce impacts to a less than significant level. No further project specific mitigation is required.

### Conclusion

While seismic shaking is anticipated to occur during the design and operational life of the project, the project would be designed and constructed to withstand the magnitude of earthquake possible in this region. In addition, the project would be subject to the CBC seismic design force standards for Monterey County per Chapter 18.04 of the City Municipal Code. Compliance with these standard conditions would ensure that the structures would be constructed to withstand expected seismic activity and associated potential hazards, resulting in a less than significant impact.

**Impact GEO-3:** The project's susceptibility to landslide conditions is low. Risk of landslide is a **less than significant impact**.

### Construction and Operation

Based on the Geotechnical Investigation (Haro, Kasunich and Associates, Inc.), the project site has gentle to moderate slope gradients. The potential for deep seated land sliding to occur in the bedrock is low to nil. However, Haro, Kasunich and Associates, Inc. found that the overburden soils could be subject to general slope failure particularly within the cut/fill slopes ascending from Sloat Avenue to the upper parking lots. This existing cut slope would be fully retained and modified with construction of the project, and subject to construction-level geotechnical review and recommendations. As indicated by Haro, Kasunich and Associates, Inc., retaining these slopes as part of the planned development would resolve any slope stability concerns in this location. For these reasons, project impacts would be less than significant.

The project would be subject to Section 18.04 of the City Municipal Code, which would ensure that the structures and associated improvements are designed and constructed to withstand potential hazards, such as landslides. Compliance with Section 18.04 of the City Municipal Code would ensure that the structures and associated improvements are designed and constructed to withstand potential hazards and would adequately address any slope instability concerns.

## Conclusion

The project site is currently located on gentle to moderate slope gradients. Construction of the project would retain these slopes which would help resolve any slope stability concerns. Compliance with Section 18.04 of the City Municipal Code would ensure that the structures and associated improvements are designed and constructed to withstand potential hazards. Thus, the potential for landslide susceptibility would be less than significant.

**Impact GEO-4:** The project could result in soil erosion or the loss of topsoil. This impact is considered **less than significant impact**.

## Construction and Operation

As discussed above, the soils at the project site have a moderate erosion hazard and a moderate runoff potential. The proposed project would involve the localized removal of topsoil overburden and weathered hard granite bedrock formation and grading associated with the construction of buildings, subterranean parking areas, infrastructure, and roads. The loosening and exposure of soil would make the project site susceptible to erosion by rainfall and wind during the construction phase.

Compared to areas of deep sedimentary soils or farmed land, loss of topsoil at the project is less of a concern. Based on the soils data provided by Natural Resources Conservation Services (NRCS), soils on the project site are classified as having a low erosion potential with a K factor of 0.17.

As discussed further in **Chapter 13, Hydrology and Water Quality**, the project – during all phases of construction and operation – must comply stringent erosion control measures and construction best management practices to meet City water quality requirements related to discharges into the Monterey Bay National Marine Sanctuary. The site is surrounded by hardscape surfaces, limiting the potential for downstream/off-site erosion impacts on neighboring property. Compliance with standard permit requirements and regulations would mitigate potential erosion impacts to a less than significant level.

## Conclusion

The project site is currently on weathered hard granite bedrock. During construction and operation, the project would be required to comply with stringent erosion control measures and construction best practices to meet City water quality requirements related to discharges into the Monterey Bay National Marine Sanctuary. Compliance with standard permit requirements and regulations would mitigate potential soil erosion impacts to a less than significant level.

**Impact GEO-5:** The project is located on a geologic unit or soil that could be either unstable, or that could become unstable as a result of the project, and potentially result in on-or off-site landslide, lateral spreading, subsidence, liquefaction, collapse or expansive soils. This impact is considered **less than significant impact**.

The project site is located on a dense granitic bedrock and firm overburden soils that are suitable for foundation support (Haro, Kusunich and Associates, Inc., 2019). As described in the geotechnical investigation, Haro Kusunich conducted a total of 14 exploratory borings at the project site with a machine power drill rig to collect soil samples and an additional 10 exploratory borings to develop a better understanding of the depth to hard rock from the ground surface in the location of the proposed

parking structures. While the geologic unit below the project is very stable, the site is nonetheless subject to common risks associated with local soils.

### Landslides

Please see Impact GEO-3 above.

### Liquefaction and Subsidence

Ground effects related to liquefaction include vertical settlement, ground subsidence or voids below structures, soil bearing failure, and sand boils. The geotechnical investigation found that the potential for liquefaction to occur is low.

### Lateral spreading

In regard to lateral spreading, Haro, Kasunich and Associates, Inc. identified that top-shoring would need to be implemented to minimize the potential for lateral movement of the overburden soils during grading activities that may result in vertical settlement of neighboring buildings, streets, and utilities. However, the project would be subject to Section 18.04 of the City Municipal Code, which would ensure that the structures and associated improvements are designed and constructed to withstand potential hazards, such as lateral spreading. Compliance with Section 18.04 of the City Municipal Code in the project design would reduce potential impacts to a less than significant level.

### Collapse

Strong seismic shaking is anticipated to occur during the design life of the project. To mitigate the shaking effects, all structures would be required to comply with the CBC requirements as a minimum per Section 18.04 of the City Municipal Code. Compliance with Section 18.04 of the City Municipal Code in the project design would reduce potential impacts to a less than significant level.

### Expansive Soils

As discussed above, the subsurface profile of the site generally consists of a mantle of clayey sand topsoil over granite bedrock. Based on the test boring results performed by Haro, Kasunich and Associates, Inc., the overburden soils have some clay content with a low potential for expansion. Based on Haro, Kasunich and Associates, Inc.'s experience in the region, localized deposits of expansive soils are usually not vast and can be easily removed from improvement areas using conventional construction equipment. Thus, impacts would be less than significant.

As noted above, the site's geologic and soil constraints would be fully addressed through construction-level geotechnical recommendations and compliance with all applicable codes and regulations.

**Impact GEO-6:** The project could directly or indirectly destroy a unique paleontological resource or site or unique geologic features during construction. This impact is considered **less than significant with mitigation incorporated**.

### Construction and Operation

The results of the Cultural Resources Assessment conducted by FirstCarbon Solutions revealed four Pleistocene vertebrate localities and one plant locality, none of which are within 15 miles of the project

site (see Chapter 8, Cultural Resources). However, the results of the assessment indicate the project location has moderate to high sensitivity for late Pleistocene paleontological resources. Thus, FirstCarbon Solutions recommends that any excavations into previously undisturbed soils be monitored by a professional paleontologist. Mitigation measures MM CR-2.1, MM CR-2.3 and MM CR-2.4 recognize the need for paleontological monitoring to occur simultaneously with archaeological monitoring. Implementation of these measures identified in Chapter 8 would effectively mitigate potential effects to paleontological resources by requiring a qualified cross-trained monitor to be present during any construction activities that involve excavations.

No further mitigation is warranted.

## Conclusion

The Cultural Resources Assessment conducted by First Carbon Solutions did not reveal any paleontological resources located on the project site. However, the assessment did indicate that the project location has moderate to high sensitivity for late Pleistocene paleontological resources. Mitigation measures identified in Chapter 8 would require implementation of recommendations in the *Archaeological Monitoring and Treatment Plan* prepared for the ATC Hotel Project which would ensure a professional paleontologist be on site during any construction activities that involve excavations to monitor for the presence of paleontological resources. Implementation of these measures would mitigate potential impacts to paleontological resources to a less than significant level.

### 10.5.4 Cumulative Impact Analysis

Because geologic impacts are site-specific and highly dependent upon the structural characteristics of individual projects, cumulative geologic hazards and soils impacts are generally confined to the project site and immediate vicinity.

**Impact GEO-7: The project would not contribute to cumulatively considerable effects on geology and soils. This is a less than significant impact.**

Most geologic-related impacts from development are site-specific and, if properly designed, would not result in worsening of the environment or adversely affect public health and safety. Cumulative development projects would be subject to site-specific geologic and/or soils constraints. Pursuant to City requirements, a registered geotechnical engineer would investigate site-specific conditions and minimize exposure to hazards or constraints with implementation of the resulting recommendations.

Cumulative development could also potentially involve the exposure of an increased number of people and/or structures to risk of earthquakes and their associated geologic hazards. However, all new construction would be required to comply with the most current CBC, which establishes building standards to minimize risk based on the geologic and seismic conditions of the region in which a project is located.

With administration of these requirements, the implementation of City Ordinances and Policies and adherences to CBC requirements, the project would not have a cumulatively considerable contribution to cumulative geologic, soils, seismic hazards or paleontological resource impacts.

## 10.6 References

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## 11 Greenhouse Gas Emissions

### 11.1 Introduction

This section describes effects on climate change and greenhouse gas emissions that could be caused by implementation of the proposed project. Information used to prepare this section came from the following resources:

- California Emissions Estimator Model (CalEEMod) projections ([Appendix B](#))

The study area for climate change and the analysis of greenhouse gas (GHG) emissions is broad because climate change is influenced by world-wide emissions and their global effects. However, the study area is also limited by the CEQA Guidelines [Section 15064(d)], which directs lead agencies to consider an “indirect physical change” only if that change is a reasonably foreseeable impact that may be caused by the proposed project. This analysis limits discussion to those physical changes to the environment that are not speculative and are reasonably foreseeable.

### 11.2 Scoping Issues Addressed

During the NOP public comment and scoping period for the proposed project, several comments were received regarding greenhouse gas and climate change impacts. Comments received were generally concerned about climate/greenhouse gas impacts and sustainable design.

### 11.3 Environmental Setting

#### 11.3.1 Climate Change and Greenhouse Gases

Certain gases in the earth’s atmosphere classified as GHGs play a critical role in determining the earth’s surface temperature. Solar radiation enters the earth’s atmosphere from space. A portion of the radiation is absorbed by the earth’s surface and a smaller portion of this radiation is reflected toward space. This absorbed radiation is then emitted from the earth as low-frequency infrared radiation. The frequencies at which bodies emit radiation are proportional to temperature. Because the earth has a much lower temperature than the sun, it emits lower-frequency radiation. Most solar radiation passes through GHGs; however, infrared radiation is absorbed by these gases. As a result, radiation that otherwise would have escaped back into space is instead “trapped,” resulting in a warming of the atmosphere. This phenomenon, known as the greenhouse effect, is responsible for maintaining a habitable climate on earth. However, human-caused increases in GHG levels can result in undesirable global climate change effects.

The primary GHGs contributing to the greenhouse effect are carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), and nitrous oxide (N<sub>2</sub>O). Fluorinated gases also make up a small fraction of the GHGs that contribute to climate change. Examples of fluorinated gases include chlorofluorocarbons (CFCs), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), sulfur hexafluoride (SF<sub>6</sub>), and nitrogen trifluoride (NF<sub>3</sub>); however, it is noted that these gases are not associated with typical land use development. Human-caused emissions of GHGs exceeding natural ambient concentrations are believed to be responsible for intensifying the greenhouse effect and leading to a trend of unnatural warming of the Earth’s climate, known as global climate change or global warming.

GHGs are global pollutants, unlike criteria air pollutants and toxic air contaminants (TACs), which are pollutants of regional and local concern. Whereas pollutants with localized air quality effects have relatively short atmospheric lifetimes (approximately one day), GHGs have long atmospheric lifetimes (one to several thousand years). GHGs persist in the atmosphere for long enough time periods to be dispersed around the globe. Although the exact lifetime of a GHG molecule is dependent on multiple variables and cannot be pinpointed, more CO<sub>2</sub> is emitted into the atmosphere than is sequestered by ocean uptake, vegetation, or other forms of carbon sequestration. Of the total annual human-caused CO<sub>2</sub> emissions, approximately 55 percent is sequestered through ocean and land uptakes every year, averaged over the last 50 years, whereas the remaining 45 percent of human-caused CO<sub>2</sub> emissions remains stored in the atmosphere (Intergovernmental Panel on Climate Change, 2013). **Table 11-1: Description of Greenhouse Gases**, describes the primary GHGs attributed to global climate change, including their physical properties.

**Table 11-1: Description of Greenhouse Gases**

Greenhouse Gas	Description
Carbon Dioxide (CO <sub>2</sub> )	CO <sub>2</sub> is a colorless, odorless gas that is emitted naturally and through human activities. Natural sources include decomposition of dead organic matter; respiration of bacteria, plants, animals, and fungus; evaporation from oceans; and volcanic outgassing. Anthropogenic sources are from burning coal, oil, natural gas, and wood. The largest source of CO <sub>2</sub> emissions globally is the combustion of fossil fuels such as coal, oil, and gas in power plants, automobiles, and industrial facilities. The atmospheric lifetime of CO <sub>2</sub> is variable because it is readily exchanged in the atmosphere. CO <sub>2</sub> is the most widely emitted GHG and is the reference gas (Global Warming Potential of 1) for determining Global Warming Potentials for other GHGs.
Nitrous Oxide (N <sub>2</sub> O)	N <sub>2</sub> O is largely attributable to agricultural practices and soil management. Primary human-related sources of N <sub>2</sub> O include agricultural soil management, sewage treatment, combustion of fossil fuels, and adipic and nitric acid production. N <sub>2</sub> O is produced from biological sources in soil and water, particularly microbial action in wet tropical forests. The atmospheric lifetime of N <sub>2</sub> O is approximately 120 years. The Global Warming Potential of N <sub>2</sub> O is 298.
Methane (CH <sub>4</sub> )	CH <sub>4</sub> , a highly potent GHG, primarily results from off-gassing (the release of chemicals from nonmetallic substances under ambient or greater pressure conditions) and is largely associated with agricultural practices and landfills. Methane is the major component of natural gas, approximately 87 percent by volume. Human-related sources include fossil fuel production, animal husbandry, rice cultivation, biomass burning, and waste management. Natural sources of CH <sub>4</sub> include wetlands, gas hydrates, termites, oceans, freshwater bodies, non-wetland soils, and wildfires. The atmospheric lifetime of CH <sub>4</sub> is approximately 12 years and the Global Warming Potential is 25.
Hydrofluoro-carbons (HFCs)	HFCs are typically used as refrigerants for both stationary refrigeration and mobile air conditioning. The use of HFCs for cooling and foam blowing is increasing, as the continued phase out of CFCs and HCFCs gains momentum. The 100-year Global Warming Potential of HFCs range from 124 for HFC-152 to 14,800 for HFC-23.
Perfluoro-carbons (PFCs)	PFCs have stable molecular structures and only break down by ultraviolet rays approximately 60 kilometers above Earth's surface. Because of this, they have long lifetimes, between 10,000 and 50,000 years. Two main sources of PFCs are primary aluminum production and semiconductor manufacturing. Global Warming Potentials range from 6,500 to 9,200.

Chlorofluoro-carbons (CFCs)	CFCs are gases formed synthetically by replacing all hydrogen atoms in methane or ethane with chlorine and/or fluorine atoms. They are nontoxic, nonflammable, insoluble, and chemically unreactive in the troposphere (the level of air at the earth's surface). CFCs were synthesized in 1928 for use as refrigerants, aerosol propellants, and cleaning solvents. The Montreal Protocol on Substances that Deplete the Ozone Layer prohibited their production in 1987. Global Warming Potentials for CFCs range from 3,800 to 14,400.
Sulfur Hexafluoride (SF <sub>6</sub> )	SF <sub>6</sub> is an inorganic, odorless, colorless, and nontoxic, nonflammable gas. It has a lifetime of 3,200 years. This gas is manmade and used for insulation in electric power transmission equipment, in the magnesium industry, in semiconductor manufacturing, and as a tracer gas. The Global Warming Potential of SF <sub>6</sub> is 23,900.
Hydrochloro-fluorocarbons (HCFCs)	HCFCs are solvents, similar in use and chemical composition to CFCs. The main uses of HCFCs are for refrigerant products and air conditioning systems. As part of the Montreal Protocol, HCFCs are subject to a consumption cap and gradual phase out. The United States is scheduled to achieve a 100 percent reduction to the cap by 2030. The 100-year Global Warming Potentials of HCFCs range from 90 for HCFC-123 to 1,800 for HCFC-142b.
Nitrogen Trifluoride (NF <sub>3</sub> )	NF <sub>3</sub> was added to Health and Safety Code section 38505(g)(7) as a GHG of concern. This gas is used in electronics manufacture for semiconductors and liquid crystal displays. It has a high global warming potential of 17,200.

Source: Compiled from U.S. EPA, *Overview of Greenhouse Gases*, April 11, 2018 (<https://www.epa.gov/ghgemissions/overview-greenhouse-gases>); U.S. EPA, *Inventory of U.S. Greenhouse Gas Emissions and Sinks: 1990-2016*, 2018; Intergovernmental Panel on Climate Change, *Climate Change 2007: The Physical Science Basis*, 2007; National Research Council, *Advancing the Science of Climate Change*, 2010; U.S. EPA, *Methane and Nitrous Oxide Emission from Natural Sources*, April 2010.

## 11.4 Applicable Regulations, Plans, and Standards

### 11.4.1 Federal

To date, national standards have not been established for nationwide GHG reduction targets, nor have any regulations or legislation been enacted specifically to address climate change and GHG emissions reduction at the project level. Various efforts have been promulgated at the federal level to improve fuel economy and energy efficiency to address climate change and its associated effects.

#### Energy Independence and Security Act of 2007

The Energy Independence and Security Act of 2007 (December 2007), among other key measures, requires the following, which would aid in the reduction of national GHG emissions:

- Increase the supply of alternative fuel sources by setting a mandatory Renewable Fuel Standard requiring fuel producers to use at least 36 billion gallons of biofuel in 2022.
- Set a target of 35 miles per gallon for the combined fleet of cars and light trucks by model year 2020 and direct the National Highway Traffic Safety Administration (NHTSA) to establish a fuel economy program for medium- and heavy-duty trucks and create a separate fuel economy standard for work trucks.
- Prescribe or revise standards affecting regional efficiency for heating and cooling products and procedures for new or amended standards, energy conservation, energy efficiency labeling for consumer electronic products, residential boiler efficiency, electric motor efficiency, and home appliances.

### U.S. Environmental Protection Agency Endangerment Finding

The U.S. Environmental Protection Agency's (EPA) authority to regulate GHG emissions stems from the U.S. Supreme Court decision in *Massachusetts v. EPA* (2007). The Supreme Court ruled that GHGs meet the definition of air pollutants under the existing Federal Clean Air Act (FCAA) and must be regulated if these gases could be reasonably anticipated to endanger public health or welfare. Responding to the Court's ruling, the EPA finalized an endangerment finding in December 2009. Based on scientific evidence, it found that six GHGs (CO<sub>2</sub>, CH<sub>4</sub>, N<sub>2</sub>O, HFCs, PFCs, and SF<sub>6</sub>) constitute a threat to public health and welfare. Thus, it is the Supreme Court's interpretation of the existing FCAA and the EPA's assessment of the scientific evidence that form the basis for the EPA's regulatory actions.

### Federal Vehicle Standards

In response to the U.S. Supreme Court ruling discussed above, Executive Order 13432 was issued in 2007 directing the EPA, the Department of Transportation, and the Department of Energy to establish regulations that reduce GHG emissions from motor vehicles, non-road vehicles, and non-road engines by 2008. In 2009, the NHTSA issued a final rule regulating fuel efficiency and GHG emissions from cars and light-duty trucks for model year 2011, and in 2010, the EPA and NHTSA issued a final rule regulating cars and light-duty trucks for model years 2012–2016.

In 2010, an Executive Memorandum was issued directing the Department of Transportation, Department of Energy, EPA, and NHTSA to establish additional standards regarding fuel efficiency and GHG reduction, clean fuels, and advanced vehicle infrastructure. In response to this directive, the EPA and NHTSA proposed stringent, coordinated federal GHG and fuel economy standards for model years 2017–2025 light-duty vehicles. The proposed standards projected to achieve 163 grams per mile of CO<sub>2</sub> in model year 2025, on an average industry fleet-wide basis, which is equivalent to 54.5 miles per gallon if this level were achieved solely through fuel efficiency. The final rule was adopted in 2012 for model years 2017–2021, and NHTSA intends to set standards for model years 2022–2025 in a future rulemaking. On January 12, 2017, the EPA finalized its decision to maintain the current GHG emissions standards for model years 2022–2025 cars and light trucks. It should be noted that the EPA is currently proposing to freeze the vehicle fuel efficiency standards at their planned 2020 level (37 mpg), canceling any future strengthening (currently 54.5 mpg by 2026).

In addition to the regulations applicable to cars and light-duty trucks described above, in 2011, the EPA and NHTSA announced fuel economy and GHG standards for medium- and heavy-duty trucks for model years 2014–2018. The standards for CO<sub>2</sub> emissions and fuel consumption are tailored to three main vehicle categories: combination tractors, heavy-duty pickup trucks and vans, and vocational vehicles. According to the EPA, this regulatory program will reduce GHG emissions and fuel consumption for the affected vehicles by 6 to 23 percent over the 2010 baseline.

In August 2016, the EPA and NHTSA announced the adoption of the phase two program related to the fuel economy and GHG standards for medium- and heavy-duty trucks. The phase two program will apply to vehicles with model year 2018 through 2027 for certain trailers, and model years 2021 through 2027 for semi-trucks, large pickup trucks, vans, and all types and sizes of buses and work trucks. The final standards are expected to lower CO<sub>2</sub> emissions by approximately 1.1 billion metric tons and reduce oil consumption by up to 2 billion barrels over the lifetime of the vehicles sold under the program.

In 2018, President Trump and the EPA have stated their intent to halt various federal regulatory activities to reduce GHG emission, including the phase two program. California and other states have stated their intent to challenge federal actions that would delay or eliminate GHG reduction measures and have committed to cooperating with other countries to implement global climate change initiatives. The timing and consequences of these types of federal decisions and potential responses from California and other states are speculative at this time.

#### **Clean Power Plan and New Source Performance Standards for Electric Generating Units**

On October 23, 2015, the EPA published a final rule (effective December 22, 2015) establishing the carbon pollution emission guidelines for existing stationary sources: electric utility generating units (80 Federal Register [FR] 64510–64660), also known as the Clean Power Plan (CPP). These guidelines prescribe how states must develop plans to reduce GHG emissions from existing fossil-fuel-fired electric generating units. The guidelines establish CO<sub>2</sub> emission performance rates representing the best system of emission reduction for two subcategories of existing fossil-fuel-fired electric generating units: 1) fossil-fuel-fired electric utility steam-generating unit and 2) stationary combustion turbines. Concurrently, the EPA published a final rule (effective October 23, 2015) establishing standards of performance for GHG emissions from new, modified, and reconstructed stationary sources: electric utility generating units (80 FR 64661–65120). The rule prescribes CO<sub>2</sub> emission standards for newly constructed, modified, and reconstructed affected fossil-fuel-fired electric utility generating units. The U.S. Supreme Court stayed implementation of the CPP pending resolution of several lawsuits. Additionally, in March 2017, the federal government directed the EPA Administrator to review the CPP to determine whether it is consistent with current executive policies concerning GHG emissions, climate change, and energy.

#### **Presidential Executive Order 13783**

Presidential Executive Order 13783, Promoting Energy Independence and Economic Growth issued on March 28, 2017, orders all federal agencies to apply cost-benefit analyses to regulations of GHG emissions and evaluations of the social cost of CO<sub>2</sub>, N<sub>2</sub>O, and CH<sub>4</sub>.

#### **11.4.2 State**

The California Air Resources Board (CARB) is responsible for the coordination and oversight of State and local air pollution control programs in California. Various statewide and local initiatives to reduce California's contribution to GHG emissions have raised awareness about climate change and its potential for severe long-term adverse environmental, social, and economic effects. California is a significant emitter of CO<sub>2</sub>e in the world and produced 440 million gross metric tons of CO<sub>2</sub>e in 2015. In the state, the transportation sector is the largest emitter of GHGs, followed by industrial operations such as manufacturing and oil and gas extraction.

The State of California legislature has enacted a series of bills that constitute the most aggressive program to reduce GHGs of any state in the nation. Some legislation, such as the landmark AB 32 California Global Warming Solutions Act of 2006, was specifically enacted to address GHG emissions. Other legislation, such as Title 24 building efficiency standards and Title 20 appliance energy standards, were originally adopted for other purposes such as energy and water conservation, but also provide GHG reductions. This section describes the major legislation related to GHG emissions reduction.

### Assembly Bill 32 (California Global Warming Solutions Act of 2006)

AB 32 instructs the CARB to develop and enforce regulations for the reporting and verification of statewide GHG emissions. AB 32 also directed CARB to set a GHG emissions limit based on 1990 levels, to be achieved by 2020. It set a timeline for adopting a scoping plan for achieving GHG reductions in a technologically and economically feasible manner.

### CARB Scoping Plan

CARB adopted the Scoping Plan to achieve the goals of AB 32. The Scoping Plan establishes an overall framework for the measures that would be adopted to reduce California's GHG emissions. CARB determined that achieving the 1990 emissions level would require a reduction of GHG emissions of approximately 29 percent below what would otherwise occur in 2020 in the absence of new laws and regulations (referred to as "business-as-usual"). The Scoping Plan evaluates opportunities for sector-specific reductions, integrates early actions and additional GHG reduction measures by both CARB and the state's Climate Action Team, identifies additional measures to be pursued as regulations, and outlines the adopted role of a cap-and-trade program. Additional development of these measures and adoption of the appropriate regulations occurred through the end of 2013. Key elements of the Scoping Plan include:

- Expanding and strengthening existing energy efficiency programs, as well as building and appliance standards.
- Achieving a statewide renewables energy mix of 33 percent by 2020.
- Developing a California cap-and-trade program that links with other programs to create a regional market system and caps sources contributing 85 percent of California's GHG emissions (adopted in 2011).
- Establishing targets for transportation-related GHG emissions for regions throughout California and pursuing policies and incentives to achieve those targets (several sustainable community strategies have been adopted).
- Adopting and implementing measures pursuant to existing state laws and policies, including California's clean car standards, heavy-duty truck measures, the Low Carbon Fuel Standard (amendments to the Pavley Standard adopted 2009; Advanced Clean Car standard adopted 2012), goods movement measures, and the Low Carbon Fuel Standard (adopted 2009).
- Creating targeted fees, including a public goods charge on water use, fees on gasses with high global warming potential, and a fee to fund the administrative costs of California's long-term commitment to AB 32 implementation.

In 2012, CARB released revised estimates of the expected 2020 emissions reductions. The revised analysis relied on emissions projections updated considering current economic forecasts that accounted for the economic downturn since 2008, reduction measures already approved and put in place relating to future fuel and energy demand, and other factors. This update reduced the projected 2020 emissions from 596 million metric tons of CO<sub>2</sub>e (MMTCO<sub>2</sub>e) to 545 MMTCO<sub>2</sub>e. The reduction in forecasted 2020 emissions means that the revised business-as-usual reduction necessary to achieve AB 32's goal of reaching 1990 levels by 2020 is now 21.7 percent, down from 29 percent. CARB also provided a lower 2020 inventory forecast that incorporated state-led GHG emissions reduction measures already in place.



When this lower forecast is considered, the necessary reduction from business-as-usual needed to achieve the goals of AB 32 is approximately 16 percent.

CARB adopted the first major update to the Scoping Plan on May 22, 2014. The updated Scoping Plan summarizes the most recent science related to climate change, including anticipated impacts to California and the levels of GHG emissions reductions necessary to likely avoid risking irreparable damage. It identifies the actions California has already taken to reduce GHG emissions and focuses on areas where further reductions could be achieved to help meet the 2020 target established by AB 32.

In January 2017, CARB released the 2017 Climate Change Scoping Plan Update (Second Update) for public review and comment (CARB, 2017). The Second Update sets forth CARB's strategy for achieving the state's 2030 GHG target as established in Senate Bill (SB) 32 (discussed below). The Second Update was approved by CARB's Governing Board on December 14, 2017 (CARB, 2017).

#### **Senate Bill 32 (California Global Warming Solutions Act of 2006)**

Signed into law in September 2006, SB 32 codifies the 2030 GHG reduction target in Executive Order B-30-15 (40 percent below 1990 levels by 2030). The bill authorizes CARB to adopt an interim GHG emissions level target to be achieved by 2030. CARB also must adopt rules and regulations in an open public process to achieve the maximum, technologically feasible, and cost-effective GHG reductions.

With SB 32, the Legislature passed companion legislation, AB 197, which provides additional direction for developing the Scoping Plan. On December 14, 2017, CARB adopted a second update to the Scoping Plan (CARB, 2017b). The 2017 Scoping Plan details how the State will reduce GHG emissions to meet the 2030 target set by Executive Order B-30-15 and codified by SB 32. Other objectives listed in the 2017 Scoping Plan are to provide direct GHG emissions reductions; support climate investment in disadvantaged communities; and support the Clean Power Plan and other federal actions.

#### **SB 375 (The Sustainable Communities and Climate Protection Act of 2008)**

Signed into law on September 30, 2008, SB 375 provides a process to coordinate land use planning, regional transportation plans, and funding priorities to help California meet the GHG reduction goals established by AB 32. SB 375 requires metropolitan planning organizations to include sustainable community strategies in their regional transportation plans for reducing GHG emissions, aligns planning for transportation and housing, and creates specified incentives for the implementation of the strategies. The applicable sustainable community strategy in the Monterey Bay region is the AMBAG 2040 Metropolitan Transportation Plan/Sustainable Communities Strategy.

#### **AB 1493 (Pavley Regulations and Fuel Efficiency Standards)**

AB 1493, enacted on July 22, 2002, required CARB to develop and adopt regulations that reduce GHGs emitted by passenger vehicles and light duty trucks. Implementation of the regulation was delayed by lawsuits filed by automakers and by the EPA's denial of an implementation waiver. The EPA subsequently granted the requested waiver in 2009, which was upheld by the U.S. District Court for the District of Columbia in 2011. The regulations establish one set of emission standards for model years 2009 to 2016 and a second set of emissions standards for model years 2017 to 2025. By 2025, when all rules will be fully implemented, the objective is to have new automobiles emit 34 percent fewer CO<sub>2</sub>e emissions and 75 percent fewer smog-forming emissions.

### **SB 1368 (Emission Performance Standards)**

SB 1368 is the companion bill of AB 32, which directs the California Public Utilities Commission (CPUC) to adopt a performance standard for GHG emissions for the future power purchases of California utilities. SB 1368 limits carbon emissions associated with electrical energy consumed in California by forbidding procurement arrangements for energy longer than 5 years from resources that exceed the emissions of a relatively clean, combined cycle natural gas power plant. The new law effectively prevents California's utilities from investing in, otherwise financially supporting, or purchasing power from new coal plants located in or out of the state. The CPUC adopted the regulations required by SB 1368 on August 29, 2007. The regulations implementing SB 1368 establish a standard for baseload generation owned by, or under long-term contract to, publicly owned utilities, for 1,100 pounds of CO<sub>2</sub> per megawatt-hour.

### **SB 1078 and SBX1-2 (Renewable Electricity Standards)**

SB 1078 required California to generate 20 percent of its electricity from renewable energy by 2017. This goal was accelerated with SB 107, which changed the due date to 2010 instead of 2017. On November 17, 2008, Executive Order S-14-08 established a Renewable Portfolio Standard target for California requiring that all retail sellers of electricity serve 33 percent of their load with renewable energy by 2020. Executive Order S-21-09 also directed CARB to adopt a regulation by July 31, 2010, requiring the State's load serving entities to meet a 33 percent renewable energy target by 2020. CARB approved the Renewable Electricity Standard on September 23, 2010 by Resolution 10-23. SB X1-2 codified the 33 percent by 2020 goal.

### **SB 350 (Clean Energy and Pollution Reduction Act of 2015)**

Signed into law on October 7, 2015, SB 350 implements the goals of Executive Order B-30-15. The objectives of SB 350 are to increase the procurement of electricity from renewable sources from 33 percent to 50 percent (with interim targets of 40 percent by 2024, and 45 percent by 2027) and to double the energy efficiency savings in electricity and natural gas end uses of retail customers through energy efficiency and conservation. SB 350 also reorganizes the Independent System Operator to develop more regional electricity transmission markets and improve accessibility in these markets, which will facilitate the growth of renewable energy markets in the western United States.

### **AB 398 (Market-Based Compliance Mechanisms)**

Signed on July 25, 2017, AB 398 extended the duration of the Cap-and-Trade program from 2020 to 2030. AB 398 required CARB to update the Scoping Plan and for all GHG rules and regulations adopted by the State. It also designated CARB as the statewide regulatory body responsible for ensuring that California meets its statewide carbon pollution reduction targets, while retaining local air districts' responsibility and authority to curb toxic air contaminants and criteria pollutants from local sources that severely impact public health. AB 398 also decreased free carbon allowances over 40 percent by 2030 and prioritized Cap-and-Trade spending to various programs including reducing diesel emissions in impacted communities.

### **SB 150 (Regional Transportation Plans)**

Signed on October 10, 2017, SB 150 aligns local and regional GHG reduction targets with State targets (i.e., 40 percent below their 1990 levels by 2030). SB 150 creates a process to include communities in discussions on how to monitor their regions' progress on meeting these goals. The bill also requires the

CARB to regularly report on that progress, as well as on the successes and the challenges regions experience associated with achieving their targets. SB 150 provides for accounting of climate change efforts and GHG reductions and identify effective reduction strategies.

**SB 100 (California Renewables Portfolio Standard Program: Emissions of Greenhouse Gases)** Signed into law in September 2018, SB 100 increased California's renewable electricity portfolio from 50 to 60 percent by 2030. SB 100 also established a further goal to have an electric grid that is entirely powered by clean energy by 2045.

#### **Executive Orders Related to GHG Emissions**

California's Executive Branch has taken several actions to reduce GHGs using executive orders. Although not regulatory, they set the State's tone and guide the actions of State agencies.

#### **Executive Order S-3-05**

Executive Order S-3-05 was issued on June 1, 2005, which established the following GHG emissions reduction targets:

- By 2010, reduce greenhouse gas emissions to 2000 levels.
- By 2020, reduce greenhouse gas emissions to 1990 levels.
- By 2050, reduce greenhouse gas emissions to 80 percent below 1990 levels.

The 2050 reduction goal represents what some scientists believe is necessary to reach levels that will stabilize the climate. The 2020 goal was established to be a mid-term target. Because this is an executive order, the goals are not legally enforceable for local governments or the private sector.

#### **Executive Order S-01-07**

Issued on January 18, 2007, Executive Order S-01-07 mandates that a statewide goal shall be established to reduce the carbon intensity of California's transportation fuels by at least 10 percent by 2020. The executive order established a Low Carbon Fuel Standard (LCFS) and directed the Secretary for Environmental Protection to coordinate the actions of the California Energy Commission, CARB, the University of California, and other agencies to develop and propose protocols for measuring the "life-cycle carbon intensity" of transportation fuels. CARB adopted the LCFS on April 23, 2009.

#### **Executive Order S-13-08**

Issued on November 14, 2008, Executive Order S-13-08 facilitated the California Natural Resources Agency development of the 2009 California Climate Adaptation Strategy. Objectives include analyzing risks of climate change in California, identifying and exploring strategies to adapt to climate change, and specifying a direction for future research.

#### **Executive Order S-14-08**

Issued on November 17, 2008, Executive Order S-14-08 expands the State's Renewable Energy Standard to 33 percent renewable power by 2020. Additionally, Executive Order S-21-09 (signed on September 15, 2009) directs CARB to adopt regulations requiring 33 percent of electricity sold in the state come from renewable energy by 2020. CARB adopted the Renewable Electricity Standard on September 23, 2010, which requires 33 percent renewable energy by 2020 for most publicly owned electricity retailers.

### **Executive Order S-21-09**

Issued on July 17, 2009, Executive Order S-21-09 directs CARB to adopt regulations to increase California's RPS to 33 percent by 2020. This builds upon SB 1078 (2002), which established the California RPS program, requiring 20 percent renewable energy by 2017, and SB 107 (2006), which advanced the 20 percent deadline to 2010, a goal which was expanded to 33 percent by 2020 in the 2005 Energy Action Plan II.

### **Executive Order B-30-15**

Issued on April 29, 2015, Executive Order B-30-15 established a California GHG reduction target of 40 percent below 1990 levels by 2030 and directs CARB to update the Climate Change Scoping Plan to express the 2030 target in terms of million metric tons of CO<sub>2</sub>e (MMTCO<sub>2</sub>e). The 2030 target acts as an interim goal on the way to achieving reductions of 80 percent below 1990 levels by 2050, a goal set by Executive Order S-3-05. The executive order also requires the State's climate adaptation plan to be updated every three years and for the State to continue its climate change research program, among other provisions. With the enactment of SB 32 in 2016, the Legislature codified the goal of reducing GHG emissions by 2030 to 40 percent below 1990 levels.

### **Executive Order B-55-18**

Issued on September 10, 2018, Executive Order B-55-18 establishes a goal to achieve carbon neutrality as soon as possible, and no later than 2045, and achieve and maintain net negative emissions thereafter. This goal is in addition to the existing statewide targets of reducing GHG emissions. The executive order requires CARB to work with relevant State agencies to develop a framework for implementing this goal. It also requires CARB to update the Scoping Plan to identify and recommend measures to achieve carbon neutrality. The executive order also requires State agencies to develop sequestration targets in the Natural and Working Lands Climate Change Implementation Plan.

### **California Regulations and Building Codes**

California has a long history of adopting regulations to improve energy efficiency in new and remodeled buildings. These regulations have kept California's energy consumption relatively flat, even with rapid population growth.

#### **Title 20 Appliance Efficiency Regulations**

The appliance efficiency regulations (California Code of Regulations [CCR] Title 20, Sections 1601-1608) include standards for new appliances. Twenty-three categories of appliances are included in the scope of these regulations. These standards include minimum levels of operating efficiency, and other cost-effective measures, to promote the use of energy- and water-efficient appliances.

#### **Title 24 Building Energy Efficiency Standards**

California's Energy Efficiency Standards for Residential and Nonresidential Buildings (CCR Title 24, Part 6), was first adopted in 1978 in response to a legislative mandate to reduce California's energy consumption. The standards are updated periodically to allow consideration and possible incorporation of new energy efficient technologies and methods. Energy efficient buildings require less electricity; therefore, increased energy efficiency reduces fossil fuel consumption and decreases GHG emissions. The 2019 Building Energy Efficiency Standards were adopted on May 9, 2018 and took effect on January

1, 2020. Under the 2019 standards, residential dwellings will be required to use approximately 53 percent less energy and nonresidential buildings will be required to use approximately 30 percent less energy than buildings under the prior code cycle's (2016) standards.

#### **Title 24 California Green Building Standards Code**

The California Green Building Standards Code (CCR Title 24, Part 11) commonly referred to as CALGreen, is a statewide mandatory construction code developed and adopted by the California Building Standards Commission and the Department of Housing and Community Development. The CALGreen standards require new residential and nonresidential buildings to comply with mandatory measures under the topics of planning and design, energy efficiency, water efficiency/conservation, material conservation and resource efficiency, and environmental quality. CALGreen also provides voluntary tiers and measures that local governments may adopt that encourage or require additional measures in the five green building topics. The most recent update to the 2016 CALGreen Code, went into effect January 1, 2017. Updates to the 2016 CALGreen Code took effect on January 1, 2020 (2019 CALGreen). The 2019 CALGreen standards will continue to improve upon the existing standards for new construction of, and additions and alterations to, residential and nonresidential buildings. The 2019 CALGreen standards require residential buildings to be solar ready by incorporating solar panels with construction (refer to Section 110.10 in the 2019 Building Energy Efficiency Standards for more details).

### **11.4.3 Regional & Local**

#### **Monterey Bay Air Resources District**

MBARD is the regional air agency for the North Central Coast Air Basin, which includes the project site and surrounding area. In February 2008, MBARD issued revised adopted guidance for assessing and reducing the impacts of project-specific air quality emissions: CEQA Air Quality Guidelines. This document included a reserved section to address project-specific GHG emissions: Climate Change and Assessment of Project Impacts from Greenhouse Gases. To date, MBARD has not adopted guidance for GHG emissions inventory, or established significance thresholds for GHG emissions.

#### **City of Pacific Grove General Plan**

Project relevant general plan policies for greenhouse gas emissions are addressed in this section. Where inconsistencies exist, if any, they are addressed in the respective impact analysis below. Relevant General Plan policies from the Health and Safety Element that directly address reducing and avoiding greenhouse gas emissions impacts include the following:

**Goal 3:** Promote attainment, and insofar as possible, improve air quality in Pacific Grove and the Monterey Bay area.

- **Policy 10:** Address State and federal regulation to keep funding to maintain attainment.
- **Policy 12:** Continue to support the efforts of the Transportation Agency for Monterey County to implement the Monterey County Congestion Management Plan.

## 11.5 Environmental Impacts and Mitigation Measures

### 11.5.1 Significance Thresholds

According to the adopted Appendix G of the *State CEQA Guidelines*, impacts related to GHG emissions from a proposed project would be significant if the project would:

- Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment; and/or
- Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

Determining significance follows available guidelines from State or local air quality management agencies, where available. However, there is no legally adopted threshold to guide City decision-makers in determining what emission levels constitute a significant amount. Rules and policies being developed by CARB are used here although they are evolving in response to the threat of climate change effects and subsequent legislation.

MBARD does not yet recommend any method or threshold for determining significance of climate change impacts or greenhouse gas emissions from a project and its operation. Nonetheless, GHG emissions caused by any project subject to CEQA must be described in order for a lead agency to determine the significance of impacts. The 2010 State CEQA Guidelines (Section 15064.4) provide the following direction for the assessment and mitigation of GHG emissions:

- A lead agency should make a good-faith effort, based to the extent possible on scientific and factual data, to describe, calculate or estimate the amount of greenhouse gas emissions resulting from a project.
- A lead agency should consider the extent to which the project may increase or reduce greenhouse gas emissions as compared to the existing environmental setting.
- A lead agency should consider the extent to which the project complies with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of GHG emissions.

In the absence of quantitative significance thresholds in CEQA guidance, this analysis turns to other programs. For example, the CARB Mandatory Reporting program requirements are triggered for sources of GHG emissions exceeding 2,500 metric tons CO<sub>2</sub> (MTCO<sub>2</sub>e) per year. AB 32 requires California agencies to take actions that will reduce GHG emissions by 2020 to the levels of 1990, and then substantially further reduce emissions by 2050.

According to a MBARD staff report to the District Board of Directors, MBARD is considering adoption of a threshold of 2,000 metric tons of equivalent CO<sub>2</sub> emissions (MT of CO<sub>2</sub>e/year) for land use projects or compliance with an adopted GHG Reduction Plan/Climate Action Plan. Although MBARD has adopted a GHG threshold for stationary source projects that rely on operational processes and equipment that are subject to MBARD permitting requirements, land use projects do not have a formally adopted policy recommending any specific threshold. Since MBARD has not adopted thresholds, MBARD encourages lead agencies to consider a variety of metrics for evaluating GHG missions and related mitigation measures as they best apply to the specific project (MBARD, 2014). Other air districts in the State have adopted a threshold of 1,100 MTCO<sub>2</sub>e per year for land-use projects, including the Bay Area Air Quality



Management District (BAAQMD) and Sacramento Metropolitan Air Quality Management District (SMAQMD), while San Luis Obispo County Air Pollution Control District (SLOCAPCD) has an adopted threshold of 1,150 MTCO<sub>2</sub>e per year (Association of Environmental Professionals, October 2016).

For CEQA analyses, project-related GHG impacts can be categorized as either direct or indirect. Direct emissions refer to those emitted by stationary sources at the project site or caused by project activity on-site, and these emissions are normally within control of the project sponsor or applicant. Indirect emissions include those emissions that are not within the direct control of the project sponsor or applicant, but may occur as a result of the project, such as the motor vehicle emissions induced by the project. Indirect emissions include emissions from any off-site facilities used for project support as a result of the construction or operation of a project, and these emissions are likely to occur outside the control of the project far off-site or even outside of California.

Construction-phase GHG emissions are quantified as part of the air quality impact assessment (see [Chapter 5: Air Quality](#) and [Appendix B](#) for supporting calculations).

The effects of the proposed project are also considered based on whether the project implements reduction strategies identified in AB 32, the Governor's Executive Order S-14-08, or other strategies to help reduce GHGs to the level proposed by the Governor. If so, it could reasonably follow that the project would not result in a significant contribution to the cumulative impact of global climate change.

### 11.5.2 Study Methodology

The Project's construction and operational emissions were calculated using the California Emissions Estimator Model version 2016.3.2 (CalEEMod). Details of the modeling assumptions and emission factors are provided in [Appendix B](#). For construction, CalEEMod calculates emissions from off-road equipment usage and on-road vehicle travel associated with haul, delivery, and construction worker trips. The project's construction-related GHG emissions were forecasted based on the proposed construction schedule and applying the mobile-source and fugitive dust emissions factors derived from CalEEMod. The project's construction-related GHG emissions would be generated from off-road construction equipment, on-road hauling and vendor (material delivery) trucks, and worker vehicles.

The project's operations-related GHG emissions would be generated by vehicular traffic, area sources (e.g., landscaping maintenance, consumer products), electrical generation, natural gas consumption, water supply and wastewater treatment, and solid waste.

Details of the modeling assumptions and emission factors are provided in [Appendix B](#), and a summary of adjustments is provided below.

CalEEMod default emission factors incorporate compliance with some, but not all, applicable rules and regulations regarding energy efficiency and vehicle fuel efficiency, and other GHG reduction policies, as described in the CalEEMod User's Guide (CAPCOA, 2016). The reductions obtained from each regulation and the source of the reduction amount used in the analysis are described below.

The following regulations are incorporated into the CalEEMod emission factors:

- Pavley I motor vehicle emission standards
- Low Carbon Fuel Standard (LCFS)

- 2016 Title 24 Energy Efficiency Standards

The following regulations have not been incorporated into the CalEEMod emission factors:

- Pavley II (LEV III) Advanced Clean Cars Program (extends to model year 2025)
- Renewable Portfolio Standards (RPS)
- Green Building Code Standards (indoor water use)
- California Model Water Efficient Landscape Ordinance (Outdoor Water)
- 2019 Title 24 Energy Efficiency Standards (effective January 1, 2020)

### 11.5.3 Summary of No and/or Beneficial Impacts

Not applicable. The project has the potential for impacts based on the above criteria.

### 11.5.4 Cumulative Impact Analysis

It is generally the case that an individual project of this project's size and nature is of insufficient magnitude by itself to influence climate change or result in a substantial contribution to the global GHG inventory. GHG impacts are recognized as exclusively cumulative impacts; there are no non-cumulative GHG emission impacts from a climate change perspective. The additive effect of project-related GHG emissions would not result in a reasonably foreseeable cumulatively considerable contribution to global climate change. In addition, the project as well as other cumulative related projects would be subject to all applicable regulatory requirements, which would result in reduced GHG emissions associated with new development over time as new standards are implemented.

**Impact GHG-1:** The project could contribute to cumulatively considerable effects on construction-related greenhouse gas emissions. This is a **less than significant impact**.

Construction of the project would result in direct emissions of CO<sub>2</sub>, N<sub>2</sub>O, and CH<sub>4</sub> from the operation of construction equipment and the transport of materials and construction workers to and from the project site. MBARD does not have a threshold for construction GHG emissions, which are one-time, short-term emissions and therefore would not significantly contribute to long-term cumulative GHG emissions impacts of the project. However, the construction GHG emissions are disclosed and a determination on the significance of construction GHG emissions in relation to meeting AB 32 GHG reduction goals should be made. Total GHG emissions generated during all phases of construction were combined and are presented in **Table 11-2: Construction Greenhouse Gas Emissions**. The CalEEMod outputs are contained within the **Appendix B**.

**Table 11-2: Construction Greenhouse Gas Emissions**

Construction Year	Project (MTCO <sub>2</sub> e) <sup>1</sup>
2021	986.48
2022	311.77
<b>Total</b>	<b>1,298.25</b>

Notes:

1. Due to rounding, total MTCO<sub>2</sub>e may be marginally different from CalEEMod output. MTCO<sub>2</sub>e = metric tons of carbon dioxide equivalent.

Source: CalEEMod version 2016.3.2. Refer to Appendix B for model outputs.

As shown in Table 11-2, project construction-related activities would generate approximately 1,298 MTCO<sub>2</sub>e over the construction phase. Once construction is complete, the generation of construction-related GHG emissions would cease. The project's construction-phase total GHG emissions of 1,298.25 MTCO<sub>2</sub>e over a one- to two-year period is less than the CARB Mandatory Reporting applicability level of 2,500 MTCO<sub>2</sub>e per year. As a result, the short-term emission of GHG during construction would be adverse, but less than significant.

**Impact GHG-2:** The project could contribute to cumulatively considerable effects on long-term operations-related greenhouse gas emissions. This impact would be **less than significant with mitigation incorporated**.

Operational or long-term emissions would occur over the project's life. GHG emissions would result from direct emissions such as project generated vehicular traffic, on-site combustion of natural gas, and operation of any landscaping equipment. Operational GHG emissions would also result from indirect sources, such as off-site generation of electrical power over the life of the project, the energy required to convey water to, and wastewater from the project site, the emissions associated with solid waste generated from the project site, and any fugitive refrigerants from air conditioning or refrigerators.

Table 11-3: Operational Unmitigated Greenhouse Gas Emissions, summarizes the total GHG emissions associated with the project.

**Table 11-3: Operational Unmitigated Greenhouse Gas Emissions**

Category	MTCO <sub>2</sub> e <sup>1</sup>
<b>Existing</b>	<b>1,432.82</b>
<b>Unmitigated Project Emissions</b>	
Area Source	0.02
Energy	1,049.99
Mobile	2,319.92
Waste	73.34
Water and Wastewater	13.50
Vegetation Land Use Change (Loss of Sequestration) <sup>3</sup>	2
<b>Total Project<sup>2</sup></b>	<b>3,458.77</b>
<b>Net</b>	<b>2,025.95</b>
<b>Threshold</b>	<b>1,100</b>
<b>Exceeds Threshold?</b>	<b>Yes</b>

Notes:

1. Emissions were calculated using CalEEMod version 2016.3.2.

2. Emissions may not total due to rounding.

3. Sequestration loss is based on a 20-year growing period per the CalEEMod User Guide and amortized over a 30-year project lifetime.

Source: CalEEMod version 2016.3.2. Refer to Appendix A for model outputs.

Below is a description of the primary sources of operational emissions:

**Area Sources.** Area source emissions occur from architectural coatings, landscaping equipment, and consumer products. Landscaping is anticipated to occur throughout the proposed lodging area. Additionally, the primary emissions from architectural coatings are volatile organic compounds, which are relatively insignificant as direct GHG emissions. The project would result in 0.02 MTCO<sub>2</sub>eq/yr (refer to Table 11-3).

**Energy Consumption.** Energy consumption consists of emissions from project consumption of electricity and natural gas. The project would result in 1,049.99 MTCO<sub>2</sub>e/yr from energy consumption (refer to Table 11-3).

**Mobile Sources.** Mobiles sources from the project were calculated with CalEEMod based on the trip generation from the project Traffic Study. These trips include all hotel related uses and commercial trip generation. As shown in Table 11-3, the mobile source emissions from the project would be 2,320 MTCO<sub>2</sub>eq/yr.

**Solid Waste.** Solid waste releases GHG emissions in the form of methane when these materials decompose. The project would result in 73 MTCO<sub>2</sub>e/yr from solid waste (refer to Table 11-3).

**Water and Wastewater.** GHG emissions from water demand would occur from electricity consumption associated with water conveyance and treatment. The project would result in 14 MTCO<sub>2</sub>e/yr from water and wastewater conveyance and treatment (refer to Table 11-3).

**Vegetation Land Use Change (Loss of Sequestration).** Sequestration refers to the process of vegetation storing CO<sub>2</sub> (resulting in a carbon sink and reducing CO<sub>2</sub> emissions). As the project would displace trees and other on-site vegetation that is currently sequestering CO<sub>2</sub>, loss of the existing vegetation would result in approximately 56 MT CO<sub>2</sub>e that would not be sequestered, which is approximately 2 MT CO<sub>2</sub>e/yr over a 30-year project lifetime<sup>1</sup>. MM BIO-3.3 requires the project sponsor to either replace/replant new trees on a 2:1 ratio on-site; replace/replant at another location if on-site is not feasible; or pay an in-lieu tree impact fee.

Table 11-3, shows that unmitigated emissions from the development of up to 225 hotel rooms and retail uses would potentially exceed the BAAQMD GHG threshold of 1,100 MTCO<sub>2</sub>e per year<sup>2</sup>. It should be noted that the unmitigated emissions incorporate adjustments for project energy consumption based on the 2019 Title 24 Part 6 (Building Energy Efficiency Standards). The standards also require updated thermal envelope standards (preventing heat transfer from the interior to exterior and vice versa), residential and nonresidential ventilation requirements, and nonresidential lighting requirements that would cut residential energy use by more than 50 percent (with solar) and nonresidential energy use by 30 percent. The standards also encourage demand responsive technologies including battery storage and heat pump water heaters and improve the building's thermal envelope through high performance attics, walls and windows to improve comfort and energy savings (California Energy Commission, March 2018). The project would also comply with the appliance energy efficiency standards in Title 20 of the California Code of Regulations. The Title 20 standards include minimum levels of operating efficiency,

<sup>1</sup> The 20-year active growth period is consistent with IPCC recommendations. CalEEMod User's Guide version 2016.3.1, 2016.

<sup>2</sup> Although the project is located within the MBARD, the analysis conservatively uses BAAQMD thresholds as MBARD does not currently have adopted GHG thresholds. See discussion above in section 11.5.1 *Significance Thresholds*.

and other cost-effective measures, to promote the use of energy- and water-efficient appliances. The project would be constructed according to the standards for high-efficiency water fixtures for indoor plumbing and water efficient irrigation systems required in 2019 Title 24, Part 11 (CALGreen). The project would comply with SB X7-7, which requires California to achieve a 20 percent reduction in urban per capita water use by 2020. As well as implement best management practices for water conservation to achieve the City's water conservation goals.

At the State and global level, improvements in technology, policy, and social behavior can also influence and reduce operational emissions generated by a project. The State has achieved the Renewable Portfolio Standards goal of 33 percent renewables by 2020 and is currently on a pathway to achieving 60 percent renewables by 2030 per SB 100. Despite these goals, the majority of the project's emissions would still be from mobile and energy sources. Future mobile source emissions are greatly dependent on changes in vehicle technology, fuels, and social behavior, which can be influenced by policies to varying degrees.

The majority of project emissions (approximately 97 percent) would occur from mobile and energy sources. As noted above, energy and mobile sources are targeted by statewide measures such as low carbon fuels, cleaner vehicles, strategies to promote sustainable communities and improved transportation choices that result in reducing VMT, continued implementation of the Renewable Portfolio Standard (the target is now set at 60 percent renewables by 2030), and extension of the Cap and Trade program (requires reductions from industrial sources, energy generation, and fossil fuels). The Cap and Trade Program covers approximately 85 percent of California's GHG emissions as of January 2015. The statewide cap for GHG emissions from the capped sectors (i.e., electricity generation, industrial sources, petroleum refining, and cement production) commenced in 2013 and will decline approximately three percent each year, achieving GHG emission reductions throughout the program's duration. The passage of AB 398 in July 2017 extended the duration of the Cap and Trade Program from 2020 to 2030. With continued implementation of various statewide measures, the project's operational energy and mobile source emissions would continue to decline in the future.

As the project's unmitigated emissions associated with the development of up to 225 hotel rooms and retail space would potentially exceed thresholds, implementation of MM GHG-2.1 would be required. MM GHG-2.1 requires the Project Applicant to prepare a final Commute Trip Reduction (CTR)/Transportation Demand Management (TDM) plan to determine the GHG emissions associated with the final project. The CTR/TDM Plan would identify specific feasible transportation reduction measures to ensure project emissions would be less than significant. The CTR/TDM Plan could potentially include such measures to minimize vehicle trips and mobile emissions. The CTR/TDM program would discourage single-occupancy vehicle trips and encourage alternative modes of transportation such as carpooling, taking transit, walking, and biking. Employees would be encouraged to work flexible work schedules, receive transit subsidies, and have vanpool and rideshare options available.

Project emissions with implementation of MM GHG-2.1 are shown in [Table 11-4: Mitigated Operational Greenhouse Gas Emissions](#). MM GHG-2.1 includes a CTR/TDM plan to minimize vehicle trips and mobile emissions. The measures applied in CalEEMod were transit subsidy for employees and employee vanpool/shuttle. With implementation of MM GHG-2.1, project GHG emissions would be reduced to a

less than significant level. Therefore, operational GHG impacts are less than significant with mitigation incorporated.

**Table 11-4: Operational Greenhouse Gas Emissions**

Category	MTCO <sub>2</sub> e <sup>1</sup>
<i>Existing</i>	<b>1,432.82</b>
<b>Mitigated Project Emissions</b>	
Area Source	0.02
Energy	812.56
Mobile	1,500
Waste	36.67
Water and Wastewater	10.89
Vegetation Land Use Change (Loss of Sequestration) <sup>3</sup>	2
<b>Total Project<sup>2</sup></b>	<b>2,360.09</b>
<b>Net</b>	<b>927.27</b>
<b>Threshold</b>	<b>1,100</b>
<b>Exceeds Threshold?</b>	<b>No</b>

Notes:

1. Emissions were calculated using CalEEMod version 2016.3.2.

2. Emissions may not total due to rounding.

3. Sequestration loss is based on a 20-year growing period per the CalEEMod User Guide and amortized over 30-year project lifetime.

Source: CalEEMod version 2016.3.2. Refer to Appendix A for model outputs.

#### MM GHG-2.1 Commute Trip Reduction/Transportation Demand Management Plan

Prior to the issuance of grading permits for the project, the project applicant shall develop a final and qualifying Commute Trip Reduction (CTR)/Transportation Demand Management (TDM) plan to reduce mobile GHG emissions for all uses. The TDM plan shall be approved by the City prior to the issuance of building permits and incorporated into the project's Conditions of Approval. The TDM plan shall discourage single-occupancy vehicle trips and encourage alternative modes of transportation such as carpooling, taking transit, walking, and biking. The following measures shall be incorporated into the TDM plan.

- The CTR/TDM plan for the project shall include, but not be limited to the following potential measures or combination of measures: ride-matching assistance, preferential carpool parking, flexible work schedules for carpools, half-time transportation coordinators, providing a web site or message board for coordinating rides, transit subsidies for employees, employee vanpool/shuttle, guest shuttle, designating adequate passenger loading and unloading and waiting areas for ride-sharing vehicles, extension or funding of MST Trolley, and including bicycle end of trip facilities. This list may be updated as new or alternative methods become available. Verification of this measure



and quantification of trip and emission reduction shall occur prior to the first building permit issuance for the hotel and commercial uses.

Refinement of the estimated project GHG emissions may be completed at the time of discretionary approval in order to reflect the project refinements and the most current and accurate data available regarding the project's estimated emissions (including emission rates). Once project emissions are shown to be below 1,100 MTCO<sub>2</sub>e per year and trips are reduced at key intersections as identified in Chapter 17 of this EIR, then this GHG-related mitigation may be considered satisfied.

**Impact GHG-3:** The project will not conflict with a plan, policy or regulation adopted for the purpose of reducing greenhouse gas emissions. This is a **less than significant impact**.

As discussed above in the Regulatory Setting, the City does not have a stand-alone Climate Action Plan but includes goals, policies, and actions in the City's Health and Safety Element to reduce the generation of GHG emissions within the City. The project would be consistent with and rely on these goals, policies, and actions. Therefore, the project would result in a less than significant cumulative impact to global climate change.

The project demonstrates consistency with the City's General Plan goals, measures, and emission reduction targets, and would not conflict with any applicable plan, policy, or regulation of an agency adopted to reduce GHG emissions, including Title 24, AB 32, and SB 32. Therefore, project impacts would be less than significant.

#### Consistency with CARB Scoping Plan

As identified in the Regulatory Setting, CARB adopted the Climate Change Scoping Plan (Scoping Plan) in 2008, which outlines actions recommended to obtain that goal. The Scoping Plan provides a range of GHG reduction actions that include direct regulations, alternative compliance mechanisms, monetary and non-monetary incentives, voluntary actions, market-based mechanisms such as the Cap-and-Trade Program, and an AB 32 implementation fee to fund the program.

The latest CARB Climate Change Scoping Plan (2017) outlines the State's strategy to reduce State-wide GHG emissions to 40 percent below 1990 levels by 2030 pursuant to SB 32. The CARB Scoping Plan is applicable to State agencies and is not directly applicable to cities, counties, and individual projects. Nonetheless, the Scoping Plan has been the primary tool used to develop performance-based and efficiency-based CEQA criteria and GHG reduction targets for climate action planning efforts.

As shown in **Table 11-5: Project Consistency with Applicable CARB Scoping Plan Measures**, the project is consistent with most of the strategies, while others are not applicable to the project.

**Table 11-5: Project Consistency with Applicable CARB Scoping Plan Measures**

Scoping Plan Sector	Scoping Plan Measure	Implementing Regulations	Project Consistency
Transportation	California Cap-and-Trade Program Linked to Western Climate Initiative	Regulation for the California Cap on Greenhouse Gas Emissions and Market-Based Compliance Mechanism October 20, 2015 (CCR 95800)	<b>Consistent.</b> The Cap-and-Trade Program applies to large industrial sources such as power plants, refineries, and cement manufacturers. However, the regulation indirectly affects people who use the products and services produced by these industrial sources when increased cost of products or services (such as electricity and fuel) are transferred to the consumers. The Cap-and-Trade Program covers the GHG emissions associated with electricity consumed in California, whether generated in-state or imported. Accordingly, GHG emissions associated with CEQA projects' electricity usage are covered by the Cap-and-Trade Program. The Cap-and-Trade Program also covers fuel suppliers (natural gas and propane fuel providers and transportation fuel providers) to address emissions from such fuels and from combustion of other fossil fuels not directly covered at large sources in the Program's first compliance period.
	California Light-Duty Vehicle Greenhouse Gas Standards	Pavley I 2005 Regulations to Control GHG Emissions from Motor Vehicles	<b>Consistent.</b> This measure applies to all new vehicles starting with model year 2012. The project would not conflict with its implementation as it would apply to all new passenger vehicles purchased in California. Passenger vehicles, model year 2012 and later, associated with construction and operation of the project would be required to comply with the Pavley emissions standards.
		2012 LEV III Amendments to the California Greenhouse Gas and Criteria Pollutant Exhaust and Evaporative Emission Standards	<b>Consistent.</b> The LEV III amendments provide reductions from new vehicles sold in California between 2017 and 2025. Passenger vehicles associated with the site would comply with LEV III standards.

Scoping Plan Sector	Scoping Plan Measure	Implementing Regulations	Project Consistency
	Low Carbon Fuel Standard	2009 readopted in 2015. Regulations to Achieve Greenhouse Gas Emission Reductions Sub article 7. Low Carbon Fuel Standard CCR 95480	<b>Consistent.</b> This measure applies to transportation fuels utilized by vehicles in California. The project would not conflict with implementation of this measure. Motor vehicles associated with construction and operation of the project would utilize low carbon transportation fuels as required under this measure.
	Regional Transportation-Related Greenhouse Gas Targets	SB 375. Cal. Public Resources Code §§ 21155, 21155.1, 21155.2, 21159.28	<b>Consistent.</b> The project would provide development in the region that is consistent with the growth projections in the Regional Transportation Plan/Sustainable Communities Strategy (SCS) (2040 Metropolitan Transportation Plan/ Sustainable Communities Strategy).
	Goods Movement	Goods Movement Action Plan January 2007	<b>Not applicable.</b> The project does not propose any changes to maritime, rail, or intermodal facilities or forms of transportation.
	Medium/Heavy-Duty Vehicle	2010 Amendments to the Truck and Bus Regulation, the Drayage Truck Regulation and the Tractor-Trailer Greenhouse Gas Regulation	<b>Consistent.</b> This measure applies to medium and heavy-duty vehicles that operate in the state. The project would not conflict with implementation of this measure. Medium and heavy-duty vehicles associated with construction and operation of the project would be required to comply with the requirements of this regulation.
	High Speed Rail	Funded under SB 862	<b>Not applicable.</b> This is a statewide measure that cannot be implemented by a project Applicant or Lead Agency.
Electricity and Natural Gas	Energy Efficiency	Title 20 Appliance Efficiency Regulation	<b>Consistent.</b> The project would not conflict with implementation of this measure. The project would comply with the latest energy efficiency standards.
		Title 24 Part 6 Energy Efficiency Standards for Residential and Non-Residential Building	
		Title 24 Part 11 California Green Building Code Standards	

Scoping Plan Sector	Scoping Plan Measure	Implementing Regulations	Project Consistency
	Renewable Portfolio Standard/Renewable Electricity Standard.	2010 Regulation to Implement the Renewable Electricity Standard (33% 2020)	<b>Consistent.</b> The project would obtain electricity from the electric utility, PG&E. PG&E obtained 33 percent of its power supply from renewable sources in 2016. Therefore, the utility would provide power when needed on site that is composed of a greater percentage of renewable sources.
		SB 350 Clean Energy and Pollution Reduction Act of 2015 (50% 2030)	
	Million Solar Roofs Program	Tax incentive program	<b>Consistent.</b> This measure is to increase solar throughout California, which is being done by various electricity providers and existing solar programs.
Water	Water	Title 24 Part 11 California Green Building Code Standards	<b>Consistent.</b> The project would comply with the California Green Building Standards Code, which requires a 20 percent reduction in indoor water use.
		SBX 7-7—The Water Conservation Act of 2009	
		Model Water Efficient Landscape Ordinance	
Green Buildings	Green Building Strategy	Title 24 Part 11 California Green Building Code Standards	<b>Consistent.</b> The State goal is to increase the use of green building practices. The project would implement green building strategies through incorporation of design elements such as energy efficient lighting, green roofs, rainwater harvesting, grey water system and other various components consistent with CalGreen requirements.
Industry	Industrial Emissions	2010 CARB Mandatory Reporting Regulation	<b>Not applicable.</b> The project does not include industrial land uses.
Recycling and Waste Management	Recycling and Waste	Title 24 Part 11 California Green Building Code Standards	<b>Consistent.</b> The project would not conflict with implementation of these measures. The project is required to achieve the recycling mandates via compliance with the CALGreen code. The City has consistently achieved its State recycling mandates.
		AB 341 Statewide 75 Percent Diversion Goal	

Scoping Plan Sector	Scoping Plan Measure	Implementing Regulations	Project Consistency
Forests	Sustainable Forests	Cap and Trade Offset Projects	<b>Not applicable.</b> The project site is in an infill site located in a developed area of the City. No forested lands exist on-site. However, existing stands of trees to be removed will be replaced and/or mitigated through in-lieu fees.
High Global Warming Potential	High Global Warming Potential Gases	CARB Refrigerant Management Program CCR 95380	<b>Not applicable.</b> The regulations are applicable to refrigerants used by large air conditioning systems and large commercial and industrial refrigerators and cold storage system. The project is not expected to use large systems subject to the refrigerant management regulations adopted by CARB.
Agriculture	Agriculture	Cap and Trade Offset Projects for Livestock and Rice Cultivation	<b>Not applicable.</b> The project site is designated for development. No grazing, feedlot or other agricultural activities that generate manure currently exist on-site or are proposed to be implemented by the project.

Source: California Air Resources Board (CARB), California's 2017 Climate Change Scoping Plan, 2017b and CARB, Climate Change Scoping Plan, December 2008.

As noted above, with mitigation the project would emit a net of approximately 927 MTCO<sub>2</sub>e per year, directly from on-site activities and indirectly from off-site motor vehicles. Also, as demonstrated in [Table 11-5](#), the project would not conflict with the CARB Scoping Plan. GHG emissions caused by long-term operation of the proposed project would be less than significant.

Appendix B, Local Action, of the 2017 CARB Scoping Plan lists potential actions that support the State's climate goals. However, the Scoping Plan notes that the applicability and performance of the actions may vary across the regions. The document is organized into two categories (A) examples of plan-level GHG reduction actions that could be implemented by local governments and (B) examples of on-site project design features, mitigation measures, that could be required of individual projects under CEQA, if feasible, when the local jurisdiction is the lead agency.

The project would include a number of the potential mitigation measures for construction and operation. For example, the Scoping Plan's construction measures include enforcing idling time restrictions on construction vehicles, requiring construction vehicles to operate highest tier engines commercially available, diverting and recycling construction waste, and increase use of electric and renewable fuel powered construction equipment and require renewable diesel fuel where commercially available. These measures are consistent with the requirements in MM AQ-2.1, which require the minimization of idling, the use of clean off-road engines, and the recycling of construction waste.

As indicated above, GHG reductions are also achieved as a result of State energy and water efficiency requirements for new non-residential developments. These efficiency improvements correspond to

reductions in secondary GHG emissions. For example, in California, most of the electricity that powers homes is derived from natural gas combustion. Therefore, energy saving measures, such as those set forth in Title 24, reduce GHG emissions from the power generation facilities by reducing load demand.

The project would be required to comply with existing regulations, including applicable measures from the City's General Plan, or would be directly affected by the outcomes of such regulations (for example, vehicle trips and energy consumption would be less carbon intensive due to statewide compliance with future low carbon fuel standard amendments and increasingly stringent Renewable Portfolio Standards). As such, the project would not conflict with state-level regulations pertaining to GHGs.

As discussed above in Impact GHG-1 and GHG-2, the project would not exceed significance thresholds for construction or operation of the project with Mitigation Measure GHG-2.1. Additionally, emissions would also be reduced through carbon sequestration that would occur with MM BIO-3.3 (Tree Planting/Replanting), and MM TRA-3.2, which would install crosswalks that would encourage non-motorized transportation. The development of the proposed project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs. GHG emissions resulting from the proposed project would be partially offset by the incorporation of energy and water conserving features and green building designs. The proposed project would comply with all MBARD applicable rules and regulations during construction and would not interfere with the State's goals of reducing GHG emission to 1990 levels by 2020 as stated in AB 32; a 40 percent reduction below 1990 levels by 2030 as noted in SB 32; and, an 80 percent reduction in GHG emissions below 1990 levels by 2050 as stated in EO S-3-05. Therefore, impacts would be less than significant.

## 11.6 References

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## 12 Hazards & Hazardous Materials

### 12.1 Introduction

This section describes potential effects from hazards and hazardous materials that could result from implementation of the proposed project. Information used to prepare this section was sourced primarily from the following documents:

- Amicus - Strategic Environmental Consulting, *Phase I Environmental Site Assessment for American Tin Cannery*, December 2018. (Appendix H)
- Haro, Kasunich and Associates, Inc., *Limited Geotechnical Investigation – Phase II Exploration for American Tin Cannery Hotel*, April 2019 (Appendix G)
- City of Pacific Grove, *Pacific Grove General Plan – Health and Safety Element*, 1994
- Monterey County, *Multi-Jurisdictional Hazard Mitigation Plan*, June 2015

### 12.2 Scoping Issues Addressed

During the Notice of Preparation (NOP) public comment and scoping period for the proposed project, several comments were received regarding hazards and hazardous materials. Comments received were generally concerned with emergency response and access, traffic-related evacuation plans, and related potential effects resulting from a catastrophic fire or similar emergency.

### 12.3 Environmental Setting

#### Project Site

##### Historic Land Use

Documenting the historic uses on a project site is essential for understanding potential sources of hazards or hazardous materials. A review of available historical records (City of Pacific Grove Community Development, Sanborn fire insurance maps) indicates that the project site was an undeveloped, vacant lot as late as 1906. City files indicate that the project site was originally developed by the American Can Company (ACC), and that a building constructed in 1927 was used to manufacture sardine tins for Monterey canneries until the early 1950s. A railroad spur along the east side of the site was present by 1945. An additional building was constructed on the site in the mid-to-late 1950s. After the ACC, the site was occupied by the National Automotive Fibres, Inc. (NAFI), which produced automobile interior fabrics.

The project site was first used for retail purposes in the early 1970s when Minnetonka Laboratories converted the NAFI facility to retail space, as well as production and/or wholesale distribution/warehouse facilities for toiletry products. Subsequently, the buildings were converted to retail use and occupied by a department store and shopping center. A remodel of the shopping center to the current American Tin Cannery (ATC) Building was conducted in 1987. A furniture company warehouse, painting contractor, and single-family residences occupied the parking lot parcels on the site at varying times from at least the early 1940s through the early 1970s. The customer parking lot was constructed in the mid-1970s, and the employee parking lot was present by the 1990s.

## **Existing Land Uses**

The 5.59-acre project site located at 109/125 Ocean View Boulevard is currently a retail center and tourist destination, consisting of the ATC Factory and Warehouse building (retail outlet center) and associated customer and employee surface parking lots, along with the portion of Sloat Avenue between the outlet center and parking lots. Existing businesses within the three primary structures include retail shops, entertainment (indoor miniature golf), and recreational uses (bicycle/Segway rentals and gym). The project area also includes a leased portion of parcel 006-234-008 (124 Central Avenue), which consists of a surface parking lot. This parcel is in separate ownership.

The neighborhood to the northwest of the project site immediately across Dewey Avenue is developed with residential uses. Land to the north, across Ocean View Boulevard is occupied by the Hopkins Marine Station, a boat yard, and open space. The Monterey Bay Aquarium is located to the northeast across Ocean View Boulevard. A grocery store is located across Eardley Avenue to the east and commercial uses are located along Central Avenue to the southeast, south, and west of the pay-parking lot.

## **Phase I Environmental Site Assessment**

A Phase I environmental site assessment (ESA) was prepared for the project site by Strategic Environmental Consulting (Amicus) in December of 2018 (see [Appendix H: Phase I Environmental Site Assessment for American Tin Cannery](#)). The 2018 Phase I ESA included a site reconnaissance, a regulatory records review, standard historical sources, aerial photographs, physical setting sources, and findings regarding the potential presence of any recognized environmental conditions (RECs). Relevant information from the 2018 Phase I ESA are summarized below.

## **Previous Site Investigations**

### **Phase I Environmental Site Assessment, Dames & Moore, 1993**

A 1993 Phase I ESA prepared by Dames & Moore was provided to Amicus for their preparation of the 2018 Phase I ESA. This ESA was prepared for the property owner to be used “for internal purposes.” The ESA was published prior to the adoption of the American Society for Testing and Materials (ASTM)/ All Appropriate Inquiries (AAI) standards but was found to be a reasonably comprehensive description of property attributes, uses and history.

The 1993 Phase I ESA concluded that the site may have been affected by the improper use, storage, or disposal of hazardous materials from a former onsite use. The historical data reviewed indicated that the site had been used for industrial purposes until the early 1970s. During NAFI's occupancy, heavy machinery was used in Building 1 (factory) for the production of automobile fabric. This use presents the potential for oil and grease to have impacted shallow soil; however, the foundation consists of a concrete floor. No evidence was found during review of local, state or federal agency information that would suggest that the site has been affected by the improper use of hazardous materials. No potential onsite sources of contamination such as underground storage tanks (USTs), aboveground storage tanks (ASTs), or evidence of contamination, such as stressed or dead vegetation was observed. A review of regulatory databases indicated three facilities located within ¼ mile upgradient from project site. However, information was not found to suggest that these facilities have released hazardous materials

to soil or groundwater within the site vicinity. Based on their findings, Dames & Moore determined the potential for the area to have been affected by these sources to be low.

#### Phase I Environmental Site Assessment, Running Moose Environmental Consulting, 2016

A 2016 Phase I ESA prepared by Running Moose Environmental Consulting (RMEC) was provided to Amicus by AECOM. A focused evaluation of groundwater quality near the edge of the parking lot closest to the neighboring dry cleaner was conducted for this ESA. The findings presented in the 2016 Phase I ESA are similar to those of Dames & Moore and the 2018 Phase I ESA. No unique conditions were discovered.

The 2016 Phase I ESA revealed no evidence of a REC in connection with this site. However, several potential environmental concerns were identified, including the potential presence of unidentified historical underground storage tanks (USTs), potential residual soil and ground water impact from the historical manufacturing operations and other historical site uses, and the potential for perchloroethylene (PERC) originating from the up-gradient dry cleaner to impact ground water beneath the site. Based on their findings, RMEC recommended conducting a geophysical survey and ground water and soil quality investigation in preparation of a site management plan (SMP).

#### Focused AECOM Sampling

AECOM provided a partial documentary record associated with their attempt to collect a sample of groundwater from the July 2016 geotechnical boring in the parking lot closest to the neighboring dry-cleaning business (DiMaggio's Classic Cleaners). No groundwater was present in the geotechnical boring that was conducted. Field instrumentation suggested presence of volatile organic compounds (VOCs), though the laboratory analysis of the sediment sample showed no detection of VOC. AECOM also collected a water sample from a geotechnical boring along Ocean View Boulevard, but the boring location was not situated close enough to the dry cleaner to yield useful information on possible impact to the upper parking lot.

#### Miscellaneous Reports/Information

The project applicant provided portions of a geotechnical testing report and a 2007 letter report describing a geologic and geophysical (resistivity) survey for water well siting/yield evaluation. The resistivity study utilized surficial, non-penetrative methods and as such did not encounter native subsurface material. No observations regarding subsurface environmental quality could therefore be made. Neither document contained any information regarding subsurface environmental quality or observations made during drilling. In addition, the drilling method was not described.

### **Additional Environmental Record Resources**

#### Standard Environmental Record Sources

As part of the 2018 Phase I ESA, Amicus ordered an environmental database search from Environmental Data Resources (EDR) to identify any current or historic spill or release sites. The EDR search showed no database listing for the project site and 58 listings for businesses or properties within the mapped area of interest. Of these, only two are in proximity to the subject site: the Saucito Land Company underground storage tank (UST) case at the corner of Central Avenue and Eardley Avenue (about one

block from the ATC); and the adjacent DiMaggio's Classic Cleaners at 124 Central Avenue. The Saucito Land Company case has been cleaned up and closed as of March 1992 (SWRCB, 2019).

The DiMaggio's dry cleaner property was listed as a generator of halogenated organic waste in 2001 (and earlier) and of non-chlorinated "safety solvents" in 2016, possibly indicating a change-over of cleaning chemistry from the historically customary perchloroethylene to a non-chlorinated organic cleaning fluid. Perchloroethylene (tetrachloroethylene, PERC, or PCE) is a colorless liquid primarily used for dry cleaning fabrics and degreasing metals but can also be found in common consumer products such as adhesives and household cleaners. No indication of a release or compliance violation was documented in the databases reviewed by EDR. However, it is reasonable to assume that this solvent was used for a considerable period until the operation was converted to non-chlorinated cleaning products. Dry cleaners, particularly older operations, often release PERC to the environment by way of sewer line leaks, spills inside the facility and/or poor housekeeping practices. The applicant has been coordinating with the property owner with respect to long term regulatory compliance.

#### California Regulatory Agency Databases

Amicus accessed and reviewed case files available on the State of California Geotracker and Envirostor environmental project on-line databases. No case files for the subject parcel or neighboring parcels were posted to Geotracker or Envirostor. DiMaggio's Classic Cleaners was shown on the base map for both databases, but neither depicted it as an open or historic case. The Saucito Land Company case was posted to Geotracker as a release of gasoline from a UST that was closed in 1992. However, due to the age of the case, no documents were posted to Geotracker, just a designation of oversight by the Central Coast Regional Water Quality Control Board (RWQCB) and the indication of case closure in 1992.

#### Preliminary Title Report

A 2018 Preliminary Title Report (PTR) was provided to Amicus by Comstock for evaluation of the 2018 Phase I ESA. Based on a review of the PTR, Amicus concluded the PTR contains no information regarding features or exceptions associated with uses that are indicative of a compromise to the environmental quality of the project site or would otherwise be deemed a REC.

#### Site Observations

A site reconnaissance was conducted for the 2018 Phase I ESA on September 3, 2018. The purpose of the site visit was for the visual identification and photo documentation of site features, particularly those features indicative of a recent or historic use that may have resulted in an environmental impairment or REC.

During the site visit, two hydraulic trash compactors (one not operable) in the northern corner of the property were observed, with no evidence of significant releases or leaks of hydraulic fluid observed. Several trash and recycling dumpsters also are present in the area, as is a waste cooking grease dumpster. Significant spills were not observed in association with the oil pails. Two maintenance supply rooms were observed to be present in Building 1<sup>1</sup> and contained cleaning supplies and janitorial

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<sup>1</sup> The structural complex is described as three buildings (Building 1, [factory] in the southeastern half of the complex, including the office appendage; Building 2 [warehouse] to the northwest of Building 1; and Building 3, [NAFI structure], northwest of Building 2 and bordered by Dewey Avenue to its northwest) in the 2018 Phase 1 ESA.

equipment. A hydraulic elevator to the mezzanine level was observed to be located in Building 2<sup>1</sup> near the entrance to Ocean View Avenue. The elevator equipment room was observed to be clean and the fire safety equipment room, which is right of the same entrance, was also observed to be in similar good condition.

Hazardous materials and wastes were not observed or reported on the project site at the time of this study and do not appear to have been utilized by site occupants since conversion of the facility to the existing retail use. The project site is not currently registered as a generator of hazardous waste.

### Hazardous Materials/Wastes

Documentation of hazardous materials use and hazardous waste generation on the site during multiple decades of operation as various manufacturing facilities was unavailable. Use/generation of a variety of materials is presumed however, including the possibility of fuel oil, fuels or other materials in USTs; releases of these materials may have occurred. Chemical use along the historical railroad spur line for weed and dust control purposes also may have occurred. Additionally, many properties with historical and/or aged structures are found to have residual metals and/or pesticides present in soil around the perimeters of the structures attributable to flaking of lead-based paint and the application of pesticides. While surveys for lead paint and asbestos were not conducted as part of the Phase I ESA, the age of the structures suggests the potential for such materials to be present.

As defined by the ASTM, a REC is “the presence or likely presence of any hazardous substances or petroleum products in, on, or at a property: 1) due to any release to the environment; 2) under conditions indicative of a release to the environment; 3) under conditions that pose a material threat of a future release to the environment.”

The 2018 Phase I ESA revealed no evidence of a REC in connection with this site. However, as indicated above, several environmental concerns were identified including the potential presence of unidentified historical USTs, potential residual soil and ground water impacts from the historical manufacturing operations and other historical site uses, and trace amounts of the dry cleaner chemical PERC released from the up-gradient dry cleaner to have impacted ground water beneath the site.

### **Soil and Groundwater Contamination**

As noted previously, a dry-cleaning facility is located on the project site at 124 Central Avenue, up-gradient from the ATC customer parking lot. Based on the prior surveys and to better understand the environmental conditions and potential contamination beneath this portion of the project site, Amicus retained Apex Companies LLC (Apex) to conduct focused soil borings and sample collection in the upper public parking lot in the presumed downgradient direction of the neighboring dry cleaner business. As shown in [Figure 12-1: Boring Location Map](#), four sample borings (SB-1, SB-2, SB-3, SB-4) were collected by Apex in November 2018. The samples range from a depth of 6 feet below ground surface (bgs) to 8.5 bgs. Samples from SB-1 and SB-4 showed trace concentrations of PERC, while samples from SB-2 and SB-



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Source: Apex, 2018

**Figure 12-1: Boring Location Map**

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3 contained PERC concentrations of 1,100 and 1,800 micrograms/kilogram (parts per billion). These concentrations were determined to be below regulatory action levels, but their presence confirmed that a release had previously occurred at the upgradient dry cleaner and that dry cleaner chemicals migrate with ephemeral groundwater across the parking lot parcel.

The results of the focused testing showed concentration of PERC contamination in samples collected at the southwestern and northeastern boundaries of the ATC parking lot. The report concludes that it is reasonable to assume that the area between the two border sampling locations would be similarly affected. The distribution of contamination indicates that it is likely that concentrations beneath the dry cleaner itself are greater than those measured in the test locations.

### Other Environmental Findings

The past site uses documented in the environmental risk disclosure questionnaire and referred to in the 2018 Phase I ESA were reported to be tin can manufacturing for the canning industry as well as manufacturing of automobile interior fabrics. The EDR search revealed no USTs on the project site. The nearest UST to the project site, Saucito Land Company UST case, has been cleaned up and closed. In addition, although no condition or practice that may result in a REC was observed, the historic industrial uses of the ATC building may have resulted in some degree of use-related environmental impairment beneath the building foundation.

### Other Potential Hazards

Other hazards potentially related to the proposed project and that are addressed in the CEQA Guidelines include wildland fire hazards and transport of hazardous materials on nearby roadways. Potential wildland fire hazards are discussed in Section 4.2.4. The existing setting relative to hazardous materials transportation is further discussed below. [Chapter 13: Hydrology and Water Quality](#), discusses potential hazards related to flooding and inundation.

### Hazardous Materials Transport on Roadways

The project site is bordered by Central Avenue, which is a designated truck route. The project site is located in proximity to David Avenue, which is also a truck route from the eastern city limits to Highway 68. These routes may be used for the transport of hazardous wastes and materials associated with local businesses and industry. Truck accidents could result in spills of such materials. The transport of hazardous materials is subject to federal, State, and local regulations to minimize impacts associated with the transportation of hazardous materials.

### Airport Proximity

The nearest public airport, public use airport, and/or private airstrip is Monterey Regional Airport, located approximately 3.1 miles southeast from the project site. The project site is within the Monterey Regional Airport's Airport Influence Area (AIA) and Safety Zone 7.

### Emergency Response and Preparedness

The Monterey County Emergency Operations Plan (EOP) addresses response and recovery efforts and discusses principles, concepts, and procedures that the OES and its partners use during an emergency in the event of erosion, floods, tsunamis, dam failure, hazard materials, wildfires, earthquakes, landslides, and windstorms.

The City of Pacific Grove also participates in Monterey County's Multi-Jurisdictional Hazard Mitigation Plan, which provides a long-term mitigation plan for protecting people and property from future hazard events. Applicable Regulations, Plans, and Standards

## **12.4 Regulatory Setting**

The management of hazardous materials and hazardous wastes is regulated at federal, state, and local levels, including, among others, through programs administered by the U.S. Environmental Protection Agency (U.S. EPA); agencies within the California Environmental Protection Agency (CalEPA), such as the Department of Toxic Substances Control (DTSC); federal and state occupational safety agencies; and the Monterey County Environmental Health Division. Regulations pertaining to coastal and flood hazards are discussed in [Chapter 13: Hydrology & Water Quality](#), and regulations for geologic and soil-related hazards are discussed in [Chapter 10: Geology and Soils](#).

### **Federal**

#### **Toxic Substances Control Act/Resource Conservation and Recovery Act/Hazardous and Solid Waste Act**

The federal Toxic Substances Control Act of 1976 and Resource Conservation and Recovery Act (RCRA) established a program administered by the U.S. EPA for the regulation of the generation, transportation, treatment, storage, and disposal of hazardous waste. RCRA was amended in 1984 by the Hazardous and Solid Waste Act (HSWA), which affirmed and extended the "cradle to grave" system of regulating hazardous wastes.

#### **Comprehensive Environmental Response, Compensation, and Liability Act/Superfund Amendments and Reauthorization Act**

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as Superfund, was enacted by Congress on December 11, 1980. This law (U.S. Code Title 42, Chapter 103) provides broad federal authority to respond directly to releases or threatened releases of hazardous substances that may endanger public health or the environment. CERCLA establishes requirements concerning closed and abandoned hazardous waste sites; provides for liability of persons responsible for releases of hazardous waste at these sites; and establishes a trust fund to provide for cleanup when no responsible party can be identified. CERCLA also enables the revision of the National Contingency Plan (NCP). The NCP (Title 40, Code of Federal Regulation [CFR], Part 300) provides the guidelines and procedures needed to respond to releases and threatened releases of hazardous substances, pollutants, and/or contaminants. The NCP also established the National Priorities List. CERCLA was amended by the Superfund Amendments and Reauthorization Act on October 17, 1986.

#### **Occupational Safety and Health Administration (OSHA)**

OSHA's mission is to ensure the safety and health of America's workers by setting and enforcing standards; providing training, outreach, and education; establishing partnerships; and encouraging continual improvement in workplace safety and health. OSHA staff establishes and enforces protective standards and reaches out to employers and employees through technical assistance and consultation programs. OSHA standards are listed in Title 29 CFR Part 1910.



OSHA's Hazardous Waste Operations and Emergency Response Standard (HAZWOPER) applies to five distinct groups of employers and their employees. This includes any employees who are exposed or potentially exposed to hazardous substances — including hazardous waste — and who are engaged in one of the following operations:

- Clean-up operations — required by a governmental body, whether federal, State, local, or other involving hazardous substances — that are conducted at uncontrolled hazardous waste sites;
- Corrective actions involving clean-up operations at sites covered by RCRA as amended (42 U.S.C. 6901 et seq.);
- Voluntary clean-up operations at sites recognized by federal, state, local, or other governmental body as uncontrolled hazardous waste sites;
- Operations involving hazardous wastes that are conducted at treatment, storage, and disposal facilities regulated by Title 40 Code of Federal Regulations Parts 264 and 265 pursuant to RCRA, or by agencies under agreement with U.S. EPA to implement RCRA regulations; and
- Emergency response operations for releases of, or substantial threats of releases of, hazardous substances regardless of the location of the hazard.

## State

### Hazardous Materials Release Response Plans and Inventory Act of 1985

The California Health and Safety Code, Division 20, Chapter 6.95, known as the Hazardous Materials Release Response Plans and Inventory Act or the Business Plan Act, requires businesses using hazardous materials to prepare a plan that describes their facilities, inventories, emergency response plans, and training programs. Businesses must submit this information to the County Environmental Health Division. The Environmental Health Division verifies the information and provides it to agencies responsible for protection of public health and safety and the environment. Business Plans are required to include emergency response plans and procedures in the event of a reportable release or threatened release of a hazardous material, including, but not limited to, all of the following:

- Immediate notification to the administering agency and to the appropriate local emergency rescue personnel.
- Procedures for the mitigation of a release or threatened release to minimize any potential harm or damage to persons, property, or the environment.
- Evacuation plans and procedures, including immediate notice, for the business site.

Business Plans are also required to include training for all new employees, and annual training, including refresher courses, for all employees in safety procedures in the event of a release or threatened release of a hazardous material.

### Hazardous Waste Control Act

The Hazardous Waste Control Act created the State hazardous waste management program, which is similar to but more stringent than the federal RCRA program. The act is implemented by regulations contained in Title 26 of the CCR, which describes the following required aspects for the proper management of hazardous waste: identification and classification; generation and transportation; design and permitting of recycling, treatment, storage, and disposal facilities; treatment standards;



operation of facilities and staff training; and closure of facilities and liability requirements. These regulations list more than 800 materials that may be hazardous and establish criteria for identifying, packaging, and disposing of such waste. Under the Hazardous Waste Control Act and Title 26, the generator of hazardous waste must complete a manifest that accompanies the waste from generator to transporter to the ultimate disposal location. Copies of the manifest must be filed with the DTSC).

### **Unified Hazardous Waste and Hazardous Materials Management Regulatory Program**

The Unified Hazardous Waste and Hazardous Materials Management Regulatory Program (Unified Program) required the administrative consolidation of six hazardous materials and waste programs (Program Elements) under one agency, a Certified Unified Program Agency (CUPA). The Program Elements consolidated under the Unified Program are Hazardous Waste Generator and On-site Hazardous Waste Treatment Programs (a.k.a. Tiered Permitting); Aboveground Petroleum Storage Tank SPCC; Hazardous Materials Release Response Plans and Inventory Program (a.k.a. Hazardous Materials Disclosure or “Community-Right-To-Know”); California Accidental Release Prevention Program (Cal ARP); Underground Storage Tank (UST) Program; and Uniform Fire Code Plans and Inventory Requirements.

The Unified Program is intended to provide relief to businesses complying with the overlapping and sometimes conflicting requirements of formerly independently managed programs. The Unified Program is implemented at the local government level by CUPAs. Most CUPAs have been established as a function of a local environmental health or fire department. Some CUPAs have contractual agreements with another local agency, a participating agency, which implements one or more Program Elements in coordination with the CUPA.

### **Department of Toxic Substance Control (DTSC)**

DTSC is a department of Cal EPA and is the primary agency in California that regulates hazardous waste, cleans up existing contamination, and looks for ways to reduce the hazardous waste produced in California. DTSC regulates hazardous waste in California primarily under the authority of the federal RCRA and the California Health and Safety Code (primarily Division 20, Chapters 6.5 through 10.6, and Title 22, Division 4.5). Other laws that affect hazardous waste are specific to handling, storage, transportation, disposal, treatment, reduction, cleanup, and emergency planning. Government Code §65962.5 (commonly referred to as the Cortese List) includes DTSC-listed hazardous waste facilities and sites, Department of Health Services (DHS) lists of contaminated drinking water wells, sites listed by the SWRCB as having UST leaks and have had a discharge of hazardous wastes or materials into the water or groundwater, and lists from local regulatory agencies of sites that have had a known migration of hazardous waste/material.

### **California Office of Emergency Services (OES)**

To protect the public health and safety and the environment, the California OES is responsible for establishing and managing statewide standards for business and area plans relating to the handling and release or threatened release of hazardous materials. Basic information on hazardous materials handled, used, stored, or disposed of (including location, type, quantity, and the health risks) needs to be available to firefighters, public safety officers, and regulatory agencies. The information must be included in these institutions’ business plans to prevent or mitigate the damage to the health and safety of persons and the environment from the release or threatened release of these materials into the workplace and environment.

These regulations are covered under Chapter 6.95 of the California Health and Safety Code Article 1–Hazardous Materials Release Response and Inventory Program (Sections 25500 to 25520) and Article 2–Hazardous Materials Management (Sections 25531 to 25543.3).

CCR Title 19, Public Safety, Division 2, Office of Emergency Services, Chapter 4–Hazardous Material Release Reporting, Inventory, and Response Plans, Article 4 (Minimum Standards for Business Plans) establishes minimum statewide standards for Hazardous Materials Business Plans (HMBP). These plans must include the following: (1) a hazardous material inventory in accordance with Sections 2729.2 to 2729.7; (2) emergency response plans and procedures in accordance with Section 2731; and (3) training program information in accordance with Section 2732. Business plans contain basic information on the location, type, quantity, and health risks of hazardous materials stored, used, or disposed of in the State. Each business shall prepare a HMBP if that business uses, handles, or stores a hazardous material or an extremely hazardous material in quantities greater than or equal to the following: 500 pounds of a solid substance, 55 gallons of a liquid, 200 cubic feet of compressed gas, a hazardous compressed gas in any amount, or hazardous waste in any quantity.

### **California Occupational Safety and Health Administration**

Cal/OSHA is the primary agency responsible for worker safety in the handling and use of chemicals in the workplace. Cal/OSHA standards are generally more stringent than federal regulations. The employer is required to monitor worker exposure to listed hazardous substances and notify workers of exposure (8 CCR Sections 337-340). The regulations specify requirements for employee training, availability of safety equipment, accident-prevention programs, and hazardous substance exposure warnings.

## **Local**

### **Monterey County Multi-Jurisdictional Hazard Mitigation Plan**

The City of Pacific Grove currently participates in the Monterey County Multi-Jurisdictional Hazard Mitigation Plan. The plan puts forth mitigation measures as well as plan maintenance procedures. The process underlines by the plan includes measures for coordination in case of an emergency. The Monterey County Multi-Jurisdictional Hazard Mitigation Plan includes a copy of each participating jurisdictions' hazard mitigation plan.

### **Monterey Regional Airport and Land Use Compatibility Plan (ALUCP)**

The 2019 Monterey Regional Airport ALUCP is an update of the 1987 Comprehensive Land Use Plan (CLUP) for Monterey Peninsula Airport and supersedes the 1987 CLUP in its entirety. Similar to the 1987 CLUP, this plan is intended to protect and promote the safety and welfare of residents, businesses, and airport users near the airport, while supporting the continued operation of the airport. The project site is within AIA Safety Zone 7 as shown in Exhibit 1B of the Monterey Regional ALUCP. Pursuant to ALUCP Policy 4.1.10.1, all proposed development and land use policy actions must be sent to the Airport Land Use Commission for a Consistency Determination until the City's General Plan and Zoning Ordinance are made consistent with the ALUCP. The Safety Zone 7 has a maximum non-residential intensity criteria of 300 persons per acre. Evidence must be submitted to the ALUC to demonstrate how projects in the AIA meet this criteria. In addition, projects within the AIA are required to comply with an Open Land requirement of 10 percent.

### City of Pacific Grove General Plan and Local Coastal Program

Project relevant general plan policies for hazards and hazardous materials are addressed in this section. Where inconsistencies exist, if any, they are addressed in the respective impact analysis below. Relevant General Plan Policies that directly address reducing hazards and hazardous material impacts include the following:

#### **Natural Resources Element**

**Goal 4:** Protect Pacific Grove's water and marine resources.

- **Policy 1:** Prohibit the unsafe use of chemical pesticides and herbicides.

#### **Health and Safety Element**

**Goal 4:** Prevent loss of life, injury, and property damage from fires, release of hazardous materials, natural disasters, and exposure to other hazardous conditions.

**Goal 5:** Ensure an adequate level of fire and medical emergency to the community.

- **Policy 13:** Require new development to provide all necessary water service, fire hydrants, and roads consistent with Fire Department standards and City requirements which relate to the project.
- **Policy 14:** Require new development to comply with the minimum fire-flow rates contained in Appendix III-A in the most recent and locally-adopted edition of the Uniform Fire Code.
- **Policy 15:** Require all construction to meet this applicable current City codes for fire and life safety.
- **Policy 16:** Ensure adequate fire equipment access through the development review process.
- **Policy 17:** Ensure adequate water fire-flow throughout the City.
- **Policy 19:** Maintain an ongoing comprehensive hazard abatement program that requires property owners to remove fire hazards, including vegetation, hazardous structures and materials, and debris, as directed by the Fire Department.
- **Policy 23:** Maintain and enhance the current level of emergency medical service to the community.

The City's Local Coastal Program (LCP Section 2.1) and supporting documents address hazards and specific policies directly related to coastal hazards and vulnerability. Coastal hazards are addressed in [Chapter 13, Hydrology and Water Quality](#).

### Monterey County Emergency Operations Plan

The Monterey County Office of Emergency Services (OES) maintains the Monterey County Emergency Operations Plan (EOP) on behalf of the Operational Area. The EOP addresses response and recovery efforts and discusses principles, concepts, and procedures that the OES and its partners use during an emergency. The intent of the EOP is to provide an overview of emergency management processes for responding to incidents in the event of emergencies.

## 12.5 Environmental Impacts and Mitigation Measures

### Significance Criteria

The following significance criteria for hazards and hazardous materials were derived from the Environmental Checklist in CEQA Guidelines Appendix G. These significance criteria have been amended or supplemented, as appropriate, to address lead agency requirements and the full range of potential impacts related to this project.

An impact of the project would be considered significant and would require mitigation if it would meet one of the following criteria:

- Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.
- Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.
- Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.
- Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, create a significant hazard to the public or the environment.
- For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, result in a safety hazard or excessive noise for people residing or working in the project area.
- Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.
- Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires.

### Summary of No and/or Beneficial Impacts

#### Wildland Fires

As noted in Section 4.2.4 of this EIR and as noted in the Pacific Grove General Plan, vulnerability assessment and other documents, wildland fires are a potential threat to the central inland (forested) areas of the City and have little bearing to the project site. The proposed project is within a developed area and not located within a Very-High Fire Hazard Severity Zone as mapped by CALFIRE. Because the project is not within an area identified as having a high potential for wildland fire, the project would have no impact related to exposing people or structures to a significant risk of loss, injury, or death from wildland fire, as per CEQA Guidelines. Issues related to emergency response and evacuation are addressed further below in this chapter.

## Impacts of the Proposed Project

**Impact HAZ-1:** The project has minimal potential to create a hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. This is a **less than significant impact**.

### Construction

Construction of the project would require demolition, excavation, site preparation and construction of new structures and improvements, including the disposal of demolition waste. These activities would involve the use and maintenance of heavy equipment, fuels, lubricants, solvents and construction materials that could be considered hazardous. However, all construction activity would occur within a closed site and would be temporary. For these reasons, there would be minimal hazard to the public, as the use of these materials for construction would not be ongoing or routine. See Impact HAZ-3 below regarding the transport of contaminated demolition waste off site.

### Operation

The project would be operated as a new hotel with commercial uses that include restaurants, meeting and gathering spaces, spa and fitness center, and street retail uses along the Ocean View Boulevard frontage. These types of uses and facilities may generate, store, use, or dispose of small amounts of hazardous materials such as household or commercial chemicals, gasses, oils, solvents, paints, pesticides, and fertilizers typical of the day to day operations of a hotel property with restaurants and retail uses. While routine, the typical types and quantities of materials anticipated do not pose an acute or significant hazard to the public or environment compared to existing environmental site conditions, which use similar materials and substances. For these reasons impacts related to typical operations would be less than significant.

**Impact HAZ-2:** The project could create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. This is a **less than significant impact with mitigation incorporated**.

### Construction

Construction of the project would require demolition, excavation, site preparation and construction of new structures as stated previously. While some localized soil contamination has been identified, contamination has been documented as below regulatory action levels. Nonetheless, environmental exposure to potentially contaminated materials, including soils and demolished building material, necessitates care in handling during these early phases of the project.

The project would require complete demolition of the warehouse structure and NAFI Building on the project site, partial demolition of the factory structure, and site clearing of existing pavement and materials for all areas to be developed, including portions of Sloat Avenue. Site clearing of existing pavement would include demolition of the upper ATC public parking lot that could contain migrating ground contamination from the neighboring dry cleaner. No ground disturbance is proposed at 124

Central Avenue, the parcel that contains the neighboring dry cleaner building. While the demolition phase will be temporary it will occur over nine to ten weeks.

The age the structures to be removed suggests the potential presence of lead paint and/or asbestos containing materials (ACMs). While specific surveys for these materials were not conducted, such materials are presumed to be present within the structures to be demolished. For these reasons, the treatment of all excavated and demolished materials for disposal should be completed with care, consistent with all applicable regulations and industry standards.

The focused borings and samples (SB-1 and SB-4) conducted by Apex revealed trace concentrations of PERC at this location. Samples from SB-2 and SB-3 contained PERC concentrations of 1,100 and 1,800 micrograms/kilogram (parts per billion). While the occurrence of contamination in sediments above the bedrock beneath the ATC parking lot does not constitute a REC for the area to be developed, the Phase I indicates that the detection of PERC is indicative of a condition that would likely be the subject of future regulatory action associated with the dry-cleaner building. The project applicant is proactively working with the owner of the dry cleaner to address these identified issues.

As discussed further below in Impact HAZ-4, the proposed project would be required to comply with all applicable federal, State, and regional regulations which are intended to avoid impacts to the public and environment. Compliance with all applicable regulations during construction, as required by the DTSC and California OES, together with implementation of preventative measures MM HAZ-1.1 through MM HAZ-1.4 below, would effectively reduce the potential for significant hazards to the public or the environment from accident or upset conditions associated with construction-related excavation, transport, and disposal of hazardous materials.

#### **MM HAZ-2.1 Dry Season Excavation and Testing of Discharge**

Construction shall be timed for dry-season excavation of potentially contaminated areas in order to minimize the amount of groundwater that could be generated by dewatering. To ensure that groundwater discharges during construction do not pose an environmental hazard, the applicant shall test exposed groundwater prior to discharge to ensure that PERC levels are below actionable levels. If above actionable levels, groundwater sources shall be treated to regulated levels prior to discharge.

#### **MM HAZ-2.2 Soil and Groundwater Management**

Prior to excavation within the ATC parking lot and/or where soil contaminants have been identified or suspected, the project applicant shall prepare a soil management plan (SMP) to establish management practices for isolating the veneer of contaminated sediments from cleaner overburden to minimize the volume of material requiring disposal as an impaired waste. The plan shall be reviewed and approved by City prior to implementation.

#### **MM HAZ-2.3 Soil Vapor and Groundwater Barriers**

For areas proposed to be structurally developed where contamination has been identified or suspected, final improvement plans shall demonstrate that lower stories of the project are impermeable to both groundwater and soil vapor. Plans shall be prepared and submitted by the applicant or review and approval of the City.



#### MM HAZ-2.4 Testing and Disposal of Contaminated Materials

Prior to demolition, the applicant shall perform testing for the presence of lead paint and asbestos containing materials (ACMs) consistent with regulatory protocols and shall implement the resulting recommendations. The applicant shall ensure that all contaminated materials – known or that may be identified during excavation and demolition – are handled, transported and disposed of consistent with all applicable laws and regulations.

#### Operation

The types of uses proposed by the project (hotel and commercial) and the localized generation, use and disposal of modest amounts of hazardous materials in daily operations (household and commercial cleaners and chemicals, oils, solvents, paints, pesticides, and fertilizers, etc.) do not present a reasonably foreseeable upset and accident risk that could release substantial amounts of hazardous materials into the environment. There are no aspects of the project that are at risk from significant upset, explosion, or storage of volatile substances that would put the public or environment at risk based on this standard.

Examples of projects that may involve such risk could include refineries, fuel storage or fuel/chemical tanker transportation, where accidents or upset could result catastrophic environmental or human consequences associated with hazardous material release. The regular operation this project will not involve such acute risks or circumstances, and therefore impacts associated with project operations are less than significant.

In addition, all proposed uses and facilities within the project would be required to comply with all applicable federal, State, and regional regulations which are intended to avoid impacts to the public and environment.

#### Conclusion

Project demolition, excavation and construction activities could inadvertently expose people or the environment to hazardous substances or conditions. These circumstances warrant preventative measures (MM HAZ-1.1 through MM HAZ-1.4) to minimize any risks associated with this exposure. The project is also subject to all applicable federal, State, and regional regulations which are intended to avoid impacts to the public and environment. The combination of site-specific mitigation and compliance with these regulations would reduce potential impacts involving the release of hazardous materials to a less than significant level.

**Impact HAZ-3:** The project could emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. This is a **less than significant impact with mitigation incorporated**.

#### Construction and Operation

The nearest school to the project site is Robert Down Elementary School, located approximately 0.55 mile west of the project site. Given this distance, and the small amounts of routine hazardous materials to be used at the site during normal operations (discussed above), project operations would have no effect on existing or proposed school sites.

Pacific Grove High School, however, is located within one-quarter mile of David Avenue, an identified truck route that would likely carry low level contaminated material on this route to access Highway 68 on its way to be disposed. As discussed previously, the project would involve the transport and disposal of demolition and excavation waste, but would not involve the significant use, storage, or risk of upset of hazardous materials given the type of uses proposed and materials present. Nonetheless, this “handling” of material would occur within one-quarter mile of both the high school and Hilltop School in New Monterey.

This type of routine transport and handling is addressed through standard conditions, regulations, and ordinances at the federal, State and local level, and would be temporary condition for approximately nine to ten weeks. Implementation of existing regulations, as emphasized and reiterated through Mitigation Measure HAZ-2.4, will ensure that the handling of such materials in the proximity of local schools will be mitigated to a less than significant level.

### Conclusion

The project could involve the transport of contaminated materials within one-quarter mile of existing schools; however, these materials are not acutely hazardous or volatile, and implementation of standard conditions and existing regulations, together with Mitigation Measure HAZ-2.4, would effectively mitigate any risk of impact.

**Impact HAZ-4:** The project is not located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. This impact is a **less than significant impact**.

### Construction and Operation

The project site is not listed on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. According to the 2018 Phase I ESA, no evidence of a recognized environmental concern (REC) in connection with the project site was identified. No case files for the project site or neighboring parcels were posted to Geotracker or Envirostor. The 2018 EDR search showed no database listing for the project property, but 58 listings for businesses and properties within the mapped radius of interest. Of these, only two are in close proximity to the subject site. The Saucito Land Company case was posted to Geotracker as a release of gasoline from a UST that was closed in 1992. DiMaggio’s Classic Cleaners was shown on the base map for both databases, but neither depicted it as an open or historic case.

As discussed in Impact HAZ-2 above, focused soil borings and testing were conducted to develop a better understanding of environmental conditions beneath the upper parking lot in the presumed downgradient direction of the dry cleaner. The concentrations from the boring samples were found to be below regulatory action levels, but their presence confirmed that a release of PERC occurred at some point. The dry cleaner building is located adjacent to the project site at 124 Central Avenue, but no demolition or excavation is proposed at this location. Based on the significance threshold for this impact (whether the project is identified on a list of hazardous materials sites), the impact is less than significant.

**Impact HAZ-5:** The project is located within an airport land use plan but is located more than two miles of a public airport or public use airport. Regardless of distance, however, the project is located within the Monterey Regional Airport's Airport Influence Area Safety Zone 7. Airport hazards would be **less than significant with mitigation incorporated** regarding safety hazards for people residing or working in the project area.

The project site is not located within 2 miles of a public airport or public use airport, or within the vicinity of a private airstrip, but is located within the Monterey Regional Airport ALUCP. The project site is located within the Airport Influence Area Safety Zone 7. Pursuant to ALUCP Policy 4.1.10.1, all proposed development and land use policy actions must be sent to the Airport Land Use Commission for a Consistency Determination until the City's General Plan and Zoning Ordinance are made consistent with the ALUCP.

An application was submitted to the ALUC for review in January 2020. The ALUC determined on February 24, 2020 that the project was consistent with the ALUCP, subject to two conditions of approval. Those conditions require the applicant to grant an aviation easement to the airport authority to allow for safe airport operations on and above the property, and review of the project's lighting plan by the airport manager. The review of the lighting plan is required by MM AES-3.1 in [Chapter 5, Aesthetics](#). The aviation easement requirement is reflected below as a mitigation measure.

#### **MM HAZ-5.1 Aviation Easement**

Prior to issuance of the first construction permit for the project, the owner/developer shall grant an aviation and hazard easement to the appropriate airport authority. The easement shall be recorded at the Monterey County Recorder's Office and shall include rights and restrictions as specified by the ALUC's February 2020 review and conditional approval.

#### **Conclusion**

The project site is not located within 2 miles of a public airport or public use airport or within the vicinity of a private airstrip. However, the project is located within the Monterey Regional Airport ALUCP's Airport Influence Area Safety Zone 7. The project has been reviewed by the ALUC and found to be consistent with ALUCP. The conditions placed upon the project, and reiterated in this EIR, effectively address any safety issues related to airport operations as the project would operate in compliance with ALUC conditions of approval.

**Impact HAZ-6:** The project would not significantly impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. This impact is **less than significant**.

#### **Construction**

The project site is located within the area of the Monterey County Multi-Jurisdictional Hazard Mitigation Plan but would not impair implementation of this plan. As shown in Figure 10-2 of the Pacific Grove General Plan, the project site is adjacent to an emergency evacuation route on Ocean View Boulevard. During construction of the project, no off-site roadway improvements to Ocean View Boulevard would occur that would block or impede access. Any potential closures from project construction for utility

relocation or movement of heavy equipment would be short term (i.e. intermittently over the approximately 24-month construction phase) and would be coordinated with the Public Works Department and Fire Department as part of standard traffic management measures. For these reasons, emergency response impacts related to construction would be less than significant.

## Operation

As discussed above, the project would be operated as a new hotel with commercial uses. The main entrances to the arrival ports and courtyards are from Ocean Boulevard and Eardley Avenue as shown in [Figure 17-2: Vehicular Circulation Diagram](#). The addition of project traffic would not block roads or intersections in a way that impairs the ability of emergency providers to respond and adhere to emergency response and/or evacuation plans. Based on the transportation analysis, project traffic volumes and transportation demand measures incorporated as part of the project, there is no evidence that the project's operations would significantly impair or impede local emergency response or evacuation plans due to unusual or acute congestion. Impacts are less than significant. Please see also [Chapter 17, Transportation](#), as well as the cumulative impact discussion below.

## Conclusion

All major projects in the City undergo review by the Fire Department to ensure adequate emergency access and emergency vehicle circulation requirements. While the project will intensify uses on the site compared to existing conditions, there would only be a net increase of 321 daily trips on the local roadway network compared to the commercial uses currently allowed. If there were an emergency event such as a wildland fire in the inland, forested areas of the City, the project location within a developed area of the City near the ocean but outside the tsunami zone may actually serve as a safe zone for those evacuating from higher risk zones. With 225 rooms and 304 parking spaces representing project occupancy, any visitors or employees asked to leave as part of a mass evacuation due to some other unforeseen catastrophe would represent a small fraction of what would otherwise be a large event relative to emergency response planning. Estimation of the project's effect or contribution to such an event would require speculation beyond the environmental impact requirements of CEQA.

## Cumulative Impact Analysis

**Impact HAZ-7: The project would not contribute to cumulatively considerable impacts to hazards and hazardous materials. This is a **less than significant impact**.**

Most hazards and hazardous material impacts from development projects are site-specific and, if properly regulated through standard federal, State and local requirements, would not result in additive worsening of environmental conditions or public health and safety. The EIR evaluates RECs and other conditions in connection with the project site and surrounding area. Regarding the off-site RECs, the database search documents the findings of various governmental database searches for properties with known or suspected releases of hazardous materials or petroleum hydrocarbons within a search radius of up to one mile from the site. This serves as the basis for defining the cumulative impacts study area.

Although some of the cumulative projects and other future projects within this search area could also have potential impacts associated with hazardous material use, transport or disposal, the environmental concerns associated with hazardous materials are typically site specific. Site specific impacts related to

hazards and hazardous materials would be mitigated with the implementation of mitigation measures MM HAZ-2.1 through HAZ-2.4.

For emergency responses and evacuation, cumulative development (including the Hotel Durrell Project, the Holman Building Project, and the Goodies Mixed Use Project in the City of Pacific Grove and the Ocean View Plaza Project in the City of Monterey) would be (or have been) subject to site-specific hazards and/or hazardous materials constraints, and reviewed in the context of the emergency response plans and evacuation plans of the City of Pacific Grove and County of Monterey.

Based on the traffic analysis and transportation demand measures incorporated as part of the project, in the event of a major emergency, there is no evidence that suggests the addition of hotel and commercial users from the project would significantly impair or impede local emergency response or evacuation plans. For these reasons, hazardous materials and conditions from other projects are not predicted to combine with the project to create a significant cumulative effect. Impacts are considered less than significant.

## **12.6 References**

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County of Monterey. 2019. *Monterey Regional Airport ALUCP*.

Monterey County Airport Land Use Commission. February 24, 2020. *Resolution No. 20-001*.

Monterey Fire Safe Council. 2016. *Monterey County Community Wildfire Protection Plan*.

City of Pacific Grove. 2020. *Local Coastal Program and Implementation Plan*.

City of Pacific Grove. 2015. *Climate Change Vulnerability Assessment*.

## 13 Hydrology & Water Quality

### 13.1 Introduction

This section describes the project's potential to adversely affect local hydrologic conditions (drainage patterns and runoff volumes), surface and groundwater quality, or cause the release of pollutants due to inundation from flooding. Due to the unique location of the project and in light of available data regarding future sea level rise, coastal hazards are also addressed in this section. Information used to prepare this section came from the following primary resources:

- City of Pacific Grove, *Pacific Grove General Plan – Health and Safety Element*, 1994
- City of Pacific Grove, *Local Coastal Program*, 2020 (including the supporting Climate Change Vulnerability Analysis)
- City of Pacific Grove, *ASBS Compliance Plan*, 2016
- City of Pacific Grove, *Draft Shoreline Management Plan*, 2018
- Whitson Engineers, *Preliminary Storm Water Control Plan for American Tin Cannery Hotel and Commercial Project*, 2019 ([Appendix J](#))
- Project application and related materials
- Haro, Kasunich and Associates, Inc., *Coastal Engineering Analysis and Evaluation of Potential Coastal Hazards*, January 2020. ([Appendix I](#))
- Stantec, *American Tin Cannery Hotel Project Water Demand Technical Memorandum*, January 2020. ([Appendix O](#))

### 13.2 Scoping Issues Addressed

During the Notice of Preparation (NOP) public comment and scoping period for the proposed project several comments were received regarding hydrology and water quality. Comments received were generally concerned with potential impacts from flooding, water quality and potential changes to discharge into Monterey Bay, episodic and long-term shoreline retreat, inundation, storm waves, high seas, tidal scour, tsunamis, and sea level rise. These issues are addressed in this chapter.

### 13.3 Environmental Setting

#### 13.3.1 Local Drainage Basins

The City is located within the Monterey Peninsula Hydrologic Area (HA 309.50), of the Salinas Hydrologic Unit (HU 309.00), as established by the Central Coast Regional Water Quality Control Board. The City has two major drainage basins, each of which drains approximately half the City. The southwesterly basin drains westerly into the Pacific Ocean. The northeasterly basin drains northerly into Monterey Bay and into the Pacific Grove Area of Special Biological Significance (ASBS), as shown in [Figure 13-1: Pacific Grove Subwatershed and Outfall Priority Map](#). A portion of this northeasterly basin contains drainage areas that originate in the City of Monterey and U.S. Army Presidio of Monterey. The Pacific Grove ASBS extends along 3.2 miles of the Pacific Grove coastline west from the Monterey Bay Aquarium to Asilomar Boulevard just before Point Pinos as shown in [Figure 13-1](#). This ASBS lies entirely within the



Monterey Bay National Marine Sanctuary and contains the Pacific Grove State Marine Conservation Area and Hopkins State Marine Reserve. The State Water Resources Control Boards (SWRCB) monitor and maintain the water quality in these coastal and off-shore areas designated as ASBS because these areas support a variety of aquatic life dependent on water quality, and often host unique individual species. ASBS cover much of the length of California's coastal waters. The ASBS receives runoff from approximately 1,106 acres in Pacific Grove and 103 acres in Monterey including a small portion from the federal U. S. Army Presidio of Monterey. Although no rivers or major streams flow through the City, there are underground springs and sub-surface drainage flows.

Runoff in the city is influenced by sloping topography, soils, storm drain infrastructure, and urban development (impervious surfaces). The drainage area ranges from sea level to 562 feet above mean sea level, consists primarily of sandy loam soils, and overlays sandstone and granodiorite bedrock layers. The eastern half of the city and Upper New Monterey, which includes the primary ASBS drainage area, is heavily paved. More than 40 percent of areas draining into the ASBS are impervious surfaces that are conveyed by the city's stormwater infrastructure. The project site generally slopes downward from the southwest, inland side of the project site, to the northeast, coastal side of the site. Retaining walls and graded slopes exist within the project area to make up the grade differential across the site.

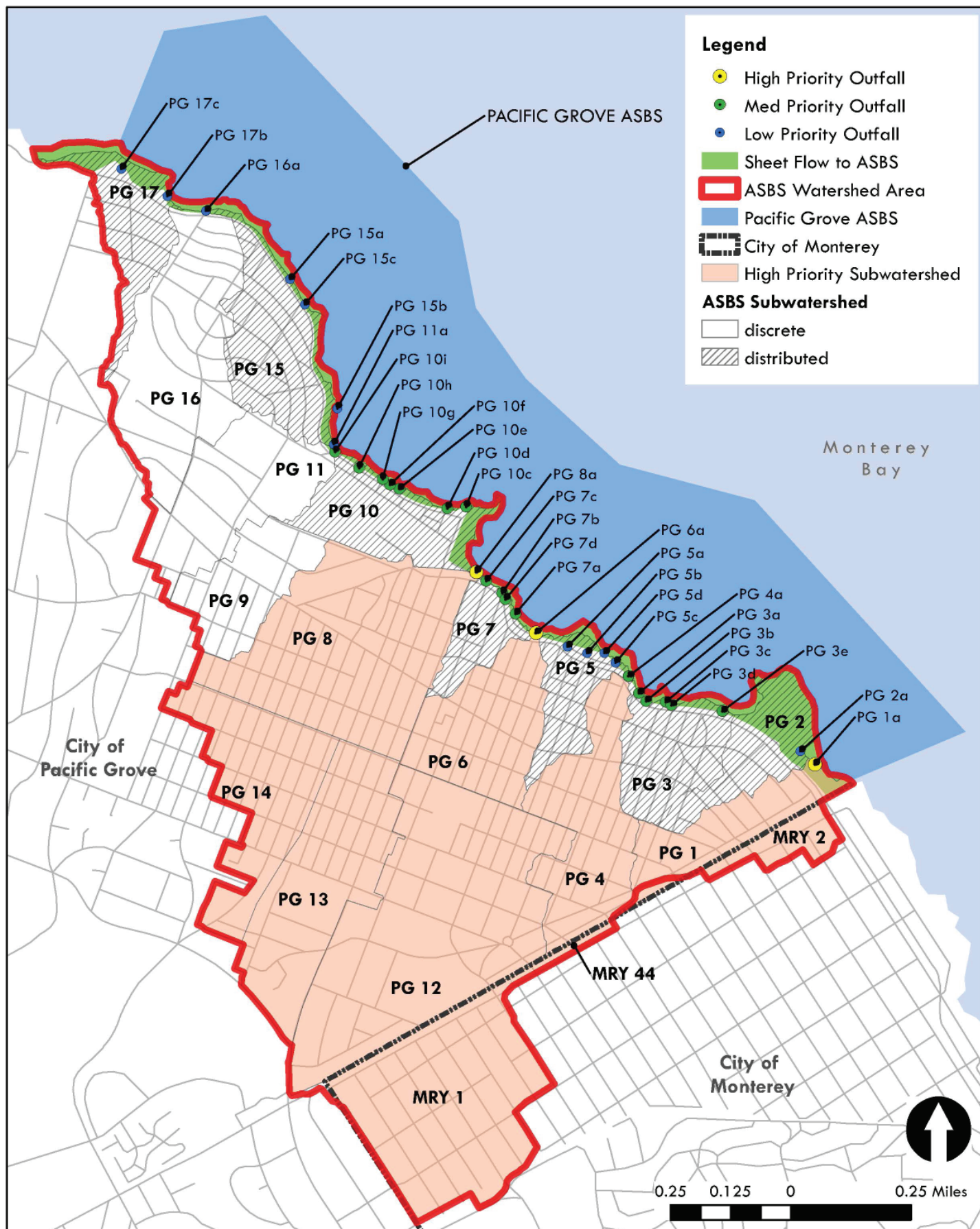
The majority of surface runoff from Pacific Grove ASBS watersheds flows through the city storm drainage system for discharge through ocean outfalls. The seventeen ASBS subwatersheds are classified as either discrete or distributed discharges to the ASBS. Thirty-two (32) outfalls discharging into the ASBS have been classified as an 'observable discrete outfall' if it drains a discrete subwatershed or an 'other mapped outfall' if it drains a distributed subwatershed. As shown in [Figure 13-1](#), the project site is within subwatersheds PG-3 and PG-1, which are classified as distributed and discrete, respectively. The outfalls discharging into the ASBS have been designated as high, medium or low priority level. Priority levels were determined based on monitoring results and pollutant load modeling predictions, where high priority outfalls are considered to pose the greatest water quality threat and have been prioritized for installation of structural BMPs. The closest outfalls to the project site are "On Hopkins Property", which is designated as a low priority and "Hopkins PG", which is designated as a high priority as shown in [Figure 13-1](#).

The City's public storm drain system has been upgraded as part of the City's Urban Runoff Diversion Project to include continuous deflective separation (CDS) hydrodynamic separator units to trap trash, debris, sediment, and hydrocarbons. The cities of Pacific Grove and Monterey have both gone to great lengths to implement a number of measures designed to improve the quality of surface runoff before it discharges to the ASBS, including Low Impact Development (LID) techniques.

At the existing ATC Tin Cannery project site, the ground surface is nearly entirely paved, and all surface runoff travels downgradient to existing storm drain facilities prior to outfall.

### **13.3.2 Flooding**

Flood Insurance Rate maps partition flood areas into zones: Zone A for areas of 100-year flood; Zone B for areas of 500-year flood; and Zone C and X for areas outside 500-year floodplain, which are areas of minimal flooding. The National Flood Insurance Program 100-year floodplain is considered the base flood condition. This is defined as a flood event of a magnitude that would be equaled or exceeded an



Source: Fall Creek Engineering, 2016

**Figure 13-1: Pacific Grove Subwatershed and Outfall Priority Map**

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average of once during a 100-year period. Floodways are defined as stream channels plus adjacent floodplains that must be kept free of encroachment as much as possible so that the 100-year floods can be carried without substantial increases (no more than one foot) in flood elevations.

Based on the Federal Emergency Management Agency (FEMA) mapped Flood Insurance Rate Map (FIRM) for this area, the project site is located within Zone X, which indicates minimal risk of flooding (FEMA, 2019). The project site is not located within the 100-year floodplain.

### 13.3.3 Tsunami

A tsunami is a large ocean wave generated by an earthquake or landslide in or near the ocean. Tsunamis are a series of very long-period waves (lasting five minutes to several hours) that are low in height when traversing water of oceanic depth. But when tsunami waves approach shore where the water depth decreases rapidly, wave refraction, shoaling, and bay or harbor resonance may result in dramatically increased wave heights (City of Pacific Grove, 1994). The major California offshore faults close to Monterey Bay are strike-slip faults, and earthquakes generated on strike-slip faults are not likely to produce large-scale tsunamis. Thus, tsunami potential associated with a local offshore seismic event is low along the coast of Monterey Bay.

Nevertheless, tsunamis have occurred within the Monterey Bay region, resulting in significant damage to harbors and other coastal facilities. There is no record of any tsunamis more than 10 feet high occurring along the Monterey Bay Coast. The main safety hazard from tsunami in Pacific Grove is the possibility that residents on Ocean View Boulevard and other low altitude streets such as Coral Street and Acropolis Street who are not evacuated may be caught by the waves (City of Pacific Grove, 1994). Pacific Grove has a tsunami warning system established with the Pacific Tsunami Warning Center in Hawaii, and the Alaska Tsunami Warning Center in Alaska. In the event of a tsunami, these Centers would provide warnings to the National Weather Service which would pass them on to the Pacific Grove Police Department. Based on the LCP and supporting Climate Change Vulnerability Assessment (2015), the project site is outside the predicted tsunami hazard zone as shown in [Figure 13-2: Tsunami Map](#) (City of Pacific Grove 2015; CAL OES, 2019).

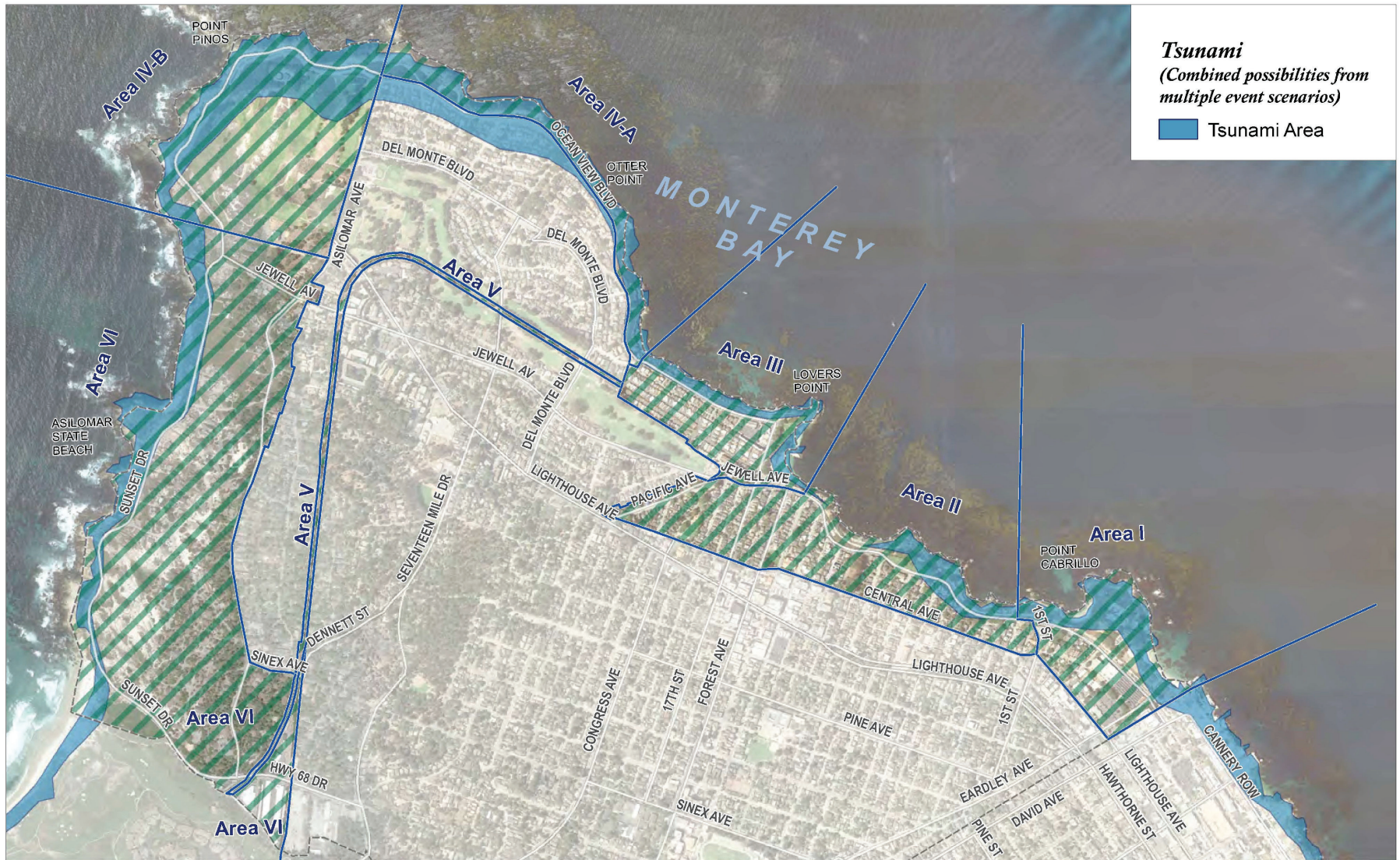
### 13.3.4 Coastal Hazards

Ocean View Boulevard fronts the American Tin Cannery site. Directly seaward of Ocean View Boulevard is Stanford University's Hopkins Marine Station research facility, which is on a granitic promontory that extends 200 to 900 feet seaward from the roadway. The Hopkins Marine Station and adjacent beach area are exposed to the Pacific Ocean, which borders the site to the north and northeast. During severe coastal storms, surf will run up the bedrock beach platform and reach the low bluff. The elevation reached by wave runup will impact bluff erosion and is dependent upon several different factors. Long period waves generated by distant storms can produce relatively high elevation wave runup at the Hopkins site. Wave overtopping of the bluff is a relatively infrequent event, however, based on anecdotal information provided by the scientists at Hopkins and local residents.

At the Hopkins Marine Station, typical causes of coastal bluff failure are abrasion of the granitic bedrock and erosion of the overlying weathered bedrock, terrace deposits and topsoil from wave runup. Wind-driven spray from breaking waves and runup saturates the terrace deposits causing shallow failures of the bluff face. The bluff top terrace deposits presently stand near vertically. The marine terrace deposits and overlying soils consist of gravels, sands, silts and clays with varying amount of cohesion and natural

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### Legend

- Planning Area Boundaries
- City of Pacific Grove
- Major Roads
- Coastal Zone

Source: California Emergency Management Agency (CalEMA), the University of Southern California (USC), and the California Geological Survey (CGS), City of Pacific Grove, Google Earth 2013

Source: City of Pacific Grove, 2015

## Figure 13-2: Tsunami Map

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cementation. These materials are subject to erosion from extreme rainfall as well as shallow slumping due to weathering and saturation of the exposed bluff face from wave attack. Although long-term historical bluff erosion rates are slow due to the presence of the underlying hard granite bedrock, the potential for large storm events to cause localized erosion in the unconsolidated terrace deposits is considered high.

Based on historic erosion rates and predicted sea level rise, a total of 24 to 56 feet of coastal bluff recession is estimated by the year 2100 along the coastal bluff fronting the flat terrace between Hopkins Marine Station and Ocean View Boulevard (Haro, Kasunich and Associates, 2020). The hotel site is located more than 250 feet from the coastal bluff.

### **13.3.5 Water Quality Monitoring**

Through numerous water quality monitoring programs, the City has collected valuable water quality data that has informed resource managers, satisfied stormwater permit requirements, and are used by various programs as an outreach tool to educate and inform the Pacific Grove community on how individual actions affect the environment. Since 1998, the Monterey Bay National Marine Sanctuary's Citizen Watershed Monitoring Network has trained volunteers to collect water quality samples in the City for both dry weather and wet weather events. The Urban Watch Program was developed in 1998, and is a dry season monitoring program where citizen volunteers monitor urban runoff flowing from storm drain outfalls using field kits to measure common urban pollutants such as chlorine and detergents. In 2007, the Monterey Regional Stormwater Management Program (MRSWMP), of which Pacific Grove is a member, began funding a regional stormwater monitoring program in which volunteers collect water samples from outfalls during the first major rain of the season. This program is called First Flush. In addition, the City has funded the Citizen Watershed Monitoring Network Program to do effectiveness monitoring related to infrastructure improvements, specifically for the dry weather diversion projects and sewer and storm drain repairs. (City of Pacific Grove, 2020).

### **13.3.6 Groundwater**

The Monterey Peninsula is served by groundwater sources from the Santa Margarita, Paso Robles, and Carmel Alluvium aquifers as well as modest amounts of desalinated water from the Sand City Desalination Plant. The recently constructed Monterey One Water Pure Water Monterey Groundwater Replenishment Project also provides purified recycled water for recharge into the groundwater basin. Expansion plans for this facility would increase recharge capability to 5,750 acre feet annually. (Monterey One Water, April 2020).

The Monterey Peninsula Water Management District (MPWMD) regulates potable water on the Monterey Peninsula, along with local governments. Unlike most areas in California, the Monterey Peninsula has no access to imported water. Local communities are totally dependent on local rainfall for their water supply. The two major sources of water are the Carmel River and the Seaside Basin. The Carmel River drains a 255-square-mile watershed and runs 36 miles from its source in the Santa Lucia Mountains to the sea. The Seaside Basin is the groundwater basin underlying the cities of Seaside, Sand City, Del Rey Oaks, Monterey and portions of unincorporated Monterey County, including portions of former Fort Ord, and the Laguna Seca area.

The State of California has limited the amount of water that can be drawn from both the Carmel River and the Seaside Basin. Withdrawals of surface water from the Carmel River have been limited to protect

threatened species that live in the river. The Seaside Basin is under a court-ordered reduction schedule limiting groundwater withdrawals. Groundwater pumping is limited to protect the basin from overuse and to prevent saltwater intrusion into the aquifer, which would contaminate the freshwater supply.

The MPWMD undertakes an aquifer storage and recovery program, which diverts excess winter flows in the Carmel River into the Seaside Basin. Water is only diverted when flows are high. Water can then be pumped back to the surface for use during drier summer months. However, the State-imposed limitations on water withdrawals from these two sources cannot be met without a replacement source of water (California American Water, 2015).

The project site is located within Water Management Zone (WMZ) 4 and does not overlie a groundwater basin. However, the project site and the City are supplied by the groundwater resources described above.

As discussed in [Chapter 12, Hazards and Hazardous Materials](#), a geotechnical investigation was completed in 2016 by AECOM and supplemented with additional borings in February 2019 by Haro, Kasunich and Associates, Inc. Groundwater was encountered at a depth of 10 feet. Moist conditions were noted in other 2016 borings as well, typically just above the contact with weathered granite. These findings were found to be common for groundwater to perch above the contact between soil and weathered rock in the project area. In the 2019 borings, the overburden soils were found to be generally moist, however no groundwater was encountered in the borings. The findings concluded groundwater levels may fluctuate due to variations in rainfall or other factors not evident during the investigation. Contrasts in permeability between soil and bedrock strata could allow perched groundwater conditions to develop. Subsurface conditions and water levels at other locations may differ from conditions at the locations where sampling was conducted.

## 13.4 Applicable Regulations, Plans, and Standards

### 13.4.1 Federal

#### Clean Water Act

The Clean Water Act (CWA) (33 U.S.C. Section 1251 et seq.), formerly the Federal Water Pollution Control Act of 1972, was enacted with the intent of restoring and maintaining the chemical, physical, and biological integrity of the waters of the United States. The CWA establishes the basic structure for regulating discharges of pollutants into the waters of the United States (U.S.) and has given the U.S. Environmental Protection Agency (U.S. EPA) the authority to implement pollution control programs. The CWA requires states to set standards to protect, maintain, and restore water quality through the regulation of point source and certain non-point source discharges to surface water. Those discharges are regulated by the National Pollutant Discharge Elimination System (NPDES) permit process (CWA Section 402). In California, NPDES permitting authority is delegated to, and administered by, the nine Regional Water Quality Control Boards (RWQCBs). The proposed project is within the jurisdiction of the Central Coast RWQCB.

Section 402 of the Clean Water Act authorizes the California SWRCB to issue NPDES General Construction Storm Water Permit (Water Quality Order 99-08-DWQ), referred to as the "General Construction Permit." Construction activities can comply with and be covered under the General Construction Permit provided that they:

- Develop and implement a Storm Water Pollution Prevention Plan (SWPPP) which specifies Best Management Practices (BMPs) that will prevent all construction pollutants from contacting storm water and with the intent of keeping all products of erosion from moving off site into receiving waters.
- Eliminate or reduce non-storm water discharges to storm sewer systems and other waters of the nation.
- Perform inspections of all BMPs.

The SWPPP must contain a visual monitoring program; a chemical monitoring program for “non-visible” pollutants to be implemented if there is a failure of BMPs; and a sediment monitoring plan if the site discharges directly to a water body listed on the 303(d) list for sediment. Increased compliance tasks under the adopted 2009 Construction General Permit include project risk evaluation, effluent monitoring, receiving water monitoring, electronic data submission of the SWPPP and all other permit registration documents, and a Rain Event Action Plan (REAP), which must be designed to protect all exposed portions of a project site within 48 hours prior to any likely precipitation event.

**Section 401** of the CWA requires that any activity—including river or stream crossing during road, pipeline, or transmission line construction—that may result in discharges into a State waterbody be certified by the RWQCB. This certification ensures that the proposed activity does not violate State and/or federal water quality standards. The limits of non-tidal waters extend to the Ordinary High Water Mark (OHWM), which is defined as the line on the shore established by the fluctuation of water and indicated by physical characteristics, such as natural line impressed on the bank, changes in the character of the soil, and presence of debris. The U.S. Army Corps of Engineers (USACE) may issue either individual, site-specific permits or general, nationwide permits for discharge into US waters.

**Section 404** of the CWA requires a permit for construction activities involving placement of any kind of fill material into waters of the U.S. or wetlands. A Water Quality Certification pursuant to Section 401 of the CWA is required for Section 404 permit actions. If applicable, construction would also require a request for Water Quality Certification (or waiver thereof) from the RWQCB.

When an application for a Section 404 permit is made, the applicant must show it has:

- Taken steps to avoid impacts to wetlands or waters of the U.S. where practicable;
- Minimized unavoidable impacts on waters of the U.S. and wetlands; and
- Provided mitigation for unavoidable impacts.

**Section 303(d)** of the CWA (CWA, 33 USC 1250, et seq., at 1313(d)) requires states to identify “impaired” water bodies as those which do not meet water quality standards. States are required to compile this information in a list and submit the list to U.S. EPA for review and approval. An affected waterbody, and associated pollutant or stressor, is then prioritized in a list of impaired water bodies known as the 303(d) List. The CWA further requires the development of a Total Maximum Daily Load (TMDL) for each listing.

### National Flood Insurance Program (NFIP)

The NFIP, implemented by the Congress of the United States in 1968, enables participating communities to purchase flood insurance. Flood insurance rates are set according to flood-prone status of property as indicated by FIRMs developed by FEMA. FIRMs identify the estimated limits of the 100-year floodplain

for mapped watercourses, among other flood hazards. As a condition of participation in the NFIP, communities must adopt regulations for floodplain development intended to reduce flood damage for new development through such measures as flood proofing, elevation on fill, or floodplain avoidance.

### **13.4.2 State**

#### **Senate Bill (SB) 610**

SB 610 was passed on January 1, 2002, amending California state law to require detailed analysis of water supply availability for large development projects. An SB 610 Water Supply Assessment (WSA) must be prepared if the following three conditions are met: 1) the proposed project is subject to CEQA under Water Code Section 10910; 2) the proposed project meets criteria to be defined as a “Project” under Water Code Section 10912; and 3) the applicable water agency’s current Urban Water Management Plan (UWMP) does not account for the water supply demand associated with the proposed project. A proposed project would meet the definition of “Project” per Water Code Section 10912 if it is:

- A proposed residential development of more than 500 dwelling units;
- A proposed shopping center or business establishment employing more than 1,000 persons or having more than 500,000 square feet (sf) of floor space;
- A proposed commercial office building employing more than 1,000 persons or having more than 250,000 sf of floor space;
- A proposed hotel or motel, or both, having more than 500 rooms;
- A proposed industrial, manufacturing, or processing plant, or industrial park planned to house more than 1,000 persons, occupying more than 40 acres of land, or having more than 650,000 sf of floor area;
- A mixed-use project that includes one or more of the projects specified in this subdivision; or
- A project that would demand an amount of water equivalent to, or greater than, the amount of water required by a 500 dwelling unit project (DWR, 2003b).

#### **California Department of Fish and Wildlife**

Section 1602 of the California Department of Fish and Wildlife (CDFW) Code protects the natural flow, bed, channel, and bank of any river, stream, or lake designated by the CDFW in which there is, at any time, any existing fish or wildlife resources, or benefit for the resources. Section 1602 applies to all perennial, intermittent, and ephemeral rivers, streams, and lakes in the state, and requires any person, state or local governmental agency, or public utility to notify the CDFW before beginning any activity that will:

- Substantially divert or obstruct the natural flow of any river, stream or lake;
- Substantially change or use any material from the bed, channel, or bank of, any river, stream, or lake; or
- Deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake.

A Streambed Alteration Agreement is required prior to any construction if CDFW determines that a project could substantially adversely affect an existing fish and wildlife resource. The Agreement includes measures to protect fish and wildlife resources while conducting the project. CDFW must comply with CEQA before it may issue a final Agreement; therefore, CDFW must wait for the lead agency to fully comply with CEQA before it finalizes the Agreement.

### California Water Code §13050-§13260

California Water Code §13050. California Water Code §13050(e) defines “waters of the state” as “any surface water or groundwater, including saline waters, within the boundaries of the state.” California Water Code §13260 requires that any person discharging waste, or proposing to discharge waste, within any region that could affect the quality of the waters of the State, other than into a community sewer system, must submit a report of waste discharge to the applicable RWQCB.

### Porter-Cologne Water Quality Control Act

SWRCB regulates water quality through the Porter-Cologne Water Quality Act of 1969, which contains a complete framework for the regulation of waste discharges to both surface waters and groundwater of the state. On the regional level, the proposed project falls under the jurisdiction of the Central Coast RWQCB, which is responsible for the implementation of state and federal water quality protection statutes, regulations and guidelines.

The Central Coast RWQCB has authority to implement water quality protection standards through the issuance of permits for discharges to waters in its jurisdiction. Water quality objectives for receiving waters within Monterey County are specified in the Water Quality Control Plan for the Central Coast Basin (Basin Plan) prepared by the RWQCB in compliance with the federal CWA and the State Porter-Cologne Act. The principal elements of the Basin Plan are a statement of protected beneficial water uses; water quality objectives necessary to protect the designated beneficial water uses; and strategies and time schedules for achieving the water quality objectives. Together, narrative and numerical objectives define the level of water quality that shall be maintained in the region. The water quality objectives are achieved primarily through the establishment and enforcement of waste discharge requirements (WDRs).

RWQCBs have primary responsibility for issuing WDRs. The RWQCBs may issue individual WDRs to cover individual discharges or general WDRs to cover a category of discharges. WDRs may include effluent limitations or other requirements that are designed to implement applicable water quality control plans, including designated beneficial uses and the water quality objectives established to protect those uses and prevent the creation of nuisance conditions. Cleanup and Abatement Orders (CAOs) or Cease and Desist Orders (CDOs), assessing administrative civil liability, or seeking imposition of judicial civil liability or judicial injunctive relief address violations of WDRs.

The Pacific Grove Area of Special Biological Significance (ASBS) is one of the SWRCB designated 34 regions on the California Coast. These areas were designated in an effort to preserve the unique and sensitive marine ecosystems for future generations. ASBS are a subset of state water quality protection areas in the ocean along the California coast that require special protection per the California Marine Managed Areas Improvement Act. Their protection is set forth by the SWRCB through the California Ocean Plan, which prohibits discharge of waste to designated ASBS.



Water quality samples taken by the City and Hopkins Marine Laboratory reported elevated levels of cadmium, lead, zinc, copper, ammonia, and mercury in several locations in the City (SWRCB, 2008).

In March 2012, SWRCB adopted a General Exception to the Ocean Plan waste discharge prohibition in relation to the ASBS. The General Exception is described in SWRCB Resolution No. 2012-0012 and amended by Resolution No. 2012-0031, and governs point and non-point source waste discharges to California's ASBS, which include municipal storm water discharges. The Pacific Grove ASBS is covered under this exemption.

The General Exception includes "Special Protections" for Beneficial Uses of ASBS and requires development of ASBS Compliance Plans to demonstrate local compliance by permitted point source dischargers, such as municipal dischargers and others to the ASBS.

### **Central Coast RWQCB Post-Construction Stormwater Management Requirements**

In July 2013, the Central Coast Regional Water Quality Control Board (RWQCB) adopted Order R3-2013-0032, which requires new and more stringent Post-Construction Requirements (PCRs) for proposed development projects. The PCRs mandate that development projects use Low Impact Development (LID) features and facilities to detain, retain, and treat site runoff. LID incorporates and conserves on-site natural features, together with constructed hydrologic controls to more closely mimic pre-development hydrology and watershed processes. Projects that receive their first discretionary approval after March 6, 2014, are subject to the PCRs if they create or replace 2,500 sf or more of impervious area.

The PCR tiers range from Tier 1 to Tier 4, with requirements strengthened for each additional tier. Tier 4 projects have the most stringent requirements. For these projects which create or replace 22,500 sf or more of impervious surface, post-development peak flows discharged from the site must not exceed pre-project peak flows for the 2-year through 10-year storm events. This requirement is in addition to other requirements for Tier 1-3 projects.

The project would be subject to Performance Requirements 1 and 2 of PCRs for Development Projects in the Central Coast Region. Performance Requirements 3 and 4 would not be applicable to the project because while the project replaces more than 22,500 square feet, the site is in WMZ 4 and does not overlie a groundwater basin.

Performance Requirement 1 (Site Design and Runoff Reduction) requires projects that create and or replace more than 2,500 square feet of impervious surfaces, including detached single-family home projects to implement at least the following design strategies:

- i) Limit disturbance of creeks and natural drainage features
- ii) Minimize compaction of highly permeable soils
- iii) Limit clearing and grading of native vegetation at the site to the minimum area needed to build the project, allow access, and provide fire protection
- iv) Minimize impervious surfaces by concentrating improvements on the least-sensitive portions of the site, while leaving the remaining land in a natural undisturbed state
- v) Minimize stormwater runoff by implementing one or more of the following site design measures:

- (1) Direct roof runoff into cisterns or rain barrels for reuse
- (2) Direct roof runoff onto vegetated areas safely away from building foundations and footings, consistent with California building code
- (3) Direct runoff from sidewalks, walkways, and/or patios onto vegetated areas safely away from building foundations and footings, consistent with California building code
- (4) Direct runoff from driveways and/or uncovered parking lots onto vegetated areas safely away from building foundations and footings, consistent with California building code
- (5) Construct bike lanes, driveways, uncovered parking lots, sidewalks, walkways, and patios with permeable surfaces

Performance Requirement 2 (Water Quality Treatment) requires regulated projects, except single-family homes, greater than 5,000 square feet of net impervious area, and detached single-family homes greater than 15,000 square feet of net impervious area to treat stormwater runoff as required in the Water Quality Treatment Performance in Section B.3.b. to reduce pollutant loads and concentrations using physical, biological, and chemical removal. Regulated projects would be subject to Water Quality Treatment Performance Requirements to treat runoff generated by the Regulated Project site using the onsite measures below, listed in the order of preference (highest to lowest). Water Quality Treatment Performance Requirements shall apply to the runoff from existing, new, and replaced impervious surfaces on sites where runoff from existing impervious surfaces cannot be separated from runoff from new and replaced impervious surfaces. Measures to meet these requirements include:

- Low Impact Development (LID) Treatment Systems
- Biofiltration Treatment Systems
- Non-Retention Based Treatment Systems

### 13.4.3 Local

#### City of Pacific Grove General Plan

Project relevant general plan policies for hydrology and water quality are addressed in this section. Where inconsistencies exist, if any, they are addressed in the respective impact analysis below. Relevant General Plan Policies that directly address reducing hydrological impacts include the following:

#### Public Facilities

**Goal 3:** Accommodate runoff from existing and future development.

**Goal 4:** Prevent property damage caused by flooding.

- Policy 13: Continue to expand and develop storm drainage facilities to accommodate the needs of existing and planned development.
- Policy 14: Ensure that new development pays its fair share of the costs of drainage system improvements related to that development.
- Policy 15: Promote the private and public use of cisterns to collect rainwater.

- Policy 16: Promote the recovery of usable water from the storm drainage system.

### **Natural Resources**

**Goal 4:** Protect Pacific Grove’s water and marine resources.

Policy 8: When reimbursement is available, cooperate with State and federal agencies in reducing impacts from urban runoff.

### **City of Pacific Grove Local Coastal Program**

The City’s certified Local Coastal Program (LCP, March 2020) contains background information and policies addressing coastal hazards and sea level rise (Section 2.1), water and marine resources (Section 2.2) and storm drainage (Section 3.4.8) that are related to the preservation of coastal resources and the analysis of this chapter. LCP policies are referenced as project mitigation, where warranted. Please see Chapter 14, Land Use regarding overall project consistency with the LCP.

### **City of Pacific Grove Municipal Code**

*Municipal Code Chapter 9.30.130 – Requirement to Prevent, Control, and Reduce Storm Water Pollutants*

Pacific Grove Chapter Municipal Code Chapter 9.30.130 requires appropriate Best Management Practices (BMPs) to be implemented for construction activities to control the volume, rate, and potential pollutant load of storm water runoff from new development and redevelopment projects as required by the NPDES permit to minimize the generation, transport and discharge of pollutants. The City is required to incorporate BMP requirements in any land use entitlement and construction or building-related permit to be issued relative to such development or redevelopment. The owner and developer are required to comply with the terms, provisions, and conditions of such land use entitlements and building permits as required in this chapter and the NPDES permit as it may be amended from time to time.

These requirements may include a combination of structural and nonstructural BMP requirements to ensure the proper long-term operation and maintenance of these BMPs, including inspections and right of entry by city staff or agent to ensure compliance with the requirements of Chapter 9.30.130 or to enforce any provision of this article.

### **Pacific Grove ASBS Compliance Plan**

The Pacific Grove ASBS Compliance plan was drafted with an intention to fulfill requirements contained under SWRCB Order No. 2013- 0001-DWQ NPDES General Permit No. CAS000004 Waste Discharge Requirements for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (MS4s), otherwise known as the “Phase II General Permit”. The report provides a regulatory background to describe the fundamental provisions of the Special Protections. The ASBS Compliance Plan describes the structural and non-structural BMPs (both existing and planned for the future) and summarize the ASBS monitoring program. The report also includes a compliance and implementation schedule to achieve compliance with the Special Protections.

## 13.5 Environmental Impacts and Mitigation Measures

### 13.5.1 Significance Criteria

The following significance criteria for hydrology and water quality were derived from the Environmental Checklist in CEQA Guidelines Appendix G. These significance criteria have been amended or supplemented, as appropriate, to address lead agency requirements and the full range of potential impacts related to this project.

An impact of the project would be considered significant and would require mitigation if it would meet one of the following criteria.

- Violate any water quality standards or waste discharge requirements or otherwise degrade surface water or groundwater quality.
- Substantially decrease groundwater supplies or interfere substantially with groundwater recharge, such that the project may impede sustainable groundwater management of the basin.
- Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:
  - Result in substantial erosion or siltation on- or offsite.
  - Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite.
  - Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.
- In flood hazard, coastal hazard, tsunامي, or seiche zones, risk coastal flooding and/or release of pollutants due to project inundation.
- Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

### 13.5.2 Impacts of the Proposed Project

**Impact HYD-1:** The project is subject to stringent water quality control standards which would prevent potential degradation of local surface water or groundwater quality. This is a **less than significant impact**.

#### Construction

Construction-related activities associated with the project would include demolition, grading, and excavation, which would displace soils and temporarily increase the potential for soils to be subject to wind and water erosion. Currently, the project area consists of nearly 100 percent impervious surfaces such as buildings, sidewalks, and asphalt parking areas. According to the Preliminary Storm Water Control Plan prepared by Whitson Engineers, buildout of the project would result in a reduction of impervious surfaces from 3.6 acres to 2.83 acres. Using the City's formula for calculation of net impervious area, the proposed project would result in a net impervious area of approximately 2.06

acres<sup>1</sup>. No permeable pavements are proposed for the project. Impervious pavement areas would be directed to pervious areas where feasible.

Construction-related erosion effects would be addressed through compliance with the NPDES program's Construction General Permit because the proposed project would disturb more than one acre of land. The project applicant would be required to submit a Notice of Intent to the State Board and apply for coverage under the State NPDES General Permit for Construction Activities, prepare a Stormwater Pollution Prevention Plan (SWPPP), and submit it for review and approval prior to commencing construction. The General Permit requires development and implementation of a SWPPP and monitoring plan, which must include erosion-control and sediment-control Best Management Practices (BMPs) that would meet or exceed measures required by the General Permit to control potential construction-related pollutants. Erosion-control BMPs are designed to prevent erosion, whereas sediment controls are designed to trap sediment once it has been mobilized. The types of BMPs required would be based on the amount of soil disturbed, the types of pollutants used or stored at the project site, and proximity to water bodies.

Following compliance with NPDES requirements, BMPs and City requirements such as the Pacific Grove ASBS Compliance Plan, construction of the project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality. The project must also be compliant with LCP policies MAR-3, MAR-6, MAR-7 and MAR-8, which address similar and complimentary construction and operational measures to effectively reduce pollutants. Impacts would be less than significant with adherence to these standard requirements. Please also see Chapter 12, Hazards, which addresses existing sources of soil and groundwater contamination and specific recommendations to address those issues.

## Operation

Compared to existing conditions and operations at the ATC commercial site, operation of new hotel uses could contribute polluted runoff such as pesticides, herbicides, oils, grease, debris and other urban constituents to the stormwater drainage, which could flow into the City's stormwater system and eventually the ocean and ASBS. As discussed above, the project applicant would be required to prepare a SWPPP and incorporate BMPs for construction and post-construction conditions. Although the site is somewhat constrained by impermeable bedrock and limited space for biofiltration, the project would likely include Non-Retention Based Treatment Systems including box filters and media filters in order to comply with Performance Requirement 2. Following compliance with NPDES requirements, BMPs and City requirements, operation of the project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality. As noted above, the project must also be compliant with LCP policies MAR-3, MAR-6, MAR-7 and MAR-8 which address similar and complimentary construction and operational measures to effectively reduce pollutants. No further mitigation measures are required, and impacts would be less than significant.

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<sup>1</sup> Net Impervious Area = (New and Replaced Impervious Area) - (Reduced Impervious Area Credit) = (2.83 acres) – (3.6 acres – 2.83 acres) = 2.06 acres (see [Appendix J](#)). Acreage does not include the leased portion of the Central Avenue parcel, as no demolition or changes to impervious surface will occur in this location.

## Conclusion

The project would be required to prepare a SWPPP, which includes BMPs that would meet or exceed measures required by the General Permit to control potential construction-related pollutants. Following compliance with NPDES requirements, BMPs and City requirements such as the ASBS Compliance Plan, construction and operation of the project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality compared to existing conditions. Impacts would be less than significant.

**Impact HYD-2:** The project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge. This is a **less than significant impact**.

## Construction and Operation

As discussed above, the project site consists of nearly 100 percent impervious surfaces including buildings, sidewalks, and asphalt parking areas. According to the Preliminary Storm Water Control Plan prepared by Whitson Engineers, the proposed project would result in a net impervious area of approximately 2.83 acres. Buildout of the project would result in a reduction of impervious surfaces from 3.6 acres to 2.83 acres, and therefore would not interfere with recharge compared to existing conditions.

As previously discussed, the proposed project does not overlie a groundwater basin, but would be served by existing groundwater resources from the Carmel River and the Seaside Basin. According to the water demand analysis prepared by Stantec (January 2020), the project will utilize about 18-acre feet annually with incorporation of several water conservation measures including use of a graywater system. The MPWMD monitors and regulates the region's adjudicated groundwater resources through a system of pumping restrictions, permitting and measured water allocations or credits. As the project's water use is within its allocated usage as recognized by the MPWMD, it would not exceed anticipated usage and therefore will not impede sustainable groundwater management of the basin. For these reasons, the project will not substantially decrease groundwater supplies. Please see also Chapter 19, Utilities and Services Systems, for more information regarding water supply, existing allocations, and projected demand.

## Conclusion

The project would not adversely affect groundwater recharge because the site overlays hard granitic base rock and would not increase impervious surfaces over existing conditions. In terms of groundwater supply, the project's projected water demand from groundwater resources is within the allocation recognized for the property. The project would therefore not impede sustainable groundwater efforts undertaken by groundwater management agencies. For these reasons, impacts related to groundwater recharge and management would be less than significant.

**Impact HYD-3:** The project could alter the existing drainage pattern of the site, but would not cause substantial erosion, cause flooding or exceed the capacity of the existing stormwater system. This is a **less than significant impact**.



## Construction and Operation

Please see Impact HYD-1 above regarding existing controls and regulations already in place to manage water quality from site construction activity and maintain water quality pursuant to the Pacific Grove ASBS Compliance Plan. Also, as identified in the analysis of Impact HYD-2, the site is currently covered by impervious surfaces, and the proposed project would reduce impervious surface area from 3.6 acres to 2.83 acres. As such, alteration of the site's drainage pattern will not be caused by an increase in impervious surface.

The project site is currently developed and drains to the existing stormwater system. There are no natural drainage features (streams, creeks, swales or rivers) that will be affected by construction and operation of the site. Changes to the site's existing drainage pattern will entail the re-direction of existing flows, based on the grading to occur and placement of structures and landscaping with the finished project. The post-project condition, however, will still direct drainage flows to the storm drain system at new connection points, resulting in little change to existing conditions.

Findings from the Preliminary Stormwater Control Plan indicated that the underlying granite on the project site make infiltration and retention of stormwater ineffective as a stormwater treatment option. Because the project site does not overlie a groundwater basin, any uncontrolled runoff would likely be intercepted by wall drains and collected in the storm drain system. The city's public storm drain system has been upgraded as a part of the Urban Runoff Diversion Project to include CDS hydrodynamic separator units to trap trash, debris, sediment, and hydrocarbons.

The project would be subject to the Central Coast RWQCB's Performance Requirements 1 and 2 of the PCRs for Development Projects in the Central Coast Region. Performance Requirements 3 and 4 would not be applicable to the project because while the project would replace more than 22,500 square feet, the site is in WMZ 4 and does not overlie a groundwater basin. Performance Requirement 1 would be met by limiting the development envelope, dispersal of runoff to pervious areas, and by minimizing imperviousness. Per the PCRs, the project applicant would be required to include LID Treatment Systems as the first way to meet Performance Requirement 2. In addition, biofiltration would be required as the second alternative to LID Treatment Systems per the PCRs to treat runoff from the site. These treatment systems would be designed per Technical Criteria for Non-LID Treatment Facilities.

## Conclusion

Because the project would not substantially increase runoff quantities, the project would not result in substantial erosion or siltation on- or offsite or increasing the rate of flooding on- or offsite. Similarly, as volumes would be similar, the project would not exceed the capacity of existing or planned stormwater drainage systems. As discussed above, the project applicant would be required to apply for coverage under the State NPDES General Permit for Construction Activities and prepare a SWPPP for the project site. The General Permit would also include implementation of BMPs that would meet or exceed measures required by the General Permit to control potential construction-related pollutants. Erosion-control BMPs would prevent erosion and trap sediment. Following compliance with PCRs, NPDES requirements, BMPs and City requirements, construction of the project would not result in substantial erosion or siltation on- or offsite, increase the rate or amount of surface runoff resulting in flooding on- or offsite, or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems. Impacts would therefore be less than significant.

**Impact HYD-4:** The project site could be susceptible to release of pollutants due to project inundation in a tsunami zone, and is located near an area that experiences coastal erosion. This a **less than significant impact**.

### Construction and Operation

The project site is designated by FEMA as Zone X, which indicates minimal risk of flooding. As discussed above, the project site is located near, but not within, the City's tsunami inundation area. As discussed in **Chapter 12, Hazards and Hazardous Materials**, the project does not involve the storage of large quantities of hazardous materials, fuel tanks or similar sources of contamination that could be released within inundation. The project would, however, include subterranean parking below the Group/Family Wing at the corner of Ocean View Boulevard and Dewey Avenue. The resulting elevation of the garage would be 18 feet above sea level, or about 10 feet below existing grade. It is therefore possible that the parking garage could be flooded in the unlikely event of a large tsunami. Should such an event occur, there is the potential for gasoline and other fluids from vehicles in the garage to mix with floodwaters. For purposes of evaluation, however, this risk is very low. Considering the relatively low risk of tsunami documented for this area, the location of the project outside of the predicted inundation zone, as well as the sealed systems within modern automobiles, the potential for substantial release of pollutants under such a scenario involves a great deal of speculation and uncertainty, and does not rise to the level of a reasonably foreseeable significant impact. For these reasons, impacts are considered less than significant.

With respect to coastal erosion hazards, wave runup and sea level rise, a coastal engineering and coastal hazard analysis was prepared by Haro, Kasunich and Associates, in conjunction with Dr. Gary Griggs, Coastal Geologist. This report was also informed by recent sea level rise data compiled by the cities of Monterey and Pacific Grove as part of their respective Local Coastal Program updates. The analysis concluded that risks to the project from coastal hazards are less than significant. Specifically, the analysis made the following findings:

1. The planned improvements including the subterranean parking garage at the hotel site are shown to be above the current and estimated sea level elevation for the year 2100.
2. Under present worst-case conditions, wave run-up could extend approximately 12 feet landward beyond the top of the coastal bluff, leaving a buffer of approximately 250 feet to the proposed hotel site.
3. With consideration of future bluff retreat, sea-level rise, and severe storm conditions, the analysis predicts wave run-up in the year 2100 could extend 158 feet landward towards the hotel site from the current position of the coastal bluff edge.
4. The estimated adjusted wave run-up in the year 2100 would terminate at elevation 25 feet NAVD88 (North American Vertical Datum 1988) at the seaward edge of the recreational trail. This estimate is based on many conservative assumptions. The project site is situated above elevation 25 feet and setback at least 100 feet from the year 2100 extreme projected run-up inundation line.
5. Following an extreme storm event or drop in tide level, the water from extreme wave run-up in 2100 would subside and any remaining standing water would percolate through the coastal bluff terrace deposits between Ocean View Boulevard and the bluff, infiltrate to the granite bedrock that slopes towards the shoreline, and then flow seep seaward until it daylight at the

open bluff face. In other words, there is very little to no chance that the extreme wave run-up for 2100 would change the static or seasonal groundwater regime around the below grade parking garage along Ocean View Boulevard.

6. Because the very conservative wave run-up calculated for the year 2100 does not come within 100 feet of the planned hotel site, the improvements do not need to be designed to tolerate wave impact forces or prevent coastal flood waters from entering the below grade parking garage.
7. Hopkins Marine Station is the oldest marine science station on the west coast and was established on its present site in 1917, over a century ago. It is anticipated that over time, as coastal hazards threaten the facility, they would take appropriate action and measures to protect this facility, further reducing the potential for wave run-up related threats to the areas landward of the station, including the planned hotel site.

### Conclusion

Although, the project is located near, but not within the City's tsunami inundation area, there is a relatively low risk of tsunami documented for this area. Should a tsunami occur, the potential for substantial release of pollutants from gasoline and other fluids from vehicles in the garage is not considered a reasonably foreseeable risk.

With respect to coastal hazards, the analysis concludes that there is very little to no chance that the proposed project would become threatened by coastal hazards such as shoreline retreat, temporary flooding and/or wave attack over at least the next 80 years, or for the useful design life of the project.

**Impact HYD-5: The project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. This is a less than significant impact.**

### Construction and Operation

As discussed above, the project site does not overlie a groundwater basin and would not impede the sustainable management or use of groundwater. The project's water demand would also be within its allocated water credits, which are accounted for within MPWMD's management of groundwater resources. Thus, the project would not substantially decrease or interfere with groundwater recharge. The project would not conflict with a groundwater management plan.

The project is within the Pacific Grove ASBS watershed area and would be required to demonstrate compliance with the ASBS Compliance Plan, which govern point and non-point source waste discharges to California's ASBS, including municipal storm water discharges. The ASBS include structural BMPs, which the project would be required to comply with that would require the project to install engineering solutions to physically treat or infiltrate runoff. Following compliance with the ASBS and the BMPs, the project would not conflict with a water quality control plan or sustainable groundwater management plan. Impacts would be less than significant.

## Conclusion

The project site is within the Pacific Grove ASBS watershed area and would be required to demonstrate compliance with the ASBS Compliance Plan. Compliance with standard requirements of the ASBS and incorporation of standard BMPs would result in potential impacts that are less than significant.

### 13.5.3 Cumulative Impact Analysis

**Impact HYD-6:** The project would not contribute to cumulatively considerable impacts on hydrology and water quality.

The geographical area for cumulative water quality impacts is the Pacific Grove watershed. Changes to the pattern, quantity and quality of stormwater runoff can potentially result in downstream impacts as these flows are combined with cumulative development, incrementally increasing runoff volumes from increases in impervious surfaces. Surface water quality also has the potential to be impacted, as urban pollutants enter the drainage system and combine with urban flows and constituents from cumulative development. Given that all present and reasonably foresee future projects larger than one acre would be required to prepare a SWPPP and conform with BMPs, cumulative development would be helping to improve water quality in the watershed basin over the long term. Similarly, present and reasonably foreseeable future projects that create or replace 2,500 sf or more of impervious area would be required to meet PCR standards, with the Tier dependent upon the total impervious surface created or replaced.

For this project, the post-project area of impervious surfaces is 0.77 acre less than under existing conditions. In addition, the site plan has been designed to drain into the City's stormwater system, resulting in controlled releases to the stormwater drainage system. Thus, while cumulative development may have drainage pattern differences, compliance with NPDES and local requirements for stormwater quantity and quality for each individual project would help to improve overall water quality in the watershed basin. Similarly, each project would be evaluated against its available water credits, which are managed and allocated by the City and MPWMD to address cumulative management issues. The proposed project, combined with these projects, would result in less-than-significant cumulative impacts to stormwater quantity, water quality and groundwater management.

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## 14 Land Use & Planning

### 14.1 Introduction

This section identifies potential effects related to land use and planning that could result in environmental, community and/or policy implications with implementation of the project. Information used to prepare this section was sourced primarily from the following resources:

- City of Pacific Grove, *General Plan*, 1994
- City of Pacific Grove, *Pacific Grove Municipal Code*, as amended
- City of Pacific Grove, *Local Coastal Program – Land Use Plan and Implementation Plan*, 2020 (including Resolution and Findings of the California Coastal Commission)

### 14.2 Scoping Issues Addressed

During the Notice of Preparation (NOP) and public comment scoping period for the EIR, several comments were received regarding the project's overall compatibility with surrounding land uses, as well as requests by the Coastal Commission to incorporate lower-cost visitor accommodations and publicly accessible visitor-serving uses and amenities. In response to these scoping comments, this section contains a "consistency analysis" to establish how the project compares to adopted environmental policies within the recently adopted 2020 Local Coastal Program (LCP). Issues related to project compatibility and community character are addressed in Chapter 5, Aesthetics.

### 14.3 Environmental Setting

#### 14.3.1 City-Wide Land Use Pattern

The Land Use Element of the Pacific Grove General Plan (1994), together with the City's 2020 LCP, are the principal land use and policy documents for guiding future conservation and development in the City. The land use pattern includes a mix of residential uses (low to high density), commercial areas, visitor serving accommodations, professional office, public facilities and open space. Areas within the Coastal Zone are subject to additional land use restrictions and regulations intended to protect a range of coastal resources and coastal-dependent land uses.

#### 14.3.2 Land Uses at the Project Site

The City's LCP designates the ATC project site for Visitor Serving Commercial (V-C) uses. The ATC project site is currently developed with commercial uses, consistent with the existing General Plan. Existing physical uses on the project site include the upper parking lot between Sloat Avenue and Central Avenue serving the American Tin Cannery outlet mall, the ATC commercial buildings themselves, and the parking lot area leased by the project applicant at 124 Central Avenue. The ATC property currently consists of a collection of retail outlets selling clothing, shoes, candy, jewelry, and other services. Other uses include restaurants, art studios, tourist information, indoor playground for children and recreational uses such as bike rentals, fitness studio and indoor miniature golf.



### 14.3.3 Adjacent Land Uses

The area and neighborhood around the ATC site experiences significant tourist activity, but is also the location of an established residential neighborhood west and northwest of Dewey Avenue. Surrounding properties include commercial, residential and visitor serving uses. Across Ocean View Boulevard to the north is the Stanford University Hopkins Marine Station, Monterey Bay Coastal Recreation Trail and the Monterey Bay Aquarium. A grocery store and fast food restaurant are located on the adjacent parcel to the southeast, and the aforementioned mixed density residential area is located across Dewey Avenue to the west and northwest. Embedded in the same city block between Sloat Avenue and Central Avenue are Monterey Bay Aquarium offices, warehouse uses and local businesses including a dry cleaner, pet day care, yoga studio, and a church.

## 14.4 Applicable Regulations, Plans, and Standards

### 14.4.1 State

#### California Coastal Act

The California Coastal Commission was established by voter initiative in 1972 (Proposition 20) and later made permanent by the Legislature through adoption of the California Coastal Act of 1976. In partnership with coastal cities and counties, the Coastal Commission plans and regulates the use of land and water in the Coastal Zone. Development activities, which are broadly defined by the Coastal Act to include (among others) construction of buildings, divisions of land, and activities that change the intensity of use of land or public access to coastal waters, generally require a coastal development permit from either the Coastal Commission or the local government. The Coastal Zone varies in width from several hundred feet in highly urbanized areas up to five miles in certain rural areas, and offshore the Coastal Zone includes a three-mile-wide band of ocean. The project is located within the Coastal Zone and is subject to provisions of the City's Local Coastal Program (Land Use Plan and Implementation Plan), discussed further below. While the project site is now within the coastal permitting authority of the City of Pacific Grove, a small portion of the site is located within the Coastal Commission's appeal jurisdiction.

### 14.4.2 Local

#### City of Pacific Grove General Plan

The City's General Plan, as noted above, is the comprehensive planning document governing development within the City, and contains goals, policies, and programs describing the community's vision for economic viability, livable neighborhoods, and environmental protection.

The General Plan establishes policies for the orderly growth and development of the City. Among other purposes, the General Plan identifies policies necessary to protect and enhance those features and services which contribute to the quality of life of the community.

The General Plan is a comprehensive policy plan which sets forth a series of written statements (goals, policies and objectives) defining the direction, character and composition of future land use development, and establishes guidelines (policies and actions) necessary to attain conformance with the plan. It is made up of nine elements and various maps, which accompany the elements. The elements are: 1) Land Use, 2) Housing, 3) Transportation, 4) Parks and Recreation, 5) Natural Resources, 6)

Historic and Archaeological Resources, 7) Urban Structure and Design 8) Public Facilities, and 9) Health and Safety. The General Plan Land Use Plan Map visually represents the physical relationship of all portions of the text, including development densities.

The General Plan now includes a Coastal Element, which is the recently certified 2020 LCP. As discussed in more detail below, the City prepared the LCP as part of the General Plan.

Relevant General Plan policies related to Land Use are addressed in this section, followed by a discussion of LCP policy. Where inconsistencies exist between the General Plan and LCP, if any, the LCP prevails for land use decisions in the Coastal Zone. Relevant General Plan land use policies that have been adopted to reduce or avoid environmental impacts are identified below. Pursuant to CEQA, this discussion only identifies policies that have been adopted for the purpose of avoiding or mitigating environmental effects. Additional policies relevant to other specific environmental topics are identified in other chapters of this EIR.

### **Land Use:**

**Goal 1:** 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.

- **Policy 2:** Ensure that new development is compatible with adjacent existing development.
- **Policy 3:** Balance a property owner's ability to develop with the desirability of maintaining neighborhood character.
- **Policy 4:** Continue to preserve Pacific Grove's character and regulate development so as not to overburden the City's infrastructure.
- **Policy 5:** Avoid creating land divisions that result in lots smaller than prevailing lot sizes in the neighborhood, or which are inconsistent with the configuration of surrounding lots.
- **Policy 7:** Evaluate and mitigate the impacts of proposed land divisions on traffic access, trees, topography, environmentally sensitive habitats, utilities, and public services, through the approval process.
- **Policy 9:** Strive to preserve significant public view corridors.
- **Policy 10:** Strive to protect property owner's right to privacy and reasonable access to light, air, and sunshine.

**Goal 3:** Designate land in commercial and office categories adequate to provide goods and services for the needs of Pacific Grove and its trade area.

- **Policy 11:** Ensure that commercial uses are balanced, and that business and industry are compatible within the City's residential character.
- **Policy 12:** Promote and maintain a healthy local economy while preserving the local community character.
- **Policy 13:** Assure that new commercial development is designed to avoid the appearance of strip development.

## Local Coastal Program

The California Coastal Act of 1976 (Public Resources Code 30000 et. seq.) establishes policies guiding development and conservation along the California coast. The Coastal Act requires that local governments lying wholly or in part within the Coastal Zone to prepare a Local Coastal Program (LCP) for its portion of the Coastal Zone. An LCP is defined by Coastal Act Section 30108.6 as follows:

*“Local Coastal Program” means a local government’s (a) Land Use Plans, (b) zoning ordinance, (c) zoning district maps, and (d) within sensitive coastal resources areas, other implementing actions, which, when taken together, meet the requirements of, and implement the provisions and policies of, this division at the local level.”*

The City has prepared its LCP as part of the General Plan. The City’s LCP contains a land use plan, implementation plan, and maps designed to preserve the unique coastal resources that exist within the City’s portion of the Coastal Zone pursuant to the requirements of the California Coastal Act. In November 2019, the Coastal Commission approved the City’s LCP (with suggested modifications). The City accepted the Coastal Commission’s recommended modifications and adopted the LCP in January 2020. The Coastal Commission certified the LCP on March 11, 2020. With certification, the LCP becomes the legally binding standard of review for evaluating Coastal Development Permit applications for development within most of the Pacific Grove Coastal Zone. The LCP becomes the Coastal Element of the General Plan.

The LCP contains a wide range of coastal protection measures and policies applicable to Pacific Grove’s entire Coastal Zone. Environmental protection policies applicable to the ATC project site are addressed in detail later in this chapter.

## Zoning and Implementation

The City’s Zoning Ordinance implements the land use designations of the General Plan. The Implementation Plan (IP) of the LCP sets forth the zoning requirements for areas within the Coastal Zone, and the IP has been codified as Chapter 23.90 of the City’s Municipal Code. The project site is zoned as C-V-ATC and C-2, with specific development and design standards for Visitor Serving (V-S), including for the American Tin Cannery project site. The IP’s standards that are specific to the American Tin Cannery project site are set forth in Subsection 23.90.180.C.5.g of the City’s Municipal Code. City staff, in reviewing the project, must consider these regulations and standards.

## 14.5 Environmental Impacts and Mitigation Measures

### 14.5.1 Significance Criteria

The following significance criteria for land use and planning were derived from the Environmental Checklist in CEQA Guidelines Appendix G. These significance criteria have been amended or supplemented, as appropriate, to address lead agency requirements and the full range of potential impacts related to this project.

An impact of the project would be considered significant if it would meet one of the following criteria.

- Physically divide an established community.

- Cause a significant environmental impact due to a conflict with any land use plan, policy or regulation (including a certified Local Coastal Program) adopted for the purpose of avoiding or mitigating an environmental effect.

### 14.5.2 Summary of No and/or Beneficial Impacts

#### Physically Divide an Established Community

The proposed hotel and commercial project would not physically divide an established community because the property is currently developed with commercial uses and structures and would retain the same basic patterns of circulation and movement within the community. This significance threshold is typically applied to projects such as new major roadways, rail lines, transit facilities or similar projects that result in a significant physical barrier that could segment established land uses and neighborhoods. Such impacts can affect access to parks, goods and services or other destinations in the community, divide residential neighborhoods, alter or lengthen vehicle trip patterns, or lead to similar effects that disrupt the existing cohesion of a community.

While the ATC project would change land uses, replace structures and introduce the hotel, the project would not physically divide the established community in any way that would lead to significant environmental effects. It is anticipated that access to the hotel grounds, given the coastal access and amenity requirements of the Coastal Act, would serve to enhance pedestrian movement through the property once completed. For these reasons, there would be no adverse impact regarding physical division of the community.

The environmental effects related to compatibility between proposed on-site land uses and adjacent land uses during both construction and operation are described in the respective impact sections of the following environmental resource chapters: Aesthetics, Air Quality, Noise and Transportation.

### 14.5.3 Impacts of the Proposed Project

**Impact LU-1:** The project would not substantially conflict with an applicable land use plan, policy, or regulation (including the LCP) adopted for the purpose of avoiding or mitigating an environmental effect. This is **a less than significant impact**.

#### Construction and Operation

##### Existing Ordinances and Regulations

The proposed project would be required to comply with all applicable City ordinances and regulations affecting project construction and operation, including those addressing water quality, noise, grading, infrastructure, lighting and similar design and engineering requirements. For the purposes of this EIR, it is assumed that all final improvement plans and conditions of approval will reflect all ordinances and regulations that are in place at the time that permits are issued.

##### General Plan Policy Consistency

As identified in Section 14.1.1 above, and throughout the EIR chapters, the General Plan contains several policies designed to ensure that development within the City, over time, provides a certain level of environmental protection through the consistent application of those policies. This section focused on potential conflicts with land use policy, while the other EIR chapters address policies and regulations

specific to the chapter topic. Relevant environmental policies are identified within the Regulatory Setting of each chapter to assist City staff and public understand and review the project in the context of the City's broader guiding principles and vision.

Upon review of the General Plan land use policies above that address environmental protection (as well as additional policies throughout the chapters of this EIR), there is no indication that the project, as mitigated, would be in direct conflict with these guiding policies such that significant environmental effects would occur. For example, if a project were to propose a new untreated stormwater outfall into Monterey Bay, a significant environmental impact (to water quality) could occur because such a facility is in conflict with State and local regulations.

### Local Coastal Program Consistency

With respect to the LCP, the document adopted and certified in 2020 provides for enhanced environmental protection for projects in the Coastal Zone. The City's 2020 LCP process resulted in the adoption of several additional policies related to biological resources, water and marine resources, coastal hazards, scenic resources, cultural resources, community design, and public infrastructure. The LCP process and resulting document is so weighted toward environmental protection that an LCP update is itself exempt from further review under CEQA.

In July 2019 and again in December 2019 in response to the City's Notice of Preparation, the Coastal Commission's Central Coast District Office provided the City with preliminary project review comments on the project. As indicated by this correspondence, Commission staff are generally supportive of the concept of a hotel and commercial use at this location. In addition, while the project's land uses are consistent with the LCP and provide for additional visitor accommodations, other specific environmental protection policies and standards must be addressed by the City during the coastal permitting process.

With the LCP's emphasis on environmental and coastal resource protection, the analysis in this chapter of the EIR focuses on consistency with the LCP as the latest and more stringent standard for evaluation. **Table 14-1: Local Coastal Program Policy Consistency Analysis**, located at the end of this chapter, provides a consistency analysis of the project against the relevant and applicable coastal protection policies of the LCP. Based on the policy-by-policy evaluation, no apparent inconsistencies with the City's LCP are noted with the application of standard conditions, regulations and EIR mitigation measures. As such, the project would not result in significant environmental effects in the Coastal Zone related to environmental policy consistency, and any residual effects and environmental changes are considered less than significant.

#### 14.5.4 Cumulative Impact Analysis

The scope of the analysis of cumulative impacts to land use and planning is the list of projects identified in **Chapter 4, Introduction to Environmental Analysis**, which represents previously approved and current proposals in Pacific Grove and Monterey.

**Impact LU-2:** The project will not contribute to cumulatively considerable land use impacts. This is a **less than significant** impact.

Land use impacts would be cumulatively considerable if the proposed project, in conjunction with other past, present, reasonably foreseeable future projects, would physically divide an established community or result in inconsistency or conflicts with plans or policies adopted to protect the environment.

As identified above, the project is consistent with the land uses and development pattern as set forth in the certified LCP and the General Plan and would not physically divide the community. Other past, present and future projects are not immediately adjacent to the project site, and therefore would not “combine” to create an impact with respect to “physical division” of the community or neighborhood.

Additionally, in terms of policy consistency, the list of cumulative projects considered (Hotel Durell, Ocean View Plaza, Bechtel Education Center, Holman Building Residential, and the mixed use project at 520/522 Lighthouse Avenue are either in the City of Monterey’s Coastal Zone (and therefore not applicable to City of Pacific Grove policy), or are not located in the Coastal Zone (and therefore not applicable to LCP policy). Given these limitations, cumulative projects will not combine to cause a conflict with any existing environmental regulations that have not been addressed elsewhere in this EIR. For these reasons, cumulative land use and planning effects are considered less than cumulatively considerable.

## 14.6 References

City of Pacific Grove. 1994. *Pacific Grove General Plan*.

City of Pacific Grove. 2019. *Pacific Grove Municipal Code*

City of Pacific Grove. 2020. *Local Coastal Program and Implementation Plan*.



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Table 14-1: Local Coastal Program Policy Consistency Analysis

Local Coastal Program Policy	Applicable Environmental Policy Language	Project Consistency
Policy HAZ-8	Development shall minimize risk to life and property in areas of high geological, flood, and fire hazard. Development shall also assure stability and structural integrity, shall not create not contribute significantly to erosion, geological instability, or destruction of the site, and shall not substantially alter natural landforms. Public infrastructure, public recreational access facilities, and coastal-dependent development shall be developed in a manner consistent with Policy HAZ-10, and may qualify for shoreline protective devices only if in imminent danger from erosion consistent with HAZ-15 and HAZ-16. All other development shall be developed in a manner consistent with Policy HAZ-9.	<b>Consistent.</b> The site is currently developed, geologically stable, is not located in a fire hazard area, and will not substantially alter natural landforms. Based on the Coastal Engineering Analysis, the site is not subject to coastal flooding hazards. <sup>1</sup> Project will not require shoreline protection measures.
Policy HAZ-9	Development shall be sited and designed to avoid impacts from coastal hazards, including but not limited to, erosion, episodic and long-term shoreline retreat, flooding, inundation, storm waves, high seas, tidal scour, and tsunamis, including in relation to sea level rise, over the life of the development. As a condition of approval for all coastal development that at some point during its lifetime may be subject to coastal hazards, the Applicant shall record a deed restriction against the properties involved in the application acknowledging that the development site may be subject to coastal hazard.	<b>Consistent.</b> The Coastal Engineering Analysis concludes that the project will not be subject to coastal hazards for the useful lifespan of the project. <sup>1</sup>
Policy HAZ-11	In order to minimize potential damage to life and property from coastal hazards, development and the use of land below the 20-foot elevation (as measured from mean high tide) shall be limited to coastal dependent and coastal related development, open space, low intensity public recreational access facilities and uses, public infrastructure, allowable shoreline armoring and coastal access facilities, and, at Lovers Point, Hopkins Marine Station, and Monterey Bay Aquarium, coastal dependent development. Other legally established existing development and uses below the 20-foot elevation may remain, but shall be relocated above the 20-foot elevation (or simply removed) should it become threatened coastal hazards or should they be redevelop. Costs for relocation shall be borne by the property owner. Regardless, no new major critical public infrastructure (e.g., new water/wastewater treatment facilities) shall be allowed seaward of Ocean View Boulevard or Sunset Drive. To the maximum extent feasible, existing major critical public infrastructure shall be relocated outside of this area.	<b>Consistent.</b> The site is above the 20-foot elevation; however, the proposed parking garage would be at 18 feet at its lowest point. Based on the Coastal Engineering Analysis, the site would not be subject to coastal hazards such as wave runup and coastal flooding, and therefore not subject to potential damage to life and property. <sup>1</sup>
Policy HAZ-12	Development proposed in potential hazard areas, including but not limited to those that are mapped as hazardous in Figure 3, shall be evaluated for potential coastal hazards at the site, based on all readily available information and the best available science. If the initial evaluation determines that the proposed development may be subject to coastal	<b>Consistent.</b> The Coastal Engineering Analysis prepared for the project determined that the project is not subject to coastal hazards over its effective lifetime. <sup>1</sup>

<sup>1</sup> Haro, Kasunich and Associates, Inc. *Coastal Engineering Analysis and Evaluation of Potential Coastal Hazards*, January 2019.

Local Coastal Program Policy	Applicable Environmental Policy Language	Project Consistency
	hazards over its lifetime, a site-specific hazards report prepared by a qualified geologist/engineer is required, the purpose of which is to ensure that such development can be built in a manner consistent with applicable LCP hazards policies.	
Policy MAR-3	<p>To reduce the potential for degradation or impairment of water quality, including the Pacific Grove Marine Gardens State Marine Conservation Area and Area of Special Biological Significance, the City will continue to investigate and implement new measures to reduce potential pollutants in storm water and irrigation runoff and require the following:</p> <ul style="list-style-type: none"> <li>• No diking, filling, dredging, or other uses inconsistent with the terms of the grant of tidal protection from the State of California or Coastal Act Policy 30233 shall be allowed in the City's tidelands.</li> <li>• Development shall include specific measures to help reduce potential pollutants and water quality impairment, including controlling the disposal of chemicals and hazardous materials, controlling the use of pesticides and herbicides, maintaining existing storm water capture programs, applying low impact development design and requiring on-site retention and/or reuse of runoff.</li> <li>• The City will utilize ecologically responsible pest control methods and integrated pest management to the extent feasible on public property and encourage this practice on private property.</li> <li>• Drainage plans and erosion, sediment and pollution control measures shall be required as conditions of approval of every application for new development that has the potential to impair water quality.</li> <li>• Development that has the potential for water quality impairment shall, at a minimum, be designed to meet National Pollutant Discharge Elimination System stormwater runoff requirements.</li> <li>• Construction phase storm water pollutant controls shall be required for development that has the potential for water quality impairment, including erosion controls, sediment traps and filtering of off-site storm water flows, capture of site-generated pollutant sources, street sweeping of dirt tracked off-site, litter control, post-construction monitoring, and other best management practices. Construction-phase water quality impacts shall be avoided by minimizing the disturbed area, phasing grading activities, implementing soil stabilization and pollution prevention measures, and preventing unnecessary soil compaction.</li> </ul>	<b>Consistent.</b> The project includes a stormwater management plan that is responsive to all current requirements for construction and operation. As design details progress with the project, additional engineering review will occur to ensure compliance with storm water quality control methods and standards prior to issuance of permits.

Local Coastal Program Policy	Applicable Environmental Policy Language	Project Consistency
Policy MAR–6	The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.	<b>Consistent.</b> The project includes a stormwater management plan that is responsive to all current requirements for construction and operation. The site contains no coastal wetlands.
Policy MAR–7	Development shall minimize to the extent practicable new impervious surfaces, especially impervious areas directly connected to water and marine resources, and, where feasible, increase the area of pervious surfaces in re-development to reduce runoff.	<b>Consistent.</b> The project includes a stormwater management plan that is responsive to all current requirements for construction and operation. The post project condition will contain less impervious surface and site coverage than the existing condition. The project would be subject to Performance Requirements 1 and 2 of Post-Construction Requirements (PCRs) for proposed development projects. Performance Requirement 1 and 2 provide requirements for Site Design and Runoff Reduction, and Water Quality Treatment. See EIR Chapter 13, Hydrology & Water Quality.
Policy MAR–8	Plan, site, and design development in a manner that maintains or enhances on-site infiltration, reduces runoff, minimizes the transport of pollutants in runoff generated from the development, and recharges groundwater. Runoff shall be appropriately collected, filtered, and treated by Best Management Practices (BMPs) to minimize pollutant loading to the maximum degree feasible.	<b>Consistent.</b> The project includes a stormwater management plan that is responsive to all current requirements for construction and operation. The post project conditions will contain less impervious surface and site coverage than the existing condition. The project would be subject to Performance Requirements 1 and 2 of PCRs for proposed development projects. Performance Requirement 1 establishes requirements for Site Design and Runoff Reduction, such as limiting disturbance of natural drainage features, minimizing compaction of soils, limiting stormwater

Local Coastal Program Policy	Applicable Environmental Policy Language	Project Consistency
		runoff, etc. Performance Requirement 2 establishes requirements for Water Quality Treatment, such as Low Impact Development Treatment Systems, Biofiltration Treatment Systems, etc. See EIR Chapter 13, Hydrology & Water Quality.
Policy SCE-1	Public views to and along the shoreline shall be protected and enhanced, and alteration of natural landforms shall be minimized.	<b>Consistent.</b> Public views to and along the shoreline are maintained with the project. See Chapter 5 of the EIR, Aesthetics. The currently developed project site will replace existing warehouse buildings with new structures. An analysis of public views from several key viewpoints demonstrates that public views to and along the shoreline are not significantly affected. Also, as the site currently contains structures, building pads and modified grades, the site is not considered a natural landform.
Policy SCE-2	Preserving and enhancing the scenic qualities of the Coastal Zone is a priority in all City actions and decisions. Development that could adversely impact public views and scenic coastal areas shall only be allowed where it protects, preserves, and, if feasible, enhances such scenic and visual qualities.	<b>Consistent.</b> The project site complies with the Visitor Serving Commercial development standards with respect to site coverage, setbacks, and building heights as identified in the LCP Implementation Plan. The project will also replace warehouse structures with structures of enhanced architecture and design.
Policy SCE-3	Where appropriate, protect special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses or are locally important historic areas.	<b>Consistent.</b> The project will modify, but retain, the ATC factory structure, identified as a structure eligible for historic status.
Policy SCE-5	The City will designate scenic areas of the Coastal Zone, including those areas in Policy SCE – 3, as areas having special scenic significance requiring the imposition of project-specific development standards designed to protect these scenic areas (refer to Figure 4, Scenic Areas). Development standards for such special scenic significance areas shall include, but are not limited to, special siting and design criteria including height and story limitations, bulk and scale limitations, screening and landscaping requirements, natural materials and color	<b>Consistent.</b> The ATC Tin Cannery site complies with the Visitor Serving Commercial design standards for site coverage and for building height as identified in the LCP Implementation Plan. The plan as proposed is consistent with these standards, and does not block or have a significant adverse impact

Local Coastal Program Policy	Applicable Environmental Policy Language	Project Consistency
	<p>requirements, minimizing lighting that spills into nighttime public views, avoiding glares from windows and reflective surfaces, requirements to prepare landscaping plans utilizing drought tolerant and native plants that protect and enhance scenic resources; minimizing land coverage, grading, and structure height; and maximizing setbacks from adjacent open space areas. Clustering to maximize open space views may also be considered.</p> <p>Development within visually prominent settings, including those identified on Figure 4, and on all parcels that abut Ocean View Boulevard and Sunset Drive, shall be sited and designed to avoid blocking or having a significant adverse impact on significant public views, including by situating buildings, access roads, and related development in a manner and configuration that maximized public viewshed protection, and through such measures as height and story limitations, and bulk and scale limitations. Clustering development to maximize open space views may also be considered.</p>	<p>on significant public views. See EIR Chapter 5, Aesthetics.</p>
Policy SCE–6	<p>All new utilities shall be located underground or outside of public views.</p>	<p><b>Consistent.</b> To provide adequate utilities and service systems to the project, several new connections and/or facility upgrades will be necessary. Relocated utilities would be located underground outside of public views. See EIR Chapter 19, Utilities &amp; Service Systems.</p>
Policy SCE–7	<p>Structures, including fences, shall be subordinate to and blended into the environment, including by using appropriate materials that will achieve that effect. Where necessary, modifications shall be required for siting, structural design, shape, lighting, color, texture, building materials, access, and screening to protect such public views.</p>	<p><b>Consistent.</b> The project design incorporates a blend of natural materials and finishes, combined with elements of local architectural styles, to blend with the existing environment and topography. Lighting and signage are subdued, with landscape and building materials chosen to be aesthetically compatible with site surroundings.</p>
Policy SCE–8	<p>The City will encourage redevelopment, rehabilitation, or relocation of existing structures in scenic view areas to improve appearance and to attract visitors to the City’s coastline.</p>	<p><b>Consistent.</b> The project design, including the materials and architecture, are considered a visual improvement compared to the existing industrial condition.</p>
Policy SCE–9	<p>Trees that are a visually integral part of the coastline and contribute to the scenic views in the Coastal Zone shall be protected or, when necessary to remove, including due to disease or danger to existing structures, replanted to ensure their continued scenic utility.</p>	<p><b>Consistent.</b> Removal of existing trees on the developed site is necessary to implement the project. The proposed removal of existing stands of Monterey cypress trees is considered significant and unavoidable under</p>



Local Coastal Program Policy	Applicable Environmental Policy Language	Project Consistency
		<p>CEQA, as they are considered visually integral and contribute to the City's visual character. However, the project would replant trees and mitigate for necessary tree loss consistent with this policy.</p> <p>See EIR Chapter 7, Biological Resources. The project would be required to protect trees on adjacent properties, and replant and/or pay in lieu fees for tree replanting, to mitigate for scenic and biological resources.</p>
Policy BIO-3	<p>Applications for development within and near Environmentally Sensitive Habitat Areas, including wetlands and streams, shall be accompanied by a habitat assessment prepared by a qualified biological and a botanical survey by a qualified expert prepared at the owner's expense, prior to consideration of a project within the City.</p> <p>The habitat assessment and botanical survey shall, at a minimum, identify and confirm the extent of the Environmentally Sensitive habitat Area, document any site constraints and the presence of sensitive species, recommend buffers and development setbacks and standards to protect the Environmentally Sensitive Habitat Area, recommend mitigation measures to address any allowable impacts, and include any other information and analyses necessary to understand potential Environmentally Sensitive Habitat Area impacts as well as measures necessary to protect the Environmentally Sensitive Habitat Area resource as required by the Local Coastal Program.</p>	<p><b>Consistent.</b> See EIR Chapter 7, Biological Resources, which includes a habitat assessment. The site contains no ESHA, but potentially affected ESHA is located along the shoreline across the road from the project site. Compliance with mitigation measures listed in EIR Chapter 7, Biological Resources would mitigate potential effects to potentially affected ESHA located along the shoreline across the road from the project site.</p>
Policy BIO-6	<p>Invasive non-native plants, such as Pampas grass, Acacia, Genista, and non-native ice plant, pose a threat to the indigenous plant community and are prohibited in any landscaping plan.</p>	<p><b>Consistent.</b> The project does not propose the listed invasive non-native plants. Thus, the proposed project would not pose a threat to the indigenous plant community. See project Landscape Plan for proposed plants.</p>
Policy BIO-7	<p>The City will preserve its character-defining flora and fauna, such as rosy ice plant (<i>Drosanthemum floribundum</i>), Monterey pine, Monterey cypress, Coast Live Oak, Monarch butterfly, harbor seal, and Black Oystercatcher.</p>	<p><b>Consistent.</b> See EIR Chapter 7, Biological Resources for a detailed discussion on the listed species. Compliance with mitigation measures listed in EIR Chapter 7, Biological Resources would mitigate potential effects to potentially affected flora and fauna located on the site and along the shoreline across the road from the project site.</p>

Local Coastal Program Policy	Applicable Environmental Policy Language	Project Consistency
Policy BIO-11	<p>The City will implement seal pupping protection measures, including installation of split-rail fencing, installation of temporary “no climb” wood lattice fencing or other alternative that provides visual access, and educational signage if found necessary to prevent harm or harassment of harbor seals during the spring pupping season generally February through May, at various locations along the Pacific Grove shoreline east of Berwick Park and immediately adjacent to the Pacific Grove Recreation Trail. Impacts to public access from such measures shall be minimized. In addition, the City may use trained volunteer docents, including National Oceanic and Atmospheric Administration trained Bay Net volunteer docents when available, to educate and engage the public on the activities of the seals, and to monitor and document all activities in the vicinity of the program, including any unauthorized human interruptions.</p>	<p><b>Consistent.</b> While this is a requirement that addresses public shoreline access and biological resources, the project has been required to minimize potential impacts to nearby seal pupping areas by limiting the most disruptive construction phase to the time of year that is outside the most vulnerable season for harbor seal. See EIR Chapter 7.</p>
Policy BIO-12	<p>The City will protect Black Oystercatchers and their rocky intertidal habitat along the City’s shoreline. The City shall work in cooperation with the California Central Coast Black Oystercatcher Monitoring Project or its successor, the Pacific Grove Museum of Natural History, Monterey Audubon Society, and other appropriate entities and research efforts, to implement identified conservation measures necessary to carry out this policy. The California Central Coast Black Oystercatcher Monitoring Project, which monitors and assesses Black Oystercatcher populations and breeding success, is developing specific conservation measures, and will coordinate with the City, California Coastal National Monument/BLM, and California Department of Parks and Recreation at Asilomar as appropriate to their respective jurisdictional authority.</p> <p>Protective measures shall include an education program, using interpretive signage, outreach material, and docents to promote public understanding of the sensitive nature of the Black Oystercatcher habitat and the importance of not disturbing breeding pairs. The California Central Coast Black Oystercatcher Monitoring Project coordinators or their designees may seek permission from the appropriate landowner (e.g., City of Pacific Grove, California State Parks, Bureau of Land Management, etc.) to apply for a Coastal Development Permit on the landowners behalf to place temporary signage, physical barriers, and wildlife monitoring cameras where appropriate, at vulnerable nesting areas during the breeding season (March into September) to help reduce disturbance. Impacts to public access from such measures shall be minimized.</p>	<p><b>Consistent.</b> While this is a requirement directed to the City, the project has been required to avoid potential impacts to nearby nesting pairs of Black Oystercatchers. Compliance with mitigation measures MM BIO-1.1, MM BIO-1.2, MM BIO-1.3, MM BIO-2.1, would reduce potential impacts to Black Oystercatchers. See EIR Chapter 7, Biological Resources.</p>
Policy BIO-14	<p>The City will encourage native drought resistant vegetation and species compatible with the scale and character of current vegetation within the Coastal Zone.</p>	<p><b>Consistent.</b> Drought tolerant landscaping is central to the landscape plan and project water conservation measures. See project Landscape Plan.</p>

Local Coastal Program Policy	Applicable Environmental Policy Language	Project Consistency
Policy BIO-18	The City will maintain and enhance the Monterey pine and cypress stands, Coast live oak and canopy within the Coastal Zone to the maximum extent feasible, taking care that new plantings do not adversely affect public views. This program should continue to be updated periodically with a complete inventory of the trees within the Coastal Zone to determine the age of the trees, disease, if any, and the needs for continued reforestation in the City. The City's 2015 Tree Inventory shall be included as a guiding resource. Best Management Practices for protecting the Critical Root Zone of trees designated for preservation will be carried out.	<b>Consistent.</b> According to the Tree Resource Assessment prepared for the project, there are 52 Monterey Cypress trees and 4 Coast Live Oak trees on the project site. <sup>2</sup> See EIR Chapter 7, Biological Resources for discussion on the vegetation community on the project site. The project would be required to comply with the Best Management Practices for potentially affected trees as proposed in MM BIO-3.4.
Policy BIO-19	Within Pacific Grove, certain trees and native vegetation within Environmentally Sensitive Habitat Areas are considered "major vegetation," where the removal of which constitutes development that requires a Coastal Development Permit. A Coastal Development Permit is required for removal of all native trees, including all Gowen Cypress regardless of size, Coast Live Oak, Monterey Cypress, Shore Pine, Torrey Pine, and Monterey Pine six (6) inches or greater in trunk diameter when measured at 54 inches above grade. New tree planting shall be an on-going effort in order to replace diseased and dead Monterey pine, Monterey cypress and coast live oak trees, taking care that new plantings do not adversely affect public views. Replanting of a tree as replacement of major vegetation is required within the same vicinity. Dead trees (snags) on City property within the Coastal Zone should be retained, where possible, to provide habitat, including for cavity-nesting birds.	<b>Consistent.</b> While the project site does not contain ESHA, the City and applicant recognize the need to remove trees, including 52 Monterey cypress trees, in order to implement the project. The project requires a tree removal permit and Coastal Development Permit (CDP). See EIR Chapter 7, Biological Resources, for proposed mitigation measures MM BIO-3.1, MM BIO-3.2, MM BIO-3.3, MM BIO-3.4, and MM BIO-3.5. Implementation of these mitigation measures, tree protection standards and compliance with City ordinances will effectively mitigate tree removal impacts as these measures will result in the replacement trees or fund the replacement of trees.
Policy DES-1	All new development shall be consistent with requirements of the certified Local Coastal Program, including the certified Land Use Designations figure (Figure 6).	<b>Consistent.</b> The project is consistent with certified LCP requirements (per this table) as well as the V-C designations.
Policy DES-3	The height limit for commercial development in Land Use Plan Areas I and III will vary, but in no case shall structures be more than 40 feet high. Minor exceptions to such height limit may be allowed for mechanical appurtenances that do not impact public views. Detached	<b>Consistent.</b> See project plans and elevations. No detached commercial signs are proposed,

<sup>2</sup> Frank Ono, Forester. *ATC Hotel and Commercial Project Tree Resources Assessment*. June 2019.

Local Coastal Program Policy	Applicable Environmental Policy Language	Project Consistency
	commercial signs shall be of a size, location, and appearance such that they do not detract from the area's scenic qualities and cause visual clutter and blight.	and the project will remove existing free-standing signs for the outlet mall.
Policy DES-4	Development standards for scenic areas, including those identified in Figure 4, shall minimize land coverage, grading, and structure height, and provide for setbacks from adjacent public open space areas.	<b>Consistent.</b> The project site is in Area 1 of Figure 4 but is not located within an identified Scenic View Area as shown in Figure 4.
Policy DES-6	New lighting fixtures shall be mounted at low elevations and fully shielded to direct lighting downward, and away from the shoreline. Lighting along walkways should be mounted on low bollards or ground buttons. Lighting shall be focused on targeted use areas, and floodlighting shall be prohibited. Exterior lighting fixtures should complement the architectural style of the structures. Lighting shall be limited to that necessary to provide for public safety, and shall be sited and designed to limit glares and light spill off-site.	<b>Consistent.</b> See project plans, including the Preliminary Lighting Palette, which depicts proposed lighting fixtures.
Policy DES-7	Legally established non-conforming structures (outside of the Asilomar Dunes Residential Area) may be maintained, repaired, redeveloped and expanded so long as the degree of any noncompliance is not increased. Notwithstanding, historic resources within the Pacific Grove Retreat area may seek relief from standards to protect and maintain their historicity with a finding that such relief protects coastal resources.	<b>Consistent.</b> The project would replace and redevelop/reuse an existing non-conforming historic structure without increasing the degree of non-compliance.
Policy LUD-1	Protection of sensitive habitats, natural landforms, scenic resources, and other coastal resources is a priority in all City actions and decisions, and all development standards (including with respect to height, setback, density, lot coverage, etc.) shall be interpreted as maximums (or minimums) that shall be reduced (or increased) so as to protect and enhance such resources to the maximum extent feasible. Development shall only be authorized when the proposed use is allowed per the applicable land use designation, and when it meets all applicable Local Coastal Program policies and standards.	<b>Consistent.</b> The project meets all development standards as set forth in Section 23.90.180.C.5 with the exception of required building setbacks of the retained ATC Factory Building for the Ocean View Boulevard frontage. The non-conforming building setback for Building 1 is necessary to retain and reuse the structure. The project is allowed per the applicable land use designation and meets other LCP policies and standards as analyzed throughout Table 14-1.
Policy LUD-2	In addition to all applicable Land Use Plan policies, the specific standards for development at the American Tin Cannery building/property located in Assessor Parcels (APN) 006-231-001, 006-234-004, 006-234-005, and the portion of Sloat Avenue between Eardley Avenue and Dewey Avenue (C-V-ATC zoning district) can be found in the Implementation Plan.	<b>Consistent.</b> The project meets the standards as set forth in the IP.
Policy CRS-1	The City will conduct consultations with any federally recognized California tribal government listed on the most recent notice of the United States Federal Register and any non-federally recognized California tribe listed on the California Tribal Consultation List	<b>Consistent.</b> The City has conducted the required tribal consultation. See EIR Chapter 18, Tribal Cultural Resources.

Local Coastal Program Policy	Applicable Environmental Policy Language	Project Consistency
	maintained by the California Native American Heritage Commission that identifies as native to the Monterey Peninsula, including the Ohlone Costanoan Esselen Nation, in accordance with state law.	
Policy CRS-7	Rehabilitation, reconstruction, remodeling, or exterior modification of existing structures with historic or architectural significance in the Pacific Grove Retreat, and other neighborhoods in the Coastal Zone, shall relate to or retain the lines of the original design as much as possible and alterations shall provide evidence of substantial compliance to the Secretary of the Interior standards for historic resources.	<b>Consistent.</b> While the project will result in impacts to structures determined to be eligible for the California Register of Historic Resources, the project design retains the majority of the building of primary significance (ATC factory building), retaining the lines of the original design as much as possible while designing for a feasible project. Mitigation Measures MM CR-1, CR-2, CR-3, and CR-4 are provided to respond to the Secretary of the Interior standards.
Policy CRS-9	In order to protect historic structures, unwarranted demolition shall be avoided by implementing standards for demolition.	<b>Consistent.</b> 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 EIR that has described and analyzed in detail the structures to be analyzed. See EIR Chapter 8, Cultural Resources.
Policy INF-2	Development shall only be approved if it is first clearly demonstrated that the development will be served by an adequate existing water allocation and sustainable long-term water supply. Individual private water systems, except for rainwater collection are prohibited.	<b>Consistent.</b> The project's water demand is within its existing water allocation for the project site as managed by Monterey Peninsula Water Management (MPWMD). See EIR Chapter 19, Utilities & Service Systems.
Policy INF-3	Recycled wastewater shall be used as much as possible to irrigate the Municipal Golf Course, the City cemetery, and other landscaping areas, to the extent recycled water is reasonably available for such purpose.	<b>Consistent.</b> The project will utilize a graywater system (which reclaims wastewater and uses it for exterior landscape irrigation and flushing of all toilets on the property).
Policy INF -4	Wastewater disposal systems which minimize or eliminate marine resource pollution, and which provide for reclamation of wastewater for reuse, shall be encouraged.	<b>Consistent.</b> The project will utilize a graywater system (which reclaims

Local Coastal Program Policy	Applicable Environmental Policy Language	Project Consistency
		wastewater and uses it for exterior landscape irrigation and flushing of all toilets on the property). The source of the graywater would be from guestroom shower, bath, and lavatory sink usage.
Policy INF-5	Development shall only be approved if it is first clearly demonstrated that the additional wastewater discharge associated with such development will not significantly adversely impact coastal resources, including marine resources. New development, including redeveloped structures, shall connect to the public wastewater treatment system.	<b>Consistent.</b> The project will connect to the public wastewater conveyance system. Wastewater generated by the project would be treated at Monterey One Water Regional Treatment Plant in the City of Marina. There is an adequate average dry weather design treatment capacity of 29.6 million gallon per day (mgpd) to serve the project and a peak wet weather design capacity of 75.6 mgpd.
Policy INF-6	When considering new development or redevelopment/renovation project, the City will consider the existing property domestic water allocation, the potential for on-site conservation and capture, and available City supplemental water as a part of the water allocation.	<b>Consistent.</b> The project has been designed to adhere to the site's existing water allocation, incorporates several stringent conservation measures. See EIR Chapter 19, Utilities & Water Systems.
Policy INF-11	The City will encourage water conservation measures for new development to the greatest possible extent including, but not limited to, the use of water conservation fixtures and equipment including but not limited to high-efficiency washing machines and dishwashers, recirculation pumps, low-flow showerheads, shower shut-off valves, faucet aerators, etc., off-set of proposed water use, drip or microspray irrigation, storm water capture, greywater collection and reuse and native drought resistant landscaping.	<b>Consistent.</b> The project has been designed to operate within its municipal water allocation and incorporates several water conservation measures such as low flow fixtures, drought tolerate landscaping, high efficiency irrigation, off-site laundry and a graywater capture system. See EIR Chapter 19.
Policy INF-12	In order to minimize impacts from coastal hazards as well as to avoid impacts to water quality, public access, and scenic and visual resources, there shall be no net increase in beach outfalls and the City will seek and pursue opportunities to consolidate and/or eliminate reliance on storm water outfalls that convey storm water onto the beach and/or into Monterey Bay or Pacific Ocean. Outfalls that are below sea level, or are likely to be below sea level with sea level rise and/or high storm tides, shall be designed to prevent the entry of sea water and sand to the extent practical, and shall be regularly monitored and maintained to avoid marine resource degradation. Further, outfalls shall be sited and designed, to minimize public view impacts including as seen from the beach and other shoreline public viewing areas as much as possible, including through concealing,	<b>Consistent.</b> The project proposes no new beach outfalls.



Local Coastal Program Policy	Applicable Environmental Policy Language	Project Consistency
	screening, and camouflaging outfalls, and through the use of natural storm and energy dissipaters to reduce erosion and improve visual appearance.	
Policy INF-13	The City will implement, where feasible, “best management practices” (BMPs) in parking areas near the coast to capture sediments and other pollutants, to filter and treat runoff prior to discharge, and to incorporate water quality protection features, such as Low Impact Development designs, into new or upgraded storm water system facilities and adjacent areas.	<b>Consistent.</b> The project would be required to prepare a Stormwater Pollution Prevention Plan (SWPPP), which includes BMPs that would meet or exceed measures required by the General Permit to control potential construction-related pollutants. Following compliance with NPDES requirements, BMPs and City requirements such as the ASBS Compliance Plan, construction and operation of the project would not violate any water quality standards or waste discharge requirements. See Stormwater management Plan and EIR Chapter 13, Hydrology & Water Quality.
Policy INF-14	The City will seek to make “complete streets” improvements to the existing circulation system serving the Coastal Zone for expanded use by all users including pedestrians, bicyclists and transit passengers of all ages and abilities, as well as trucks, buses and automobiles.	<p><b>Consistent.</b> The project includes a draft Transportation Demand Management Plan with measures that include, but are not limited to bicycle and pedestrian programs, transportation options, parking and management, and incentives to use alternative transportation modes. These TDM strategies offered by the project are encouraged to promote transit use, walking, biking, and ride sharing for commute trips, and measures to encourage arrival of hotel guests without a car. See draft Transportation Demand Management Plan for a detailed list of TDMs.</p> <p>The project will maintain existing sidewalks around the project perimeter and will maintain easy access to the Coastal Recreational Trail and existing Class III bike route along Ocean View Boulevard. The</p>

Local Coastal Program Policy	Applicable Environmental Policy Language	Project Consistency
		project will not obstruct or constrain any existing facilities, and therefore will remain consistent with existing programs, policies and ordinances regarding non-motorized transportation. See EIR Chapter 17, Transportation & Circulation.
Policy INF-16	The City will require a construction phase traffic control plan for new development that has the potential to disrupt circulation on arterial or collector streets.	<b>Consistent.</b> This is a standard condition of approval. The project would be required to prepare a traffic control plan per industry standards and coordinate construction traffic flow conditions with the City of Pacific Grove and the City of Monterey Public Works Department.
Policy INF-17	Transit service and other means of transportation should be increased, where feasible, as a means of providing access for residents without automobiles, increasing the efficient use of coastal access roads, and as an approach to minimize adverse effects from special event traffic.	<b>Consistent.</b> See EIR Chapter 17, Transportation & Circulation, regarding Transportation Demand Management measures to be employed. These measures specifically identify employee shuttles, extension of the MST trolley, and other alternative transportation modes that are consistent with this policy.
Policy INF-18	The designation of a continuous bicycle route along Ocean View Boulevard and Sunset Drive, extending from the existing bike route sign at Eardley Avenue and Ocean View Boulevard to the south end of Asilomar State Beach, shall be retained, and shall be extended to the Seventeen Mile Drive intersection. The City will seek to upgrade this segment to a Class I bicycle path on the seaward side of the road preferably, or to a Class II or III bicycle lane if a Class I bicycle route is infeasible due to siting constraints	<b>Consistent.</b> As part of the TDM trip reduction strategies, the EIR recommends signage and striping of the Ocean View Boulevard bike route from David Avenue to Lover's Point Park. See EIR Chapter 17, Transportation & Circulation.
Policy INF-19	New development near popular visitor destinations shall be required to provide bicycle racks to encourage bicycle use.	<b>Consistent.</b> See project TDM measures. One such measure is to "Install bike racks near public entrances to buildings (within 100 feet of entrance)." It is assumed at least one bicycle rack at the entrance of each Family and Group Wing, and Executive Wing, with capacity for at least 15 bike racks, resulting in a total of 30 bicycle racks.

Local Coastal Program Policy	Applicable Environmental Policy Language	Project Consistency
Policy INF-22	New development in the Coastal Zone shall include adequate off-street parking to minimize the disruption of significant coastal access routes. All traffic impacts associated with new development shall be mitigated appropriately.	<b>Consistent.</b> See project Parking Plan. The project would provide a total of 304 valet parking spaces (260 subgrade parking spaces and 44 surface spaces). The parking inventory is intended to accommodate all proposed uses (hotel rooms, meeting spaces, retail, restaurant/lounge/bar and spa/fitness uses). The project will not disrupt significant coastal access routes and will provide a new cross walk at the corner of Dewey Avenue and Ocean View Boulevard to enhance coastal access and safety.
Policy PRA-1	The City will strive to provide safe and adequate access to and along the City's shoreline and other points of public interest. The City will, to the maximum extent feasible, maintain a continuous pedestrian coastal trail, the length of the City's Coastal Zone, seaward of Ocean View Boulevard/Sunset Drive. The City will adopt trail design standards, including width, pitch, surface condition, erosion control, proximity to the mean high tide line, and potential effects of sea level rise, including but not limited to temporary flooding, storm waves, erosion, and permeant inundation, when carrying out trail maintenance and/or upgrade activities.	<b>Consistent.</b> As discussed in the EIR, the Coastal Recreational Trail is located directly across Ocean View Boulevard from the project site, which provides for lateral public access. The project will maintain coastal access through the property seaward and will not impede shoreline access or the existing trail system in any way. No improvements to the Coastal Recreational Trail are proposed as part of the project. The City would be responsible for proper trail maintenance.
Policy PRA-2	The City will enhance access to its shoreline, while maintaining the Coastal Zone's unique character, by reducing the impact of automobiles. This shall be accomplished, in part, by encouraging use of public transit within the Coastal Zone, and by providing non-vehicular Coastal Zone access opportunities for bicycles and pedestrians. When considering a Coastal Development Permit application for any development that could reduce or degrade public parking opportunities near beach access points, shoreline trails, or parklands, including any changes in parking timing and availability, evaluate the potential impact on public coastal access, and ensure existing levels of public access are maintained, including through ensuring that alternative access opportunities, including bike lanes and parking, pedestrian trails, and relocated vehicular parking spaces, are provided so as to fully mitigate any potential negative impacts and maximize access opportunities. Any revenue from fee-	<b>Consistent.</b> As discussed in the EIR, the project is a redevelopment of an existing commercial site. To accommodate the current design, the project would result in a net loss of approximately 23 metered spaces along Sloat Avenue and Ocean View Boulevard, within the Coastal Zone. However, the project has addressed this issue by allowing public (valet) parking on the project site. Providing subterranean parking on the project site also reduces the effects of

Local Coastal Program Policy	Applicable Environmental Policy Language	Project Consistency
	based parking programs within the Coastal Zone shall only be used to fund public access improvements within the Coastal Zone.	project-related automobiles at shoreline access points. The TDM and trip reduction measures incorporated into the project are also designed to maximize transit use and provide opportunities for non-motorized transportation. See EIR Chapter 17, Transportation & Circulation.
Policy PRA-5	<p>As part of the planning process for any updates to the Coastal Parks Plan, and/or as part of the Coastal Development Permit review process for any development within the Planning Areas identified below, the City will analyze the potential impacts of coastal hazards and sea level rise, and identify opportunities to ensure continued public access over time. The City will also consider the following opportunities:</p> <p>a. Planning Area I: Encourage Hopkins Marine Station to maintain a low profile, low visibility fence or barrier that is sited and designed to limit public view degradation as much as possible. Pursue opportunities to provide lateral and vertical access along the Hopkins shoreline as much as possible without negatively impacting the habitat or the scientific mission of the Station. Encourage enhanced visitor and public access, circulation and parking at the American Tin Cannery building and property;</p>	<b>Consistent.</b> Potential impacts from coastal hazards and sea-level rise within Planning Area I were analyzed in the Coastal Engineering Analysis and Evaluation of Potential Coastal Hazards prepared by Haro, Kasunich and Associates. This report concluded that risks to the project from coastal hazards are less than significant. The project is located in Planning Area I as specified by this policy. The project as proposed provides for publicly accessible parking, sidewalk improvements, publicly accessible gathering spaces on the property. A new sidewalk near Dewey Avenue and Ocean View Boulevard is also required as project mitigation.
Policy PRA-6	Excessive signs and other visually intrusive landscape features shall be avoided.	<b>Consistent.</b> The project design incorporates a blend of natural materials and finishes. Signage would be subdued, with landscape and building materials chosen to be aesthetically compatible with site surroundings.
Policy PRA-8	Development with the potential to impact public access, whether during construction or after, shall develop a Public Access Management Plan designed to identify and limit impacts to public access. Plans shall identify peak use times and measures to avoid disruption during those times, minimize road and trail closures, identify alternative access routes, and provide for public safety. Plans associated with temporary events shall include additional strategies to avoid impacts to parking and access, including, but not limited to, the use of shuttles to off-site parking locations and bike valet programs.	<b>Consistent.</b> Site construction will temporarily close the site to public access; however, this will not impede coastal access at existing access points along the shoreline from Ocean View Boulevard. No improvements to the Coastal Recreational Trail are proposed as part of the project. Once completed, the

Local Coastal Program Policy	Applicable Environmental Policy Language	Project Consistency
		project will improve access through the site, including access to public use areas on the property.
Policy PRA-9	New development shall ensure that public access opportunities are maximized, including though offsetting any temporary (e.g., during construction) and potential permanent impacts to public access (including in terms of increased traffic leading to impacts to public access use of the City's circulation system) appropriately and proportionally. Development shall provide for public access enhancements and improvements as much as possible, including in terms of providing public access use areas in private development projects (e.g., visitor serving development) as appropriate. Development that does not meet these requirements shall be denied.	<b>Consistent.</b> Site construction will temporarily close the site to public access; however, this will not impede coastal access at existing access points along the shoreline from Ocean View Boulevard. No improvements to the Coastal Recreational Trail are proposed as part of the project; however, a new crosswalk is proposed across Ocean View Boulevard near Dewey Avenue. Once completed, the project will improve access through the site, including access to public use areas on the property.
Policy PRA-11	Lower cost visitor-serving facilities, including overnight accommodations and public recreational opportunities, shall be provided and encouraged. Existing lower-cost accommodations shall be protected and maintained. Overnight accommodations are reserved for transient uses only (30 days or less).	<b>Consistent.</b> The project applicant is preparing a feasibility study that will address specific measures for lower cost accommodations. Such measures may include off site facilities or payment of in lieu fees, in compliance with this policy and the requirements of Section 23.90.220.C of the City's Municipal Code.
Policy PRA-12	New development shall avoid adverse impacts to the availability and provisions of lower and moderate cost visitor accommodations in the City. If new development would result in a decrease in the available supply of existing lower cost visitor accommodations, or would fail to provide a range of affordability, or fail to use land suitable for lower cost accommodations for that purpose, mitigation shall be required as determined by project-specific impact analysis.	<b>Consistent.</b> The project will not affect the inventory of lower or moderate cost accommodation in either Pacific Grove or Monterey. The project is required to include a feasibility study addressing specific measures for lower cost accommodations in compliance with this policy and the requirements of Section 23.90.220.C of the City's Municipal Code. Such measures may include off site facilities of payment of in lieu fees.

## 15 Noise & Vibration

### 15.1 Introduction

This chapter describes the potential noise effects and changes in the existing noise environment that could be caused by implementation of the project. Information used to prepare this section came from the following primary resources:

- Veneklasen Associates, *American Tin Cannery Hotel and Commercial Project CEQA Noise Report*, 2020 (Appendix K)
- City of Pacific Grove, *General Plan – Health and Safety Element*, 1994
- City of Pacific Grove, *Municipal Code*, as amended
- Kimley-Horn and Associates. Internal file data and technical resources

### 15.2 Scoping Issues Addressed

During the Notice of Preparation (NOP) public comment and scoping period for the proposed project, the following comments or concerns were received regarding noise and vibration. Issues raised are addressed in this section, and include:

- Construction noise and potential effects upon nearby biological resources
- Vibration during excavation, rough grading, and transport affecting human and natural habitats
- Operational noise for nearby residents, businesses, and wildlife

### 15.3 Environmental Setting

#### 15.3.1 General Information on Sound and Noise

Acoustics is the science of sound. Sound can be described as the mechanical energy of a vibrating object transmitted by pressure waves through a medium (e.g. air) to human (or animal) ear. If the pressure variations occur frequently enough (at least 20 times per second), they can be heard and are called sound. The number of pressure variations per second is called the frequency of sound and is expressed as cycles per second, or hertz (Hz).

Noise is defined as loud, unexpected, or annoying sound. The fundamental acoustics model consists of a noise source, receptor, and the propagation path between the two. The loudness of the noise source, obstructions, or atmospheric factors affecting the propagation path, determine the perceived sound level and noise characteristics at the receptor. Acoustics deal primarily with the propagation and control of sound. A typical noise environment consists of ambient noise that is the sum of many distant and indistinguishable noise sources. Superimposed on this ambient noise is the sound from individual local sources. These sources can vary from an occasional aircraft or train passing by to continuous noise from traffic on a major highway. Perceptions of sound and noise are highly subjective from person to person.

Measuring sound directly in terms of pressure would require a large range of numbers. To avoid this, the decibel (dB) scale was devised. The dB scale uses the hearing threshold of 20 micropascals ( $\mu\text{Pa}$ ) as a point of reference, defined as 0 dB. Other sound pressures are then compared to this reference



## Noise &amp; Vibration

pressure, and the logarithm is taken to keep the numbers in a practical range. The dB scale allows a million-fold increase in pressure to be expressed as 120 dB, and changes in levels correspond closely to human perception of relative loudness. **Table 15-1: Typical Noise Levels** provides common noise sources and levels familiar to people.

**Table 15-1: Typical Noise Levels**

Common Outdoor Activities	Noise Level (dBA)	Common Indoor Activities
	– 110 –	Rock Band
Jet fly-over at 1,000 feet		
	– 100 –	
Gas lawnmower at 3 feet		
	– 90 –	
Diesel truck at 50 feet at 50 miles per hour		Food blender at 3 feet
	– 80 –	Garbage disposal at 3 feet
Noisy urban area, daytime		
Gas lawnmower, 100 feet	– 70 –	Vacuum cleaner at 10 feet
Commercial area		Normal Speech at 3 feet
Heavy traffic at 300 feet	– 60 –	
		Large business office
Quiet urban daytime	– 50 –	Dishwasher in next room
Quiet urban nighttime	– 40 –	Theater, large conference room (background)
Quiet suburban nighttime		
	– 30 –	Library
		Bedroom at night, concert hall (background)
Quiet rural nighttime		
	– 20 –	Broadcast/recording studio
	– 10 –	
Lowest threshold of human hearing	– 0 –	Lowest threshold of human hearing

Source: California Department of Transportation, *Technical Noise Supplement to the Traffic Noise Analysis Protocol*, September 2013.

**Noise Descriptors**

The dB scale alone does not adequately characterize how humans perceive noise. The dominant frequencies of a sound have a substantial effect on the human response to that sound. Several rating

scales have been developed to analyze the adverse effect of community noise on people. Because environmental noise fluctuates over time, these scales consider that the effect of noise on people is largely dependent on the total acoustical energy content of the noise, as well as the time of day when the noise occurs. The equivalent noise level ( $L_{eq}$ ) is the average noise level averaged over the measurement period, while the day-night noise level (DNL) and Community Equivalent Noise Level (CNEL) are measures of energy average during a 24-hour period, with dB weighted sound levels from 7:00 p.m. to 7:00 a.m. Most commonly, environmental sounds are described in terms of  $L_{eq}$  that has the same acoustical energy as the summation of all the time-varying events. Each is applicable to this analysis and defined in **Table 15-2: Definitions of Acoustical Terms**.

**Table 15-2: Definitions of Acoustical Terms**

Term	Definitions
Decibel (dB)	A unit describing the amplitude of sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure. The reference pressure for air is 20.
Sound Pressure Level	Sound pressure is the sound force per unit area, usually expressed in $\mu\text{Pa}$ (or 20 micronewtons per square meter), where 1 pascals is the pressure resulting from a force of 1 newton exerted over an area of 1 square meter. The sound pressure level is expressed in dB as 20 times the logarithm to the base 10 of the ratio between the pressures exerted by the sound to a reference sound pressure (e.g. 20 $\mu\text{Pa}$ ). Sound pressure level is the quantity that is directly measured by a sound level meter.
Frequency (Hz)	The number of complete pressure fluctuations per second above and below atmospheric pressure. Normal human hearing is between 20 Hz and 20,000 Hz. Infrasonic sound are below 20 Hz and ultrasonic sounds are above 20,000 Hz.
A-Weighted Sound Level (dBA)	The sound pressure level in dB as measured on a sound level meter using the A-weighting filter network. The A-weighting filter de-emphasizes the very low and very high frequency components of the sound in a manner similar to the frequency response of the human ear and correlates well with subjective reactions to noise.
Equivalent Noise Level ( $L_{eq}$ )	The average acoustic energy content of noise for a stated period of time. Thus, the $L_{eq}$ of a time-varying noise and that of a steady noise are the same if they deliver the same acoustic energy to the ear during exposure. For evaluating community impacts, this rating scale does not vary, regardless of whether the noise occurs during the day or the night.
Maximum Noise Level ( $L_{max}$ ) Minimum Noise Level ( $L_{min}$ )	The maximum and minimum dBA during the measurement period.
Exceeded Noise Levels ( $L_{01}$ , $L_{10}$ , $L_{50}$ , $L_{90}$ )	The dBA values that are exceeded 1%, 10%, 50%, and 90% of the time during the measurement period.
Day-Night Noise Level (DNL)	A 24-hour average $L_{eq}$ with a 10 dBA weighting added to noise during the hours of 10:00 p.m. to 7:00 a.m. to account for noise sensitivity at nighttime. The logarithmic effect of these additions is that a 60 dBA 24-hour $L_{eq}$ would result in a measurement of 66.4 dBA DNL.

Term	Definitions
Community Noise Equivalent Level (CNEL)	A 24-hour average $L_{eq}$ with a 5 dBA weighting during the hours of 7:00 a.m. to 10:00 a.m. and a 10 dBA weighting added to noise during the hours of 10:00 p.m. to 7:00 a.m. to account for noise sensitivity in the evening and nighttime, respectively. The logarithmic effect of these additions is that a 60 dBA 24-hour $L_{eq}$ would result in a measurement of 66.7 dBA CNEL.
Ambient Noise Level	The composite of noise from all sources near and far. The normal or existing level of environmental noise at a given location.
Intrusive	That noise which intrudes over and above the existing ambient noise at a given location. The relative intrusiveness of a sound depends on its amplitude, duration, frequency, and time of occurrence and tonal or informational content as well as the prevailing ambient noise level.

The A-weighted decibel (dBA) sound level scale gives greater weight to the frequencies of sound to which the human ear is most sensitive. Because sound levels can vary markedly over a short period of time, a method for describing either the average character of the sound or the statistical behavior of the variations must be used. Most commonly, environmental sounds are described in terms of an average level that has the same acoustical energy as the summation of all the time-varying events.

The scientific instrument used to measure noise is the sound level meter. Sound level meters can accurately measure environmental noise levels to within about plus or minus 1 dBA. Various models are used to predict environmental noise levels from sources, such as roadways and airports. The accuracy of the predicted models depends on the distance between the receptor and the noise source.

### A-Weighted Decibels

The perceived loudness of sounds is dependent on many factors, including sound pressure level and frequency content. However, within the usual range of environmental noise levels, perception of loudness is relatively predictable and can be approximated by dBA values. There is a strong correlation between dBA and the way the human ear perceives sound. For this reason, the dBA has become the standard tool of environmental noise assessment. All noise levels reported in this document are in terms of dBA, but are expressed as dB, unless otherwise noted.

### Addition of Decibels

The dB scale is logarithmic, not linear, and therefore sound levels cannot be added or subtracted through ordinary arithmetic. Two sound levels 10 dB apart differ in acoustic energy by a factor of 10. When the standard logarithmic dB is A-weighted, an increase of 10 dBA is generally perceived as a doubling in loudness. For example, a 70-dBA sound is half as loud as an 80-dBA sound and twice as loud as a 60-dBA sound.<sup>1</sup> When two identical sources are each producing sound of the same loudness, the resulting sound level at a given distance would be 3 dBA higher than one source under the same conditions.<sup>2</sup> Under the dB scale, three sources of equal loudness together would produce an increase of 5 dBA.

<sup>1</sup> FHWA, *Noise Fundamentals*, 2017. Available at: [https://www.fhwa.dot.gov/environMent/noise/regulations\\_and\\_guidance/polguide/polguide02.cfm](https://www.fhwa.dot.gov/environMent/noise/regulations_and_guidance/polguide/polguide02.cfm)

<sup>2</sup> Ibid.

## Sound Propagation and Attenuation

Sound spreads (propagates uniformly outward in a spherical pattern, and the sound level decreases (attenuates) at a rate of approximately 6 dB for each doubling of distance from a stationary or point source. Sound from a line source, such as a highway, propagates outward in a cylindrical pattern. Sound levels attenuate at a rate of approximately 3 dB for each doubling of distance from a line source, such as a roadway, depending on ground surface characteristics.<sup>3</sup> No excess attenuation is assumed for hard surfaces like a parking lot or a body of water. Soft surfaces, such as soft dirt or grass, can absorb sound, so an excess ground-attenuation value of 1.5 dB per doubling of distance is normally assumed. For line sources, an overall attenuation rate of 3 dB per doubling of distance is assumed.

Noise levels may also be reduced by intervening structures; generally, a single row of buildings between the receptor and the noise source reduces the noise level by about 5 dBA, while a solid wall or berm reduces noise levels by 5 to 10 dBA.<sup>4</sup> The way older homes in California were constructed generally provides a reduction of exterior-to-interior noise levels of about 20 to 25 dBA with closed windows. The exterior-to-interior reduction of newer residential units is generally 30 dBA or more.<sup>5</sup>

## Human Response to Noise

The human response to environmental noise is subjective and varies considerably from individual to individual. Noise in the community has often been cited as a health problem, not in terms of actual physiological damage, such as hearing impairment, but in terms of inhibiting general well-being and contributing to undue stress and annoyance. The health effects of noise in the community arise from interference with human activities, including sleep, speech, recreation, and tasks that demand concentration or coordination. Hearing loss can occur at the highest noise intensity levels.

Noise environments and consequences of human activities are usually well represented by median noise levels during the day or night or over a 24-hour period. Environmental noise levels are generally considered low when the CNEL is below 60 dBA, moderate in the 60 to 70 dBA range, and high above 70 dBA. Examples of low daytime levels are isolated, natural settings with noise levels as low as 20 dBA and quiet, suburban, residential streets with noise levels around 40 dBA. Noise levels above 45 dBA at night can disrupt sleep. Examples of moderate-level noise environments are urban residential or semi-commercial areas (typically 55 to 60 dBA) and commercial locations (typically 60 dBA). People may consider louder environments adverse, but most will accept the higher levels associated with noisier urban residential or residential-commercial areas (60 to 75 dBA) or dense urban or industrial areas (65 to 80 dBA). Regarding increases in dBA, the following relationships should be noted<sup>6</sup>:

- Except in carefully controlled laboratory experiments, a 1-dBA change cannot be perceived by humans.
- Outside of the laboratory, a 3-dBA change is considered a just-perceivable difference.

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<sup>3</sup> California Department of Transportation, *Technical Noise Supplement to the Traffic Noise Analysis Protocol*, Page 2-29, September 2013.

<sup>4</sup> James P. Cowan, *Handbook of Environmental Acoustics*, 1994.

<sup>5</sup> HUD, *Noise Guidebook*, 2009. Available at: <https://www.hudexchange.info/resource/313/hud-noise-guidebook/>

<sup>6</sup> Compiled from California Department of Transportation, *Technical Noise Supplement to the Traffic Noise Analysis Protocol*, September 2013, and FHWA, *Noise Fundamentals*, 2017.

- A minimum 5-dBA change is required before any noticeable change in community response would be expected. A 5-dBA increase is typically considered substantial.
- A 10-dBA change is subjectively heard as an approximate doubling in loudness and would almost certainly cause an adverse change in community response.

### Effects of Noise on People

**Hearing Loss.** While physical damage to the ear from an intense noise impulse is rare, a degradation of auditory acuity can occur even within a community noise environment. Hearing loss occurs mainly due to chronic exposure to excessive noise but may be due to a single event such as an explosion. Natural hearing loss associated with aging may also be accelerated from chronic exposure to loud noise. The Occupational Safety and Health Administration has a noise exposure standard that is set at the noise threshold where hearing loss may occur from long-term exposures. The maximum allowable level is 90 dBA averaged over 8 hours. If the noise is above 90 dBA, the allowable exposure time is correspondingly shorter.

**Annoyance.** Attitude surveys are used for measuring the annoyance felt in a community for noises intruding into homes or affecting outdoor activity areas. In these surveys, it was determined that causes for annoyance include interference with speech, radio and television, house vibrations, and interference with sleep and rest. The DNL as a measure of noise has been found to provide a valid correlation of noise level and the percentage of people annoyed. People have been asked to judge the annoyance caused by aircraft noise and ground transportation noise. There continues to be disagreement about the relative annoyance of these different sources. A noise level of about 55 dBA DNL is the threshold at which a substantial percentage of people begin to report annoyance<sup>7</sup>.

### 15.3.2 General Information on Vibration

Sources of groundborne vibrations include natural phenomena (earthquakes, volcanic eruptions, sea waves, landslides, etc.) or man-made causes (explosions, machinery, traffic, trains, construction equipment, etc.). Vibration sources may be continuous (e.g. factory machinery) or transient (e.g. explosions). Ground vibration consists of rapidly fluctuating motions or waves with an average motion of zero. Several different methods are typically used to quantify vibration amplitude. One is the peak particle velocity (PPV); another is the root mean square (RMS) velocity. The PPV is defined as the maximum instantaneous positive or negative peak of the vibration wave. The RMS velocity is defined as the average of the squared amplitude of the signal. The PPV and RMS vibration velocity amplitudes are used to evaluate human response to vibration.

**Table 15-3: Human Response to Different Levels of Groundborne Vibration** displays the reactions of people and the effects on buildings produced by continuous vibration levels. The annoyance levels shown in the table should be interpreted with care since vibration may be found to be annoying at much lower levels than those listed, depending on the level of activity or the sensitivity of the individual. To sensitive individuals, vibrations approaching the threshold of perception can be annoying. Low-level vibrations frequently cause irritating secondary vibration, such as a slight rattling of windows, doors, or stacked dishes. The rattling sound can give rise to exaggerated vibration complaints, even though there is very little risk of actual structural damage. In high noise environments, which are more prevalent

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<sup>7</sup> Federal Interagency Committee on Noise, *Federal Agency Review of Selected Airport Noise Analysis Issues*, August 1992.

where groundborne vibration approaches perceptible levels, this rattling phenomenon may also be produced by loud airborne environmental noise causing induced vibration in exterior doors and windows.

Ground vibration can be a concern in instances where buildings shake, and substantial rumblings occur. However, it is unusual for vibration from typical urban sources such as buses and heavy trucks to be perceptible. Common sources for groundborne vibration are planes, trains, and construction activities such as earthmoving which requires the use of heavy-duty earthmoving equipment. For the purposes of this analysis, a PPV descriptor with units of inches per second (in/sec) is used to evaluate construction-generated vibration for building damage and human complaints.

**Table 15-3: Human Response to Different Levels of Groundborne Vibration**

Peak Particle Velocity (in/sec)	Approximate Vibration Velocity Level (VdB)	Human Reaction	Effect on Buildings
0.006-0.019	64-74	Range of threshold of perception	Vibrations unlikely to cause damage of any type
0.08	87	Vibrations readily perceptible	Recommended upper level to which ruins and ancient monuments should be subjected
0.1	92	Level at which continuous vibrations may begin to annoy people, particularly those involved in vibration sensitive activities	Virtually no risk of architectural damage to normal buildings
0.2	94	Vibrations may begin to annoy people in buildings	Threshold at which there is a risk of architectural damage to normal dwellings
0.4-0.6	98-104	Vibrations considered unpleasant by people subjected to continuous vibrations and unacceptable to some people walking on bridges	Architectural damage and possibly minor structural damage

Source: California Department of Transportation, Transportation and Construction-Induced Vibration Guidance Manual, 2013.

### 15.3.3 Regional Setting

The project site is in the City of Pacific Grove, near the border of City of Monterey in Monterey County. The major sources of noise in Pacific Grove are related to vehicular traffic, including automobile and truck traffic on major streets and State Route (SR) 68, and airport operations at the Monterey Regional Airport. Schools, construction sites, and even ocean waves may also generate sound and noise during the day and night. Overall, however, the noise environment of the community is typical of a quiet suburban community.

### 15.3.4 Existing Project Setting

The site is currently occupied by retail shopping and entertainment in the American Can Company (ATC) buildings, which total approximately 124,755 square feet. Existing uses include outlet shops,



restaurants, fitness center, recreation and entertainment. The site includes parking and a loading dock at the corner of Ocean View Boulevard and Dewey Avenue. The site currently has 92,287 square feet of parking including the American Tin Cannery surface parking lot, an adjacent small surface parking lot, and leased surface parking accessed from Central Avenue. The noise environment in the immediate vicinity of the project is primarily from cars and trucks, with additional ambient noise from outdoor restaurant seating, school buses and groups of school children on field trips walking to and from the Monterey Bay Aquarium. The retail uses within the structures are not significant noise generators, and there are no industrial, manufacturing or similar uses nearby that significantly contribute to the ambient noise environment.

### 15.3.5 Noise Measurements

To determine ambient noise levels in the project Area, six short-term and two long-term noise measurements were taken around the project site using a Brüel & Kjær 2270 for short-term measurements and Brüel & Kjær 2250 for long-term measurements; refer to [Appendix K](#) for data. The primary noise sources during all measurements were traffic on surrounding roadways. [Table 15-4: Noise Measurements](#), provides the ambient noise levels measured at these locations. [Figure 15-1: Noise Measurement Locations](#) illustrates these locations.

**Table 15-4: Noise Measurements**

Site No.	Location	Loudest Daytime Hour $L_{eq}$ (dBA)	$L_{eq}$	CNEL
L1	Northern project boundary along Ocean View Blvd	76	--	62
L2	Eastern project boundary along Dewey Avenue	69	--	59
S1	Southwestern project boundary along Central Avenue	--	60	67
S2	Center of project site	--	49	55
S3	Edge of beach west of Hopkins Marine Station	--	61	64
S4	Residential neighborhood west of the site	--	51	59
S5	Eastern corner of project site adjacent to Hopkins Marine Station research buildings	--	59	60
S6	Commercial area transitioning to residential, one block southwest of the site	--	51	59

Source: Noise Measurements taken by Veneklasen Associates, Inc. on September 10, 2019 and April 24, 2020.



Source: Veneklasen Associates, 2020

**Figure 15-1: Noise Measurement Locations**  
 American Tin Cannery Hotel and Commercial Project  
 Draft EIR

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### 15.3.6 Sensitive Receptors

Noise exposure standards and guidelines for various types of land uses reflect the varying noise sensitivities associated with each of these uses. Residences, retirement/nursing homes, hospitals, schools, guest lodging, libraries, and churches are treated as the most sensitive to noise intrusion and therefore have more stringent noise exposure targets than do other uses, such as manufacturing or agricultural uses that are not subject to impacts such as sleep disturbance.

The project site is located in an urban area at the edge of Monterey Bay in the City of Pacific Grove. The surrounding land uses are predominantly commercial to the south and east, with adjacent residential uses to the west. The northeastern boundary of the site is Ocean View Boulevard. **Table 15-5: Sensitive Receptors** lists the distances and locations of nearby sensitive receptors, which includes a range of residential and non-residential uses.

**Table 15-5: Sensitive Receptors**

Receptor Description	Distance and Direction from the Project Site
Single-family residential community	35 feet west
Nan's Nursery	80 feet west
Monterey Bay Aquarium	100 feet east
Church of Christ	100 feet west
Hopkins Marine Station - Tuna Research Building and Tanks	135 feet southeast
Single-Family Residences	170 feet west
Point Cabrillo – Seal Rookery/haul out beach	400 feet north
Point Cabrillo – Black Oystercatcher nesting habitat	500+ feet north
Martine Inn	975 feet northwest

## 15.4 Applicable Regulations, Plans, and Standards

### 15.4.1 Federal

#### U.S. Department of Transportation Federal Transit Administration

The U.S. Department of Transportation Federal Transit Administration (FTA) has recommended noise criteria related to traffic-generated noise. Recommendations contained in the May 2018 Transit Noise and Vibration Impact Assessment prepared by FTA can be used as guidance to determine whether or not a change in traffic would result in a substantial permanent increase in noise. Under the FTA standards, the allowable noise exposure increase is reduced with increasing ambient existing noise exposure, such that higher ambient noise levels have a lower allowable noise exposure increase. **Table 15-6: Significance of Changes in Operational Roadway Noise Exposure** shows the significance thresholds for increases in traffic-related noise levels. These standards are applicable to project impacts on existing sensitive receptors.

**Table 15-6: Significance of Changes in Operational Roadway Noise Exposure**

Existing Noise Exposure (dBA Ldn or Leq)	Allowable Noise Exposure Increase (dBA Ldn or Leq)
45-50	7
50-55	5
55-60	3
60-65	2
65-74	1
75+	0

Source: Federal Transit Administration. Transit Noise and Vibration Impact Assessment. September 2018

The FTA also recommends vibration impact thresholds to determine whether groundborne vibration would be “excessive.” According to FTA, groundborne vibration impact criteria for residential receptors are 72 Vdb for frequent events, 75 Vdb for occasional events, and 80 Vdb for infrequent events (FTA, 2018). The FTA recommends an 80 Vdb threshold for infrequent events at residences and buildings where people normally sleep and 83 Vdb threshold at institutional buildings with primarily daytime uses.

In terms of groundborne vibration impacts on structures, the FTA states that groundborne vibration levels in excess of 100 Vdb would damage fragile buildings, and levels in excess of 95 Vdb would damage extremely fragile historic buildings. The threshold for this project is 80 Vdb for infrequent events at residences and buildings where people normally sleep (e.g. residential neighborhoods).

### Occupational Safety and Health Act

Under the Occupational Safety and Health Act of 1970 (29 U.S.C. §651 et seq.), the United States Department of Labor, Occupational Safety and Health Administration (OSHA) adopted regulations (29 CFR §1910.95) designed to protect workers against the effects of occupational noise exposure. These regulations list limits on noise exposure levels as a function of the amount of time during which the worker is exposed. The regulations further specify requirements for a hearing conservation program (§1910.95(c)), a monitoring program (§1910.95(d)), an audiometric testing program (§1910.95(g)), and hearing protection (§1910.95(i)). There are no federal laws governing community noise.

### 15.4.2 State

#### California Government Code

California Government Code Section 65302(f) mandates that the legislative body of each county and city adopt a noise element as part of its comprehensive general plan. The local noise element must recognize the land use compatibility guidelines established by the State Department of Health Services. The guidelines rank noise land use compatibility in terms of “normally acceptable”, “conditionally acceptable”, “normally unacceptable”, and “clearly unacceptable” noise levels for various land use types. Single-family homes are “normally acceptable” in exterior noise environments up to 60 CNEL and “conditionally acceptable” up to 70 CNEL. Multiple-family residential uses are “normally acceptable” up to 65 CNEL and “conditionally acceptable” up to 70 CNEL. Schools, libraries, and churches are “normally acceptable” up to 70 CNEL, as are office buildings and business, commercial, and professional uses.

## Title 24 – Building Code

The State's noise insulation standards are codified in the California Code of Regulations, Title 24: Part 1, Building Standards Administrative Code, and Part 2, California Building Code. These noise standards are applied to new construction in California for interior noise compatibility from exterior noise sources. The regulations specify that acoustical studies must be prepared when noise-sensitive structures, such as residential buildings, schools, or hospitals, are located near major transportation noise sources, and where such noise sources create an exterior noise level of 65 dBA CNEL or higher. Acoustical studies that accompany building plans must demonstrate that the structure has been designed to limit interior noise in habitable rooms to acceptable noise levels. For new multi-family residential buildings, the acceptable interior noise limit for new construction is 45 dBA CNEL.

### 15.4.3 Local

#### City of Pacific Grove General Plan

Consistent with State law, the City has adopted noise policies in its Noise Element, as well as in its Municipal Code.

Project relevant General Plan policies for noise are addressed in this section. Where inconsistencies exist, if any, they are addressed in the respective impact analysis below. Relevant General Plan policies from the City's Health and Safety Element that directly address reducing and avoiding noise impacts include the following:

**Goal 7:** Protect Pacific Grove residents from the harmful effects of excessive noise.

- **Policy 28:** Review possible noise-producing uses and mitigate as necessary.
- **Policy 29:** Prevent encroachment of noise-sensitive land uses on existing industrial facilities or other stationary noise sources.
- **Policy 30:** Prevent the expansion or intensification of existing noise-producing commercial/utility uses on adjacent residential properties.

Section 10.14 of City's General Plan identifies noise and land use compatibility standards. New noise-sensitive land uses should not be located in areas exposed to existing or projected future levels of noise from transportation noise sources that exceed 60 dB Ldn/CNEL (70 dB Ldn/CNEL in playgrounds and parks) unless the project design includes effective mitigation measures to reduce noise in outdoor activity areas and interior spaces to the levels specified in **Table 15-7: City of Pacific Grove's Recommended Allowable Noise Exposure**. As noted in this table, the criterion for interior noise level is equivalent with the noise levels set forth in the California Building Code. Although the exterior noise criterion is 5 dB lower than the State of California's General Plan Guidelines, nNote 3 allows for raising the exterior noise level to 65 dB Ldn/CNEL provided that available exterior noise level reduction measures have been implemented and that interior noise levels comply with **Table 15-7**.



**Table 15-7: City of Pacific Grove’s Recommended Allowable Noise Exposure**

Transportation Noise Sources	Outdoor Activity Areas	Interior Spaces	Interior Spaces
Land Use	Ldn, CNEL, dB	Ldn, CNEL, dB	L <sub>eq</sub> , dB <sup>2</sup>
Residential, Transient Lodging, Hospitals, Nursing Homes	60 <sup>3</sup>	45	-
Theaters, Auditoriums, Music Halls	-	-	35
Churches, Meetings Halls	60 <sup>3</sup>	-	40
Office Buildings	60 <sup>3</sup>	-	45
Schools, Libraries, Museums	-	-	45
Playgrounds, Neighborhood Parks	70	-	-

<sup>1</sup> Where the location of outdoor activity areas is unknown, the exterior noise level is applied to the receiving land use.

<sup>2</sup> As determined for a typical worst-case hour during periods of use.

<sup>3</sup> Where it is not possible to reduce noise in outdoor activity areas to 60 dB Ldn/CNEL or less using a practical application of the best available noise reduction measures, an exterior noise level of up to 65 dB Ldn/CNEL may be allowed, provided that available exterior noise level reduction measures have been implemented and interior noise levels comply with this table.

Source: Pacific Grove General Plan, 1994.

Section 10.14 of the City’s Health and Safety Element regulates maximum allowable noise exposure of stationary noise sources, as shown in **Table 15-8: Maximum Allowable Noise Exposure (Stationary Noise Sources)**. Mitigation is required for noise sources that exceed these levels.

**Table 15-8: Maximum Allowable Noise Exposure (Stationary Noise Sources)**

	Daytime (7 am to 10 pm)	Nighttime (10 pm to 7 am)
Hourly L <sub>eq</sub> , dB	50	45
Maximum Level, dB	70	65

Source: Pacific Grove General Plan, 1994.

## City of Pacific Grove Municipal Code

Chapter 11.96 of the Municipal Code defines unlawful noises as follows: “it shall be made unlawful for any person to willfully make or continue, or cause to be made or continued, any loud, unnecessary, or unusual noise which disturbs the peace or quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area.”

The Municipal Code Section 11.96.040 regulates that all noise-generating construction activities, as well as delivery and removal of materials and equipment associated with those construction activities, are limited to the hours shown in **Table 15-9: Hours for Construction Activities**. Limits on construction hours shall be noted on the building permit and approved building plans.

**Table 15-9: Hours for Construction Activities**

Allowable Hours	
10:00 am – 5:00 pm	Sundays
8:00 am – 6:00 pm	Monday through Saturday

Source: City of Pacific Grove Municipal Code, 11.96.040

Exceptions to the hours listed above can be made with a permit. Post and mail notifications must be made to all neighbors within 300 feet of the construction site before such permits can be issued.

## 15.5 Environmental Impacts and Mitigation Measures

### 15.5.1 Significance Criteria

Appendix G of the California Environmental Quality Act (CEQA) Guidelines contains analysis guidelines related to noise impacts. These guidelines have been used by the City to develop thresholds of significance for this analysis and are tailored as necessary to address site-specific conditions. A project would create a significant environmental impact if it would:

- Generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies;
- Generate excessive groundborne vibration or groundborne noise levels; and
- For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, expose people residing or working in the project area to excessive noise levels.
- Generate noise or vibration at levels that would disrupt or interfere with protected wildlife or research facilities.

### Impacts Assessment Methodology

CEQA does not define what construction or operational noise level increase would be considered substantial. Construction noise estimates are based upon noise levels from the Federal Highway Administration (FHWA) Roadway Construction Noise Model (FHWA-HEP-05-054) as well as the distance to nearby receptors. Reference noise levels from the FTA document are used to estimate noise levels at nearby sensitive receptors based on a standard noise attenuation rate of 6 dB per doubling of distance (line-of-sight method of sound attenuation for point sources of noise). Construction noise level estimates do not account for the presence of intervening structures or topography, which may reduce noise levels at receptor locations. Therefore, the noise levels presented herein represent a conservative, reasonable worst-case estimate of actual temporary construction noise.

This analysis of the existing and future noise environments is based on noise prediction modeling and empirical observations. Predicted construction noise levels were based on typical noise levels generated by construction equipment. The traffic noise levels in the Project vicinity were calculated using the FHWA Highway Noise Prediction Model (FHWA-RD-77-108).

Groundborne vibration levels associated with construction-related activities for the project were evaluated utilizing typical groundborne vibration levels associated with construction equipment, obtained from Federal Transit Administration (FTA) published data for construction equipment. Potential groundborne vibration impacts related to structural damage and human annoyance were evaluated, considering the distance from construction activities to nearby land uses and typically applied criteria for structural damage and human annoyance.

Typically, a noise increase of 3 dBA Ldn or greater at a residential receptor would be considered significant when existing ambient noise levels are between 60 and 65 dBA Ldn (FICON, 1992). A noise increase of 5 dBA Ldn or greater at the receptor would be considered a significant impact when existing ambient noise levels are less than 60 dBA Ldn (FICON, 1992). Noise due to construction activities is usually considered to be less than significant in terms of CEQA compliance if the construction activity is temporary and if the use of heavy construction equipment and noisy activities are limited to daytime hours. As noted above, City's Municipal Code (Title 11.96.040) exempts noise sources associated with temporary construction, demolition, or maintenance activities provided such activities occur between 8:00 a.m. and 6:00 p.m. Monday through Saturday, and 10:00 a.m. to 5:00 p.m. on Sunday. .

### 15.5.2 Summary of No and/or Beneficial Impacts

#### Proximity to a Public or Private Airport

The project site is within airport influence area (AIA) Safety Zone 7 as shown in Exhibit 1B of the Monterey Regional Airport Land Use Compatibility Plan (ALUCP). However, the project site is not within two miles of the airport. Pursuant to ALUCP Policy 4.1.10.1, all proposed development and land use policy actions must be sent to the Airport Land Use Commission for a Consistency Determination until the City's General Plan and Zoning Ordinance are made consistent with the ALUCP. The project has been reviewed by the Commission and found to be consistent, as conditioned, with the ALUCP. These conditions were not related to noise issues. Given the distance to the airport, the project would not expose residents or workers to excessive noise levels from airport operations, and therefore there would be no impact.

#### Operational Vibration

The project would not generate groundborne vibration that could be felt at surrounding uses during normal, day to day operations. Project operations would not involve railroads, substantial heavy truck operations or specific uses on site that would create substantial vibration. As a result, no impacts from vibration associated with project operation would occur.

### 15.5.3 Impacts of the Proposed Project

**Impact N-1:** The project could cause a temporary or periodic increase in ambient noise levels during construction that could substantially disturb sensitive receptors. This is a **less than significant impact with mitigation incorporated**.

#### Construction

Construction noise typically occurs intermittently and varies depending on the nature or phase of construction (e.g. land clearing, grading, excavation, paving, vertical construction). Noise generated by

construction equipment, including earth movers, material handlers, and portable generators, can reach high levels. During construction, exterior noise levels could affect the residential neighborhoods adjacent to the construction site. Project construction would occur approximately 35 feet from existing single-family residences to the west across Dewey Avenue. Additionally, approximately 5 feet west of the project site are Monterey Bay Aquarium administrative office and warehouse buildings. While the Monterey Bay Aquarium uses are not defined as sensitive receptors, they could be impacted by construction noise. Construction activities would occur throughout the project site and would not be concentrated at a single point near sensitive receptors. Noise levels typically attenuate (or drop off) at a rate of 6 dB per doubling of distance from point sources, such as industrial machinery. During construction, exterior noise levels could affect nearby receptors such as the residential neighborhood near the construction site and Monterey Bay Aquarium uses.

Grading and excavation phases of project construction tend to be the shortest in duration and create the highest construction noise levels due to the operation of heavy equipment required to complete these activities. For this project, this first phase of construction, including excavation, is estimated to take 9 to 10 weeks to complete. It should be noted that only a limited amount of equipment can operate near a given location at a particular time. Equipment anticipated to be used during this stage includes heavy-duty trucks, backhoes, bulldozers, jack hammers, pneumatic tools, excavators, front-end loaders, and scrapers. Operating cycles for these types of construction equipment may involve one or two minutes of full-power operation followed by three to four minutes at lower power settings. Other primary sources of noise would be shorter-duration incidents, such as dropping large pieces of equipment or the hydraulic movement of machinery lifts, which would last less than one minute. According to the project applicant, no pile-driving or blasting would be required during construction. However, excavation of the granitic rock substrate for underground parking near the corner of Dewey Avenue and Ocean View Boulevard and other locations on site would result in concentrated levels of noise associated with the equipment used to break up and remove the material.

Construction activities associated with later phases of the development would include framing/forming and vertical construction, materials delivery, paving, welding and application of architectural coatings and finishes. Such activities would require cranes, forklifts, generators, tractors, and welders during building construction; pavers, rollers, mixers, tractors, and paving equipment during paving; and air compressors during architectural coating. Typical noise levels associated with individual construction equipment are listed in **Table 15-10: Typical Construction Equipment Noise Levels**.

**Table 15-10: Typical Construction Equipment Noise Levels**

Equipment	Typical Noise Level (dBA)				
	Reference 50 feet	Admin Offices 5 feet	Dewey Avenue 35 feet	Tuna Research Building 135 feet	Point Cabrillo 400 feet
Air Compressor	80	100	83	71	62
Backhoe	80	100	83	71	62
Compactor	82	102	85	73	64
Concrete Mixer	85	105	88	76	67
Concrete Pump	82	102	85	73	64
Concrete Vibrator	76	96	79	67	58

Equipment	Typical Noise Level (dBA)				
	Reference 50 feet	Admin Offices 5 feet	Dewey Avenue 35 feet	Tuna Research Building 135 feet	Point Cabrillo 400 feet
Crane, Derrick	88	108	91	79	70
Crane, Mobile	83	103	86	74	65
Dozer	85	105	88	76	67
Generator	82	102	85	73	64
Grader	85	105	88	76	67
Impact Wrench	85	105	88	76	67
Jack Hammer	88	108	91	79	70
Loader	80	100	83	71	62
Paver	85	105	88	76	67
Pneumatic Tool	85	105	88	76	67
Pump	77	97	80	68	59
Rail Saw	90	110	93	81	72
Rock Drill	95	115	98	86	77
Roller	85	105	88	76	67
Saw	76	96	79	67	58
Scarifier	83	103	86	74	65
Scraper	85	105	88	76	67
Spike Driver	77	97	80	68	59
Tie Cutter	84	104	87	75	66
Tie Handler	80	100	83	71	62
Tie Inserter	85	105	88	76	67
Truck	84	104	87	75	66

Note:

<sup>1</sup> Calculated using the inverse square law formula for sound attenuation:  $dBA_2 = dBA_1 + 20\log(d_1/d_2)$

Where:  $dBA_2$  = estimated noise level at receptor;  $dBA_1$  = reference noise level;  $d_1$  = reference distance;  $d_2$  = receptor location distance

Source: Federal Transit Administration, *Transit Noise and Vibration Impact Assessment Manual*, September 2018.

The City does not have specific construction noise standards. The FTA has established a daytime threshold of 90 dBA  $L_{eq}$ (1 hour) for residential uses and 100 dBA  $L_{eq}$ (1 hour) for non-residential uses to evaluate construction noise impacts.<sup>8</sup> As shown in Table 15-10, unmitigated noise levels from construction at the closest sensitive receptors approximately 35 feet away are below 91 dBA except for a rail saw and a rock drill, neither of which are anticipated to be used for project construction. Additionally, all noise levels are below 100 dBA at 35 feet. For the administrative offices located approximately 5 feet from the project site, unmitigated construction noise levels are anticipated to be below 108 dBA.

Based on the FTA Transit Noise and Vibration Impact Assessment Manual (2018), a reasonable worst-case assumption is that the two loudest pieces of equipment would operate simultaneously within a focused area and occur continuously over at least one hour. The combined sound level of a jack hammer and dozer is 90 dBA when measured at 50 feet from the noise source. At 5 feet, the combined jack hammer and dozer would be approximately 110 dBA while at 35 feet the combined equipment noise would be approximately 93.1 dBA. This is not below the residential threshold of 90 dBA or 100 dBA from

<sup>8</sup> Federal Transit Administration, *Transit Noise and Vibration Impact Assessment Manual*, Table 7-2, Page 179, September 2018.

FTA for nonresidential uses. Regardless, equipment such as jack hammers, pneumatic tools and excavators would result in noise levels that are approaching (and could exceed) FTA thresholds. Therefore, construction mitigation measure MM N-1.2 would require the use of temporary barriers with a minimum reduction of 10 dB to be located between project construction and sensitive receptors to further attenuate construction noise and mitigate impacts. With the temporary barriers, construction noise levels would be below FTA thresholds.

Other nearby sensitive receptors include Stanford University's Hopkins Marine Station research tanks and facilities (Tuna Research Building) located approximately 135 feet southeast of the site, the harbor seal rookery approximately 400 feet northeast of the site, and black oystercatcher nesting areas 500+ feet from the construction zone. These distances are measured from the project site to the sensitive receptor property line. These receptors may be exposed to elevated noise levels during project construction.

The highest anticipated construction noise level for the Tuna Research Building is 86.0 dBA and is expected to occur during the grading and excavation phase. However, the fish tanks are located indoors which would attenuate noise by approximately 25 dBA<sup>9</sup> resulting in a noise exposure level of 61 dBA. The beach area at Point Cabrillo, the seal rookery location, is located approximately 400 feet from the project site and would experience the highest anticipated noise level during construction at approximately 77 dBA. While the project-related construction noise would be below both thresholds, protection of marine mammals is a priority for the City.

Construction activities would be required to comply with the City's Municipal Code. MM N-1.1 would ensure that all construction equipment is equipped with properly operating and maintained mufflers and other state required noise attenuation devices, helping to reduce noise at the source. MM N-1.1 is required to ensure that construction noise levels do not exceed the City's standards and that time-of-day restrictions are met. Additionally, MM BIO-1.1, Noise Attenuation to Minimize Effects on Shoreline Species, requires the project sponsor to provide a construction perimeter fencing or similar barrier that incorporates noise attenuating materials along Dewey Avenue and Ocean View Boulevard. This barrier would reduce noise levels by approximately 10 dB, which would ensure that noise at the closest receptors would remain within FTA standards. With Implementation of MM N-1.1 and MM BIO-1.1, construction noise impacts to nearby receptors would be less than significant.

### Construction Traffic Noise

Construction noise would be generated by large trucks moving materials to and from the project site. Large trucks would be necessary to deliver building materials as well as remove demolition materials. The project is estimated to include 47,100 cubic yards (cy) of cut and 400 cy of fill for a total of 46,700 cy of exported material. Based on the California Emissions Estimator Model (CalEEMod) default assumptions for this project, as analyzed in [Chapter 6, Air Quality](#), the project would generate the highest number of daily trips during the building construction phase. The model estimates that the project would generate up to 195 worker trips and 77 vendor trips per day. Because of the logarithmic nature of noise levels, a doubling of the traffic volume (assuming that the speed and vehicle mix do not also change) would result in a noise level increase of 3 dBA. The surrounding roadways are classified as

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<sup>9</sup> Per EPA, Protective Noise Levels, November 1978, typical construction can reduce indoor noise levels by 25 dBA.



arterial or collector streets in the City's Circulation Plan. The 272 daily project construction trips (195 worker trips plus 77 vendor trips) would not double the existing traffic volume per day. Construction related traffic noise would therefore not create a significant noise impact based on these standards.

California establishes noise limits for vehicles licensed to operate on public roads using a pass-by test procedure. Pass-by noise refers to the noise level produced by an individual vehicle as it travels past a fixed location. The pass-by procedure measures the total noise emissions of a moving vehicle with a microphone. When the vehicle reaches the microphone, the vehicle is at full throttle acceleration at an engine speed calculated for its displacement.

For heavy trucks, the State pass-by standard is consistent with the federal limit of 80 dB. The State pass-by standard for light trucks and passenger cars (less than 4.5 tons gross vehicle rating) is also 80 dB at 15 meters from the centerline. According to the FHWA, dump trucks typically generate noise levels of 77 dBA and flatbed trucks typically generate noise levels of 74 dBA, at a distance of 50 feet from the truck (FHWA, Roadway Construction Noise Model, 2006).

#### **MM N-1.1 Construction Noise Reduction**

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

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

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

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

Stationary Equipment. All noise-generating stationary equipment such as air compressors or portable power generators shall be located as far as possible from sensitive receptors. Temporary noise barriers shall be constructed to screen stationary noise generating equipment when located near adjoining sensitive land uses. Temporary noise barriers could reduce construction noise levels by 10 dBA.

Construction Route. All construction traffic to and from the project site shall be routed via designated truck routes where feasible. All construction-related heavy truck traffic in residential areas shall be prohibited where feasible.

Workers' Radios. All noise from workers' radios shall be controlled to a point that they are not audible at sensitive receptors near the construction activity.

Construction Plan. Prior to issuance of any grading and/or building permits, the contractor shall prepare and submit to the City for approval a detailed construction plan identifying the schedule for major noise-generating construction activity.

Disturbance Coordinator. A “noise disturbance coordinator” shall be designated by the contractor. The noise disturbance coordinator shall be responsible for responding to any local complaints about construction noise. The noise disturbance coordinator shall determine the cause of the noise complaint (e.g. starting too early, bad muffler, etc.) and shall require that reasonable measures warranted to correct the problem 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 as well as the adjacent Monterey Bay Aquarium offices. The temporary noise barrier shall be designed to reduce construction noise by a minimum of 10 dB. To achieve this, the barrier may consist of steel tubular framing, welded joints, a layer of 18-ounce tarp, a two-inch thick fiberglass blanket, a half-inch thick weatherwood asphalt sheathing, and 7/16-inch sturdy board siding. Additionally, to avoid objectionable noise reflections, the source side of the noise barrier shall be lined with an acoustic absorption material. Temporary construction noise barriers shall be used at the following locations where construction noise impacts to sensitive receptors have been identified:

- Along the northeastern project boundary along Dewey Avenue
- Along the northern project boundary along Ocean View Boulevard
- 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.

The analysis of potential effects on harbor seal and black oystercatcher, including effects of noise and vibration, are addressed in [Chapter 7, Biological Resources](#). The project will also be required to implement mitigation measures MM BIO-1.1 through BIO-1.3, which specifically address protection of wildlife from the effects of noise and vibration during project construction.

#### Conclusions

Mitigation Measures N-1.1 and N-1.2 will effectively mitigate temporary noise impacts to sensitive receptors by providing physical attenuation to reduce construction-phase noise levels and providing a noise coordinator to respond to complaints or issues that may arise during construction.

**Impact N-2:** The project will not result in a substantial permanent increase in ambient noise level from typical project operations. This is a **less than significant impact**.

#### Operations

Implementation of the project would create new and different sources of noise in the immediate project vicinity compared to the existing noise environment. The primary noise sources associated with the project that could potentially impact existing and future nearby sensitive receptors include the following:

- Changes in traffic on the local roadway network;
- Mechanical equipment (i.e., trash compactors, air conditioners, etc.);
- Delivery trucks on the project site, and approaching and leaving the loading areas;
- Activities at the loading areas (i.e., maneuvering and idling trucks, loading/unloading, and equipment noise);
- Parking areas (i.e., car door slamming, car radios, engine start-up, and car pass-by); and
- Landscape maintenance activities.

As discussed above, the closest sensitive receptors are single-family residences located 35 feet to the west across Dewey Avenue. The City's stationary source exterior noise standard for residential areas is 50 dBA  $L_{eq}$  and 70 dBA  $L_{max}$  during the daytime and 45 dBA  $L_{eq}$  and 65 dBA  $L_{max}$  during the nighttime (Table 15-8). The land use compatibility standard for transportation noise sources for residential uses is also 60 dBA CNEL ( $L_{dn}$ ) for normally acceptable conditions (Table 15-7).

### Traffic Noise

Existing roadway noise levels were calculated for the roadway segments in the project vicinity. This task was accomplished using the Federal Highway Administration (FHWA) Highway Traffic Noise Prediction Model (TNM Version 2.5) and existing traffic volumes from IDAX Data Solutions and project Traffic Impact Analysis (Kimley-Horn 2020). The noise prediction model calculates the average noise level at specific locations based on traffic volumes, average speeds, roadway geometry, and site conditions. The off-site traffic noise is analyzed on an increase in CNEL basis to determine the project's impact. Table 15-11: Existing and Project Traffic Noise shows existing CNEL, decibel increase, and new CNEL based on traffic noise.

Implementation of the project would generate increased traffic volumes along study roadway segments. The project is expected to generate a net increase of 321 average daily trips over existing conditions, which would result in noise increases on project area roadways. In general, a traffic noise increase of less than 3 dBA is barely perceptible to people, while a 5-dBA increase is readily noticeable (Caltrans, 2013). Generally, traffic volumes on project area roadways would have to approximately double for the resulting traffic noise levels to increase by 3 dBA. Therefore, permanent increases in ambient noise levels of less than 3 dBA are identified as less than significant.

**Table 15-11: Existing and Project Traffic Noise**

Street	Calculated		
	Existing CNEL, dB	Increase, dB	Resulting CNEL, dB
Ocean View Boulevard	62	1	63
Eardley Avenue	57	4	61
Central Avenue	66	1	67
Dewey Avenue	54	2	56

Source: Veneklasen Associates, Inc. 2020

As shown in **Table 15-11: Existing and Project Traffic Noise**, the existing traffic-generated noise level on project area roadways is between 54 dBA CNEL and 66 dBA CNEL at 100 feet from the centerline. As noted in **Table 15-11**, the project would have an increase of between 1 and 4 dBA on surrounding project roadway segments. The highest noise level on the roadway segments would be 67 dBA on Central Avenue. The highest increase would be approximately 4 dBA on Eardley Avenue to a resulting level of 61 dB. However, although this increase would potentially be perceptible, no residential uses are located adjacent to Eardley Avenue near the project site. Therefore, the increase is not considered substantial. Ocean View Boulevard and Central Avenue would have resulting noise levels above 60 dB. However, the existing noise levels are already above 60 dB, and the project's contribution would not be perceptible. Therefore, the project would not have a significant impact on traffic noise levels.

### Stationary Noise Sources

Implementation of the project would create new sources of noise in the project vicinity from lodging sources, occasional crowd or outdoor event noise, mechanical equipment, truck loading areas, parking lot noise, and landscape maintenance.

#### Lodging Areas

Noise that is typical of lodging areas includes group conversations, pet noise, vehicle noise (see discussion below) and general maintenance activities. Noise from lodging areas sources would primarily occur during the "daytime" activity hours of 7:00 a.m. to 10:00 p.m. Furthermore, the visitors would be required to comply with the noise standards set forth in the City's General Plan and Municipal Code.

#### Crowd Noise

The project area may include some crowd noise due to events or hotel amenities at the proposed hotel. Crowd noise is dependent on several factors including vocal effort, impulsiveness, and the random orientation of the crowd members. Crowd noise is estimated at 60 dBA at one meter (3.28 feet) away for raised normal speaking. This noise level would have a +5 dBA adjustment for the impulsiveness of the noise source, and a -3 dBA adjustment for the random orientation of the crowd members. Therefore, crowd noise would be 62 dBA at one meter from the source. Noise has a decay rate due to distance attenuation, which is calculated based on the Inverse Square Law for sound propagation. Based upon the Inverse Square Law, sound levels decrease by 6 dBA for each doubling of distance from the source. As a result, crowd noise would be 56.0 dBA at 6.56 feet and 52.3 dBA at 10 feet. Therefore,

crowd noise at the closest existing sensitive receptors (located 35 feet away) would not exceed the City's 70 dBA standard.

### Mechanical Equipment

Regarding mechanical equipment, the project would generate stationary-source noise associated with heating, ventilation, and air conditioning (HVAC) units. HVAC units typically generate noise levels of approximately 50 to 60 dBA at 50 feet. The nearest existing sensitive receptor's property lines are located approximately 35 feet from the closest potential mechanical equipment on the site. This noise level is below the City's 70 dBA exterior daytime standard and 65 dBA nighttime standard. Operation of mechanical equipment would not increase ambient noise levels beyond the acceptable compatible land use noise levels. Therefore, the project would result in a less than significant impact related to stationary noise levels.

### Loading Area Noise

The project is a hotel that would necessitate occasional deliveries. This would occur at a loading area at the end of the modified Sloat Avenue. The primary noise associated with deliveries is the arrival and departure of trucks. Operations of proposed 225-room hotel and retail uses would potentially require deliveries of vans and light trucks and not heavy-duty trucks. Normal deliveries typically occur during daytime hours. During loading and unloading activities, noise would be generated by the trucks' diesel engines, exhaust systems, and brakes during low gear shifting' braking activities; backing up toward the docks/loading areas; dropping down the dock ramps; and maneuvering away from the docks.

The project is a hotel that would necessitate truck deliveries. The majority of deliveries for the commercial uses would consist of vendor deliveries in vans and small trucks and would be somewhat infrequent and irregular. The loading area is located approximately 180 feet from the nearest sensitive receptor. While there would be temporary noise increases during truck maneuvering and engine idling, these impacts would be of short duration and infrequent. Typically, heavy truck operations generate a noise level of 68 dBA at a distance of 30 feet. The Monterey Bay Aquarium administrative offices are located approximately 50 feet from the proposed loading area. At 50 feet, noise levels would attenuate to 63.2 dBA and at the nearest sensitive receptors at 180 feet, noise levels would attenuate to 52.4 dBA, both of which are below the City's 70 dBA standard. Noise levels would be further attenuated by intervening terrain and structures. As noise levels associated with trucks and loading/unloading activities would be below City standards and ambient levels, impacts would be less than significant.

### Parking Areas

Traffic associated with parking areas is typically not of sufficient volume to exceed community noise standards, which are based on a time-averaged scale such as the CNEL scale. However, the instantaneous maximum sound levels generated by a car door slamming, engine starting up and car pass-bys may be an annoyance to adjacent noise-sensitive receptors. Parking lot noise can also be considered a "stationary" noise source.

The instantaneous maximum sound levels generated by a car door slamming, engine starting up, and car pass-bys range from 60 to 63 dBA at 50 feet and may be an annoyance to noise-sensitive receptors. Conversations in parking areas may also be an annoyance to sensitive receptors. Sound levels of speech typically range from 33 dBA at 48 feet for normal speech to 50 dBA at 50 feet for very loud speech. It

should be noted that parking lot noise are instantaneous noise levels compared to noise standards in the DNL scale, which are averaged over time. As a result, actual noise levels over time resulting from parking lot activities would be far lower.

The project includes underground parking for a total of 260 valet parking spaces, and surface parking for 44 valet spaces accessed from Central Avenue. Noise impacts associated with parking would be considered minimal since the parking area would be largely enclosed within a structure. In addition, surface parking lot noise would also be partially masked by the background noise from traffic along Central Avenue. Noise associated with parking lot activities is not anticipated to exceed the City's Noise Standards or the California Land Use Compatibility Standards during operation. Therefore, noise impacts from parking lots would be less than significant.

### Landscape Maintenance Activities

Development and operation of the project includes new landscaping that would require periodic maintenance. Noise generated by a gasoline-powered lawnmower is estimated to be approximately 70 dBA at a distance of 5 feet. Landscape maintenance activities would be 53.1 dBA at the closest sensitive receptor approximately 35 feet away. Maintenance activities would operate during daytime hours for brief periods of time as allowed by the City Municipal Code and would not permanently increase ambient noise levels in the project vicinity and would be consistent with activities that currently occur at the surrounding uses. Therefore, with adherence to the City's Municipal Code, impacts associated with landscape maintenance would be less than significant.

**Impact N-3: The project could temporarily cause excessive groundborne vibration or groundborne noise from typical construction-related activities. This is a **less than significant impact with mitigation incorporated**.**

### **Construction**

Increases in groundborne vibration levels attributable to the project would be primarily associated with construction-related activities during the initial phases of earthmoving and excavation. Construction on the project site would have the potential to result in varying degrees of temporary groundborne vibration, depending on the specific construction equipment used and the operations involved. Ground vibration generated by construction equipment spreads through the ground and diminishes in magnitude with increases in distance. The effect on buildings located in the vicinity of the construction site often varies depending on soil type, ground strata, and construction characteristics of the receiver building(s) and other receptors. The results from vibration can range from no perceptible effects at the lowest vibration levels, to low rumbling sounds and perceptible vibration at moderate levels, to slight structural damage at the highest levels.

The types of construction vibration impacts include human annoyance and building damage. Building damage can be cosmetic or structural. Groundborne vibrations from construction activities rarely reach levels that damage structures. Ordinary buildings that are not particularly fragile would not experience cosmetic damage (e.g. plaster cracks) at distances beyond 30 feet. This distance can vary substantially depending on soil composition and underground geological layer between vibration source and receiver. Human annoyance is evaluated in vibration decibels (VdB) (the vibration velocity level in decibel scale) and occurs when construction vibration rises significantly above the threshold of human perception for



extended periods of time. According to the FTA (2018), ground-borne vibration is normally perceptible to humans at approximately 65 VdB. A vibration-velocity level of 75 VdB is the approximate dividing line between barely perceptible and distinctly perceptible levels. Vibration response can range from approximately 50 VdB (below perceptibility) to 100 VdB (the threshold of potential damage).

The FTA has published standard vibration velocities for construction equipment operations. In general, depending on the type of the nearest buildings adjacent to a vibration sources (such as a pile driving area), the potential construction vibration damage criteria vary. For example, for a building constructed with reinforced concrete with no plaster, the FTA guidelines show that a vibration level of up to 0.50 inch per second (in/sec) peak particle velocity (PPV) is considered safe and would not result in any construction vibration damage. In general, the FTA architectural damage criterion for continuous vibrations (i.e. 0.2 in/sec) appears to be conservative. This evaluation uses the FTA architectural damage criterion for continuous vibrations at non-engineered timber and masonry buildings of 0.2 inch-per-second peak particle velocity (PPV) and human annoyance criterion of 0.4 inch-per-second PPV in accordance with California Department of Transportation (Caltrans) guidance.<sup>10</sup>

**Table 15-12: Typical Construction Equipment Vibration Levels** lists vibration levels for typical construction equipment at worst-case distances of 35 feet for Dewey Avenue residential areas, 135 feet for the Hopkins Marine Station Tuna Research Building, and 400 feet for the seal rookery at the beach near Point Cabrillo. Although not considered a sensitive receptor, the administrative offices located approximately 5 feet from the excavation area are included in **Table 15-12**. Groundborne vibration generated by construction equipment spreads through the ground and diminishes in magnitude with increases in distance.

**Table 15-12: Typical Construction Equipment Vibration Levels**

Equipment	Peak Particle Velocity (in/sec)			Lv, RMS velocity in dB, VdB re 1 µin/s				
	Reference Level at 25 Feet	Office Uses at 5 Feet	Dewey Avenue at 35 Feet	Reference Level at 25 Feet	Dewey Avenue at 35 Feet	Office Uses at 5 Feet	Tuna Research Building at 135 Feet	Point Cabrillo at 400 Feet
Vibratory Roller	0.210	2.348	0.127	94	90	115	72	58
Large Bulldozer	0.089	0.995	0.054	87	83	108	65	51
Loaded Trucks	0.076	0.850	0.046	86	82	107	64	50
Jackhammer	0.035	0.391	0.021	79	75	100	57	43
Small Bulldozer	0.003	0.034	0.002	58	54	79	36	22

PPV = Peak Particle Velocity, Lv = vibration level, RMS = root mean square, VdB = Vibration Decibels (the vibration velocity level in decibel scale)

Notes:

1. Calculated using the following formula:  $PPV_{equip} = PPV_{ref} \times (25/D)^{1.5}$ , where:  $PPV_{equip}$  = the peak particle velocity in in/sec of the equipment adjusted for the distance;  $PPV_{ref}$  = the reference vibration level in in/sec from Table 7-4 of the Federal Transit Administration, *Transit Noise and Vibration Impact Assessment Manual*, 2018; D = the distance from the equipment to the receiver.
2. Calculated using the following formula:  $Lv(D) = Lv(25 \text{ feet}) - (30 \times \log_{10}(D/25 \text{ feet}))$  per the FTA Transit Noise and Vibration Impact Assessment Manual (2018).

Source: Federal Transit Administration, *Transit Noise and Vibration Impact Assessment Manual*, 2018.

<sup>10</sup> California Department of Transportation, *Transportation and Construction Vibration Guidance Manual*, Table 20, September 2013.

As indicated in Table 15-12, based on FTA data, vibration velocities from typical heavy construction equipment operations that would be used during project construction range from 0.003 to 0.210 in/sec PPV at 25 feet from the source of activity. Table 15-12 shows that PPV levels would not exceed the 0.2 in/sec PPV building damage threshold at 35 feet or the 0.4 in/sec PPV annoyance threshold with a vibratory roller, the equipment type with the greatest vibration levels. Therefore, the nearest sensitive receptors (the residences across Dewey Avenue approximately 35 feet from the active construction zone and 50 feet from the area of excavation) and other receptors further away would not experience significant effects from construction vibration. However, the administrative offices would experience vibratory levels above the 0.2 in/sec PPV threshold. At the Marine Hopkins Station Tuna Research Building and seal rookery near Point Cabrillo, vibration levels would be below the barely perceptible level of 75 VdB.

The National Oceanic and Atmospheric Administration (NOAA) released a study in 2018 that evaluated primarily underwater noise thresholds for marine mammals.<sup>11</sup> A separate study released by the United States Coast Guard Monterey Station evaluated both air and underwater noise thresholds. This study identified a level of 90 dB RMS (root-mean-square) for harbor seals and 100 dB RMS for non-harbor seal pinnipeds.<sup>12</sup> The data found limited responses to levels of 90 to 120 dB RMS but increased probability of behavioral effects in the 120 to 160 dB RMS range. The nearest seals would be located approximately 400 feet from the project site, where construction vibration levels would be a maximum level of 58 dB RMS.

In later phases of project construction, other construction activities would occur throughout the project site but would not be concentrated at the point closest to the nearest residential structures or wildlife.

#### **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 excavation, such effects shall cause immediate work stoppage and notification of the City and project sponsor. Work shall resume only after additional vibration protection measures are employed and tested.

#### **MM N-3.2     Vibration Management Plan**

Prior to any construction or demolition activities, the applicant shall provide a Vibration Management Plan or other evidence acceptable to the City that demonstrates that vibration control of demolition and construction activities will be implemented to minimize the effects of vibration at nearby receptors. This includes performing high-vibration activities during the middle of the day and spaced as far apart as possible to

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<sup>11</sup> NOAA Technical memorandum NMFS-OPR-59, *2018 Revisions to: Technical Guidance for Assessing the Effects of Anthropogenic Sound on Marine Mammal Hearing*, April 2018.

<sup>12</sup> U.S. Coast Guard Civil Engineering Unit Oakland, *Incidental Harassment Authorization for Waterfront Repairs at USCG Station Monterey*, June 2013.

avoid multiple high-vibration activities at once, equipment choices and construction methods to minimize vibration, or other measures. Vehicle routes should use designated truck routes and avoid residential areas as much as possible.

## Conclusions

Mitigation Measure N-3.1 is designed as a precautionary measure requiring vibration monitoring devices at the nearest tuna research tanks and Mitigation Measure N-3.2 would require management of construction methods to avoid multiple high-vibration activities. With these measures, and based on the predicted levels of vibration, vibration impacts at the most sensitive receptors can be effectively mitigated to a less than significant level.

### 15.5.4 Cumulative Impacts

The geographic area for the analysis of cumulative impacts to noise is the identified list of cumulative projects in [Chapter 4, Introduction to Environmental Analysis](#) (Hotel Durrell, the Holman Building residential project, mixed use project at 520/522 Lighthouse Avenue, Ocean View Plaza in the City of Monterey and the Monterey Bay Aquarium's Bechtel Education Center at Cannery Row and Hoffman Avenue).

**Impact N-4:** The project will not contribute to cumulatively considerable noise impacts. This is a **less than significant impact**.

Cumulative development of other past, present and reasonably foreseeable projects in the vicinity would not result in combined or cumulative construction-related noise or vibration, as the construction schedules for these projects (some of which are already built) would not occur simultaneously nor in close enough proximity to result in noticeable additive effects.

The operational noise levels related to traffic and stationary sources from the project were found to be less than significant based on the above analysis. Since noise dissipates as it travels away from its source, noise impacts from on-site activities and other stationary sources would be limited to the project site and vicinity. The location of the projects listed in the cumulative assessment – located in the City's downtown and Cannery Row – are of sufficient distance from each other that noise sources, however minor, will not combine to trigger a noise threshold in the vicinity of these projects. For these reasons, cumulative noise impacts would be less than significant.

## 15.6 References

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## 16 Public Services and Recreation

### 16.1 Introduction

This chapter describes the potential effects on existing public services and recreation facilities that could result from implementation of the project. The discussion addresses existing public service providers in the area, identifies and analyzes potential environmental effects or changes from the project, and recommends measures to reduce or avoid adverse impacts anticipated from project construction and operation, where warranted. For this particular subject, impacts generally occur only if the project would require the construction of new buildings or facilities in order to maintain adequate levels of performance and service in the community. Information used to prepare this section was sourced from the following documents:

- City of Pacific Grove, *Pacific Grove General Plan – Health and Safety Element*, 1994
- City of Pacific Grove, *Pacific Grove General Plan – Parks and Recreation Element*, 1994
- City of Pacific Grove, *Local Coastal Program*, 2020

### 16.2 Scoping Issues Addressed

During the Notice of Preparation (NOP) public comment and EIR scoping period for the proposed project, no issues related to public services were raised. However, issues related to recreation facilities were raised in the context of potential impacts to scenic views from the Monterey Bay Coastal Recreation Trail (Coastal Recreational Trail) and the potential for increased usage of nature trails, tide pools, shoreline and other parks and public areas. Views and aesthetic impacts are addressed in Chapter 5, Aesthetics.

### 16.3 Environmental Setting

#### 16.3.1 Public Services

##### Fire Protection

The Pacific Grove Fire Department (PGFD) provides emergency response to all service calls including fires, medical calls and vehicle accidents for both the City of Pacific Grove and City of Monterey. In December 2008, the Pacific Grove Fire Department merged with the Monterey City Fire Department, creating a 67-person 4-station department with combined capabilities. Pacific Grove's Station 4 is headquartered at 600 Pine Avenue. This station provides services to a geographical area of 2.5 square miles with a full-time population of 15,500 residents and responds to an average of 1,450 calls a year (City of Pacific Grove, 2019). Station 4 is located approximately 0.75 mile west of the project site. However, the closest fire station to the project site is Station No. 12, located approximately 0.36 mile south of the project site at 582 Hawthorne Street in the City of Monterey. Station No. 12 is one of the six fire stations in the cities of Monterey, Pacific Grove, and Carmel-by-the Sea served by the Monterey Fire Department. In 2018, the Monterey Fire Department's six fire stations responded to a total of 8,626 incidents (Monterey Fire Department, 2019). In 2019, the average response time was 3 minutes and 44 seconds for calls near the project site (Jim Courtney, PGDF 2019).

## **Police Protection**

The Pacific Grove Police Department (PGPD) is located at 580 Pine Avenue in the City, approximately 0.73 miles east of the project site in the City's Civic Center complex. The major goals of PGPD are to reduce crime through prevention, detection and apprehension, to provide the orderly and safe movement of vehicular traffic through law enforcement, to provide accident prevention and accident investigation, to ensure public safety through regulation and control of hazardous conditions, to recover and return of lost and stolen property and, to provide non-enforcement services through programs reflecting community needs and desires.

PGPD has 22 sworn officers and 11 professional staff employees. In 2018, the PGPD handled 20,179 calls for service, an increase from 2017 (City of Pacific Grove, 2018). The average response time to emergency calls in 2019 was 6 minutes and 6 seconds (Shayla Hoffman, 2020).<sup>1</sup>

## **Schools**

The Pacific Grove Unified School District (PGUSD) operates the public-school system within the City and part of the Del Monte Forest in unincorporated Monterey County. The district had an enrollment of 2,078 students in the 2017-2018 school year, which was 13 more students than 2,078 in the 2016-2017 school year (Education Data Partnership, 2019). The PGUSD operates the following schools in the City:

- David Avenue Kindergarten Center at 1004 David Avenue
- Robert H. Down Elementary School (Grades 1-5) at 485 Pine Avenue
- Forest Grove Elementary (Grades 1-5) at 1065 Congress Avenue
- Pacific Grove High School (Grades 9-12) at 615 Sunset Drive
- Pacific Grove Community High (Grades 9-12) at 1004 David Ave

The closest school to the project site is Robert H. Down Elementary School, located approximately 0.55 miles west of the project site.

## **Park and Recreation Facilities**

The City, State of California, and the PGUSD each own and operate parks, recreation facilities, and open space areas in Pacific Grove. The Pacific Grove Recreation Department administers City park and recreation programs and maintains recreation facilities. City parks are maintained by the City's Public Works Department. The City has 28 formally-designated parks, open space areas, and recreation facilities in addition to public school facilities jointly used for recreation. The City has a total of 449.2 acres of parks, open space, and recreation facilities. The closest recreational facility to the project site is the Coastal Recreational Trail, located directly across Ocean View Boulevard from the project site. The closest improved park facilities are at the Andy Jacobsen Park located at the corner of Ocean View Boulevard and 7<sup>th</sup> Street, which is approximately 370 feet northwest of the project site; Berwick Park located at Ocean View Boulevard and 9th Street, which is approximately 0.34-mile northwest of the

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<sup>1</sup> PGPD defines "response time" as from the start of when the unit is dispatched to when the unit is on scene.



project site; and Greenwood Park, which is bounded by Ocean View Boulevard, Central Avenue, 12th Street and 13th Street, approximately 0.5-mile northwest of the project site.

Other accessible nearby recreational opportunities include public access to the shoreline, used for both passive recreation (walking, sightseeing, wildlife viewing, etc.) and active recreation (kayaking, fishing, diving, etc.). Private companies also provide recreation opportunities in the form of bicycle rentals (at the project site and at various locations along Cannery Row and the recreation trail), Segway rentals, and kayak rentals.

#### Monterey Bay Coastal Recreational Trail (Coastal Recreation Trail)

The Coastal Recreational Trail is a waterfront multi-purpose/multi-modal facility that extends 18 miles from Castroville to Pacific Grove and follows the same route as the old Southern Pacific Railway. The Pacific Grove portion of the Coastal Recreation Trail is an approximately one-mile segment from the Monterey Bay Aquarium to Lovers Point. The Coastal Recreation Trail is located directly across Ocean View Boulevard from the project site. The trail has separate walking and cycling paths for much of its alignment and serves as a major walking, jogging, and bicycling route along the northeastern coastline of the City. As of February 2020, electric bicycles, or e-bikes, are also allowed on the Pacific Grove section.

#### **Library and other Public Facilities**

The Pacific Grove Public Library is located at 550 Central Avenue, approximately 0.60-mile northwest of the project. In October 2019, the library moved to a temporary location at 542 Lighthouse Avenue #111 while the building on Central Avenue undergoes a remodel (City of Pacific Grove, 2019b). The temporary location is approximately 0.62 mile west of the project site. The library is normally open Monday to Saturday and closed Sunday.

## **16.4 Applicable Regulations, Plans, and Standards**

### **16.4.1 Federal**

There are no applicable Federal regulations pertaining to public services and recreation.

### **16.4.2 State**

#### **Police Services**

All law enforcement agencies within California are organized and operate in accordance with the applicable provisions of the California Penal Code. This code sets forth the authority, rules of conduct, and training for police officers. The California Highway Patrol, California State Parks and California Department of Fish and Wildlife also provide service within Pacific Grove consistent with their jurisdictions and responsibilities.

#### **Fire Protection**

According to the California Department of Forestry and Fire Protection (CAL FIRE)'s Fire Hazard Severity Zone map, the City is within the Local Responsibility Area. CAL FIRE also provides input and expertise with respect to fire prevention and hazardous fuel reduction. Fire hazards in the built environment are addressed mainly through the application of the State Fire Code and the Uniform Building Code (UBC). The Fire Code addresses access, including road standards, and vegetation removal in high fire hazard

areas. The UBC requires development in high fire hazard areas to show proof of nearby water sources and adequate fire flows.

### 16.4.3 Local

#### City of Pacific Grove General Plan

Relevant General Plan policies for public services and recreation are identified below. Where inconsistencies exist, if any, they are addressed in the respective impact analysis below. Relevant General Plan policies that directly address reducing and avoiding public services impacts and recreation-related impacts include the following:

#### **Parks and Recreation**

**Goal 1:** Maintain a public park system and recreation facilities suited to the needs of all Pacific Grove residents and visitors.

**Goal 7:** Promote efficiency and convenience in the siting of public facilities, while minimizing adverse effects on surrounding development.

- **Policy 25:** Encourage the use of building and landscaping materials that will make public facilities compatible with neighboring properties.
- **Policy 26:** Ensure that new development pays appropriate development fees to offset any increased burden on public facilities and services.

#### **Health and Safety**

**Goal 5:** Ensure an adequate level of fire and medical emergency service to the community.

- **Policy 13:** Require new development to provide all necessary water service, fire hydrants, and roads consistent with Fire Department standards and City requirements which relate to the project.
- **Policy 14:** Require new development to comply with the minimum fire-flow rates contained in Appendix III-A in the most recent and locally-adopted edition of the Uniform Fire Code.
- **Policy 15:** Require all construction to meet the applicable current City codes for fire and life safety.
- **Policy 16:** Ensure adequate fire equipment access through the development review process.
- **Policy 17:** Ensure adequate water fire-flow throughout the City.

**Goal 6:** Prevent crime and promote the protection of people and property.

- **Policy 25:** Maintain an adequate level of police equipment and personnel consistent with City growth and development.
- **Policy 27:** Encourage the use of private patrols and security personnel in large residential and commercial development to supplemental police services.

#### City of Pacific Grove Local Coastal Program

The City's 2020 LCP addresses recreational facilities in terms of protection of those facilities from coastal hazards and sea level rise (Section 2.1), preservation and management of natural coastal marine resources (Section 2.2), and optimizing coastal parks, recreation and coastal access (Section 3.5). Policies

focus on providing safe and adequate public access to the shoreline, while protecting the shoreline from the effects of automobiles and managing public access.

#### City of Pacific Grove Municipal Code

##### Municipal Code Chapter 24.48 – Park and Recreation Dedication and Fees

Pacific Grove Municipal Code Chapter 24.48.030 requires that at least five acres of property for each 1,000 persons residing within the City be devoted to local park and recreational purposes.

## 16.5 Environmental Impacts and Mitigation Measures

### 16.5.1 Significance Criteria

The following significance criteria for public services and recreation were derived from the Environmental Checklist in CEQA Guidelines Appendix G. These significance criteria have been amended or supplemented, as appropriate, to address lead agency requirements and the full range of impacts of the project.

An impact of the project would be considered significant and would require mitigation if it would meet one or more of the following criteria:

- Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following public services: Fire protection, Police protection, schools, parks, other public facilities?
- Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?
- Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

### 16.5.2 Summary of No and/or Beneficial Impacts

#### Recreational Facilities

As discussed above, public access to the Coastal Recreation Trail is located directly across Ocean View Boulevard from the project. As a hotel and commercial proposal, the project does not include public recreational facilities or require the construction or expansion of recreational facilities as part of the project. As no such facilities are required or proposed by the project, there are no potential adverse physical effects from the construction or expansion of such uses. As such, this issue is not discussed further except in the context of increased use and demand on existing facilities.

#### Schools and Other Public Facilities

The project is a hotel and commercial proposal that will not generate students or affect local school facilities. Therefore, there is no physical environmental impact associated with school facilities. For similar reasons, the proposal will not result in increased demands and construction/expansion of library services, governmental services or other public facilities typically associated with residential

populations. For these reasons, the project will have no physical environmental impact associated with other public facilities.

### 16.5.3 Impacts of the Proposed Project

**Impact PSR-1:** The project could introduce a new visitor service population that could incrementally increase demands upon fire protection facilities and corresponding service ratios. This is a **less than significant impact**.

#### Construction and Operation

While the project does not include any housing that would directly increase the number of permanent residents, the project would result in the construction and operation of a 225-room hotel with approximately 20,000 square feet of retail commercial uses. 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. As a result, project development could incrementally increase the number of visitors to the City (and this specific location) and cause an incremental increase in demand for fire protection services and facilities. However, the demand on fire facilities and services would not create a significant environmental effect because no new fire protection facilities would need to be constructed or expanded with its implementation. Project plans were reviewed by the Assistant Fire Chief and no specific comments were provided (Jim Courtney, 2019).

The project site is currently served by sufficient fire protection services and the project would be subject to development impact fees per the City Municipal Code. As a standard condition of project approval, the applicant is required to pay the City's applicable impact fees at the time of project approval. Payment of impact fees are intended to finance new or expanded public facilities over time to mitigate the cumulative impact generated by new development in the City. Therefore, with compliance with the City Municipal Code and City General Plan policies, the project would have a less than significant impact on fire protection services and facilities.

**Impact PSR-2:** The project could introduce a new service population that could incrementally increase demands upon police protection facilities and corresponding service ratios. This is a **less than significant impact**.

#### Construction and Operation

As discussed above, the proposed project would result in the construction and operation of a 225-room hotel with approximately 20,000 square feet of retail commercial uses. Compared to the existing ATC factory outlets and existing occupied commercial uses, the project would result in a change of use at the project site. As a result, the project development could incrementally increase the number of visitors locally and cause an incremental increase in the number of calls for police calls for service that would need to be responded to by emergency service providers.

However, the demand on police and facilities and services would not create a significant environmental effect because no new police facilities would need to be constructed or expanded with project implementation. As stated above, the project does not include any housing that would result in a new permanent population.

Similar to fire protection services, the project would be subject to development impact fees for the City per the City Municipal Code. As a standard condition of project approval, the applicant is required to pay the City's impact fees at the time of project approval. Payment of impact fees are intended to finance new or expanded public facilities over time to mitigate the cumulative impact generated by new development in the City. With compliance with the City Municipal Code and City General Plan policies, the incremental increases in demand on police protection services would not affect PGPD's ability to maintain service ratios or response times and would not result in the need for new or expanded police facilities. Impacts would 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. This is a **less than significant impact**.

### Construction and Operation

The project could result in increased demand for, and usage of, existing park and recreational facilities. The project does not include any housing that would directly increase the number of residents, and therefore there would be no impact on park demands based on resident population and service ratios. However, hotel guests and visitors will likely use active and passive recreational facilities near the project site, primarily the Coastal Recreational Trail, which is located directly across Ocean View Boulevard from the project site. It is anticipated that hotel guests would use the Coastal Recreational Trail for coastal access, walking, bicycling, and as a non-motorized means of transportation to nearby attractions, restaurants and tourist destinations in Pacific Grove and Monterey. Hotel guests may also utilize local park facilities, such as the Andy Jacobsen Park located approximately 370 feet northwest of the project site along the coastline and recreation trail.

Portions of the paved pathway of the Coastal Recreational Trail in Pacific Grove include decomposed granite shoulders (for pedestrians), split rail fencing and landscaping, while the trail alignment toward Monterey is primarily concrete, with wayfinding signage and trailside facilities such as trash receptacles, benches, and pet facilities. This facility is designed for regular and heavy use by both local residents and visitors to the Monterey Peninsula. The potential for incremental increase of this facility (as well as local parks) by hotel visitors is not anticipated to result in acute, accelerated or substantial physical deterioration that is predictable or foreseeable. As a result, impacts would be less-than-significant.

### 16.5.4 Cumulative Impact Analysis

The geographic area for the analysis of cumulative public service and recreation impacts is the service area of each provider. Contributors to cumulative effects are the list of projects identified in Chapter 4 discussed below.

**Impact PSR-4:** The project would not significantly contribute to cumulatively considerable public services and recreation impacts. This is a **less than significant impact** of the project.

New development and redevelopment projects could result in incremental increases in demand on public services and recreation facilities in Pacific Grove over time. The project, together with the identified list of cumulative projects (Hotel Durrell, the Holman Building residential project, former Goodies Deli site mixed use project at 520/522 Lighthouse Avenue, Ocean View Plaza in the City of

Monterey and the Monterey Bay Aquarium's Bechtel Education Center at Cannery Row and Hoffman Avenue), could incrementally increase demand for public services and recreation facilities.

While the combination of past projects, concurrent projects, and probable future projects could increase demand upon public services and recreation, payment of development impact fees on a project by project basis serve to mitigate the cumulative effects of development over time. The project's contribution to existing fee requirements will effectively serve to mitigate the project's contribution, should new facilities need to be constructed in the future.

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## 17 Transportation & Circulation

### 17.1 Introduction

This section describes predicted effects and/or changes to the local transportation and circulation system that could be caused from implementation of the proposed project. As described in Section 17.2 below, the analysis follows the most recent guidance provided by the California Environmental Quality Act (CEQA) Guidelines pertaining the assessment of transportation impacts. Information used to prepare this section came from the following resources:

- City of Pacific Grove, *Pacific Grove General Plan – Transportation Element*, 1994
- City of Pacific Grove, *Local Coastal Program – Land Use Plan and Implementation Plan*, 2020
- City of Monterey General Plan
- AMBAG Regional Transportation Demand Model
- Project application and related materials (including draft Transportation Demand Management program)
- Kimley-Horn Associates ([Appendix L: Transportation Modelling Data & Analysis](#))
- Governor’s Office of Planning and Research – Technical Advisory on Evaluation of Transportation Impacts in CEQA (2018)

This chapter includes a description of existing traffic conditions in the surrounding area, estimated project trip generation and distribution, future traffic growth, and an assessment of operational deficiencies on the roadway system. Based on current CEQA requirements, the assessment of vehicle miles traveled (VMT) is used as the basis of impact assessment (described further below). Where necessary, circulation system improvements and Transportation Demand Management (TDM) strategies have been identified to address localized congestion-related operations at the study locations.

#### 17.1.1 Project Overview

The project site is approximately 5.59 acres and is primarily at 109/125 Ocean View Boulevard. The site (and study intersections) are shown in [Figure 17-1: Study Intersection Locations](#). The project site is bounded by Central Avenue to the southwest, Dewey Avenue to the northwest, Ocean View Boulevard to the northeast, and Eardley Avenue to the southeast. The property is one-block northeast of and one-half block from the jurisdictional boundary with the City of Monterey. The property fronts Ocean View Boulevard directly across from Stanford University’s Hopkins Marine Station, Monterey Bay Aquarium, and Cannery Row. The project site plan (with vehicular circulation patterns) is shown in [Figure 17-2: Site Plan and Vehicular Circulation](#).

The proposed project would consist of the removal of the existing 165,000 square feet of “factory outlet” commercial and related uses, and construction of a 225-room hotel, with a restaurant and lounges, meeting and gathering spaces, spa and fitness center and approximately 20,000 square feet of street retail uses along the Ocean View Boulevard frontage.

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






Source: Kimley-Horn, 2020

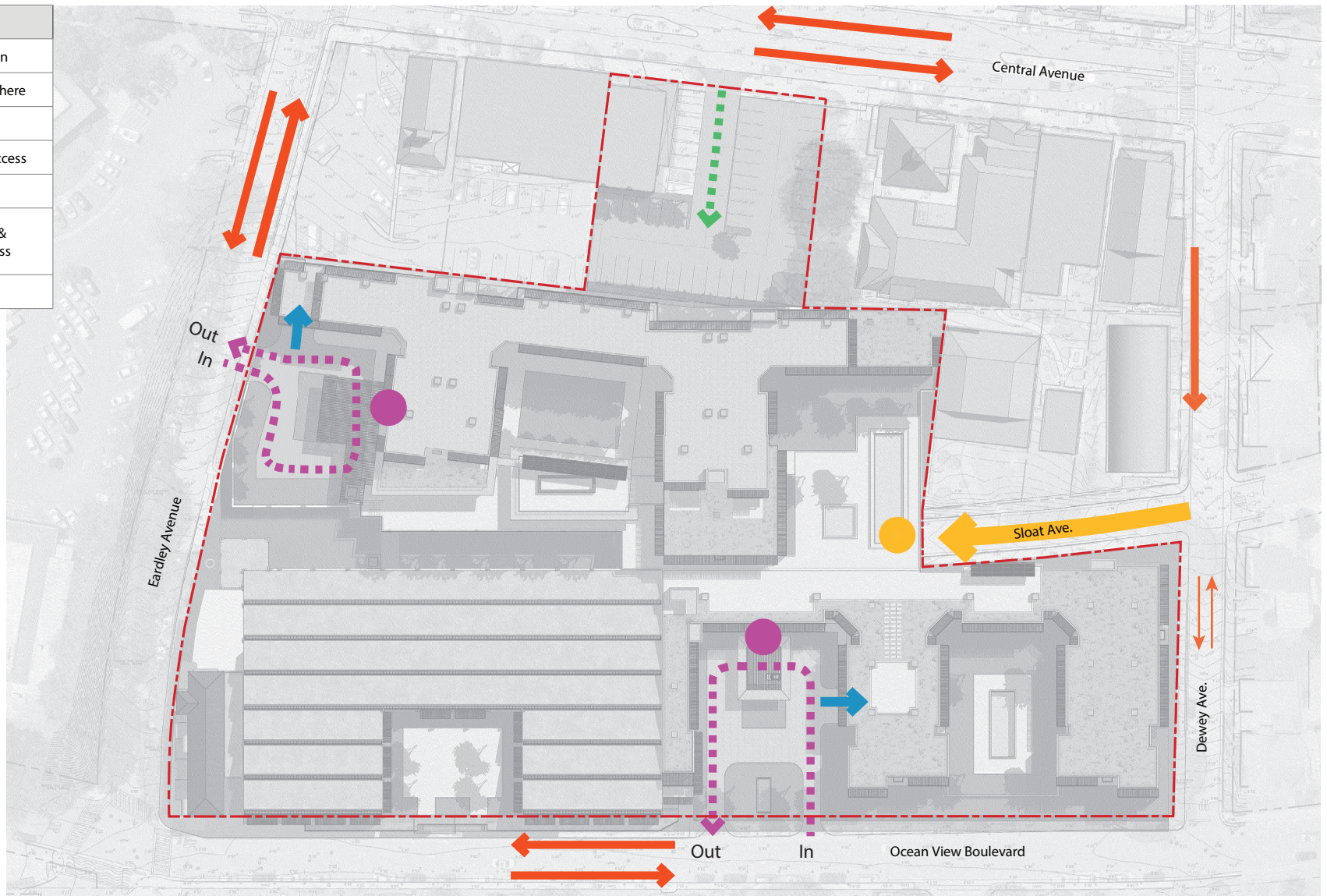
### Figure 17-1: Study Intersection Locations

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LEGEND	
	Street Circulation
	Hotel Porte Cochere
	Hotel Arrival
	Valet Parking Access
	Garage Access
	Service Vehicle & Employee Access
	Loading Dock



Source: CCS Pacific Grove Manager, LLC.

## Figure 17-2: Site Plan and Vehicular Circulation

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Not to scale

**Kimley»Horn**  
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Vehicle access for the project site would consist of four driveways: one on Ocean View Boulevard, one on Eardley Avenue, one on Central Avenue (for valet parking) and one on Dewey Avenue (for deliveries). The Ocean View Boulevard and Eardley Avenue driveways are the primary hotel entrances. All entrances to the site would be unsignalized.

### 17.1.2 Scope of the Transportation Evaluation and New CEQA Requirements

In 2018, the California state legislature, in approving Senate Bill (SB) 743, directed the Office of Planning and Research to develop guidelines for assessing transportation impacts based on vehicle miles traveled, or VMT. In response to SB 743, CEQA and its implementing guidelines (CEQA Guidelines) were significantly amended regarding the methods by which lead agencies are to evaluate a project's transportation impacts. As described in CEQA Guidelines Section 15064.3(a):

*Generally, vehicle miles travelled is the most appropriate measure of transportation impacts. For the purposes of this section, "vehicle miles traveled" refers to the amount and distance of automobile travel attributable to a project. Other relevant considerations may include the effects of the project on transit and non-motorized travel. Except as provided in subdivision (b)(2) below (regarding roadway capacity), a project's effect on automobile delay shall not constitute a significant environmental impact.*

This section of the Guidelines continues to set forth the criteria for analyzing transportation impacts, acknowledging that lead agencies will need to adjust to these new requirements and providing ample flexibility about how such an analysis would be conducted. As of this writing, land use agencies across California are working to develop their own "thresholds" for measuring VMT in order to comply with these changes in CEQA. Currently, the City is studying their own thresholds, but none have been adopted.

Regardless of having adopted thresholds, the requirement is in place now, and all land use agencies must apply the "VMT analysis methodology" by July 1, 2020. In fact, a December 2019 court of appeal decision (*Citizens for Positive Growth & Preservation v. City of Sacramento*), ruled that automobile delay (as measured solely by roadway capacity or traffic congestion using the traditional Level of Service or LOS methodology) cannot constitute a significant environmental impact under CEQA. Moreover, this decision applied to an EIR that was certified in 2015. With this decision, the courts were clear: congestion-based LOS analysis is no longer the recognized standard of review (except for informational and disclosure purposes), and lead agencies need to now adopt new thresholds and evaluate changes in VMT as caused by a project. Over the past year, lead agencies preparing CEQA documents have been in a transitional period as they begin to implement the new VMT analysis requirements.

The reason for these changes, in short, is to acknowledge that traditional operational or engineering solutions to traffic congestion that focus on accommodating the automobile – such as roadway widening – lead to unintended consequences. Inefficient land use, more vehicle miles traveled, exacerbated air pollutant and greenhouse gas emissions and secondary effects of constructing roadway projects are part of the rationale behind SB 743. The State has therefore taken a bold step to pivot away from automobile-centered land planning, and to promote planning decisions and other trip reduction measures intended to reduce reliance on individual automobile trips in the course of daily living.

Understanding how the local roadway network functions from an engineering standpoint is still critical to local land use agencies to monitor traffic flow, identify safety issues, establish fees and manage congestion. However, for the purposes of evaluating environmental impacts under CEQA, the new regulations have removed congestion from the range of required subjects analyzed within CEQA documents. In a similar way, and for different reasons, parking requirements were removed from the CEQA Guidelines several years ago.

Although this chapter of the EIR contains a VMT analysis and has been prepared based on these new requirements, additional information regarding the project's trip generation and predicted trip distribution on the roadway network is provided as well. However, this analysis is provided for informational purposes only, as additional delay – to an intersection or roadway segment – can no longer be considered a significant impact under CEQA.

## 17.2 Scoping Issues Addressed

During the Notice of Preparation (NOP) and EIR scoping processing, several comments were raised by the public regarding the project's potential traffic and circulation impacts. Specific concerns included increased traffic on Central Avenue and the local roadway network, changes to available parking inventory, movement and increase in oversize vehicles, deliveries, roadway capacity and general congestion, employee traffic and parking patterns, alternative transportation options, and cumulative impacts. These issues are addressed consistent with existing CEQA requirements and to the extent that they may cause physical environmental effects. Related issues, such as parking requirements and design standards, are a function of plan review and compliance with the City Municipal Code.

## 17.3 Environmental Setting

### 17.3.1 Existing Roadway Network

Regional access to the project site is provided from CA 68 and CA 1. Local access from these highways to the project site is primarily along Del Monte Avenue and Lighthouse Avenue coming in from the City of Monterey, and directly into Pacific Grove via CA 68. Major roadways in the vicinity of the project site are Lighthouse Avenue and David Avenue. The project site is bordered by Ocean View Boulevard, Eardley Avenue, Sloat Avenue, and Dewey Avenue. An overview of the existing roadway system is provided below.

#### City Streets

**Lighthouse Avenue / Hawthorne Street** is a northwest-southeast divided roadway northwest of David Avenue and an undivided roadway southeast of David Avenue with one (1) lane in each direction. The posted speed limit is 25 mph, and on-street parking is available on both sides. Lighthouse Avenue is classified as an Arterial Street in the City of Pacific Grove Circulation Plan.

**Central Avenue / Lighthouse Avenue** is a northwest-southwest roadway with one (1) lane in each direction northwest of Irving Avenue and two (2) lanes in each direction southwest of Irving Avenue. The posted speed limit is 25 mph, and on-street parking is available on both sides. Central Avenue is classified as an Arterial Street in the City of Pacific Grove Circulation Plan.

**Ocean View Boulevard** is a northwest-southeast roadway with one (1) lane in each direction, running parallel to the ocean around Point Pinos from David Avenue to Asilomar. South of David Avenue, the roadway becomes Wave Street in the City of Monterey.

The posted speed limit is 25 mph and on-street parking is available on both sides between David Avenue and Eardley Avenue. On-street parking is available on the northeast side of Ocean View Boulevard for approximately half of the segment between Eardley Avenue and Dewey Avenue, with parking on both sides for the southeastern half of this segment. Additional parking is available on the southwest side between Dewey Avenue and 2<sup>nd</sup> Street, and both sides north of 2<sup>nd</sup> Street. Ocean View Boulevard is classified as a Scenic Drive in the City of Pacific Grove Circulation Plan.

**Eardley Avenue** is an east-west roadway with one (1) lane in each direction. The posted speed limit is 25 mph, and on-street parking is permitted on both sides. Eardley Avenue is classified as a Collector Street in the City of Pacific Grove Circulation Plan.

**Sloat Avenue** is a one-way roadway with one (1) lane going south, with on-street parking permitted on both sides between 1<sup>st</sup> Street and Dewey Avenue, and on the west side between Dewey Avenue and Eardley Avenue. There is no posted speed limit, and Sloat Avenue is also not classified in the City of Pacific Grove Circulation Plan.

**Dewey Avenue** is an east-west roadway with one (1) lane in each direction and is only one-way going east between Central Avenue and Sloat Avenue. There is no posted speed limit, and on-street parking is permitted on both sides between Evans Avenue and Sloat Avenue, and on the south side between Sloat Avenue and Ocean View Boulevard. Dewey Avenue is not classified in the City of Pacific Grove Circulation Plan.

### **17.3.2 Pedestrian Facilities**

Existing pedestrian facilities in the immediate project area include the Monterey Bay Coastal Trail (Coastal Recreational Trail) and sidewalks around the perimeter of the project site. The crosswalks at Eardley Avenue and Ocean View Boulevard experience high pedestrian volumes due to their location near the Monterey Bay Aquarium.

### **17.3.3 Bicycle Facilities**

Bicycle facilities are divided into three classes. Class I bike paths are physically separated from motor vehicle lanes and offer two-way bicycle travel. Class II bike lanes on roadways are marked by signage and pavement striping. Class III bike routes share the travel lane with motor vehicles and only have signs to guide bicyclists on recommended routes.

Within the project area, the Class I bike path on the multi-use Coastal Recreational Trail runs adjacent and parallel to Ocean View Boulevard. The Coastal Recreational Trail allows recreational bicycling between Eardley Avenue and Lover's Point, with signs limiting speeds to 12 mph. Ocean View Boulevard itself is a Class III bike route.

### **17.3.4 Transit Facilities**

Transit service to the project area is provided by Monterey-Salinas Transit (MST), which serves the City of Monterey and surrounding cities. The MST bus stops closest to the project site are located at the

intersections of David Avenue at Wave Street, David Avenue at Hawthorne Street, Lighthouse Avenue at Eardley Avenue, and Lighthouse Avenue at 1<sup>st</sup> Street.

The following bus routes serve the project area:

- Monterey Trolley
- Route 1: Asilomar – Monterey
- Route 2: Pacific Grove – Camel
- Route 21: Pebble Beach – Salinas Express
- Route JAZZ A: Aquarium – Sand City via Hilby
- Route JAZZ B: Aquarium – Sand City via Broadway

### **17.3.5 Study Intersections**

The study intersections are those through which the majority of the project-generated traffic would traverse, and where potential traffic constraints would be most likely to occur.

As shown in **Figure 17-1**, the following intersections were analyzed as part of the traffic analysis:

#### **Pacific Grove Intersections**

1. Ocean View Boulevard at Eardley Avenue (Unsignalized)
2. Ocean View Boulevard at Dewey Avenue (Unsignalized)
3. Ocean View Boulevard at 1<sup>st</sup> Street (Unsignalized)
4. Central Avenue at 1<sup>st</sup> Street (Unsignalized)
5. Central Avenue at Dewey Avenue (Unsignalized)
6. Central Avenue at Eardley Avenue (Unsignalized)
7. Eardley Avenue at Lighthouse Avenue (Unsignalized)
8. Sloat Avenue at Dewey Avenue (Unsignalized)
9. Eardley Avenue at Sloat Avenue (Unsignalized)

#### **Caltrans Intersections**

10. David Avenue at Forest Avenue (SR 68) (Signalized)

#### **Monterey Intersections**

11. Wave Street/Ocean View Boulevard at David Avenue (Unsignalized)
12. Foam Street at David Avenue (Signalized)
13. Lighthouse Avenue/Central Avenue at David Avenue (Signalized)
14. Hawthorne Street at David Avenue (Signalized)
15. Del Monte Avenue at Washington Street and Lighthouse Avenue (Signalized)

Existing lane configuration and traffic controls at the study intersections are shown on **Figure 17-3: Existing (2020) Lane Use and Traffic Control Devices**.

### **17.3.6 Existing Conditions**

Existing conditions lane geometry for the study intersections are shown in **Figure 17-3**. Existing conditions traffic volumes at these intersections are shown in **Figure 17-4: Existing (2020) Turning Movement Volumes**. Traffic counts were collected Wednesday, November 20, 2019. This was

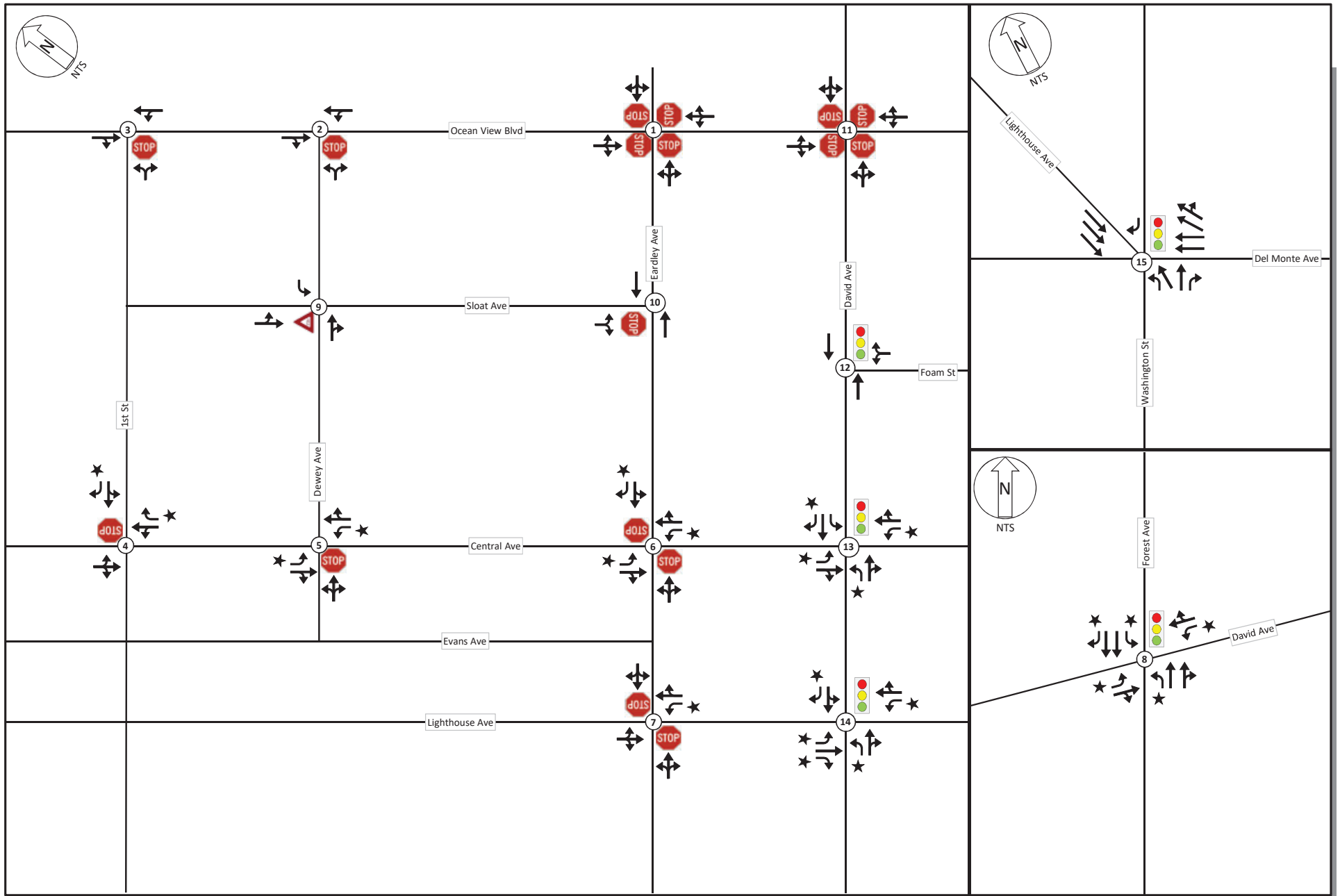
considered a “typical” day appropriate for counts pursuant to Caltrans methodology and industry standards. It should be noted that count data at the intersection of Del Monte Avenue at Washington Street / Lighthouse Avenue reflected congestion that was over capacity. For this reason, the volumes in the analysis only represent actual throughput volume (number of vehicles), and not the true operational demand (congestion) at the intersection. To address this issue (and to provide a more conservative analysis) this study researched historic counts from the City of Monterey Citywide Traffic and Parking Study. This recent study represents more accurate demand volume for this intersection to better represent the current conditions.

The Highway Capacity Manual (HCM) Analysis indicates LOS C at the Del Monte/Washington/Lighthouse intersection based on count data; however, the utilization of lanes (Intersection Capacity Utilization, or ICU method) indicates the intersection operates at LOS E, which corresponds with the oversaturated traffic conditions at this location. For analysis purposes, the intersection is conservatively assumed to operate at LOS E.

As shown in [Table 17-1: Existing Transportation Delay and LOS](#), all study intersections currently operate at acceptable levels of service under the Existing Conditions during the weekday AM and PM peak hours, except for the Del Monte/Washington/Lighthouse intersection. Copies of the intersection analysis worksheets are provided in [Appendix L](#).



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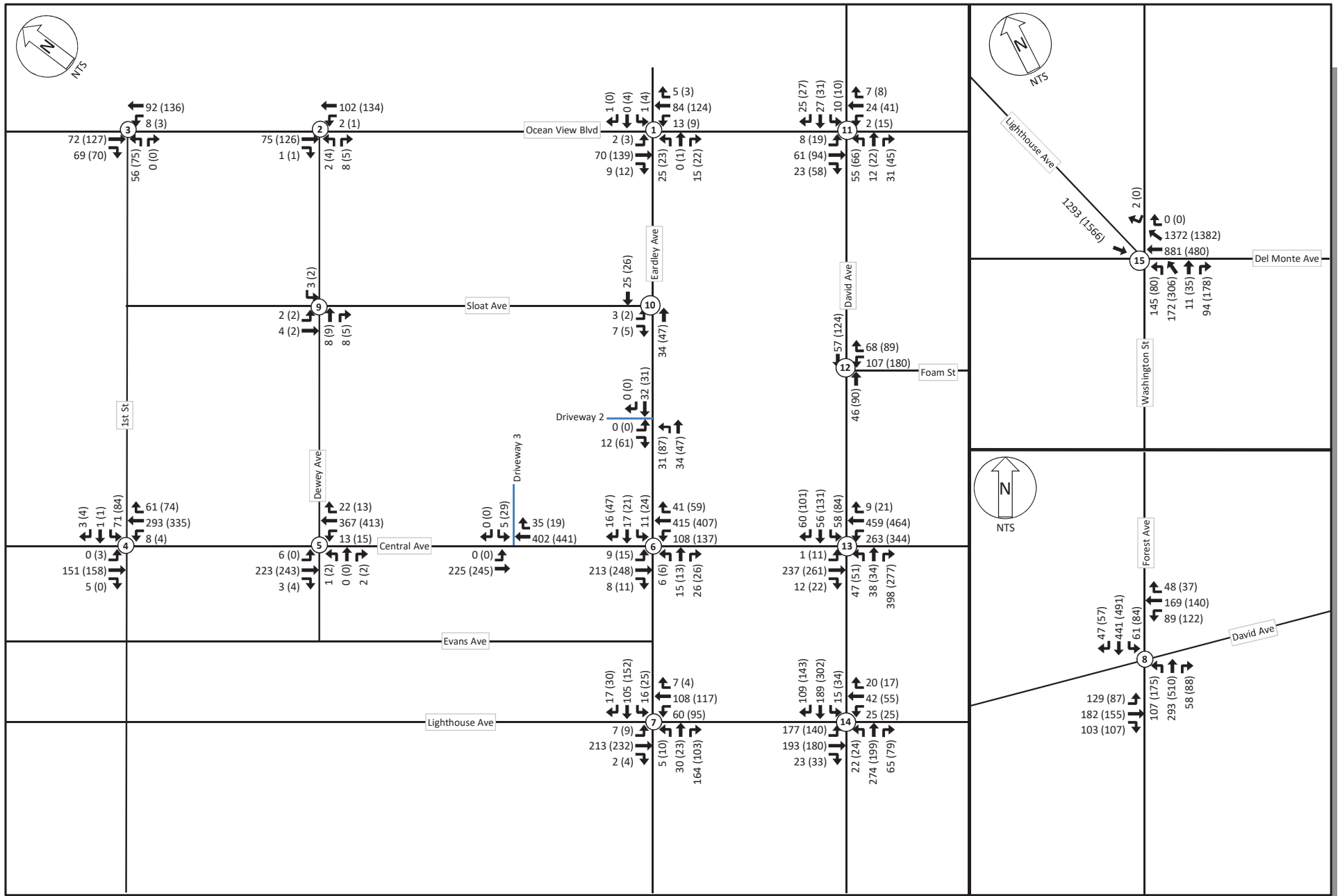


Source: Kimley-Horn, 2020

**Figure 17-3: Existing (2020) Lane Use and Traffic Control Devices**

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Source: Kimley-Horn, 2020

**Figure 17-4: Existing (2020) Turning Movement Volumes**

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Table 17-1: Existing Transportation Delay and LOS

IntersectionJurisdictionControlled Approach				Existing			
				AM Peak Hour		PM Peak Hour	
				Delay <sup>1</sup>	LOS	Delay <sup>1</sup>	LOS
Unsignalized Intersections							
1	Ocean View Boulevard at Eardley Avenue	Pacific Grove	Overall AWSC	7.9	A	8.1	A
			Worst Approach	9.1	A	8.2	A
2	Ocean View Boulevard at Dewey Avenue	Pacific Grove	Overall TWSC	0.5	A	0.4	A
			Worst Approach	9.3	A	10.0	B
3	Ocean View Boulevard at 1st St	Pacific Grove	Overall TWSC	2.3	A	2.1	A
			Worst Approach	10.9	B	11.3	B
4	Central Avenue at 1st St	Pacific Grove	Overall TWSC	1.9	A	1.9	A
			Worst Approach	13.8	B	13.8	B
5	Central Avenue at Dewey Avenue	Pacific Grove	Overall TWSC	0.3	A	0.3	A
			Worst Approach	12.2	B	13.0	B
6	Central Avenue at Eardley Avenue	Pacific Grove	Overall TWSC	3.2	A	4.5	A
			Worst Approach	22.3	C	25.6	D
7	Lighthouse Avenue at Eardley Avenue	Pacific Grove	Overall TWSC	7.2	A	8.6	A
			Worst Approach	16.3	C	20.9	C
9	Sloat Avenue at Dewey Avenue	Pacific Grove	Overall Yield Control	2.3	A	1.9	A
			Worst Approach	8.6	A	8.6	A
10	Sloat Avenue at Eardley Avenue	Pacific Grove	Overall TWSC	1.3	A	0.8	A
			Worst Approach	8.8	A	8.8	A
11	Wave St at David Avenue	Monterey	Overall AWSC	8.0	A	8.5	A
			Worst Approach	8.1	A	8.7	A
Signalized Intersections							
8	Forest Avenue at David Avenue	Caltrans	Signalized	20.4	C	22.5	C
12	Foam St at David Avenue	Monterey	Signalized	5.3	A	5.7	A
13	Central Avenue / Lighthouse Avenue at David Avenue	Monterey	Signalized	34.7	C	27.4	C
14	Lighthouse Avenue / Hawthorne St at David Avenue	Monterey	Signalized	9.6	A	9.8	A
15	Del Monte Avenue at Washington St / Lighthouse Avenue	Monterey	Signalized	21.4	C (E) <sup>2</sup>	22.1	C (E) <sup>2</sup>
<sup>1</sup> Delay is reported as HCM delay in seconds per vehicle							
<sup>2</sup> ICU Methodology indicates LOS E for this intersection							

## 17.4 Transportation Analysis Methodology

### 17.4.1 Vehicle Miles Travelled (VMT)

With the passage of SB 743, VMT has become an important indicator for determining if a new development would result in a “significant transportation impact”. Although, jurisdictions (lead



agencies) have until July 1, 2020 to adopt VMT thresholds of significance and fully implement the requirements of SB 743, it is increasingly becoming a best practice to provide this information to clarify a development's potential impact even if a jurisdiction has yet to fully implement the act.

Travel Demand Models (TDMs) are broadly considered to be among the most accurate of available tools to assess VMT. The Association of Monterey Bay Area Governments Regional Travel Demand Model (AMBAG) was determined to be the best fit for the analysis of this project considering the geographic location of the project and the detailed roadway network in the model for the Monterey Bay region. The 2015 Base Year version of the AMBAG TDM was used to analyze the Existing plus Project scenario. The AMBAG TDM includes Monterey, San Benito and Santa Cruz counties, which are assumed to be the major contributors of the trip origins to the proposed project during a typical weekday.

A separate Traffic Analysis Zone, or TAZ, was added to the AMBAG TDM to reflect the proposed project and to allow the model to track trips to and from the proposed hotel separately from the surrounding land uses. The AMBAG TDM calculates trips for each zone by various trip purposes and market sectors in the model. For this project, the model evaluated trips conducted for employment, visitors, shopping, hotel and commercial uses consistent with the project description.

Separating the proposed project in its own TAZ and completing the model run allowed the model to inform the trip distribution of the separate traffic analysis and more easily calculate the number of trips produced by the proposed project for each trip purpose and appropriate market sector. In addition, as a part of the model run, the distance from the proposed project to every other TAZ in the model was also calculated. These two calculations were then used to determine the project's VMT and the effect of the proposed project on the region.

#### **17.4.2 Level of Service and Traffic Operations**

Traffic conditions have traditionally been measured by average daily traffic (ADT), peak hour traffic volumes, LOS, average delay, and volume to capacity (V/C) ratio. Average daily traffic is the total number of cars passing over a segment of the roadway, in both directions, on an average day. Peak hour volumes are the total number of cars passing over a roadway segment during the peak hour in the morning (AM) or afternoon/evening (PM). Based on traffic counts, the weekday AM peak generally occurs between 8:00 am and 9:00 am. The weekday PM peak generally occurs between 4:15 pm and 5:15 pm.

##### Signalized Intersections

Signalized intersections were analyzed based on the Highway Capacity Manual (HCM) 2010 method using Synchro Version 10 software. The 2010 HCM method evaluates signalized intersection operations on the basis of average control delay time for all vehicles at the intersection. Control delay is the amount of delay that is attributed to the particular traffic control device at the intersection, and includes initial deceleration delay, queue move-up time, stopped delay, and final acceleration delay.

Per the City of Pacific Grove General Plan, the LOS standard for signalized intersections is LOS D or better.

Unsignalized Intersections

LOS at unsignalized intersections is based on the Highway Capacity Manual (HCM) 2010 method using Synchro Version 10 software. This method is applicable for both two-way and all-way stop-controlled intersections. For two-way stop-controlled intersections, delay is calculated for each stop-controlled movement and for the uncontrolled left turns, if any, from the main street. For two-way stop-controlled intersections, the overall average delay and LOS are reported, as are the delay and LOS for the worst intersection movement. For all-way stop controlled intersections, the overall intersection average delay and LOS are reported.

Per the City of Pacific Grove General Plan, the LOS standard for unsignalized intersections is LOS D or better.

Table 17-2: *Signalized and Unsignalized Intersection LOS Criteria* summarizes the relationship between the control delay and LOS for signalized and unsignalized intersections.

**Table 17-2: Signalized and Unsignalized Intersection LOS Criteria**

Level of Service	Description	Average Control Delay (Seconds per Vehicle) for Signalized Intersections	Average Control Delay (Seconds Per Vehicle) for Unsignalized Intersections
<b>A</b>	Operations with very low delay occurring with favorable traffic signal progression and/or short cycle lengths.	≤ 10.0	≤ 10.0
<b>B</b>	Operations with low delay occurring with good progression and/or short cycle lengths.	> 10.0 to 20.0	> 10.0 to 15.0
<b>C</b>	Operations with average delays resulting from fair progression and/or longer cycle lengths. Individual cycle failures begin to appear.	> 20.0 to 35.0	> 15.0 to 25.0
<b>D</b>	Operations with longer delays due to a combination of unfavorable progression, long cycle lengths, or high volume-to-capacity (V/C) ratios. Many vehicles stop and individual cycle failures are noticeable.	> 35.0 to 55.0	> 25.0 to 35.0
<b>E</b>	Operations with high delay values indicating poor progression, long cycle lengths, and high V/C ratios. Individual cycle failures are frequent occurrences. This is considered to be the limit of acceptable delay.	> 55.0 to 80.0	> 35.0 to 50.0
<b>F</b>	Operations with delays unacceptable to most drivers occurring due to over-saturation, poor progression, or very long cycle lengths.	> 80.0	> 50.0

Source: *Highway Capacity Manual*, Transportation Research Board, 2010

**Study Conditions for Operations**

This traffic analysis evaluates potential project effects under the following traffic conditions:

1. Existing Conditions: Existing peak-hour traffic volumes on the existing roadway network. Existing traffic volumes were obtained from current AM and PM peak hour traffic counts taken in November 2019.
2. Existing + Project Conditions: Projected peak hour traffic volumes are estimated by adding traffic generated by the project to existing traffic volumes. The net difference between existing and project traffic volumes are identified.
3. Future Growth/Cumulative Conditions: This scenario is discussed qualitatively due to very low projected land use/population growth in both the City of Pacific Grove and City of Monterey, based on AMBAG Travel Demand Model forecasts.

## 17.5 Applicable Regulations, Plans, and Standards

### 17.5.1 Federal

#### Americans with Disabilities Act

The Americans with Disabilities Act (ADA) of 1990 prohibits discrimination toward people with disabilities and guarantees that they have equal opportunities as the rest of society to become employed, purchase goods and services, and participate in government programs and services. The ADA includes requirements pertaining to transportation infrastructure. The Department of Justice's revised regulations for Titles II and III of the ADA, known as the 2010 ADA Standards for Accessible Designs, set minimum requirements for newly designed and constructed or altered State and local government facilities, public accommodations, and commercial facilities to be readily accessible to and usable by individuals with disabilities. These standards apply to accessible walking routes, curb ramps, and other facilities.

### 17.5.2 State

#### California Complete Streets Act of 2008

This act requires that the circulation elements of local general plans accommodate a balanced, multimodal transportation network that meets the needs of all users of streets, roads, and highways in a manner that is suitable to the rural, suburban, or urban context of the jurisdiction. Users are defined to include motorists, pedestrians, bicyclists, children, persons with disabilities, seniors, movers of commercial goods, and riders of public transportation.

#### California Transportation Development Act

The Mills-Alquist-Deddeh Act (SB 325) (also known as the Transportation Development Act [TDA]) was enacted in 1971 to improve public transportation services and encourage regional transportation coordination. This law provides funding to be allocated to transit- and non-transit-related purposes that comply with regional transportation plans. The TDA provides two funding sources: 1) the Local Transportation Fund (LTF), which is derived from a ¼ cent of the general sales tax collected statewide, and 2) the State Transit Assistance fund (STA), which is derived from the statewide sales tax on diesel fuel.

## California Environmental Quality

The Steinberg Act (SB 743) (also known as the Environmental Act) was enacted in 2013 to shift the focus of transportation analysis from driver delay to reducing greenhouse gas emissions, creating multimodal networks, and promoting mixed land uses. SB 743 requires the Governor's Office of Planning and Research (OPR) to amend the CEQA Guidelines to provide alternative LOS metrics for transportation impact evaluations. The alternative criteria must encourage greenhouse gas emissions reductions, support the development of multimodal transportation networks, and promote a diversity of land uses.

### 17.5.3 Local

#### City of Pacific Grove General Plan

The Pacific Grove General Plan Transportation Element supports the present pattern of traffic circulation. Project-relevant general plan policies for Transportation are identified in this section. Where inconsistencies exist, if any, they are addressed in the respective impact analysis below. Relevant General Plan Policies that directly address reducing and avoiding transportation impacts include the following:

**Goal 1:** Create and maintain a road network that will provide for the safe and efficient movement of people and goods throughout the city consistent with the goals of the City and the protection of the environment.

**Goal 2:** Protect residential areas from high-volume, high-speed traffic and its impacts.

- **Policy 1:** Adopt standards for street design and access that provide safe and efficient movement of goods and people consistent with environmental capacity.
- **Policy 2:** Strive to maintain a level of service no worse than C during peak periods on arterial and collector streets within the city. Accept level of service D during weekday peak-periods at intersections that in 1994 are close to or at the limit of the LOS D on arterial routes outside the Downtown area.

**Goal 3:** Communicate and cooperate with adjacent jurisdictions, the County, the State, and federal agencies concerning all transportation-related issues.

- **Policy 6:** Work with other cities, the County, and the State to improve safety, to ensure adequate overall traffic capacity, to reduce congestion, and to minimize the circuitry and length of trips.

**Goal 4:** Limit the increase in auto use through Transportation System Management (TSM). Increase transit ridership, carpooling, vanpooling, walking, and bicycling.

- **Policy 7:** Limit the increase of Vehicle Miles Traveled (VMT) in accordance with Air Quality Management Plan goals.
- **Policy 8:** Maximize the efficiency of the street system through low-cost physical improvements.
- **Policy 9:** Encourage visitor use of public transit, private tour buses, bicycling, or walking.
- **Policy 10:** Encourage design for new and expanded development that facilitates access by transit, walking, bicycling, and carpools.

**Goal 5:** Ensure provisions of adequate on- and off-street parking.

- Policy 11: With the exception of properties in the former Downtown Parking District, require new development to provide adequate off-street parking.
- Policy 12: Consider establishing new parking districts in the Downtown and Central-Eardley commercial areas.
- Policy 13: Require commercial or professional office developments involving expansions, remodeling, or changes in use to provide off-street parking when on-street parking would cause problems of safety or parking congestion.
- Policy 14: Require off-street parking for new residential developments, and for additions that increase the parking demand.
- Policy 18: Provide public parking spaces for persons with disabilities.
- Policy 19: If future growth in traffic volumes requires removing on-street parking places to provide additional traffic lanes, ensure that the spaces are replaced with an equal number of off-street spaces in the same vicinity, when feasible.

**Goal 6:** Promote and maintain public and private rail and transit systems responsive to the needs of all Pacific Grove residents.

- Policy 21: Work to assure that Monterey-Salinas Transit (MST) bus service responds to local needs.
- Policy 22: Encourage privately-owned transit systems—such as taxis, private bus companies, and para-transit services— to provide convenient transfers to and from public transit.
- Policy 23: Work with the Monterey Peninsula Airport District and Monterey-Salinas Transit to support increased public transit services to the airport for visitors and residents.

**Goal 7:** Promote pedestrian and bicycle travel as alternatives to automobile use.

- Policy 25: Create and maintain a safe and convenient system of pedestrian and bicycle pathways throughout the City.
- Policy 26: Continue efforts to improve safety and reduce conflicts among various users of the Monterey Peninsula Recreation Trail.
- Policy 28: Separate bikeways from vehicle traffic to the maximum extent possible.
- Policy 30: Require bicycle parking facilities at all new major public facilities, business and employment sites, shopping centers, and popular visitor destinations.

### City of Pacific Grove Local Coastal Program

No major road improvements in the Coastal Zone are proposed at this time, but improvements to facilitate bicycle and pedestrian movements are envisioned to encourage non-motorized access.

The City's recently certified 2020 Local Coastal Program (LCP) contains a series of policies specifically tailored to transportation within the in Coastal Zone. Specifically, Policy INF-14 encourages "complete streets" for all modes of transportation; Policy INF-16 requires construction phase traffic control plans for new development where warranted; INF-17 seeks to increase transit service; INF-19 requires provision of bicycle racks; and INF-22 requires new development to provide adequate off-street parking to minimize the disruption of significant coastal access routes.

## 17.6 Environmental Impacts and Mitigation Measures

### 17.6.1 Significance Criteria

#### CEQA Criteria

The following significance criteria for transportation and circulation were derived from the most recent Environmental Checklist in CEQA Guidelines Appendix G. These significance criteria have been amended or supplemented, as appropriate, to address lead agency requirements and the full range of potential effects related to this project.

An impact of the project would be considered significant and would require mitigation if it would meet one or more of the following criteria.

- Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities.
- Conflict with or be inconsistent with CEQA Guidelines section 15064.3 (regarding Vehicle Miles Travelled).
- Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).
- Result in inadequate emergency access.

#### City of Pacific Grove LOS Criteria

As noted above, Goal 2, Policy 2 of the Pacific Grove General Plan Transportation Element strives to maintain a LOS no worse than LOS C during peak periods on arterials and collector streets within the city, and LOS D at intersections that are close to or at LOS D on arterial routes outside of the Downtown area. The intersection of Central Avenue and Eardley Avenue is the only location that experiences a peak hour LOS D, and that is only in the PM peak at the worst approach.

#### City of Monterey Operational Criteria

The City of Monterey Circulation Element's policies and programs are intended to reduce the overall duration and frequency of traffic congestion and parking shortages without relying on expansive infrastructure projects. Instead, the focus is on developing alternative modes of transportation to reduce auto use but also identifying long term roadway solutions along the principal arterial streets. Specifically, Monterey on the Move strives to implement the following Circulation Element Goals:

- Improve transportation and parking systems by managing them more effectively before investing in costly roadway and parking expansion projects.
- Provide a safe, efficient, well-maintained, and environmentally sound roadway system that supports the "complete streets" concept of equality of choice among all modes of transportation.
- Promote a pedestrian/bicycle-friendly environment where public spaces, streets, and off-street paths offer a level of convenience, safety, and attractiveness that encourage and reward the use of alternative modes of transportation.



- Provide an attractive and convenient transit service for Monterey citizens, especially those in the community who cannot or choose not to own a private automobile.
- Measure the effectiveness of the transportation system and its ability to safely and effectively move people and goods, not simply vehicles.

The City of Monterey operational standard varies by type and classification of roadways. The LOS standard is D for roadways that do not provide alternative modes of transportation. The LOS standard is E and F for roadways that do provide alternative modes of transportation. City of Monterey LOS standards are shown in Table 17-3: City of Monterey Level of Service Criteria and Table 17-4: City of Monterey Level of Service Standards for Specific Roadway Segments below.

**Table 17-3: City of Monterey Level of Service Criteria**

Roadway Segment	Roadway has a Class I/II bike route connecting to the Coastal Recreational Trail	Road has transit service with headway of less than 20 minutes and operated year-round during the AM/PM peak hours.	LOS Standard
Auto Corridor	No	No	D
Bicycle Corridor	Yes	No	E
Transit Corridor	No	Yes	E
Multimodal Corridor	Yes	Yes	F-2*

Note:

\*F-2 denoted that LOS F conditions are not exceeded two consecutive hours at any time during the day under typical weekday conditions. Based on the above table, the following segment LOS standards would apply to the analysis in this study.

**Table 17-4: City of Monterey Level of Service Standards for Specific Roadway Segments**

Roadway Segment Number	Roadway Segment	LOS Standard
1	Abrego Street	D
2	Airport Road	D
3	Camino Aguajito	D
4	Camino El Estero	D
5	Casa Verde Road	D
6	David Avenue	D
7	Del Monte Avenue	D
8	El Dorado Street	D
9	Foam Street	D
10	Franklin Avenue	D
11	Garden Road	D
12	General Jim Moore	D

Roadway Segment Number	Roadway Segment	LOS Standard
13	Hawthorne Street	D
14	Hawthorne Street	D
15	Highway 1	C
16	Highway 218	C
17	Highway 68	C
18	Josselyn Canyon Road	D
19	Lighthouse Avenue	D
20	Mar Vista Drive	D
21	Mark Thomas Drive	D
22	Munras Avenue	D
23	North Fremont Street	E
24	Olmstead Road	C
25	Pacific Street	D
26	Pearl Street	D
27	Pine Avenue	D
28	Prescott Avenue	D
29	Ragsdale Drive	C

### 17.6.2 Summary of No and/or Beneficial Impacts

Not applicable. The project could potentially affect local traffic conditions with construction and operation, and therefore necessitates an evaluation of VMT.

### 17.6.3 Impacts of the Proposed Project

**Impact TRA-1:** The project is fundamentally consistent with the programs, plans, ordinances and policies of the cities of Pacific Grove and Monterey regarding transit, roadway, bicycle and pedestrian facilities. This is a **less than significant impact**.

#### Construction

Construction activities and their temporary effects are expected to occur with the project. Projects in Pacific Grove are required to comply with the municipal code and typically require a construction management plan consistent with industry standards to be approved by the City as a condition of project approval.

Based on the modeling conducted for the Air Quality analysis in Chapter 6, demolition of existing structures and off-haul of excavated material could result in over 5,800 haul trips over an estimated 45-day period, or about 130 haul trips per day. A longer demolition/grading phase would result in fewer daily trips over a longer period. Haul trips would follow established truck routes, exiting the site and traveling David Avenue to Highway 68 to the Marina Landfill. Hauling of material would be a noticeable condition to local residents and businesses along the route but would not be inconsistent with existing plans, programs and ordinances. Compliance with existing requirements regarding construction activity (encroachment, established routes, hours of operation, detours, flag controls, safety zones, etc.) will result in less than significant impacts for this temporary condition.

## Operation

As identified in the introduction to this chapter, vehicle miles travelled (VMT) is the current standard for evaluating transportation impacts under CEQA. However, it is understood that local land uses agencies such as the City of Pacific Grove and City of Monterey continue to recognize Levels of Service (LOS) within their respective plans, programs, ordinances and policies as they transition to VMT thresholds.

For this reason, this chapter includes a LOS-based operational analysis to better understand existing intersection conditions, areas of congestion, and changes that could occur with project implementation. The purpose of this analysis is to provide additional information and identify any specific constraints or specific improvements at key locations on the local roadway network near the project site. Based on the analysis below, the project would not significantly constrict, obstruct or conflict with existing transportation facilities; therefore, the project would be consistent with related transportation plans, policies and ordinances.

## Trip Generation Estimates

Trip generation estimates were prepared for weekday traffic conditions (worst case). In determining project trip generation, the magnitude of traffic accessing and departing the project site is estimated for the AM and PM peak hours. Through empirical research, data have been collected that correlate common land uses with their propensity for producing traffic. Thus, for the most common land uses there are standard trip generation rates that can be applied to help predict the traffic increases that would result from a new development. Project trip generation was estimated by applying to the proposed size and uses of the development the appropriate trip generation rates published in the *Institute of Transportation Engineers (ITE) Trip Generation Manual, 10th Edition*. Internal capture and pass-by reductions were calculated.

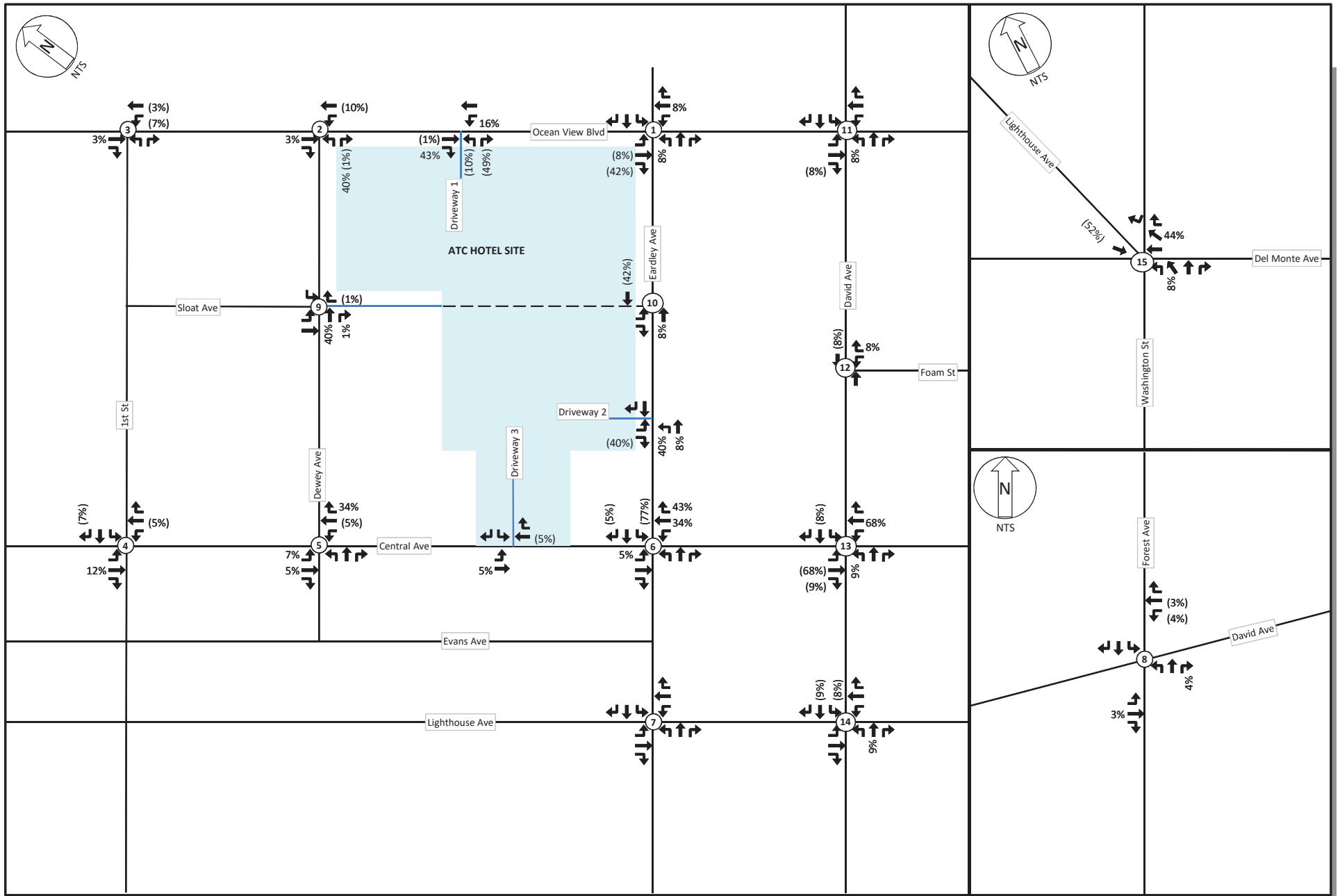
As shown in Table 17-5: **Proposed Project Trip Generation**, the proposed project would generate an estimated 4,759 daily trips, with 284 trips occurring during the AM peak hour and 352 trips occurring during the PM peak hour. As shown in Table 17-6: Existing Site Trip Generation, the existing site is estimated to have generated 4,438 daily trips, with 213 occurring during the AM peak hour and 334 trips occurring during the PM peak hour. Existing trips were based on the square footage of the existing retail uses, while factoring in occupancy/vacancy rates of the outlet center over several prior years. The net new project trips on the area road network would be 321 additional daily trips, 71 AM peak hour tips, and 18 PM peak hour trips. At the project driveways the gross project trips would turn into and out from of the driveways. For VMT analysis, the gross addition of project trips is evaluated.

### Trip Distribution and Assignment

Project trip distribution estimates the directions to and from the project trips would travel. In the project trip assignment, the project trips are assigned to specific streets and intersections. The directional distribution of project-generated traffic to and from the site was developed based on a select zone analysis from the AMBAG Travel Demand Model and knowledge of the study area. **Figure 17-5: Proposed Project Site Trip Distribution** shows the distribution of project trips throughout the study area. The peak hour trips generated by the proposed uses are assigned to the roadway system by the model at each study location.

Project trip assignments to the network are shown in **Figure 17-6: Project Generated Turning Movement Volumes**.

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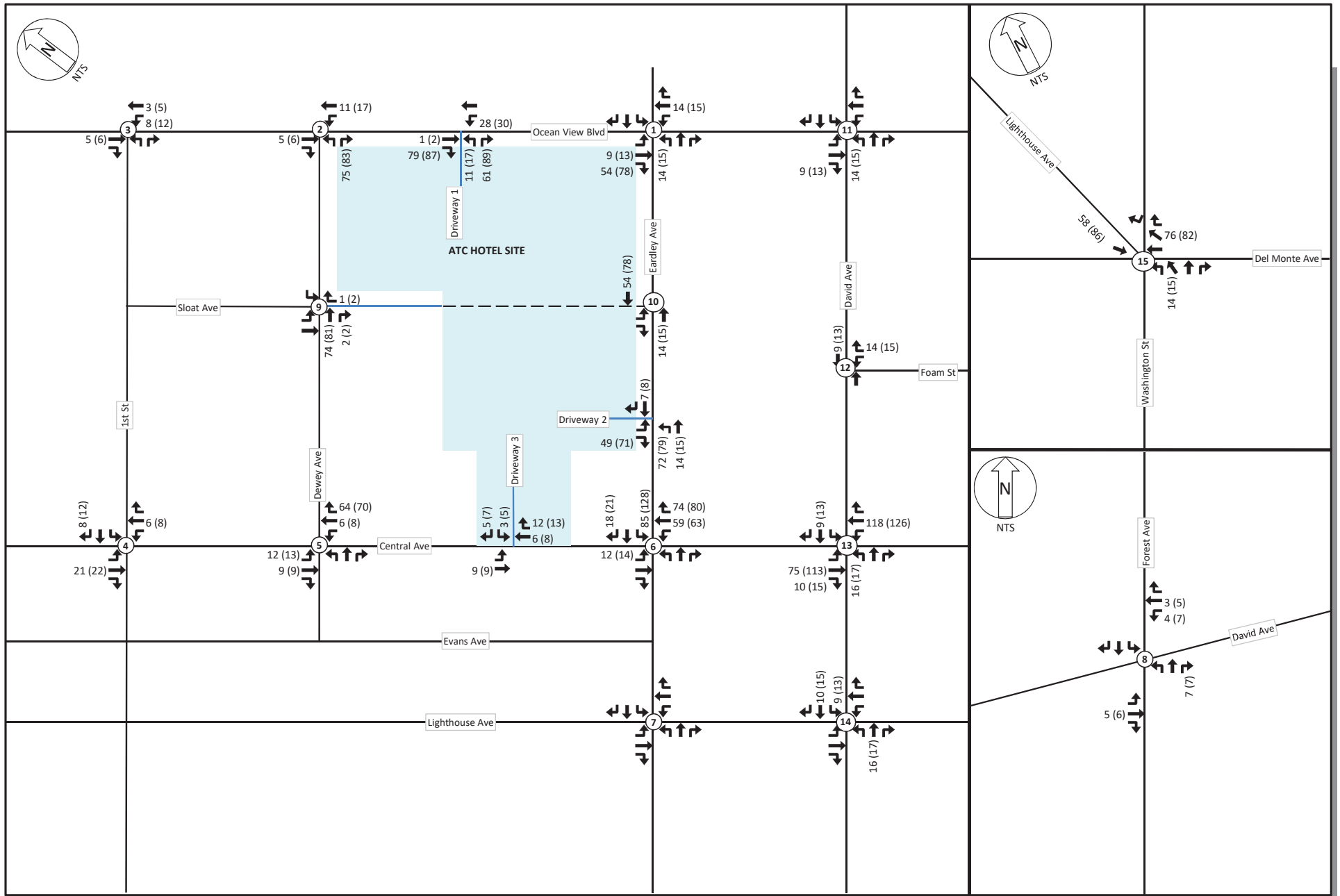
Source: Kimley-Horn, 2020

**Figure 17-5: Proposed Project Site Trip Distribution**

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Source: Kimley-Horn, 2020

**Figure 17-6: Project Generated Turning Movement Volumes**

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Table 17-5: Proposed Project Trip Generation

Land Use	Intensity	Daily trips	AM Peak Hour of Adjacent Street			PM Peak Hour of Adjacent Street		
			Total	In	Out	Total	In	Out
<b>[ITE Code] Proposed Built-Out Site Traffic</b>								
310 Hotel	225 Rooms	2,113	107	63	44	143	73	70
820 Street Retail	21.57 KSF	2,119	163	101	62	175	84	91
492 Spa and Fitness	8.80 KSF	209	12	6	6	30	17	13
925 Rooftop bar	3.33 KSF	378	0	0	0	38	25	13
932 First Awakenings Restaurant	1.13 KSF	127	11	5	5	11	7	4
<b>Proposed Subtotal</b>		<b>5,183</b>	<b>314</b>	<b>188</b>	<b>126</b>	<b>418</b>	<b>219</b>	<b>199</b>
Internal Capture Trips		398	30	15	15	40	20	20
<b>Driveway Volumes</b>		<b>4,785</b>	<b>284</b>	<b>173</b>	<b>111</b>	<b>378</b>	<b>199</b>	<b>179</b>
Pass-By Trips <sup>1</sup>		26	0	0	0	26	14	13
<b>Proposed Site Trips</b>		<b>4,759</b>	<b>284</b>	<b>173</b>	<b>111</b>	<b>352</b>	<b>186</b>	<b>166</b>

**Notes: Trip generation for the following uses are based on ITE's Trip Generation, 10<sup>th</sup> Edition**

<u>[ITE 310] Hotel</u>	<i>X is Rooms</i>
Weekday Daily	$T = 11.29 (X) - 426.97$ (50% in, 50% out)
Weekday AM Peak Hour	$T = 0.5 (X) - 5.34$ (59% in, 41% out)
Weekday PM Peak Hour	$T = 0.75 (X) - 26.02$ (51% in, 49% out)
<u>[ITE 492] Health/Fitness Club<sup>2</sup></u>	<i>X is 1,000 Sq. Ft. GFA (KSF)</i>
Weekday Daily	-
Weekday AM Peak Hour	$T = 1.31 (X)$ (51% in, 49% out)
Weekday PM Peak Hour	$T = 3.45 (X)$ (57% in, 43% out)
<u>[ITE 820] Shopping Center<sup>3</sup></u>	<i>X is 1,000 Sq. Ft. GLA (KSF)</i>
Weekday Daily	$\ln (T) = 0.68 \ln (X) + 5.57$ (50% in, 50% out)
Weekday AM Peak Hour	$T = 0.5 (X) + 151.78$ (62% in, 38% out)
Weekday PM Peak Hour	$\ln (T) = 0.74 \ln (X) + 2.89$ (48% in, 52% out) (34% Pass-by)
<u>[ITE 925] Drinking Place<sup>4</sup></u>	<i>X is 1,000 Sq. Ft GFA (KSF)</i>
Weekday Daily	-
Weekday AM Peak Hour	-
Weekday PM Peak Hour	$T = 11.38 (X)$ (66% in, 34% out)
<u>[ITE] High-Turnover (Sit-Down) Restaurant<sup>5</sup></u>	<i>X is 1,000 Sq. Ft GFA (KSF)</i>
Weekday Daily	$T = 112.18 (X)$ (50% in, 50% out)
Weekday AM Peak Hour	$T = 9.94 (X)$ (55% in, 44% out)
Weekday PM Peak Hour	$T = 9.77 (X)$ (62% in, 38% out) (43% Pass-by)

<sup>1</sup> Pass-by daily trips is assumed to equal pass-by PM peak hour trips.

<sup>2</sup> ITE data does not include a week day daily rate for the [ITE 492] Health/Fitness Club land use. It is assumed that the daily rate would be ten times the average of the weekday AM peak hour and weekday PM peak hour rates.

<sup>3</sup> ITE data indicated that the [ITE 820] Shopping Center land use would include a 34% pass-by reduction. However, adjacent street traffic to the site is relatively low and Caltrans guidance indicates a maximum pass-by reduction of 15%. Therefore, the more conservative 15% pass-by is assumed.

<sup>4</sup> ITE data does not include weekday daily rate for the [ITE 925] Drinking Place land use. It is assumed that the daily rate would be ten times the weekday PM peak hour rate.

<sup>5</sup> ITE data indicated that the [ITE 932] High-Turnover (Sit-Down) Restaurant land use would include a 43% pass-by reduction. However, adjacent street traffic to the site is relatively low and Caltrans guidance indicated a maximum pass-by reduction of 15%. Therefore, the more conservative 15% pass-by is assumed.

Table 17-6: Existing Site Trip Generation

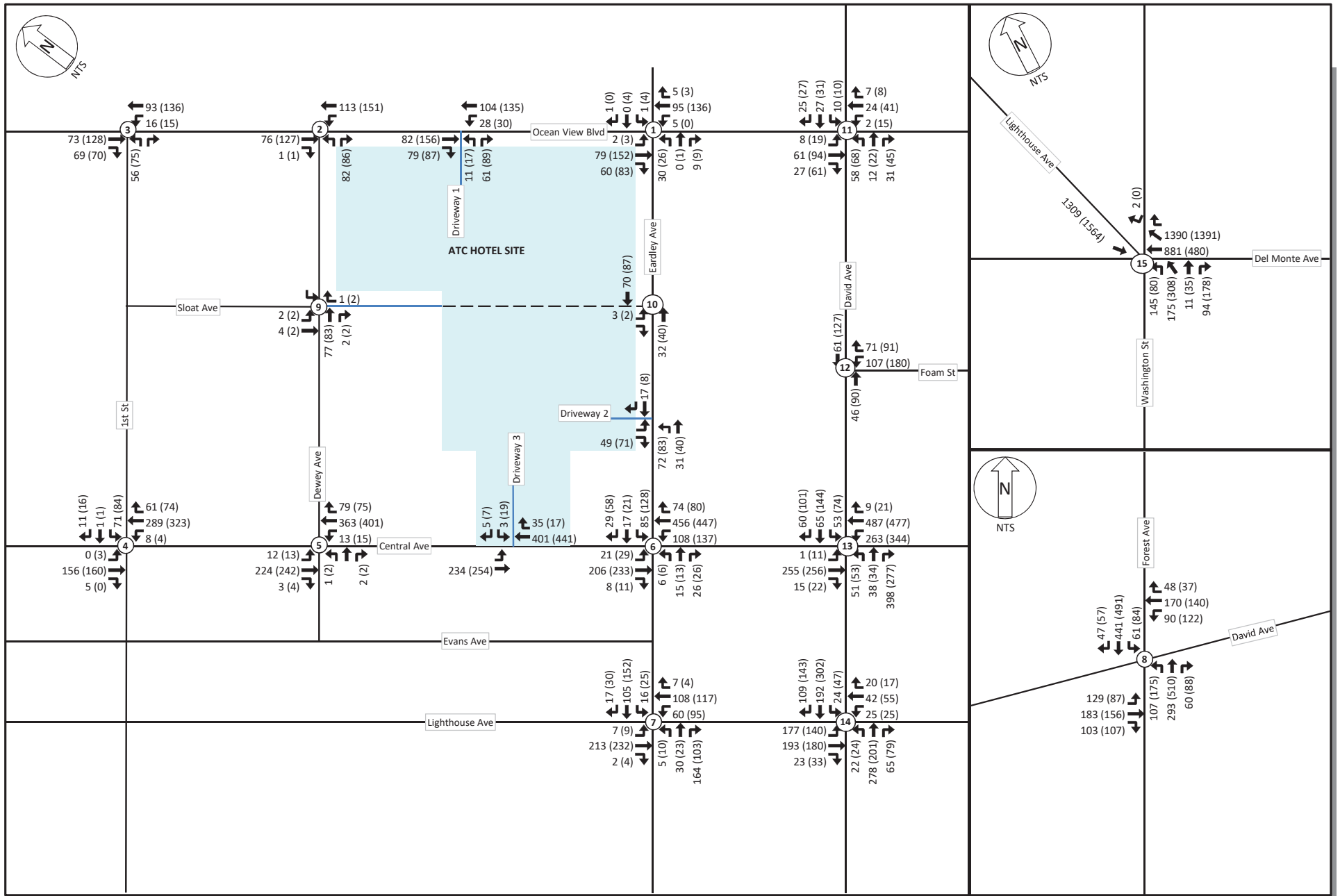
Land Uses	Intensity	Daily Trips	AM Peak Hour of Adjacent Street			PM Peak Hour of Adjacent Street		
			Total	In	Out	Total	In	Out
<u>[ITE Code] Proposed Built-Out Site Traffic</u>								
820 Exiting ATC Buildings	60.94 KSF	4,293	182	113	69	377	181	196
932 First Awakenings Restaurant	2.11 KSF	237	21	12	9	21	13	8
932 Archie’s Dinner	3.40 KSF	381	34	19	15	33	20	13
<b>Existing Subtotal</b>		<b>4,911</b>	<b>237</b>	<b>144</b>	<b>93</b>	<b>431</b>	<b>214</b>	<b>217</b>
Internal Capture Trips		414	24	12	12	38	19	19
<b>Driveway Volumes</b>		<b>4,497</b>	<b>213</b>	<b>132</b>	<b>81</b>	<b>393</b>	<b>195</b>	<b>198</b>
Pass-By Trips		59	0	0	0	59	29	30
<b>Existing Site Trips</b>		<b>4,438</b>	<b>213</b>	<b>132</b>	<b>81</b>	<b>334</b>	<b>166</b>	<b>168</b>
<b>Notes: Trip generation for the following uses are based on ITE’s Trip Generation, 10<sup>th</sup> Edition</b>								
<u>[ITE 820] Shopping Center<sup>3</sup></u>								
Weekday Daily	<i>X is 1,000 Sq. Ft. GLA (KSF)</i>							
Weekday AM Peak Hour	$\ln(T) = 0.68 \ln(X) + 5.57$ (50% in, 50% out)							
Weekday PM Peak Hour	$T = 0.5(X) + 151.78$ (62% in, 38% out)							
Weekday PM Peak Hour	$\ln(T) = 0.74 \ln(X) + 2.89$ (48% in, 52% out) (34% Pass-by)							
<u>[ITE] High-Turnover (Sit-Down) Resturant<sup>5</sup></u>								
Weekday Daily	<i>X is 1,000 Sq. Ft GFA (KSF)</i>							
Weekday AM Peak Hour	$T = 112.18(X)$ (50% in, 50% out)							
Weekday PM Peak Hour	$T = 9.94(X)$ (55% in, 44% out)							
Weekday PM Peak Hour	$T = 9.77(X)$ (62% in, 38% out) (43% Pass-by)							

### Existing Plus Project Conditions

Starting with the Existing Year traffic, existing site-related traffic was removed and project-related traffic for the American Tin Cannery Hotel and Commercial Project trips was added. The resulting net difference in trips shows slightly higher total daily trips for the project (4,759) compared to existing uses at the site (4,438). The net volumes (change in volumes) and their distribution are shown on **Figure 17-7: Existing + Project Turning Movement Volumes**. Subsequently, for the Existing Plus Project Conditions scenario overall intersection delay would be slightly greater compared to the Existing Conditions scenario.

As shown in **Table 17-7: Existing + Project Transportation Delay and LOS**, all study intersections operate at acceptable levels of service under the Existing Plus Project Conditions during the weekday AM and PM peak hours with the exception of:

- #6 – Central Avenue at Eardley Avenue – AM LOS F, PM LOS F (at worst movement)
- #15 – Del Monte Avenue/Lighthouse Avenue/Washington Street – AM LOS E, PM LOS E (using ICU methodology)



Source: Kimley-Horn, 2020

**Figure 17-7: Existing + Project Turning Movement Volumes**

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Table 17-7: Existing + Project Transportation Delay and LOS

IntersectionJurisdictionControlled Approach				Existing				Existing + Project			
				AM Peak Hour		PM Peak Hour		AM Peak Hour		PM Peak Hour	
				Delay <sup>1</sup>	LOS	Delay <sup>1</sup>	LOS	Delay <sup>1</sup>	LOS	Delay <sup>1</sup>	LOS
Unsignalized Intersections											
1	Ocean View Boulevard at Eardley Avenue	Pacific Grove	Overall AWSC	7.9	A	8.1	A	8.1	A	8.5	A
			Worst Approach	9.1	A	8.2	A	9.3	A	8.7	A
2	Ocean View Boulevard at Dewey Avenue	Pacific Grove	Overall TWSC	0.5	A	0.4	A	2.9	A	2.3	A
			Worst Approach	9.3	A	10.0	B	9.6	A	9.9	A
3	Ocean View Boulevard at 1st Street	Pacific Grove	Overall TWSC	2.3	A	2.1	A	2.4	A	2.4	A
			Worst Approach	10.9	B	11.3	B	11.2	B	11.7	B
4	Central Avenue at 1st Street	Pacific Grove	Overall TWSC	1.9	A	1.9	A	2.0	A	2.1	A
			Worst Approach	13.8	B	13.8	B	13.5	B	13.2	B
5	Central Avenue at Dewey Avenue	Pacific Grove	Overall TWSC	0.3	A	0.3	A	0.3	A	0.3	A
			Worst Approach	12.2	B	13.0	B	12.5	B	13.5	B
6	Central Avenue at Eardley Avenue	Pacific Grove	Overall TWSC	3.2	A	4.5	A	10.0	B	32.2	D
			Worst Approach	22.3	C	25.6	D	64.9	F	173.5	F
7	Lighthouse Avenue at Eardley Avenue	Pacific Grove	Overall TWSC	7.2	A	8.6	A	7.2	A	10.8	B
			Worst Approach	16.3	C	20.9	C	16.3	C	28.3	D
9	Sloat Avenue at Dewey Avenue	Pacific Grove	Overall Yield Control	2.3	A	1.9	A	0.9	A	0.6	A
			Worst Approach	8.6	A	8.6	A	9.5	A	9.3	A
10	Sloat Avenue at Eardley Avenue	Pacific Grove	Overall TWSC	1.3	A	0.8	A	0.3	A	0.1	A
			Worst Approach	8.8	A	8.8	A	9.4	A	9.6	A
11	Wave Street at David Avenue	Monterey	Overall AWSC	8.0	A	8.5	A	8.0	A	8.5	A
			Worst Approach	8.1	A	8.7	A	8.1	A	8.7	A
16	Ocean View Boulevard at Driveway 1	Pacific Grove	Overall AWSC	-	-	-	-	2.5	A	2.6	A
			Worst Approach	-	-	-	-	9.6	A	10.5	B
17	Eardley Avenue at Driveway 2	Pacific Grove	Overall AWSC	-	-	-	-	5.6	A	6.1	A
			Worst Approach	-	-	-	-	8.6	A	8.6	A
18	Central Avenue at Driveway 3	Pacific Grove	Overall AWSC	-	-	-	-	0.1	A	0.5	A
			Worst Approach	-	-	-	-	12.2	B	14.4	B
Signalized Intersections											
8	Forest Avenue at David Avenue	Caltrans	Signalized	20.4	C	22.5	C	20.5	C	22.5	C

Intersection				Existing				Existing + Project			
				AM Peak Hour		PM Peak Hour		AM Peak Hour		PM Peak Hour	
				Delay <sup>1</sup>	LOS	Delay <sup>1</sup>	LOS	Delay <sup>1</sup>	LOS	Delay <sup>1</sup>	LOS
12	Foam Street at David Avenue	Monterey	Signalized	5.3	A	5.7	A	5.4	A	5.7	A
13	Central Avenue / Lighthouse Avenue at David Avenue	Monterey	Signalized	34.7	C	27.4	C	35.7	D	26.4	C
14	Lighthouse Avenue / Hawthorne Street at David Avenue	Monterey	Signalized	9.6	A	9.8	A	9.7	A	9.9	A
15	Del Monte Avenue at Washington Street / Lighthouse Avenue	Monterey	Signalized	21.4	C (E) <sup>2</sup>	22.1	C (E) <sup>2</sup>	21.7	C (E) <sup>2</sup>	22.4	C (E) <sup>2</sup>
<sup>1</sup> Delay is reported as HCM delay in seconds per vehicle <sup>2</sup> LOS C based on HCM methodology. ICU methodology indicates this intersection operates at LOS E  Notes: 1. NB, SB, EB, WB = Northbound, Southbound, Eastbound, Westbound 2. Analysis performed using 2010 Highway Capacity Manual methodologies. 3. Each study intersection is controlled by a traffic signal, a side-street stop-controlled (SSSC), or an all-way stop-controlled (AWSC). 4. Delay refers to the average control delay for the entire intersection measured in seconds per vehicle. According to HCM methodology, overall LOS is not defined for side street stop-controlled intersections, instead the worst approach control delay is used in seconds. 5. If a specific movement has a delay less than the approach or intersection average, and the trips are increased for this movement, the overall intersection delay is decreased. 6. Intersections that are operating below acceptable levels are shown in <b>BOLD</b> and shaded light orange.  Source: Kimley-Horn & Associates, Inc. 2020											

### Existing Plus Project Conditions with Improvements

To address peak hour operational congestion caused by the changes in project traffic volumes and patterns, a traffic signal was considered at the intersection of Central Avenue at Eardley Avenue as a potential improvement. As shown below in **Table 17-8: Existing + Project with Improvements Transportation Delay and LOS**, a signal control would help improve LOS conditions. However, signal warrants are not met at this location, and the LOS F condition is only experienced at the worst movement for a short period of time. Given the overall acceptable operation of the intersection, signalization is not recommended.

It should also be noted that other recently implemented projects such as the adaptive signal control system and roundabout at SR 1/SR 68 have improved the flow of traffic on the local network. In addition, required TDM measures for the project (and other projects) would reduce trips on the network as analyzed and are intended to improve local traffic operations over time. Specifically, mitigation measure MM GHG-2.1 (Commute Trip Reduction/Transportation Demand Management Plan), in Chapter 11, Greenhouse Gas Emissions, is designed to reduce trips at the affected intersections identified in this chapter, as well meet specific GHG reductions.

As shown in Table 17-8, all study intersections operate at acceptable levels of service. As noted previously, the Del Monte Avenue/Lighthouse Avenue/Washington Street intersection operates at LOS E when reviewed using ICU Methodology. Regardless of methodology or existing LOS, this intersection would experience no perceivable change in operations with the project as indicated in Table 17-7.

**Table 17-8: Existing + Project with Improvements Transportation Delay and LOS**

IntersectionJurisdictionControlled Approach				Existing			
				AM Peak Hour		PM Peak Hour	
				Delay <sup>1</sup>	LOS	Delay <sup>1</sup>	LOS
Unsignalized Intersections							
1	Ocean View Boulevard at Eardley Avenue	Pacific Grove	Overall AWSC	8.1	A	8.5	A
			Worst Approach	9.3	A	8.7	A
2	Ocean View Boulevard at Dewey Avenue	Pacific Grove	Overall TWSC	2.9	A	2.3	A
			Worst Approach	9.6	A	9.9	A
3	Ocean View Boulevard at 1st St	Pacific Grove	Overall TWSC	2.4	A	2.4	A
			Worst Approach	11.2	B	11.7	B
4	Central Avenue at 1st St	Pacific Grove	Overall TWSC	2.0	A	2.1	A
			Worst Approach	13.5	B	13.2	B
5	Central Avenue at Dewey Avenue	Pacific Grove	Overall TWSC	0.3	A	0.3	A
			Worst Approach	12.5	B	13.5	B
7	Lighthouse Avenue at Eardley Avenue	Pacific Grove	Overall TWSC	7.2	A	10.8	B
			Worst Approach	16.3	C	28.3	D
9	Sloat Avenue at Dewey Avenue	Monterey	Overall TWSC Control	0.9	A	0.6	A
			Worst Approach	9.5	A	9.3	A
10	Sloat Avenue at Eardley Avenue	Monterey	Overall TWSC	0.3	A	0.1	A
			Worst Approach	9.4	A	9.6	A
11	Wave St at David Avenue	Monterey	Overall AWSC	8.0	A	8.5	A
			Worst Approach	8.1	A	8.7	A
16	Ocean View Boulevard at Driveway 1	Pacific Grove	Overall AWSC	2.5	A	2.6	A
			Worst Approach	9.6	A	10.5	B
17	Eardley Avenue at Driveway 2	Pacific Grove	Overall AWSC	5.6	A	6.1	A
			Worst Approach	8.6	A	8.6	A
18	Central Avenue at Driveway 3	Pacific Grove	Overall AWSC	0.1	A	0.5	A
			Worst Approach	12.2	B	14.4	B
Signalized Intersections							

IntersectionJurisdictionControlled Approach				Existing			
				AM Peak Hour		PM Peak Hour	
				Delay <sup>1</sup>	LOS	Delay <sup>1</sup>	LOS
6	Central Avenue at Eardley Avenue	Pacific Grove	Signalized	6.9	A	7.4	A
8	Forest Avenue at David Avenue	Caltrans	Signalized	20.5	C	22.5	C
12	Foam St at David Avenue	Monterey	Signalized	5.4	A	5.7	A
13	Central Avenue / Lighthouse Avenue at David Avenue	Monterey	Signalized	35.7	D	26.4	C
14	Lighthouse Avenue / Hawthorne St at David Avenue	Monterey	Signalized	9.7	A	9.9	A
15	Del Monte Avenue at Washington St / Lighthouse Avenue	Monterey	Signalized	21.7	C (E) <sup>2</sup>	22.4	C (E) <sup>2</sup>
¹Delay is reported as HCM delay in seconds per vehicle							
²LOS C based on HCM methodology. ICU methodology indicates this intersection operates at LOS E.							

### Future Build-Out Conditions (Cumulative Conditions)

The AMBAG Travel Demand Model was relied upon for the evaluation of future conditions. This is an appropriate method of evaluating future year conditions and serves the same purpose as the cumulative impact analysis for transportation. The geographic range for future (cumulative) conditions are the cities of Pacific Grove and Monterey. Very little growth is anticipated in the future condition in Pacific Grove and Monterey, primarily due to limitations on water supply and land use constraints. Based on projected population data extracted from the AMBAG Travel Demand Model, between model years 2015 to 2040, Pacific Grove is projected to grow by less than 7 percent during this period, or 0.28 percent per year. The City of Monterey is projected for only 1 percent growth, or virtually zero annual growth during this 25-year period. Although population growth is not an exact indicator of changes in future traffic volumes, there is a strong correlation between land use, population, and trip generation.

The cumulative projects identified in Chapter 4 (Hotel Durell in downtown, Ocean View Plaza, 520/522 Lighthouse Avenue Mixed Use project, occupation of the Holman Building and the Monterey Bay Aquarium's Bechtel Education Center) can be assumed as background growth within the AMBAG model. Of these projects, Ocean View Plaza (if constructed) and the education center would have the greatest potential to combine with the project's traffic locally due to its proximity on Cannery Row.

Given the low rates of growth projected, critical segments and intersections that operate over, at or close to capacity at existing and existing plus project conditions are expected to operate at the same levels of service for cumulative (future) conditions. The project's resulting contribution to cumulative effects is therefore less than significant.

### 17.6.4 Bicycle and Pedestrian Facilities

The project's pedestrian circulation system and Coastal Recreational Trail is shown in **Figure 17-8: Pedestrian Circulation Diagram**. The project will maintain existing sidewalks around the project perimeter and will maintain easy access to the Coastal Recreational Trail and existing Class III bike route

along Ocean View Boulevard. The project will not obstruct or constrain any existing facilities, and therefore will remain consistent with existing programs, policies and ordinances regarding non-motorized transportation. Additional measures within the Transportation Demand Management program may include bicycle parking, bike route signage and/or striping, rentals or sharing, which would further promote non-motorized modes of transportation. One such improvement that the project should implement as part of the TDM reduction strategies includes signage and striping of the Ocean View Boulevard bike route from David Avenue to Lover's Point Park.

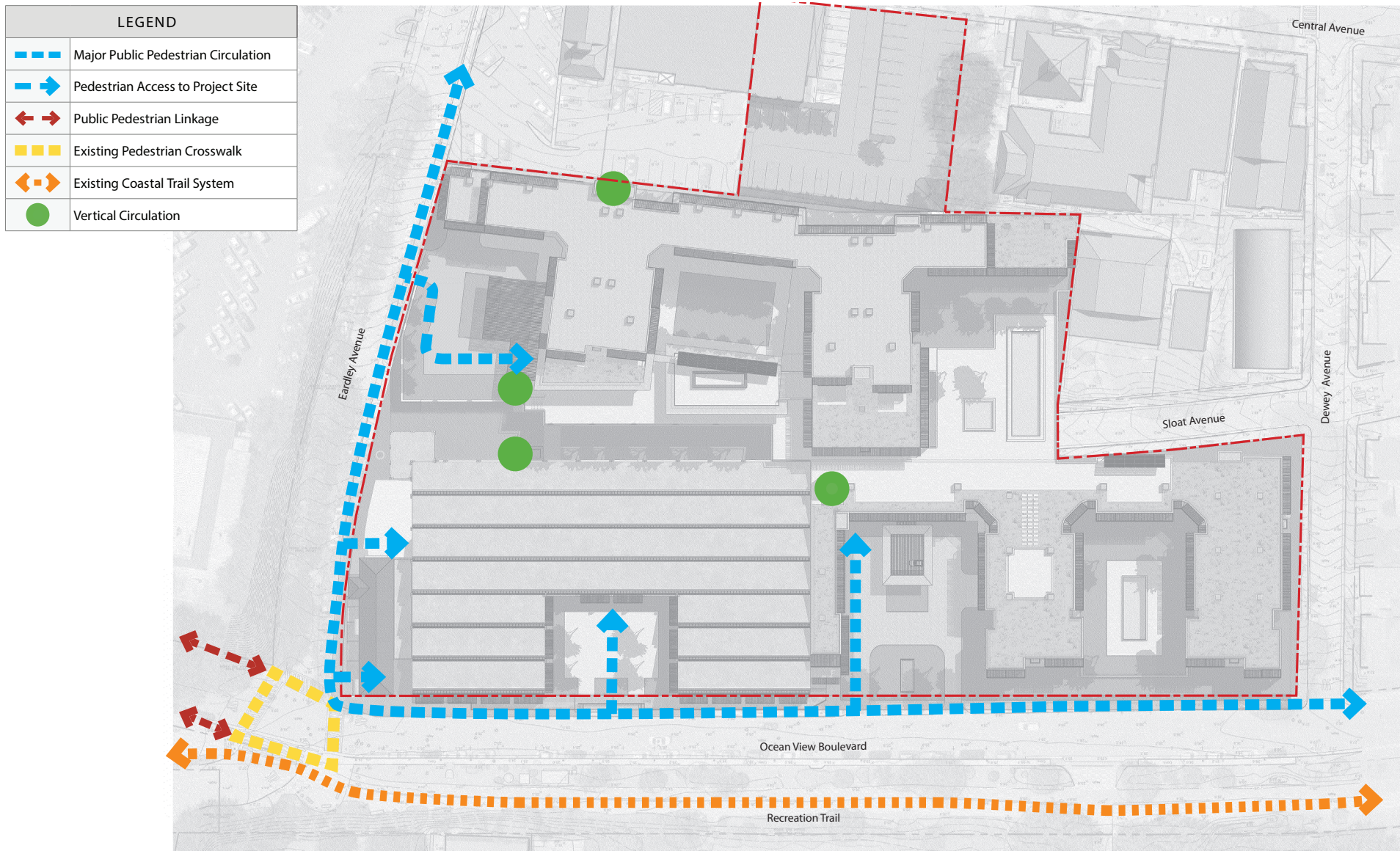
**Impact TRA-2:** The project would be consistent with CEQA Guidelines Section 15064.3 regarding changes to vehicle miles travelled (VMT). This is **a less than significant impact**.

### **Construction**

Construction of the project is a temporary activity not associated with a specific land use. Although there would be vehicle trips and vehicle miles travelled associated with construction workers, demolition and transport of materials and equipment, these activities do not fall squarely into the primary goals of SB 743, to reduce reliance on individual automobiles and promote multi-modal transportation networks through effective land use planning. For construction transportation activities, including the estimated 5,800 haul trips discussed in Impact TRA-1, the project shall prepare traffic



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Source: CCS Pacific Grove Manager, LLC.

**Figure 17-8: Pedestrian Circulation Diagram**  
 American Tin Cannery Hotel and Commercial Project  
 Draft EIR



Not to scale

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control plans per industry standards and coordinate construction traffic flow conditions with the City of Pacific Grove and the City of Monterey Public Works Director. In addition, construction activities are, captured in the analysis of air quality and greenhouse gas emissions within other chapters of this EIR.

### Operation

The proposed 225-room hotel, along with 20,000 square feet of retail space, will replace the existing 165,000 square-foot ATC Factory Outlets and related uses. In addition, the proposed hotel is intended to serve visitors to the Monterey Peninsula and other local tourist destinations in the vicinity of the hotel such as the Monterey Bay Aquarium. While there are several hotels within a short drive of the project area, the new hotel would provide guests easier access to and from these nearby tourist destinations.

While the proposed hotel is expected to provide additional jobs and some related trips to the City, based on the traffic modelling including ITE trip generation factors, the hotel itself is not expected to be the principal catalyst for new guest trips. Rather, guests of the hotel are anticipated to have been already coming to the area and would have stayed at an alternative hotel if this one was not constructed and available. Recognizing that there are two distinct uses proposed, the VMT analysis was conducted in two parts: (1) VMT for the proposed ATC Hotel; and (2) VMT for the proposed retail component.

### VMT and Hotel Uses

A primary trip to a hotel is expected to occur from someone planning to travel to the Monterey Peninsula, or the immediate area, for business or pleasure. However, it is the proximity of the hotel to local attractions that would influence the length of secondary trips (other trips during the day while using the hotel) and the resultant impact to the overall transportation system.

Most often this means that the impact to the transportation system would be negligible or reduced by the introduction of a new hotel to an area where people are already traveling and planning overnight stays, unless that hotel significantly affected the local supply, becomes a destination unto itself, or introduces a significant new attraction. In this case it is assumed that the new hotel would be not be considered a “new attraction”, but rather would provide another lodging option near existing attractions for people traveling to the area. In addition, the proposed hotel with approximately 20,000 square feet of retail replaces a large retail land use (147,000 square feet of leasable space), which typically generates more trips than hotels on a per employee basis. As a result, the net effect of the addition of the proposed project is a projected net reduction of regional VMT because of the unique characteristics of the hotel.

Table 17-9: VMT Estimate for the Proposed ATC Hotel and Commercial Project below summarizes the findings of the analysis. As indicated in the analysis, the average VMT per hotel room associated with the proposed project is estimated to be 15 percent or more below the region’s average VMT per hotel room (consistent with OPR Guidelines). This result is corroborated when using the metric of VMT per employee as the addition of the proposed project results in a VMT per employee that is almost half of the region’s average for comparable land uses (hotels). Finally, the table shows that the proposed project results in a VMT per employee that is less than the region’s average for similar land uses (retail).



**Table 17-9: VMT Estimate for the Proposed ATC Hotel and Commercial Project**

Location	VMT/Employee (Retail)	VMT/Rooms (Hotel)
Project Site	61.8	46.2
AMBAG Region	89.8	77.1

As nearly all of the project trips were found to be originating from the internal zones of the AMBAG TDM, the above summary was determined to be an accurate representation of VMT for the purposes of assessing whether the project would result in a significant impact under CEQA. Note that although some trips, particularly those related to the hotel arrival/departure trip (from home/airport and back, for example) may be significantly longer and may extend beyond the models limits, these trips are in total a small percentage of all trips related to a typical multi-day hotel stay (the norm according to survey data). The AMBAG model by design is intended to capture all trips (i.e. trip to lunch, trip to an attraction, trip to drug store, etc.) of a hotel visitor including those made by other modes (bike, walk, or transit).

In the absence of locally adopted VMT standards, current guidance from the Governor's Office of Planning and Research (OPR) uses a 15 percent VMT reduction from regional averages as a goal for individual projects. While the City does not yet have adopted VMT thresholds, this analysis indicates that the project would have a less than significant impact given that it has less than 15 percent of the regional average both of the VMT metrics considered as part of the evaluation of the proposed project.

#### **Application of Transportation Demand Management (TDM) Strategies**

Although the project would not cause significant impacts related to VMT, it is highly recommended that the project identify and incorporate a package of TDM strategies as outlined in the Project Description and set forth in the project's draft Transportation Demand Management Plan (Walker Consultants, 2019). These strategies will further reduce VMT associated with the project, decrease parking demand, reduce greenhouse gas emissions and will serve to reduce congestion on the local roadway network by reducing trips associated with project guests and patrons. Perhaps the most effective measure available to the project would be providing or expanding shuttle services between the project site and nearby destinations, transportation centers, and the airport to reduce trip lengths and reduce the number of private vehicles used or parked at the hotel.

It is recommended that the project coordinate with MST, the City of Monterey, and Monterey Bay Aquarium for new or expanded on-demand or fixed-route shuttles to optimize ridership and minimize system redundancy. City of Pacific Grove and City of Monterey circulation policies promote TDM strategies as a primary method to reduce vehicle trips. The final TDM plan (with monitoring and reporting requirements) should be established as a condition of project approval and in place prior to opening of the hotel. Such measures would serve to not only reduce VMT but would effectively reduce congestion (and hence, improve LOS) and correspondingly reduce greenhouse gas emissions.

**Impact TRA-3:** The project could substantially increase hazards due to a geometric design feature or incompatible use. This is **a less than significant impact with mitigation incorporated.**

#### **Construction**

Please see discussion under TRA-1 regarding construction management requirements.

## Operation

The post project condition will generally maintain the existing roadway network, with the exception of Sloat Avenue, which will no longer be a through street open to the public. As on-site parking will be 100 percent valet, vehicles entering and exiting the site will do so from the two primary entrance drives on Eardley Avenue and Ocean View Boulevard. Most of the valet parking will occur in subterranean garages, while some valet movements will make their way to the surface lot off of Central Avenue.

To service the hotel and retail uses, the truncated Sloat Avenue (via Dewey Avenue) would serve as the primary loading and delivery location for service vehicles, solid waste collection, and employee parking. Commercial service vehicles could range in size from mid-size trucks to smaller vans and box trucks, providing a wide range of services including food and beverage delivery, retail stock, and laundry/linen service pickup and delivery. The existing configuration of Dewey Avenue between Ocean View Boulevard and Sloat Avenue (two-way travel with street parking and narrow right of way) and between Central Avenue and Sloat Avenue (one-way travel), provides geometric constraints and functional limitations for delivery vehicles accessing both Dewey Avenue and the re-purposed Sloat Avenue. These limitations could result in design or safety issues associated with vehicle movements.

At the corner of Dewey Avenue and Ocean View Boulevard, there are currently no marked crosswalks across Ocean View Boulevard. With additional pedestrians using the hotel and commercial site, it would be expected that additional pedestrian traffic would be experienced in the area that would benefit from an additional crossing to access the Coastal Recreational Trail and the coastline beyond.

### MM TRA 3.1 Commercial Vehicle Access and Movement

Prior to approval of final improvement plans, the following design elements shall be included:

- Dewey Avenue between Ocean View Boulevard and Sloat Avenue, and the remaining portion of Sloat Avenue, shall be widened along the project frontage as necessary to allow improved commercial vehicle access while minimizing loss of on-street parking.
- During site plan review, the intersections of Ocean View Boulevard/Dewey Avenue and Dewey Avenue/Sloat Avenue shall reflect geometric dimensions based on truck turning templates. Turning radii shall be designed to limit truck size/type.
- The loading dock area at the end of Sloat Avenue shall include a hammerhead turn around to allow trucks to enter and exit the site head-in and head-out.
- Commercial truck traffic shall be required to adhere to an established truck route from David Avenue to Ocean View Boulevard to Sloat Avenue, returning the same way.
- Commercial deliveries to the retail center shall be allowed within a loading zone along the Ocean View Boulevard frontage to allow more direct access to individual retailers and to reduce the volume of commercial truck traffic accessing Sloat Avenue.

### MM TRA 3.2 Crosswalk Installation

The applicant shall fund or install a designated crosswalk across Ocean View Boulevard at Dewey Avenue.



## Conclusions

For geometric and safety issues associated with project delivery and servicing constraints, Mitigation Measures TRA 3.1 and TRA 3.2 will mitigate these constraints by requiring physical improvements to the roadway, establishing defined routes, providing safe vehicle ingress/egress into the site, and an additional crosswalk to access the shoreline and Coastal Recreational Trail. These improvements will effectively remove the constraints and improve operations to a less than significant level.

### 17.6.5 Cumulative Impact Analysis

Cumulative transportation effects are addressed on page 17-39 of this Chapter.

## 17.7 References

Caltrans (California Department of Transportation). 2002. Guide for the Preparation of Traffic Impact Studies. Available at: [http://www.dot.ca.gov/hq/tpp/offices/ocp/igr\\_ceqa\\_files/tisguide.pdf](http://www.dot.ca.gov/hq/tpp/offices/ocp/igr_ceqa_files/tisguide.pdf)

Caltrans. *Highway Demand Manual (HDM) 6th Edition*.

Transportation Research Board. *Highway Capacity Manual (HCM) 2010*.

City of Monterey. 2012. *Citywide Transportation and Parking Study*.

City of Pacific Grove. 2020. *Local Coastal Program and Implementation Plan*.

Walker Consultants. 2019. *Draft Transportation Demand Management Plan, American Tin Cannery Development Project*.

Walker Consultants. 2019. *Draft Parking Study for the American Tin Cannery Development Project*.

## 18 Tribal Cultural Resources

### 18.1 Introduction

The information in this chapter identifies existing tribal cultural resources and environmental conditions in the area, identifies and analyzes environmental impacts based on accepted thresholds of significance, and recommends measures and monitoring procedures to reduce or avoid adverse impacts anticipated from project construction, operation, and site disturbance.

This chapter is closely related to Chapter 8, Cultural Resources, and contains cross references to that chapter. However, while there may be overlap of information between these chapters due to the background reports, the State CEQA Guidelines consider this subject matter separate and distinct from other aspects of archaeology and history.

This section is based upon, and summarizes, information from the following cultural and historic resource reports:

- First Carbon Solutions, *Draft Archaeological Monitoring and Treatment Plan, ATC Hotel Project*. October 2019. (confidential and on file with City of Pacific Grove)
- First Carbon Solutions, *Cultural Resources Due Diligence Letter Report, ATC Hotel Project*. March 2020. (confidential and on file with City of Pacific Grove)
- Page & Turnbull, *American Tin Cannery 109/125 Ocean View Boulevard Historic Resources Technical Report*. June 2020. ([Appendix E](#))
- Dudek, *Cultural Resource Assessment for the Pacific Grove Shoreline Management Plan*. 2018. (confidential and on file with City of Pacific Grove)
- City of Pacific Grove, Local Coastal Program (2020)

These reports and their findings are summarized in this section, and care has been taken to protect confidential or sensitive material known to be present in the general vicinity of the project site. The City has also initiated consultation with local tribal representatives consistent with the requirements of Assembly Bill (AB) 52.

### 18.2 Scoping Issues Addressed

During the Notice of Preparation (NOP) public comment and scoping period for the proposed project, several comments were received by members of the public regarding tribal cultural resources and the archaeological record of the immediate area. The issues identified during early scoping are therefore addressed in detail within this chapter of the EIR, as well as Chapter 8, Cultural Resources.

### 18.3 Tribal Cultural Resources Methodology

#### 18.3.1 Native American Consultation and Participation

Public Resources Code Sections 21080.3.1 and 21084.3(c), also referred to as Assembly Bill 52 (AB 52) requires CEQA lead agencies to consult with California Native American tribes that have requested notice from such agencies of proposed projects in the geographic area that are traditionally and culturally

affiliated with the tribes on projects for which a Notice of Preparation or Notice of Negative Declaration or Mitigated Negative Declaration has been filed on or after July 1, 2015.

On October 20, 2018, First Carbon Solutions (FCS) Senior Archaeologist Dr. Dana DePietro, RPA, contacted the Native American Heritage Commission (NAHC) to request a review of their Sacred Lands File for any Tribal Cultural Resources (TCRs) that may be adversely affected by the proposed project. On November 6, 2018, the NAHC responded to a written request from FCS to review their Sacred Lands Files. Their response included a list of Native American tribes affiliated with the project area who may have specific information regarding areas of potential impact within the Area of Potential Effect (APE), or who otherwise may be able to recommend others with specific knowledge.

The NAHC also indicated that the results from the Sacred Lands File search were positive for sites located within the APE and recommended contacting the Ohlone Rumsen-Mutsun Tribe. The City has taken the lead on the consultation process, based on a formal request for consultation from the Ohlone Costanoan Esselen Nation (OCEN) and Local Coastal Program policy.

On June 24, 2019, the City initiated formal AB 52 consultation with the OCEN. The City and OCEN's Tribal Chairwoman Louise Ramirez have met several times as part of the AB52 consultation process. Consultation meetings between the City and OCEN have been held approximately monthly, including the following dates: June 24, 2019, January 28, 2020, February 25, 2020, March 24, 2020, April 28, 2020, June 23, 2020, and June 25, 2020.

The City also received a consultation request from the Esselen Tribe of Monterey County on September 29, 2019. During October 2019, the project was deemed complete, which initiated work on the EIR. The City provided a letter via email to the Esselen Tribe Vice Chair Cari Herthel, acknowledging the request for consultation. The correspondence contained project information materials such as the draft Cultural Resources Due Diligence Report prepared by FirstCarbon Solutions dated November 8, 2018, the Project Plan Submittal dated September 5, 2019, and a Phase II Geotechnical Investigation by Haro, Kasunich and Associates dated April 10, 2019. The City continued its efforts to schedule a meeting and provided the Notice of Preparation (NOP), via email, to the Esselen Tribal Chairman, Tom Little Bear Nason, on November 11, 2019. On December 3, 2019, a meeting with Esselen Tribal Chairman Nason, Community Development Director Anastasia Aziz, Senior Planner Alyson Hunter, and Consulting Planner Rob Mullane was held to discuss project details pertaining to the cultural sensitivity of the area and initiate consultation.

Tribal concerns were acknowledged, which included a request for participation in monitoring during ground disturbance and grading operations, as well as the Tribe's desire to keep cultural materials encountered during ground disturbance on site. At the request of Chairman Nason, the City committed to providing Civil Engineering Plans and a draft Cultural Resources Mitigation Plan. On December 4, 2019, Senior Planner Hunter provided the Tribe with the draft Cultural Resources Mitigation Plan prepared by FirstCarbon Solutions dated October 4, 2019, and copies of a civil engineering plan for utility installation will be provided.

## 18.4 Environmental Setting

### 18.4.1 Tribal Cultural Resources

#### Native American Period (Pre-1500 AD)

The project area lies within the territory prehistorically occupied by the Costanoan or Ohlone people. Costanoan refers to eight separate language groups situated roughly from modern-day Richmond in the north to Big Sur in the south. The Rumsen tribelet occupied the Monterey area. Of the Rumsen-speaking groups, Milliken and Johnson (2010) identify four local groups in the area, of which, the *Calenda Ruc* inhabited the project vicinity.

Glimpses into the ways of life for prehistoric Californians continue to be pieced together through studies of ethnography and archaeology. Early European explorers from the 16th and 18th centuries provided the first written descriptions about the native Californians they encountered, although details are sparse. Attempts at systematic ethnographies did not occur until the early 20th century, generations after the effects of missionization and integration had altered Costanoan/Ohlone lifestyles drastically. Much of these studies focused on recording Native languages before they fell into disuse. Information from the archaeological record continues to fill in the gaps of prehistoric lifeways. Archaeologists extrapolate trends in tool use, trade, diet and migration from studies on archaeological sites. Costanoan/Ohlone descendants are often invited to participate in decisions about their ancestral sites as well as educate others about their traditional lifeways.

Information from the archaeological record continues to fill in the gaps of our understanding of prehistoric lifeways. Prehistoric research in the Monterey Bay dates back to the early 1900s, although the bulk of archaeological excavations date to the 1960s and later. Based on a large body of research for the prehistoric era of greater Central California coast, prehistory spans a period of approximately 10,000–12,000 years and divides into six different periods. Researchers distinguish these periods by perceived changes in prehistoric settlement patterns, subsistence practices, and technological advances. (Dudek, 2018). These periods are shown in [Table 18-1: California Central Coast Chronology](#) below:

**Table 18-1: California Central Coast Chronology**

Temporal Period	Date Range
Paleo-Indian	Pre-8000 cal BC
Millingstone (or Early Archaic)	8000 to 3500 cal BC
Early	3500 to 600 cal BC
Middle	600 cal BC to cal AD 1000
Middle-Late Transition	cal AD 1000-1250
Late	Cal AD to 1250-1769

Source: Jones et al. (2007) via Dudek (2018)

The updated records search (FCS 2018) revealed that 21 resources have been recorded within 0.5 miles of the project site, none of which are located within the project site boundaries ([Table 18-2: Cultural Resources within 0.5 Mile of the ATC Hotel Project Area](#)). Of these resources, 14 are prehistoric and/or

tribal, and the remaining seven date to the historic-era. Recorded prehistoric resource cites are identified below.

**Table 18-2: Prehistoric Cultural Resources within 0.5 Mile of the ATC Hotel Project Area**

Resource No.	Resource Description	Date Recorded
P-27-00238	Prehistoric Site CA-MNT-000103/H: AH04 (Privies/dumps/trash scatters); AP05 (Petroglyphs); AP09 (Burials); AP15 (Habitation debris)	1949, 1981
P-27-00239	Prehistoric Site CA-MNT-000104: AP04 (Bedrock milling feature); AP15 (Habitation debris)	1949, 1949, 1984
P-27-0240	Prehistoric Site CA-MNT-000105: AP15 (Habitation debris)	1949
P-27-00241	Prehistoric Site CA-MNT-000106: AP15 (Habitation debris)	1949
P-27-00242	Prehistoric Site CA-MNT-000107: AP02 (Lithic scatter); AP15 (Habitation debris)	1949
P-27-00244	Prehistoric Site CA-MNT-000109: AP09 (Burials); AP15 (Habitation debris)	1947
P-27-00481	Prehistoric Site CA-MNT-000387: AP09 (Burials); AP15 (Habitation debris)	1973
P-27-00482	Prehistoric Site CA-MNT-000388: AP15 (Habitation debris)	1973
P-27-00483	Prehistoric Site CA-MNT-000389: AP15 (Habitation debris)	1973
P-27-00484	Prehistoric Site CA-MNT-000390: AP02 (Lithic scatter)	1973
P-27-00485	Prehistoric Site CA-MNT-000391: AP09 (Burials); AP15 (Habitation debris)	1973
P-27-01859	Prehistoric Site CA-MNT-000662: AP15 (Habitation debris)	1980, 1981, 1976, 2008
P-27-02360	Prehistoric Site CA-MNT-002043: AP15 (Habitation debris)	2000
P-27-03587	Prehistoric Site CA-MNT-002426: AP02 (Lithic scatter); AP15 (Habitation debris)	2016

Source: FirstCarbon Solutions, 2018.

Of the 21 recorded resources within the search radius identified, five – P-23-002360, P-27-000239, P-27-001054, P-27-002911, and P-27-003587 - are located within close proximity (within 500 feet) of the project site and warrant additional attention. Local prehistoric sites can be complex and, based on recorded findings, may consist of midden, shell fragments, fire-altered rock, ceramic fragments, fish bone and scales, wood fragments, glass bottle fragments, old building materials, stoneware, flaked chert and related artifacts. The exact location and detailed composition of nearby prehistoric resources and sites are considered culturally sensitive and held in confidence with the City.

## 18.5 Regulatory Setting

### 18.5.1 Federal

#### American Indian Religious Freedom Act, Title 42, United States Code, Section 1996

The American Indian Religious Freedom Act protects Native American religious practices, ethnic heritage sites, and land uses.

#### Native American Graves Protection and Repatriation Act (NAGPRA) (1990), Title 25, United States Code

Native American Graves Protection and Repatriation Act (NAGPRA) defines “cultural items,” “sacred objects,” and “objects of cultural patrimony;” establishes an ownership hierarchy; provides for review; allows excavation of remains under certain conditions, but stipulates return of the remains according to ownership; sets penalties for violations; calls for inventories; and provides for return of specified cultural items.

### 18.5.2 State

#### Senate Bill 18

Prior to the adoption or amendment of a general plan proposed on or after March 1, 2005, California Government Code Sections 65352.3 and 65352.4 (commonly referred to as Senate Bill (SB) 18) require a city or county to consult with local Native American tribes that are on the contact list maintained by the Native American Heritage Commission (NAHC). The purpose is to preserve or mitigate impacts to places, features, and objects described in Public Resources Code Sections 5097.9 and 5097.993 (Native American sanctified cemetery, place of worship, religious or ceremonial site, or sacred shrine located on public property) that are located within a city or county’s jurisdiction. SB 18 also states that a city or county shall protect the confidentiality of information concerning the specific identity, location, character, and use of those places, features, and objects identified by said Native American consultation. This project does not involve a general plan or amendment to a general plan or specific plan that would trigger consultation under SB 18.

#### Assembly Bill 52

On September 25, 2014, Governor Brown signed Assembly Bill (AB) 52, which created a new category of environmental resources that must be considered under CEQA: “tribal cultural resources.” AB 52 is applicable to projects for which a Notice of Preparation is filed on or after July 2015.

AB 52 adds tribal cultural resources to the categories of cultural resources in CEQA, which had formerly been limited to historic, archaeological, and paleontological resources. Tribal cultural resources are defined as either (1) “sites, features, places cultural landscapes, sacred places and objects with cultural value to a California Native American tribe” that are included in the state register of historical resources or a local register of historical resources, or that are determined to be eligible for inclusion in the state register; or (2) resources determined by the lead agency, in its discretion, to be significant based on the criteria for listing in the state register.

Recognizing that tribes may have expertise with regard to their tribal history and practices, AB 52 requires lead agencies to provide notice to tribes that are traditionally and culturally affiliated with the geographic



area of a proposed project if they have requested notice of projects proposed within that area. If the tribe requests consultation within 30 days upon receipt of the notice, the lead agency must consult with the tribe. Consultation may include discussing the type of environmental review necessary, the significance of tribal cultural resources, the significance of the project's impacts on the tribal cultural resources, and alternatives and mitigation measures recommended by the tribe.

The parties must consult in good faith, and consultation is deemed concluded when either the parties agree on measures to mitigate or avoid a significant effect on a tribal cultural resource (if such a significant effect exists) or when a party concludes that mutual agreement cannot be reached.

### **Public Resources Code Sections 5097.5**

California Public Resources Code Section 5097.5 prohibits excavation or removal of any "vertebrate paleontological site...or any other archaeological, paleontological or historical feature, situated on public lands, except with express permission of the public agency having jurisdiction over such lands." Public lands are defined to include lands owned by or under the jurisdiction of the state or any city, county, district, authority or public corporation, or any agency thereof. Section 5097.5 states that any unauthorized disturbance or removal of archaeological, historical, or paleontological materials or sites located on public lands is a misdemeanor.

### **Native American Historic Resource Protection Act; Archaeological, Paleontological, and Historical Sites; Native American Historical, Cultural, and Sacred Sites (Pub. Res. Code § 5097-5097.994)**

Public Resources Code Section 5097 specifies the procedures to be followed in the event of the unexpected discovery of Native American human remains on non-federal public lands. California Public Resources Code Section 5097.9 states that no public agency or private party on public property shall "interfere with the free expression or exercise of Native American Religion." The Code further states that:

"No such agency or party [shall] cause severe or irreparable damage to any Native American sanctified cemetery, place of worship, religious or ceremonial site, or sacred shrine...except on a clear and convincing showing that the public interest and necessity so require."

### **Human Remains**

Section 7050.5 of the California Health and Safety Code states that in the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the find or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the remains are discovered has determined whether or not the remains are subject to the coroner's authority. If the human remains are of Native American origin, the coroner must notify the Native American Heritage Commission within 24 hours of this identification. The Native American Heritage Commission will identify a Native American Most Likely Descendant (MLD) to inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods.

### 18.5.3 Local

#### City of Pacific Grove General Plan

Project relevant general plan policies for tribal cultural resources are addressed in this section. Where inconsistencies exist, if any, they are addressed in the respective impact analysis below. Relevant General Plan Policies that directly address reducing and avoiding tribal cultural resources include the following:

**Goal 4:** Protect Pacific Grove's archeological resources.

- Policy 20: Support the enforcement of existing State and federal laws pertaining to pilfering of archeological sites.
- Policy 21: Ensure the protection and preservation of artifacts in those areas already identified as containing archeological remains.
- Policy 22: Work with the California Archeological Inventory to develop information that will allow the prediction of additional sites likely to contain archeological remains.
- Policy 23: Refer development proposals that may adversely affect archeological sites to the California Archeological Inventory.

#### City of Pacific Grove Local Coastal Program

Section 3.3 of the City's 2020 LCP summarizes cultural resource information in the context of the Coastal Zone, identifies other General Plan and applicable policies and establishes policies to guide the City on the treatment and assessment of cultural resources for projects occurring in the Coastal Zone. These policies generally address tribal consultation, avoidance of impacts, requirements for archaeological studies, and the vulnerability of cultural sites to coastal hazards such as climate change and sea level rise.

The LCP policies largely follow existing local, federal and State requirements addressing cultural resources, including tribal consultation requirements and treatment of archaeological resources discovered during construction. Specifically, Policy CRS-1 requires the City to conduct consultations with the appropriate tribal representatives (including the Ohlone Costanoan Esselen Nation), and Policy CRS-2 ensures that tribal concerns are considered and mitigated to the maximum extent before development takes place in the Coastal Zone.

## 18.6 Environmental Impacts and Mitigation Measures

### 18.6.1 Significance Criteria

The following significance criteria for tribal cultural resources were derived from the Environmental Checklist in the State CEQA Guidelines Appendix G. An impact of the project would be considered significant and would require mitigation if it would meet one of the following criteria.

- 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, and that is:

- i. Listed or eligible for listing in the California Register of Historical Resources, or in the local register of historical resources as defined in Public Resources Code Section 5020.1(k), or
- ii. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

### 18.6.2 Impact Assessment Methodology

The City transmitted letters to the recommended tribal organizations and individuals identified by NAHC, requesting information or comments regarding Native American tribal cultural resources in the vicinity of the proposed project property. Information and comments received from OCEN tribal representatives and Esselen Tribe of Monterey representatives were used to identify if construction activities would demolish or destroy a tribal cultural resource as defined in the Public Resources Code. If the construction activities would demolish or destroy a tribal cultural resource or if they would materially impair the characteristics that make it eligible, the impact is determined to be significant. If a cultural resource is not a tribal cultural resource as defined by the Public Resource Code, there is no potential for impacts and impacts are not analyzed within this Section.

### 18.6.3 Impacts of the Project

**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. This is a **less than significant impact with mitigation incorporated**.

### Construction and Operation

As identified in Chapter 8, Cultural Resources, prehistoric shell middens and habitation sites have been recorded immediately adjacent the project site (P-27-002360, P-27-000239, and P-27-003587) and given their distribution and the recorded depths of deposition (approximately 1 meter below the surface), there is a high likelihood additional intact prehistoric resources may lie beneath the current ATC structures.

The following mitigation measures specifically address Native American consultation, participation and monitoring. However, Mitigation Measures MM CR-2.1, CR-2.2, CR-2.3, and CR-2.4 – requiring sensitivity training, avoidance, construction monitoring and procedures for inadvertent discovery of cultural resources – are also directly applicable to the identification, protection and treatment of tribal cultural resources.

#### MM TCR-1.1 Native American Consultation and Participation

Consistent with current California requirements and LCP policy, the project's Archaeological Monitoring and Treatment Plan will be provided to representatives of the Ohlone Costanoan Esselen Nation for review and comment as part of the City's

consultation process. Amendments to this plan will be made as necessary following the completion of the consultation process.

During project construction, a Native American monitor assigned by the Ohlone/Costanoan Esselen Nation (OCEN) tribal leadership will be present for all ground disturbance. If any tribal cultural resources are found, the project applicant and/or its contractor shall cease all work within 50 feet of the discovery and immediately notify the City of Pacific Grove Planning Division. The OCEN Native American monitor(s) will contact the OCEN Tribal Chair and in consultation with the City and an archeologist evaluate the finds. Appropriate mitigation measures for the inadvertently discovered tribal cultural resource shall be at the direction of OCEN tribal leadership. The City and tribal representative shall consider the mitigation recommendations and agree on implementation of the measure(s) that are feasible and appropriate. Such measures may include reburial of any ancestral remains, avoidance, preservation in place, excavation, documentation, or other appropriate measures.

#### **MM TCR-1.2 Reporting of Monitoring Results**

At the completion of grading, excavation, and ground disturbing activities on the site, an Archaeological and Paleontological Monitoring Report shall be submitted to the City and the project applicant documenting all monitoring activities and observations. This report shall document any impacts to known resources on or adjacent to the property; describe how each mitigation measure was fulfilled; document the type of cultural resources identified and the disposition and treatment of such resources; provide evidence of the required cultural sensitivity training for the construction staff held during the required pre-construction meeting; and, in a confidential appendix, include the daily/weekly monitoring notes from the Project Archaeologist and tribal monitor(s). All reports produced will be submitted to the Northwest Information Center (NWIC) at Sonoma State University and the State Historic Preservation Office as required.

Any TCRs will be handled and reburied in a location designated through coordination with the OCEN tribal leadership in a location that will not be subject to further disturbance. Following repatriation, a legal description and map showing the reburial location shall be prepared by the Project Engineer and filed with the NAHC, NWIC, and the City.

#### **Conclusion**

With implementation of the MMs TCR-1.1, TCR-1.2, and MMs CR-2.1 through CR-2.4, impacts associated with tribal cultural resources could be reduced to less than significant level. Potential impacts to known and unknown resources could be effectively mitigated through tribal representative involvement and monitoring, as well as the protection and treatment of resources if advertently discovered consistent with state law and local policy.

#### 18.6.4 Cumulative Impact Analysis

**Impact TCR-2:** The project may incrementally contribute to the cumulative change or disturbance to tribal cultural resources known to exist in the vicinity of the project. This would result in a **less than significant** cumulative effect on tribal cultural resources.

Although the project – in conjunction with the effects of past projects, other current projects, and probable future projects – may result in the disturbance of tribal cultural resources throughout the vicinity of Pacific Grove, implementation of standard conditions of approval, consistent tribal consultation and mitigation measures required for each project would reduce potential impacts to less-than-significant levels. On a cumulative level, data recovered from a site, combined with data from other sites in the region, would allow for the continuing examination and evaluation of the diversity of human activities in the region over time and add to the record of human history in the region. Also, as projects are mitigated on a case by case basis and resources are identified and protected on a case by case basis, the effects of individual projects will not combine to cause a greater, combined effect on the larger fabric of local tribal resources. As a result, development of the proposed project would not contribute to a significant cumulative impact on cultural resources.

#### 18.7 References

City of Pacific Grove. 1994. *Pacific Grove General Plan*.

City of Pacific Grove. 2017. *Historic Resources Inventory*.

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First Carbon Solutions. 2020. *Draft Archaeological Monitoring and Treatment Plan, ATC Hotel Project*.

First Carbon Solutions. 2018. *Cultural Resources Due Diligence Letter Report, ATC Hotel project*.

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Page & Turnbull. 2020. *American Tin Cannery 109/125 Ocean View Boulevard Historic Resources Technical Report*.

Kent L. Seavey. 2018. *Historic Resources Opinion Letter*.

Dudek. 2018. *Cultural Resource Assessment for the Pacific Grove Shoreline Management Plan*.

## 19 Utilities & Service Systems

### 19.1 Introduction

This section describes the project's potential effects on utilities and service systems that could be caused by implementation of the project. The discussion addresses existing service systems in the affected area including municipal water supply, identifies and analyzes potential environmental impacts associated with the expansion or construction of those systems, and recommends measures to reduce or avoid adverse impacts anticipated from project construction and operation. Existing laws and regulations relevant to the provision and management of utility and service systems are also described. Information used to prepare this section came primarily from the following resources:

- City of Pacific Grove, *Pacific Grove General Plan – Public Facilities Element*, 1994
- City of Pacific Grove, *Local Coastal Program and Implementation Plan*, 2020
- Stantec Consulting Services, *American Tin Cannery Hotel Project Water Demand Technical Memorandum*, January 2020 (with MPWMD Response Letter - [Appendix O](#))
- City of Pacific Grove, *Sewer System Management Plan*, August 2018
- Project application and related materials

### 19.2 Scoping Issues Addressed

During the Notice of Preparation (NOP) public comment and scoping period for the proposed project, several comments were received regarding utilities and service systems. Comments received were generally concerned with water supply and demand, water use and conservation, storm water runoff, capacity of offsite existing utility systems, and surface water quality. Water quality is addressed in Chapter 13, Hydrology and Water Quality.

### 19.3 Environmental Setting

#### 19.3.1 Utilities and Service Systems

##### Water

##### Water Supply

Clean, potable water is a precious resource, particularly on the Monterey Peninsula and in Pacific Grove. Potable water is supplied within Pacific Grove by California-American Water Company (Cal-Am), a privately-owned utility that is regulated by the California Public Utilities Commission (CPUC). Potable water use is regulated by the Monterey Peninsula Water Management District and by the City's Municipal Code, Chapter 11.65. New connections or expansions of existing uses within the Cal-Am water system are regulated by the CPUC and the State Water Resources Control Board (SWRCB). Cal-Am also supplies water to the neighboring communities of Carmel-by-the-Sea, Pebble Beach, Monterey, Seaside, and others.

Unlike most areas in California, the Monterey Peninsula has no access to imported water. Local communities are totally dependent on local rainfall and groundwater for their water supply. Cal Am



obtains its water supply from surface water in Carmel Valley and from groundwater resources in the Carmel Valley and Seaside Groundwater Basins. Withdrawals from the Carmel Valley are governed by the State Water Resources Control Board and implemented by the Monterey Peninsula Water Management District. The Seaside Groundwater Basin is adjudicated and overseen by the Seaside Groundwater Basin Watermaster.

Cal-Am has been mandated to develop new water supplies for the Monterey District service area in order to decrease reliance on the Carmel River source (pursuant to State Water Resources Control Board Order 95-10 and Cease and Desist Order 2009-0060) and the Seaside Basin pursuant to the Seaside Basin Adjudication in California American Water v. City of Seaside, et al. (Monterey Superior Court, Case No. M66343). Groundwater pumping is limited to protect the Seaside Basin from overuse and to prevent saltwater intrusion into the aquifer, which would contaminate the freshwater supply.

Currently, Pacific Grove has extremely limited water available for new water allocations and maintains a Water Wait List for such allocations. Water is allocated in accordance with Chapter 11.68 of the City's Municipal Code. If a project requires additional water beyond on-site water credits recognized by the Monterey Peninsula Water Management District, an applicant may apply to place a project on the Water Wait List. To ensure that unanticipated water demands will not preclude coastal priority uses, Local Coastal Program (LCP) policies support water conservation and demand reduction. The MPWMD monitors and regulates the region's adjudicated groundwater resources through a system of pumping restrictions, permitting and measured water allocations or credits. MPWMD currently recognizes the project site as having current on-site water credits that total 18.53 acre feet of use per year (AFY).

The infrastructure system in place to deliver water to the City is typical of any municipal water system network. Water enters Pacific Grove along Congress Avenue through a 30-inch steel main that transports it to the Cal-Am pumping facility at Sinex and Eardley Avenues. Pacific Grove's primary water distribution system consists of 6-, 8-, and 12-inch pipelines.

### **Wastewater**

The City owns and operates the sewer collection system consisting of approximately 58 miles of pipeline, which varies in size from 4 to 18 inches in diameter. The City also owns and operates 900 manholes and seven pump stations (City of Pacific Grove, 2019).

Wastewater in the City of Pacific Grove is treated by the Monterey One Water (formerly the Monterey Regional Water Pollution Control Agency) Regional Treatment Plant in the City of Marina, conveyed via an interceptor pipeline that is located along the coast through the cities of Monterey, Seaside and Marina. Monterey One operates the Pure Water Monterey Groundwater Replenishment Project, which provides highly treated wastewater for municipal use and for replenishment of the groundwater basin. This system is currently in the permitting process for further expansion. Monterey One provides regional wastewater treatment services to over 250,000 people, processes over 18.5 million gallons of wastewater each day, and recycles approximately four billion gallons of water annually for crop irrigation.

Existing 6-inch sanitary sewer lines extend along Central Avenue and along Sloat Avenue. Existing 8-inch lines extend along Ocean View Boulevard and along Eardley Avenue. The City's main sewer trunk line follows Ocean View Boulevard eastward to Monterey. The entire distance along Ocean View Boulevard

is a force main, and there are six pump stations located along the main between Arena Avenue and the eastern City limits. Most of the Ocean View Avenue force main, and five of the six pump stations between Arena Avenue and the eastern City limit, are within 150 feet of the shoreline. All lines feed into larger mains and ultimately to the regional treatment and recycling system.

### Stormwater

The City has five major storm drain lines, all of which collect storm water run-off at higher elevations and dispose of it offshore. The City is divided into two major drainage basins, each draining approximately half the City. The northeasterly basin drains northerly into Monterey Bay. The southwesterly basin drains westerly into the Pacific Ocean. The drainage flows on the surface on private properties and public streets, and in underground culverts. Although no rivers or major streams flow through the City, there are underground springs and sub-surface drainage flows. See Chapter 13, Hydrology and Water Quality for more information on surface drainage.

There are existing 12-inch and 18-inch storm drains that extend along Eardley Ave from Sloat Avenue to Ocean View Boulevard. Existing 20-inch and 21-inch storm drains extend from the intersection of Eardley Avenue and Ocean View Boulevard. An existing 10-inch storm drain extends along Ocean View Boulevard.

### Solid Waste

Solid waste in Pacific Grove is managed by the Monterey Regional Waste Management District (MRWMD). The District covers a total of 853 square miles, including the cities of Carmel-by-the-Sea, Del Rey Oaks, Marina, Monterey, Pacific Grove, Sand City, Seaside, and the unincorporated areas of Big Sur, Carmel Highlands, Carmel Valley, Castroville, Corral De Tierra, Laguna Seca, Moss Landing, Pebble Beach, San Benancio, and Toro Park. The population currently served is approximately 170,000 (MRWMD, 2020).

The District's facilities are located on its 475-acre property, two miles north of Marina, at the Monterey Regional Environmental Park. The property consists of a 315-acre permitted sanitary landfill site, a 126-acre buffer area (mostly Salinas River floodplain), 20 acres for the resource recovery facilities, a 12-acre Community Franchise Collection Facility, administrative offices, and maintenance buildings.

The landfill has a permitted capacity to handle 3,500 tons per day. The remaining capacity available at the landfill is 48,500,000 cubic yards, or about 100 years of capacity. The Monterey Peninsula Landfill collects agricultural waste, construction/demolition waste, sludge (biosolids), and mixed municipal wastes.

Solid waste disposal service is provided by a GreenWaste Recovery, which has been providing residential and commercial service to Pacific Grove since 2015.

### Electricity

Electricity in the City is provided by Pacific Gas & Electric (PG&E). In 2018 (the most recent year for which data is provided), the sources of electricity consisted of 15 percent from natural gas, 34 percent from nuclear power, 13 percent from large hydroelectric, and 39 percent from renewables (PG&E, 2019a). Local PG&E distribution lines are located in the public rights of way and currently connect to the project site at multiple locations.

## Natural Gas

PG&E operates one of the largest natural gas distribution networks in the country, including 42,141 miles of natural gas distribution and 6,438 miles of transmission pipelines (PG&E, 2019b). Service is provided to 16 million people statewide. No natural gas pipeline traverses the project site (PG&E, 2015c). There are existing gas lines located within the right of way of Central Avenue, Dewey Avenue, Sloat Avenue, and Eardley Avenue.

## Telecommunications

AT&T, Viasat, HughesNet, Comcast, Earthlink, DIRECTV, and Dish Network currently provide telecommunication, cable television, and Internet services to the project site.

## 19.4 Applicable Regulations, Plans, and Standards

### 19.4.1 Federal

#### Water

##### Federal Safe Drinking Water Act

The Safe Drinking Water Act (SDWA) was originally passed by Congress in 1974 to protect public health by regulating the nation's public drinking water supply. The law was amended in 1986 and 1996 and requires many actions to protect drinking water and its sources: rivers, lakes, reservoirs, springs, and ground water wells. The SDWA applies to every public water system in the United States. The SDWA authorizes the U.S. Environmental Protection Agency (US EPA) to set national health-based standards for drinking water to protect against both naturally-occurring and man-made contaminants that may be found in drinking water. The US EPA, states, and water systems work together to make sure that these standards are met.

Originally, the SDWA focused primarily on treatment as the means of providing safe drinking water at the tap. The 1996 amendments greatly enhanced the existing law by recognizing source water protection, operator training, funding for water system improvements, and public information as important components of safe drinking water. This approach ensures the quality of drinking water by protecting it from source to tap.

#### Wastewater

##### Clean Water Act

The Federal Water Pollution Control Act of 1972, more commonly known as the Clean Water Act (CWA), regulates the discharge of pollutants into watersheds throughout the U. S. Under the CWA, the United States Environmental Protection Agency (U.S. EPA) implements pollution control programs and sets wastewater treatment standards.

##### National Pollutant Discharge Elimination System

The National Pollutant Discharge Elimination System (NPDES) permit program was established pursuant to the CWA to regulate municipal and industrial discharges to surface waters of the United States. Federal NPDES permit regulations have been established for broad categories of discharges, including point-source municipal waste discharges and nonpoint-source stormwater runoff. NPDES permits

generally identify effluent and receiving water limits on allowable concentrations and/or mass emissions of pollutants contained in the discharge; prohibitions on discharges not specifically allowed under the permit; and provisions that describe required actions by the discharger, including industrial pretreatment, pollution prevention, self-monitoring, and other activities.

Wastewater discharge is regulated under the NPDES permit program for direct discharges into receiving waters and by the National Pretreatment Program for indirect discharges to a sewage treatment plant.

In California, the federal requirements are administered by the State Water Resources Control Board (SWRCB), and individual NPDES permits are issued by the California Regional Water Quality Control Boards (RWQCBs).

## Solid Waste

### Resource Conservation and Recovery Act

The Resource Conservation and Recovery Act (RCRA) was enacted in 1976 to address the huge volumes of municipal and industrial solid waste generated nationwide. After several amendments, the Act as it stands today governs the management of solid and hazardous waste and underground storage tanks (USTs). The RCRA is an amendment to the Solid Waste Disposal Act of 1965. The RCRA has been amended several times, most significantly by the Hazardous and Solid Waste Amendments (HSWA) of 1984. The RCRA is a combination of the first solid waste statutes and all subsequent amendments. The RCRA authorizes the Environmental Protection Agency (EPA) to regulate waste management activities. The RCRA authorizes states to develop and enforce their own waste management programs, in lieu of the Federal program, if a state's waste management program is substantially equivalent to, consistent with, and no less stringent than the Federal program.

### 19.4.2 State

## Water Supply

### Senate Bill 610

Senate Bill (SB) 610 amended the Public Resources and Water Codes as they pertain to consultation with water supply agencies and water supply assessments. SB 610 requires water supply assessments (WSAs) for "projects" as that term is defined by Water Code Section 10912, which are subject to CEQA.

As noted in Chapter 13, Hydrology and Water Quality, the proposed project does not meet the size criteria as specified in the Water Code, therefore the preparation of a WSA in compliance with SB 610 is not required.

### Senate Bill 221

Whereas SB 610 requires a written assessment of water supply availability, SB 221 requires lead agencies to obtain an affirmative written verification of sufficient water supply prior to approval of certain specified subdivision projects. For this purpose, water suppliers may rely on an Urban Water Management Plan (if the proposed project is accounted for within the UWMP), a Water Supply Assessment prepared for the project, or other acceptable information that constitutes "substantial evidence."

“Sufficient water supply” is defined in SB 221 as the total water supplies available during normal, single-dry and multiple-dry water years within the 20-year (or greater) projection period that are available to meet the projected demand associated with a proposed project, in addition to existing and planned future uses.

#### The Water Conservation Act of 2009

California legislation enacted in 2009 as Senate Bill (SB) 7 of the 7th Special Legislative Session (SB X7-7) instituted a new set of urban water conservation requirements known as “20 percent by 2020.” These requirements stipulate that urban water agencies reduce per capita water use within their service areas by 20 percent relative to their use over the previous 10 to 15 years. Cal Water plans to comply with the SB X7-7 requirements through a combination of ongoing water conservation measures and additional recycled water development.

#### Porter-Cologne Water Quality Control Act

California’s Porter-Cologne Water Quality Control Act of 1970 (Porter-Cologne Act) grants the State Water Resources Control Board (SWRCB) and the RWQCBs power to protect surface water and groundwater quality and is the primary vehicle for implementing California’s responsibilities under the Federal Clean Water Act. The SWRCB is divided into nine regions, each overseen by a RWQCB. The SWRCB is responsible for protecting California’s surface waters and groundwater supplies.

Each RWQCB must formulate and adopt a Water Quality Control Plan (Basin Plan) for its region. The Basin Plan must conform to the policies set forth in the Porter-Cologne Act and established by the SWRCB in its State Water Policy. The Basin Plan establishes beneficial uses for surface and groundwater in the region and sets forth narrative and numeric water quality standards to protect those beneficial uses. Basin plans are updated every three years and provide the basis of determining waste discharge requirements, taking enforcement actions, and evaluating clean water grant proposals. The Porter-Cologne Act also states that an RWQCB may include water discharge prohibitions applicable to particular conditions, areas, or types of waste within its regional plan. The Porter-Cologne Act is also responsible for implementing Clean Water Act Sections 401 and 402 and 303(d) to SWRCB and RWQCBs.

#### The 2014 Sustainable Groundwater Management Act

The Sustainable Groundwater Management Act of 2014 (SGMA), enacted in October 2014, applies to all groundwater basins in the state. Any local agency that has water supply, water management or land use responsibilities within a groundwater basin may elect to be a “groundwater sustainability agency” for that basin. Local agencies have until January 1, 2017, to elect to become or form a groundwater sustainability agency.

In the event a basin is not within the management area of a groundwater sustainability agency, the county within which the basin is located will be presumed to be the groundwater sustainability agency for the basin. By enacting the SGMA, the legislature intended to provide local agencies with the authority and the technical and financial assistance necessary to sustainably manage groundwater within their jurisdictions.

## Wastewater

### Central Coast Regional Water Quality Control Board

The Central Coast Regional Water Quality Control Board (RWQCB) is the local division of the SWRCB that has wastewater oversight authority over the project. SWRCB is a State department that provides a definitive program of actions designed to preserve and enhance water quality and to protect beneficial uses of water in California. NPDES permits allow the RWQCB to collect information on where the wastewater is disposed, what type of wastewater is being disposed, and what entity is disposing of the wastewater. The RWQCB is also charged with conducting inspections of permitted discharges and monitoring permit compliance.

Please also refer to Chapter 13, Hydrology & Water Quality, for discussion on water quality monitoring in the City. As discussed in more detail in Chapter 13, the Pacific Grove Area of Special Biological Significance (ASBS) is one of the SWRCB designated 34 regions on the California Coast. These areas were designated in an effort to preserve the unique and sensitive marine ecosystems for future generations. ASBS are a subset of state water quality protection areas in the ocean along the California coast that require special protection per the California Marine Managed Areas Improvement Act. Their protection is set forth by the SWRCB through the California Ocean Plan, which prohibits discharge of waste to designated ASBS. The project site is located in the southeastern portion of the Pacific Grove ASBS as shown in Figure 13-1: Pacific Grove Subwatershed and Outfall Priority Map.

### General Waste Discharge Requirement (Order No. 2006-0003)

On May 2, 2006, the SWRCB adopted a General Waste Discharge Requirement (Order No. 2006-0003) for all publicly owned sanitary sewer collection systems in California with more than 1 mile of sewer pipe. The order provides a consistent statewide approach to reducing sanitary sewer overflows (SSOs) by requiring public sewer system operators to take all feasible steps to control the volume of waste discharged into the system, to prevent sanitary sewer waste from entering the storm sewer system, and to develop a Sewer System Management Plan (SSMP). The General Waste Discharge Requirement also requires that storm sewer overflows be reported to the SWRCB using an online reporting system. The SWRCB has delegated authority to nine Regional Water Quality Control Boards to enforce these requirements within their region.

Operations and management of the City's sewer system is regulated by the SWRCB's Statewide General Waste Discharge Requirements (WDR) for Sanitary Sewer Systems, Order No. 2006-0003-DWQ, and Amended Monitoring and Reporting Program (MRP), Order No. WQ 2013-0058-EXEC.

## Stormwater

### Central Coast Regional Water Quality Control Board

The Central Coast RWQCB is the local division of the SWRCB that has storm water oversight authority over the project. NPDES permits allow RWQCB to collect information on where the storm water is disposed and what entity is disposing of the storm water. RWQCB is also charged with conducting inspections of permitted storm water discharges and monitoring permit compliance. See Chapter 13, Hydrology and Water Quality, for details regarding regulation of stormwater quality.



## Solid Waste

### California Integrated Waste Management Act

California's Integrated Waste Management Act of 1989 (AB 939) requires that cities and counties divert 50 percent of all solid waste from landfills as of January 1, 2000, through source reduction, recycling, and composting. AB 939 also establishes a goal for all California counties to provide at least 15 years of ongoing landfill capacity.

To help achieve this goal, the Act requires that each city and county prepare a Source Reduction and Recycling Element to be submitted to the Department of Resources Recycling and Recovery (CalRecycle), a department within the California Natural Resources Agency, which administers programs formerly managed by the State's Integrated Waste Management Board and Division of Recycling.

As part of CalRecycle's Zero Waste Campaign, regulations affect what common household items can be placed in the trash. Certain household materials—including fluorescent lamps and tubes, batteries, electronic devices and thermostats—that contain mercury are no longer permitted in the trash and must be disposed separately at Monterey Peninsula Landfill.

In 2007, SB 1016 amended AB 939 to establish a per capita disposal measurement system. The per capita disposal measurement system is based on a jurisdiction's reported total disposal of solid waste divided by a jurisdiction's population. CalRecycle sets a target per capita disposal rate for each jurisdiction. Each jurisdiction must submit an annual report to CalRecycle with an update of its progress in implementing diversion programs and its current per capita disposal rate.

### California Solid Waste Reuse and Recycling Access Act of 1991

The California Solid Waste Reuse and Recycling Access Act requires areas in development programs to be set aside for collecting and loading recyclable materials. The Act requires CalRecycle to develop a model ordinance for adoption by any local agency relating to adequate areas for collection and loading of recyclable materials as part of development projects. Local agencies are required to adopt the model, or an ordinance of their own, governing adequate areas in development programs for collection and loading of recyclable materials.

### CALGreen Building Code

The California Green Building Standards Code (CALGreen) came into effect for all projects beginning after January 1, 2011. Section 4.408, Construction Waste Reduction Disposal and Recycling, mandates that, in the absence of a more stringent local ordinance, a minimum of 50 percent of non-hazardous construction and demolition debris must be recycled or salvaged. The Code requires the applicant to have a waste management plan for on-site sorting of construction debris.

## 19.4.3 Local

### City of Pacific Grove General Plan

Project-relevant general plan policies for Utilities are addressed in this section. Where inconsistencies exist, if any, they are addressed in the respective impact analysis below. Relevant General Plan Policies from the City's Public Facilities Element intended to reduce or avoid environmental issues related to utilities and service systems include the following:

**Goal 1:** Maintain an adequate level of service in the City's water system to meet the needs of the existing and future development.

- **Policy 1:** Endeavor to ensure an adequate water supply for the City's future needs.
- **Policy 2:** Prioritize available water allocation to best serve the City's needs, and to accommodate coastal priority uses designated in the Local Coastal Program Land Use Plan.
- **Policy 3:** Ensure the provision of adequate fire flow rates in all new development and remodeling.
- **Policy 4:** Attempt to provide water for new plantings in designated restoration areas on public property until the plantings are established.
- **Policy 6:** Encourage and assist hospitality-related businesses to actively promote water conservation.

**Goal 2:** Maintain a level of service in the City's sewage collection and disposal system adequate to meet the needs of existing and future development.

- **Policy 7:** Require the provisions of adequate sewer service to all new developments in the City.
- **Policy 8:** Promote the reclamation of waste water for irrigation purposes (specifically, the golf course and cemetery).
- **Policy 10:** Require the installation of grease traps in all restaurants.

**Goal 3:** Accommodate runoff from existing and future development.

**Goal 4:** Prevent property damage caused by flooding

- **Policy 11:** Maintain an adequate level of service in the City's storm drainage system.
- **Policy 12:** Upgrade, where practical and economical, existing drainage facilities as necessary to correct localized drainage problems.
- **Policy 13:** Continue to expand and develop storm drainage facilities to accommodate the needs of existing and planned development.
- **Policy 14:** Ensure that new development pays its fair share of the cost of drainage system improvements related to that development.
- **Policy 15:** Promote the private and public use of cisterns to collect rainwater.

**Goal 5:** Provide for the collection and disposal of solid waste, while accomplishing the mandated objectives of California Integrated Waste Management Act.

- **Policy 17:** Actively pursue methods of solid waste recycling and reuse, including source reduction, as identified in the waste management planning elements and as recommended by the Citizens' Recycling Advisory Committee as necessary to achieve the goals of the California Integrated Waste Management Act.

### City of Pacific Grove Local Coastal Program

Section 3.4 of the City's 2020 LCP contains background information and policies addressing water supply, conservation and wastewater treatment. These policies are intended to ensure that development within the Coastal Zone can be served by a long-term sustainable water supply, conserve as much water as possible, and limit or eliminate discharges that would affect coastal waters.

Specifically, Policy INF-2 requires clear demonstration of adequate water allocation and long-term water supply; INF-4 encourages wastewater disposal systems that minimize or eliminate marine resource pollution; INF-5 requires connection to public waste water treatment systems; and INF-6 and INF-11 address water allocations, potential for on-site conservation and capture, and use of specific conservation measures. Please see Chapter 14, Land Use and Planning, regarding overall project consistency with the LCP.

## City of Pacific Grove Municipal Code and Monterey Peninsula Water Management District

### Municipal Code Chapter 11.68 – Water Distribution Regulations

Pacific Grove Municipal Code Chapter 11.68 regulates water allocation in the City. Prior to obtaining a building permit from the City, project must obtain a water permit from the Monterey Peninsula Water Management District.

### Municipal Code Chapter 9.20 – Sewage Disposal

Pacific Grove Municipal Code Chapter 9.20 regulates sewer system connections and related issues within the City.

### Municipal Code Chapter 9.30 – Storm Water Management and Discharge Control

Pacific Grove Municipal Code Chapter 9.30 regulates stormwater discharge and related issues within the City. The purpose and intent of this chapter is to ensure the health, safety, and general welfare of citizens, and protect and enhance the water quality of watercourses and water bodies in a manner pursuant to and consistent with the Federal Clean Water Act by reducing pollutants in storm water discharges to the maximum extent practicable and by prohibiting non-storm water discharges to the storm drain system.

### Water Efficiency Standards in New Construction

Water Permit applications are processed in accordance with MPWMD Rules and Regulations. MPWMD requires Best Management Practices and highly water efficient fixtures in new construction. Installation of water efficiency plumbing fixtures reduces the burden of new, expanded or modified uses on the water resources. All non-residential users must comply with MPWMD's extensive water conservation and water efficiency standards. Current MPWMD Rules and Regulations are available at the following website: [www.mpwmd.net](http://www.mpwmd.net).

### MPWMD Water Efficient Landscape Requirements

New development projects that include landscape areas of 500 square-feet or more must install and maintain landscaping that complies with the District's requirements. MPWMD Rule 142.1 mandates landscape standards that minimize water use, eliminate water waste, and reduce storm water runoff by requiring low water landscape plantings, design, and irrigation methods. Complete Landscape Documentation Packages and landscape plans must be submitted to MPWMD staff for review and approval.

## 19.5 Environmental Impacts and Mitigation Measures

### 19.5.1 Significance Criteria

The following significance criteria for utilities and service systems were derived from the Environmental Checklist in CEQA Guidelines Appendix G. These significance criteria have been amended or supplemented, as appropriate, to address lead agency requirements and the full range of impacts of the project.

An impact of the project would be considered significant and would require mitigation if it would meet one of the following criteria.

- Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects.
- Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years.
- Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?
- Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals.
- Comply with federal, State, and local management and reduction statutes and regulations related to solid waste.

### 19.5.2 Summary of No and/or Beneficial Impacts

Not applicable. The project could potentially have adverse effects based on the thresholds of significance because the project would require construction to connect to new and existing utility lines (e.g. natural gas, storm drain, water, sanitary sewer, and electrical lines).

### 19.5.3 Impacts of the Proposed Project

**Impact UTIL-1:** The project will require construction to relocate, extend or connect to service systems to service the project. **This is a less than significant impact with mitigation incorporated.**

#### Construction and Operation

To provide adequate utilities and service systems to the project, several new connections and/or facility upgrades will be necessary. Based on **Figure 19-1: Utility Plan**, a new natural gas line would connect to existing facilities at Eardley Avenue and Central Avenue, requiring installation within the Eardley Avenue right of way. Five new natural gas connections would be required at various points within the site plan.

A new storm drain would run along Sloat Avenue, connecting to existing storm drain infrastructure within Eardley Avenue, with additional storm drain connection along Ocean View Boulevard.

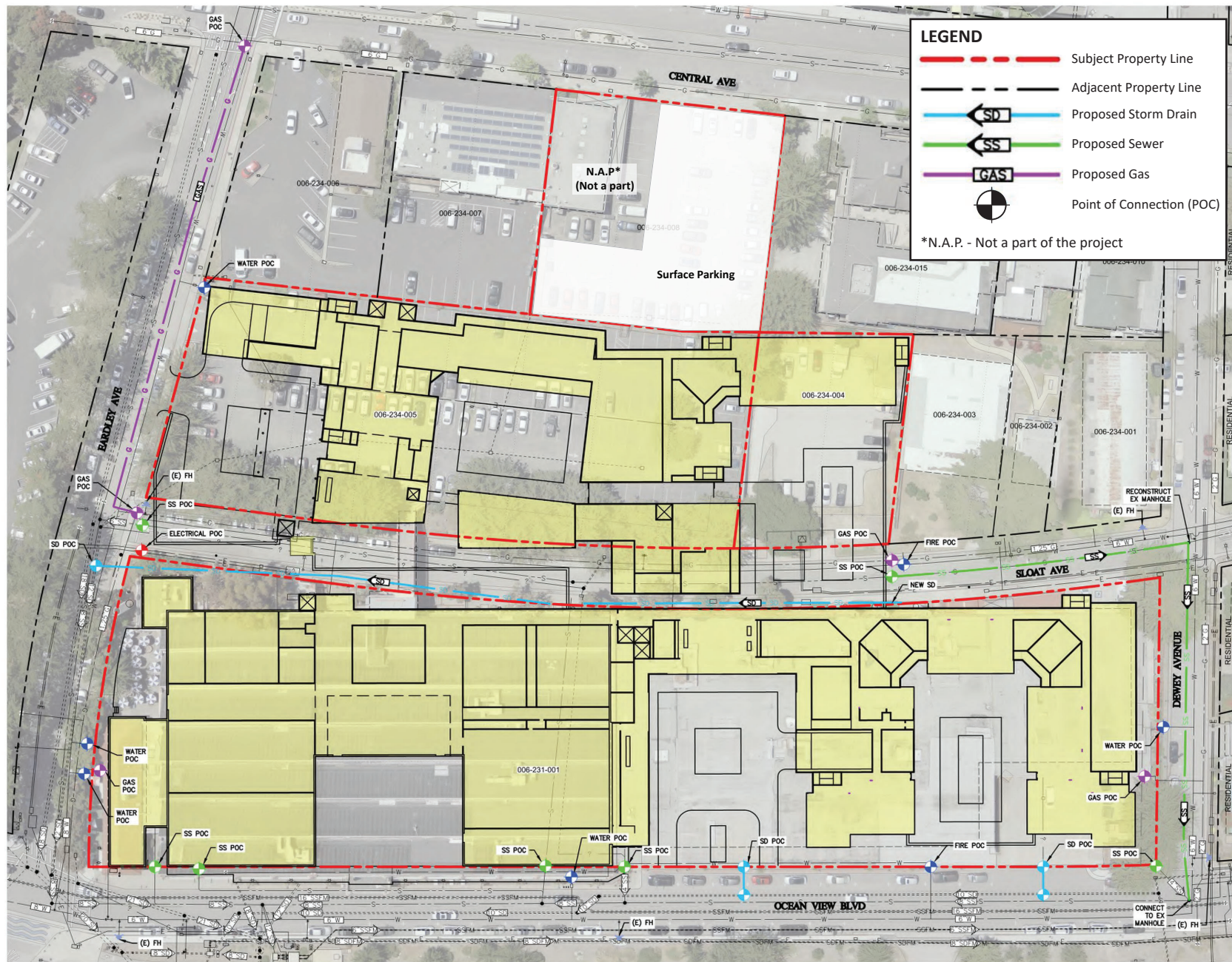
An upgraded sanitary sewer line along Sloat Avenue within the project would transition to a new sewer line within the Dewey Avenue right of way, ultimately connecting to existing lines within Ocean View Boulevard. New sewer connections would be required along the Ocean View Boulevard frontage.

Water infrastructure would not require extension but would require new or relocated connection points along Eardley Avenue and Ocean View Boulevard. Dry utilities, such as communications and electrical power, would also connect to existing systems within the roadways surrounding the project area.

The project site is surrounded by existing subsurface infrastructure systems within various public rights of way. To facilitate the project, new systems will not need to be extended great distances or result in major new construction projects associated with utility system delivery.

Infrastructure systems to serve a project site are typically installed during the first phase of construction, as the site is graded and prepared for subsequent phases. This EIR also recognizes that the systems as proposed will require some construction outside of the project footprint to provide new gas and sewer lines within Eardley Avenue, Sloat Avenue and Dewey Avenue, resulting in temporary disruption and potential inconveniences locally.





Source: CCS Pacific Grove Manager, LLC.

**Figure 19-1: Utility Plan**

American Tin Cannery Hotel and Commercial Project  
Draft EIR



Not to scale

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



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### Mitigation Measures

The specific impacts of construction – dust, noise, water quality, aesthetics, and traffic management – have been considered within those various chapters of this Draft EIR. As the installation of infrastructure occurs in the early stages of project construction, those same measures will serve to effectively mitigate the temporary impacts associated with the construction and connection to all wet and dry utility systems. No additional or specific mitigation is warranted.

### Conclusion

With the application of construction-related mitigated measures throughout this Draft EIR, utility-related constructed effects would be rendered less than significant. This impact only addresses construction effects, based on the thresholds of significance.

**Impact UTIL-2:** The project would have sufficient water supplies to serve the project and reasonably foreseeable development during normal, dry and multiple dry years. This is a **less than significant impact**.

### Construction

Water usage during construction would be limited to needs for dust suppression, equipment, cleanup and other incidental uses. During construction, water will likely be supplied through contracted site services as existing service systems are tied off for construction. Compared to existing water use at the ATC Tin Cannery site, water use during construction will be nominal, and impacts related to water supplies are less than significant.

### Operation

#### Total Water Demand

Based on the Water Demand Technical Memorandum prepared for the hotel and commercial project (Stantec, 2020), the combined gross water demand of all uses associated with the project would be 23.43 acre feet per year (AFY) as shown in **Table 19-1: Proposed Development Water Demand Calculations (Per MPWMD Rule 24)** below. This table represents the water demand based on MPWMD demand factors, before and after implementation of specific water saving measures.

**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)
<b>Adjusted Water Demand</b>						<b>17.91</b>

Source: Stantec 2020

## Water Savings

Given the scarcity of current water supplies on the Monterey Peninsula and limited water allocations available, the project has proposed a progressive water savings program as part of the proposal. The components of this program are summarized below.

### Offsite Laundry Facilities

The project is proposing to offsite laundry to reduce the water demand onsite. On average, a luxury hotel with a pool, restaurants, room service and large banquets produces about 8 to 14 pounds per room per day of laundry. Water use for laundry assumes 2 gallons of water per pound, understanding

that factors may change with the efficiency of the equipment and other operational factors. Based on these factors, the project's laundry demand for water is estimated at 3.06 AFY.

Project representatives have stated that it is likely that project laundry would be processed by Mission Linen's commercial laundry facilities in the City of Salinas<sup>1</sup>, which is located outside of MPWMD's district boundaries. This water savings does not eliminate water use for laundry; rather it transfers the use to another geographic area with more ample water supplies and to a facility designed for large scale commercial laundry facilities capable of accommodating the project.

#### Reclaimed Water (Graywater System)

The project proposes to use non-potable water, or graywater, for exterior landscape irrigation and flushing of all toilets on the property. The source of the graywater is from guestroom shower, bath, and lavatory sink usage. The water demand analysis and supporting documentation estimates that 4.86 AFY of graywater can be reclaimed, with 2.45 AFY used for toilet flushing and 2.30 AFY used for landscape irrigation. As the supply of – and demand for – greywater is directly related to the hotel guest population, the graywater system is predicted to result in a water balance between supply and demand.

#### Waterless Employee Urinals

The project is proposing Zero Waste Consumption Urinals within the employee bathrooms, providing additional water savings. Such fixtures are consistent with MPWMD Rule 142.

On October 15, 2018, the MPWMD Board of Directors approved 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. This finding recognized the "extraordinary measures" proposed by the project and District staff have reviewed and concur with the amount of projected savings. Total estimated water savings from these sources are shown below in **Table 19-2: Total Estimated Water Savings**.

**Table 19-2: Total Estimated Water Savings**

Usage	Estimated Water Savings (AFY)
Laundry	3.06
Graywater System	2.45
Waterless Employee Urinals	0.01
Total Savings	5.52 AFA

Source: Stantec, 2020

As projected by the water demand analysis, the proposed project is estimated to result in a demand of approximately 23.43 AFY of potable water for the hotel, retail, and meeting/ballroom uses. While MPWMD concurs that the project will have sufficient water supply to offset the water demand projections<sup>2</sup> the District also notes that the bathrooms within the four largest suites may use additional water due to higher occupancy and two large bathtubs. As such, the MPWMD's review estimated a water demand of at least 23.746 AFY.

<sup>1</sup> Personal Communication with Scott Stone, Comstock Senior Project Manager, May 20, 2020.

<sup>2</sup> MPWMD Comments on Water Demand Technical Memorandum, January 31, 2020

With the water savings features described above, the annual water savings is predicted to be 5.52 AFY. The project's Water Demand Analysis demonstrates an adjusted demand of 17.91 AFY, while the MPWMD interpretation demonstrates an adjusted demand of 18.23 AFY. Both calculations are within the project site's allocation of 18.53 AFY. As water demand is within the allocation, the project's long-term water supply is considered viable and impacts are less than significant.

### Conclusion

The project would remain within the existing water allocation for the project site. The MPWMD monitors and regulates the region's adjudicated groundwater resources through a system of pumping restrictions, permitting and measured water allocations or credits. These regulations, which also apply to the project, serve to manage local water resources within normal, dry and multiple dry water years.

**Impact UTIL-3:** The wastewater provider, Monterey One Water, has sufficient capacity within its treatment system to accommodate the project. This is a **less than significant impact**.

### Construction and Operation

As described in the existing setting, Monterey One Water provides regional waste water treatment services to over 250,000 people, processes an average of over 18.5 million gallons of waste water each day, and recycles approximately four billion gallons of water annually for crop irrigation. Monterey One's facilities have an average dry weather design treatment capacity of 29.6 million gallons per day (mgd), and a peak wet weather design capacity of 75.6 mgd. These facilities are currently undergoing expansion to increase recycled water capabilities.

The project proposes to use a graywater system to capture and reuse graywater from hotel guestrooms. The source of this water would be from guest shower, bath, and lavatory sink usage. That water would be reclaimed and reused on site, primarily for irrigation and flushing toilets. With such a system, the vast majority of wastewater entering the sanitary sewer system will be from toilets flushed with reused water. Irrigation water will be cycled through evapotranspiration and will not enter the wastewater stream. Based on the Water Demand Analysis the total water usage for both toilets and the waterless employee urinals would be 2,199 gallons per day, which is representative of the projected daily wastewater flow for the project (Stantec, 2020).

Monterey One Water is currently processing waste water well below its design capacity. Therefore, the wastewater provider has adequate demand to service the project.

**Impact UTIL-4:** The project will not generate solid waste beyond the capacity of existing infrastructure or landfills, and would comply with federal, State and local statutes related to solid waste. This is a **less than significant impact**.

### Construction

The project would involve the demolition of the warehouse and NAFI structures at 109/125 Ocean View Boulevard, partial demolition of the factory building, and site clearing of existing pavement and materials for all areas to be developed, including portions of Sloat Avenue. Approximately 102,000 square feet of pavement would be demolished, together with approximately 56,600 square feet of buildings. Preliminary estimates are for 47,100 cubic yards of cut material, and 400 cubic yards of fill,

resulting in a net export and off haul of approximately 46,700 cubic yards of material. The project's demolition plan is shown in **Figure 3-7: Demolition Plan**.

During project construction, generated waste would be hauled off-site to the Monterey Peninsula Landfill and would be handled in accordance with federal, State, and local regulations as they relate to building material waste. As stated above, CalGREEN Section 4.408, Construction Waste Reduction Disposal and Recycling, mandates that, in the absence of a more stringent local ordinance, a minimum of 50 percent of non-hazardous construction (and demolition) debris must be recycled or salvaged. Adherence to Building Code requirements would reduce total waste generated by demolition and construction, and the waste would be appropriately sorted and disposed at landfills with adequate capacity such as the Monterey Peninsula Landfill. Thus, impacts would be less than significant.

### Operation

As discussed above, generated solid waste from the project site is hauled off to the Monterey Peninsula Landfill. The Monterey Peninsula Landfill has a permitted capacity to handle 3,500 tons per day. As of December 31, 2014, the remaining capacity available at the landfill is 48,500,000 cubic yards. The MRWMD estimates that the Monterey Peninsula Landfill it has space for more than 100 years of waste at current disposal rates (MRWMD, 2020).

The project would result in the development of 225 guest rooms and hotel facilities and approximately 20,000 sf of street retail uses along the Ocean View Boulevard frontage. Based on an average rate of 3 lbs/per day/per room, the project's hotel rooms would generate approximately 675 lbs/per day or 123 tons per year at full buildout.<sup>3</sup> Commercial uses, at a rate of 13 pounds per 1,000 square feet, would generate an estimated 260 pounds per day. Thus, operation of the project would increase generation of solid waste at the project site and decrease the available capacity at the Monterey Peninsula Landfill over time. However, the yearly contribution of solid waste per year to the landfill would be negligible compared to existing and long-term landfill capacity. Thus, impacts would be less than significant.

### 19.5.4 Cumulative Impact Analysis

The geographic range for the analysis of cumulative utility service impacts is the cumulative list of projects identified in Chapter 4, including the Hotel Durell, Ocean View Plaza, Bechtel Education Center, Holman Building residential project, and mixed-use development at 520/522 Lighthouse Avenue. Each of these projects could place incremental increased demands upon local utility providers and local infrastructure in and around the City.

**Impact UTIL-5:** The project would not contribute to cumulatively considerable utilities and service system impacts. This is a **less than significant impact**.

Construction-related impacts associated with new or relocated services or infrastructure would be temporary and mitigated on a project by project basis. As projects would typically be constructed on independent schedules, the effects of such impacts would typically not combine to create a unique or significant environmental effect.

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<sup>3</sup> CalRecycle provides a range of rates supporting an assumption of 3 lbs/per day/ per hotel room and 13 lbs/1,000 sf/day for commercial retail use.



With respect to water supply and demand, each project assumed within the cumulative analysis would be required remain within existing water credit allocations. As the management of credits and other restrictions and regulations by MPWMD serves to mitigate the cumulative effects upon the region's limited groundwater resources, resulting in a less than significant cumulative demand by the project.

Regarding wastewater, the combined wastewater flows of the cumulative list of projects – including two hotels, mixed use developments and aquarium facilities – would remain well below treatment capabilities of Monterey One Water.

Similarly, as documented above, the Monterey Peninsula Landfill has approximately 100 years of projected capacity for solid waste. For this reason, the combined, cumulative solid waste stream can be accommodated.

For these reasons, cumulative impacts to utilities and service systems would be less than significant.

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## 20 Alternatives

This section describes the CEQA requirements for the analysis of project alternatives and describes the process used to define alternatives to the proposed project. Based on the project impacts identified, this section describes three alternatives to the proposed project and provides a comparative analysis for each. This discussion includes the evaluation of the No Project Alternative, as required by CEQA, a comparison of alternatives and identification of the environmentally superior alternative.

### 20.1 CEQA Requirements for Alternatives

CEQA requires that an EIR “...describe a reasonable range of alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation.” (CEQA Guidelines §15126.6(a))

To comply with this requirement, the City of Pacific Grove evaluated possible alternatives based on the following factors:

- Does the alternative accomplish most of the basic project objectives?
- Is the alternative potentially feasible (from economic, environmental, legal, social, technological standpoints)?
- Does the alternative avoid or substantially lessen any significant effects of the proposed project? Alternatives need be environmentally superior to the project in only some, not all, respects.
- Is the alternative reasonable and realistic? An EIR need not consider an alternative whose effect cannot reasonably be ascertained or whose implementation is remote and speculative, because unrealistic alternatives do not contribute to a useful analysis.

Each of these requirements is described in more detail in the following sections.

### 20.2 Consistency with Project Objectives

The basic purpose of an EIR's discussion of alternatives is to suggest ways project objectives might be achieved at less environmental cost. Accordingly, alternatives must be able to meet most project objectives, but they need not be able to meet all of them. As stated in the CEQA Guidelines, the EIR's alternatives analysis should focus on alternatives that can eliminate or reduce significant environmental impacts even if they would impede attainment of project objectives to some degree or be more costly (14 CCR §15126.6(b)). The alternatives discussed must, however, be able to attain most of the basic objectives of the proposed project (14 CCR §15126.6(a)). As stated in Chapter 3, Project Description, the following objectives have been identified for the proposed project:

1. Provide public fiscal benefits (i.e., transient occupancy tax revenues), economic development and employment opportunities in the City of Pacific Grove.

2. Facilitate renewal of an under-utilized property with an economically viable hotel and commercial uses.
3. Establish allowed land uses that address the needs of business, education and tourism visitors to the City, including additional meeting and gathering space.
4. Increase the range of visitor lodging types in the City and provide a high-quality visitor experience for families, leisure and business travelers.
5. Promote access to coastal resources in the City by providing increased visitor lodging opportunities.
6. Create an architectural design program for the site that is responsive to program needs, is contextually appropriate, and that will present a distinctive and attractive gateway transition into the City.
7. Support sustainability practices by incorporating sustainable building design features, sustainable hospitality operations and promote the use of alternative transportation methods.
8. Implement a hotel and commercial project consistent with the vision and policies of the City of Pacific Grove Local Coastal Program.

The determination of whether to eliminate or retain alternatives in this EIR was based on each alternative's ability to meet most or all of these objectives, even if the alternative may be more costly than the proposed project.

## 20.3 Feasibility of Alternatives

CEQA requires that an EIR analyze alternatives that are potentially feasible. Among the factors that may be taken into account when addressing the potential feasibility of alternatives include site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or other regulatory limitations, jurisdictional boundaries, and proponent's control over alternative sites in determining the range of alternatives to be evaluated in the EIR (14 CCR 15126.6(f)(1)). The potential feasibility of potential alternatives considers the following factors:

- **Economic Feasibility.** Is the additional cost of the alternative or lost profits from the alternative sufficiently severe to render it impractical and not feasible? Alternatives that are capable of eliminating or reducing significant environmental effects even though they may be more costly must be considered (14 CCR 15126.6(b)). However, if the additional costs of implementing an alternative or lost profitability associated with an alternative are sufficiently severe, then these factors may render the alternative impractical or economically infeasible.
- **Legal Feasibility.** Are there legal constraints to implementing the alternative? For example, constructing the proposed project on an alternative site may not be legally feasible if the applicant does not own the site or applicable land use regulations or property restrictions prohibit the proposed project. For example, the proposed project may not be legally permissible in wilderness areas, wilderness study areas, restricted military bases, airports, and Indian reservations or on property that is not zoned to allow such a use. Any potential legal constraints

affecting an alternative are identified based on a review of applicable local, State, and federal laws, regulations, plans, and policies.

- **Social Feasibility.** Would the alternative cause significant damage to the socioeconomic structure of the community and be inconsistent with important community values and needs? Similar to the environmental feasibility addressed below, this subject is primarily considered in regard to significant environmental effects.
- **Technical Feasibility.** Is the alternative feasible from a technological perspective, considering available technology? Are there any construction, operation, or maintenance constraints that cannot be overcome?

## 20.4 Potential to Eliminate Significant Environmental Effects

A key CEQA requirement for an alternative is that it must have the potential to “avoid or substantially lessen any of the significant effects of the project” (CEQA Guidelines Section 15126.6(a)). If an alternative is identified that clearly does not have the potential to provide an overall environmental advantage as compared to the proposed project, it is usually eliminated from further consideration.

### No Project Alternative

In addition to studying a reasonable range of alternatives based on the criteria set forth above, CEQA requires the EIR to analyze a “no-project” alternative. Consideration of the No Project Alternative is required by Section 15126.6(e) of the CEQA Guidelines. The analysis of the No Project Alternative must discuss the existing conditions at the time the Notice of Preparation was published (November 6, 2019), as well as: “what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services” (CEQA Guidelines Section 15126.6 (e)(2)). The requirements also specify that: “If disapproval of the project under consideration would result in predictable actions by others, such as the proposal of some other project, this ‘no project’ consequence should be discussed” (CEQA Guidelines Section 15126.6 (e)(3)(B)).

## 20.5 Alternatives Evaluation Process

The City of Pacific Grove identified a range of alternatives based on the screening criteria set forth above. The City also considered oral and written comments received during the CEQA scoping process that recommended or identified potential project alternatives. The range of alternatives considered in the screening analysis encompasses:

- Potentially feasible alternatives that may have been identified during the public scoping process.
- Potentially feasible alternatives that the City has identified as a result of the independent review of the proposed project impacts.

## 20.6 Alternatives Eliminated from Further Consideration

**Alternative Site.** Alternative sites are generally evaluated in an EIR to avoid, lessen or eliminate the significant impacts of a project by considering the proposed development in an entirely different location. To be feasible, development of off-site locations must be able to be legally, practically, and financially viable, as well as meet most of the project’s stated objectives.

The evaluation of alternative sites is best used for projects such as power plants, treatment plants, solar farms, public facilities and similar uses, where a public agency or other entity has land use control over multiple sites, and the sites can be evaluated for environmental, financial, scientific or other constraints.

The ATC site has been identified in the City's LCP for visitor serving and visitor accommodating uses such as a hotel, and the applicant does not have alternative local holdings that could accommodate the project. For these reasons, an alternative site is not feasible.

**Affordable Housing Alternative.** An alternative was considered that would provide residential uses at the site to help meet the City's affordable housing goals. Assuming income-restricted, attached units in the High-Density Residential land use category (19.8 units per acre), the 5.59-acre site could yield approximately 100 residential units. While such an alternative could help meet City and regional affordable housing demand, there are several constraints to this alternative. This alternative would be inconsistent with the recently certified Local Coastal Program and would not meet the primary objectives of the project to build hotel and commercial uses. As this alternative is not supported by the underlying land use designations as approved by the City and Coastal Commission and does not represent the vision or objectives of the owner, this alternative is considered infeasible.

## 20.7 Alternatives Selected for Analysis

### 20.7.1 No Project Alternative

#### Description

Under the No Project Alternative, no hotel and commercial project would be built in the near term, and the existing commercial uses at the project site would remain for the foreseeable future. Over time, building conditions would continue to deteriorate and become more difficult to maintain. At some point in the future, it is reasonable to assume that a project would be implemented consistent with the policies and development standards of the LCP. Existing environmental conditions at the site as of November 2019 establish the environmental baseline for this alternative.

#### Ability to Meet Project Objectives

The No Project alternative would not meet the basic objectives of the proposed project. While continued retail at the site would provide some fiscal benefit, this alternative would fail to provide the enhanced visitor serving uses envisioned by the applicant as well as in the City's LCP.

#### Comparative Analysis of Environmental Impacts

Under the No Project Alternative, none of the construction and operational project impacts identified in this EIR would occur in the near term. Retail and other allowable uses would continue as allowed under existing zoning and LCP/IP regulations for the foreseeable future, and the existing uses could see intensification if existing leasable spaces were more fully occupied. However, it is possible, even probable, that future Visitor Serving Commercial uses would ultimately be proposed and approved at the site given its designation for such uses in the LCP. Any development proposal for new Visitor Serving Commercial uses would be expected to have environmental effects similar to the project in the long term based on the City's LCP and associated policies and development standards.



### 20.7.2 Alternative A: Limited Alteration of ATC Factory Building

#### Description

This alternative would either eliminate the courtyard feature currently proposed for the ATC Factory building, relocate the courtyard feature to the back of the building, or provide the courtyard while otherwise preserving the front façade of the structure along Ocean View Boulevard. The purpose of this alternative is to reduce or eliminate the significant impact associated with modification of a building determined to be eligible as a historic resource under Secretary of the Interior standards.

#### Ability to Meet Project Objectives

This alternative would meet most or all of the primary project objectives because it would result in a project that is substantially the same as the proposal in terms of uses, size and other features.

#### Comparative Analysis of Environmental Impacts

All impacts under Alternative A would be similar to the proposed project, with the exception of cultural (historic) resource impacts, which would be lessened. All other areas of study (Aesthetics, Biological Resources, etc.) would have similar impacts under Alternative A because this alternative would result in a similar project footprint, same intensity of uses, similar construction program and same volume of vehicle trips.

In terms of historic preservation, however, this alternative would eliminate an identified significant unavoidable effect regarding impacts to the historic integrity of the ATC factory building. By making changes to the design along the Ocean View Boulevard frontage, this alternative could mitigate historic impacts as identified within the historic resource evaluation (Appendix E) and Chapter 8 of this EIR.

### 20.7.3 Alternative B: Lower Profile Alternative

#### Description

This alternative would eliminate Level 6 of the project, which is the top floor (fourth floor) of the Executive Wing. This alternative would lower this portion of the hotel by approximately 10 feet, resulting in the removal of approximately 35 guest rooms. The purpose of this alternative is to mitigate or reduce the degree significant impacts associated with visual and aesthetic effects within the Coastal Zone, as it would lower the profile the hotel structure and have less of an effect on visual changes as seen from public roadways and viewpoints. With a reduction in guest rooms, a secondary benefit would be a reduction in parking demand, potentially reducing the amount of excavation required in Level B-1 or elsewhere and/or making some portion of the additional parking available for public/coastal use.

#### Ability to Meet Project Objectives

Alternative B could meet most of the primary objectives of the project, as it would result in a visitor serving hotel project, provide public fiscal benefits, and support sustainable development at the site consistent with the recently adopted LCP.

#### Comparative Analysis of Environmental Impacts

This alternative results in several potential changes to the proposal that warrant an “issue by issue” comparison, provided below:

**Aesthetics.** This alternative would result in lesser impacts with respect visual and aesthetic effects, and could reduce the degree of impact associated with a significant unavoidable effect (Impact AES-2). From key viewpoints (KVP 4 and 5 in particular) a lower profile project would result in an overall lesser degree of visual change from public roadways and lessen the degree of visual change with a reduction in overall project height, particularly the building heights created by the Executive Wing. While the degree of impact may be lessened, this alternative would not, however, fully mitigate the unavoidable effect of tree removal as a coastal visual resource. Tree removal itself can be fully mitigated, but the change in coastal visual character based on LCP and Coastal Act policies would still occur and remain significant.

**Air Quality.** The entire site would still be prepared, graded and developed, and hotel and commercial uses would be developed resulting in similar construction emissions. The lower number of guest rooms would be expected to result in less excavation for the subterranean parking areas, which would result in less construction-phase emissions than the proposed project. In addition, as the overall size of the project under Alternative B would be slightly smaller, the project's operational effects would result in a slight reduction in air quality emissions. These emissions would be reduced primarily by fewer vehicle emissions corresponding with the reduction of 35 guest rooms.

**Biological Resources.** Effects to biological and tree resources at the site would be similar to the project, particularly for the operational phase of the proposed project. The duration of the construction phase would be slightly shorter, with less hard-rock excavation required. This would result in slightly less potential noise-related disturbance to sensitive biological resources.

**Cultural Resources.** Environmental impacts associated with cultural (historic and prehistoric) resources would be similar under Alternative B, as a similar footprint and level of grading and ground disturbance would occur. In addition, in this alternative, alteration of historic structures would still occur.

**Energy.** The energy demands of the lower profile Alternative B would be slightly reduced compared to the proposed project, due the reduction in guest rooms and corresponding reduction in energy requirements of daily operations.

**Geology and Soils.** Because Alternative B would still require site grading and excavation to support hotel and commercial uses, impacts would be similar, albeit slightly reduced due to the lesser amount of hard-rock excavation required in this alternative.

**Greenhouse Gas Emissions.** The entire site would still be prepared, graded and developed, and hotel and commercial uses would be developed resulting in similar construction emissions. However, as the overall size of the project under Alternative B would be reduced by 35 guestrooms, the project's development program and operational effects would be correspondingly reduced. The reduction in emissions would be primarily from fewer mobile emission sources, resulting in a slight reduction in operational-phase GHG emissions. There would also be slightly reduced construction-phase GHG emissions, as less hard-rock excavation would be required in this alternative.

**Hazards and Hazardous Materials.** All potential effects of developing the site and demolishing/disposal of existing structures would also occur under this alternative. Therefore, impacts would also be similar.

**Hydrology and Water Quality.** As the project footprint for Alternative B would be similar to the original proposal, potential effects would also be similar. The amount of runoff, changes in drainage patterns, and application of all water quality regulations in the project design would be the same.

**Land Use.** Alternative B would result in a land use program similar to the original proposal. While the building heights would be lower and would be below the maximum allowed by the City's LCP, impacts would remain less than significant and would be considered similar to the project.

**Noise.** While Alternative B would be slightly reduced in size, the overall construction and operation of this alternative would be substantially the same as the proposed project. All anticipated noise impacts would be considered similar in scope, although the duration of construction and excavation noise could be slightly reduced if less hard rock excavation is required.

**Public Services.** As the basic uses and development program under Alternative B would be similar to the proposed project (but with a reduction in guest rooms), effects upon public service providers would be similar and would remain less than significant.

**Transportation.** The reduction in guest rooms under Alternative B would result in a slight reduction in trip generation and VMT. However, based on the projected volumes and operations analysis, this reduction would not change the result of the transportation assessment or significance of impacts.

**Tribal Cultural Resources.** As the overall development footprint and grading requirements of Alternative B would be similar to the proposed project, the potential for disturbance or discovery of tribal resources would also be similar.

**Utilities and Service Systems.** The reduction in guest rooms under Alternative B would result in a corresponding reduction in water demand, wastewater flows, and dry utility demand. However, this slight reduction in demand would not reduce the significance of any impacts as identified in this EIR. Compared to the project, the degree of impact would be slightly reduced, particularly as this option would use less water.

#### 20.7.4 Alternative C: Revised Parking Concept

##### Description

This alternative would result in a 2-level parking structure located at 124 Central Avenue, where surface valet parking is currently proposed next to DiMaggio's Custom Cleaners. The intent of this parking concept is to provide up to 107 valet parking spaces to replace all or most of the 107 subterranean valet spaces currently proposed in Level B1. By providing alternative parking opportunities accessed from Central Avenue, noise and construction related impacts associated with excavation of hard bedrock could be lessened, or at least transferred to a location with fewer sensitive residential and biological receptors. If public parking is included in the parking concept, this alternative may also serve to enhance visitor parking opportunities within the Coastal Zone. To provide the number of spaces needed and to address existing site constraints, the applicant may need to obtain full control of the parcel and the cleaners building may need to be removed. This alternative assumes that all other aspects of the project remain the same.

##### Ability to Meet Project Objectives

Alternative C would meet the primary objectives of the project as it would provide certain public fiscal benefits, provide a visitor serving/visitor accommodating hotel use consistent with the LCP, and would incorporate sustainable design features. This alternative may be costlier as the design and construction of a parking structure would be expected to be more expensive than the proposed subterranean

excavation. In addition, the applicant may need to gain more complete site control of the subject parcel, providing some challenges to feasibility.

### Comparative Analysis of Environmental Impacts

Alternative C introduces a new project feature that also warrants an “issue by issue” comparison, provided below:

**Aesthetics.** The primary visual change from Alternative C compared to the project would be the introduction of a 2-level parking structure at 124 Central Avenue, where there is currently surface parking and the existing dry cleaners. Depending on the ultimate design, Alternative C may require additional cypress tree removal or trimming of those trees on the adjacent parcel that encroach into the site. Compared to the existing views and visual simulations from Central Avenue as shown in Chapter 5 of the EIR, this alternative would introduce a new structure that would be more visually prominent on this portion of the project site. While the parking structure may not further block views compared to the project, the structure would need to be designed consistent with LCP policy and guidance. Overall, the aesthetic impact of introducing a parking structure at this location would be considered slightly greater than the project.

**Air Quality.** The project would excavate the sub surface of the site in hard granite base rock over a 29,700 square foot area, while Alternative C would result in new construction over an area of similar size. Both options would require the use of heavy equipment and construction methods that would generate emissions. While the emissions from these two construction options are not quantified, it would be expected that excavation would remove more native material, while the structure would take longer to construct. Excavation would require export of excess cut material, while construction of a parking structure would require import of concrete and other construction materials. Given these tradeoffs, emissions would be predicted to be similar.

**Biological Resources.** The potential biological impacts of Alternative C compared to the project would be potentially reduced, or lessened, as it is assumed that the noise levels and duration associated with excavating in area B1 would not be required. As a result, the temporary rise in noise levels near the harbor seal rookery would also be lessened. Some overhanging trees on the parcel adjacent to 124 Central Avenue may require trimming and/or protection during construction; however, this effect is inconsequential.

**Cultural Resources.** The introduction of a parking structure at 124 Central Avenue may require additional grading and foundation work for structural support. This could disturb more ground area in a location not previously proposed for grading. While elimination of excavation in Level B1 would reduce excavation in this location, most of the excavation that would be avoided in this alternative would occur in solid rock formations, where discovery of cultural resources would not be expected to occur. Surface grading at this portion of the project site would occur, even without deep excavation. For these reasons, the near surface disturbance for the parking structure could result in slightly greater impacts associated with the potential to discover or disturb subsurface cultural resources.

**Energy.** While the energy requirements of subsurface excavation versus parking structure construction have not been quantified, it is assumed for this analysis that such requirements would be similar. Energy

use during construction would be slightly reduced, but this would be off set by increased energy demands from construction of a new parking structure.

**Geology and Soils.** Alternative C would eliminate the deep subsurface excavation in Level B1. Although there were no specific significant impacts associated with this project element that resulted in any specific geologic risk, putting parking in an above ground garage instead of below ground would reduce the need for this extensive excavation and would result in a reduction of the degree of impact that would otherwise be caused by a significant removal of material. Impacts to potential paleontological resources within the bedrock could also be avoided. For this reason, impacts related to geology and soils would be slightly reduced.

**Greenhouse Gas Emissions.** Similar to the assessment of air quality, the project would excavate the sub surface of the site in hard granite base rock over a 29,700 square foot area, while Alternative C would result in new construction over an area of similar size. Both options would require the use of heavy equipment and construction methods that would generate GHG emissions. While the emissions from these two construction options are not quantified, it would be expected that excavation would remove more native material, while the structure would take longer to construct. Given these tradeoffs, emissions are predicted to be similar.

**Hazards and Hazardous Materials.** Alternative C is assumed to necessitate the demolition and removal of DiMaggio's Custom Cleaners (dry cleaners). If this were to occur, this action may require additional investigation and remediation work based on the reported presence of PERC (a common solvent no longer used in California dry cleaning operations) in the soil. Disturbance and remediation work could result in greater impacts compared to the project.

**Hydrology and Water Quality.** With the introduction of a new structure to be built under Alternative C, water quality protections due to construction would need to be expanded to this location, resulting in slightly greater impacts. While all impacts could be mitigated, this option would increase the area of disturbance and degree of impact.

**Land Use and Planning.** The introduction of a new parking structure under Alternative C would not disrupt or divide the community or necessarily conflict with existing environmental plans and policies, as a parking structure could provide an opportunity for expanded public parking and coastal access. Compared to the project, land use issues would be considered similar.

**Noise.** Alternative C would reduce noise associated with hard rock excavation near the corner Ocean View Boulevard and Dewey Avenue. The duration of the hard-rock excavation activities would be lower than for the proposed project, and this would result in a lesser degree of impact for nearby receptors, including nearby residents and wildlife along the shoreline. Construction of a new parking structure on Central Avenue would create new sources of noise in this location. However, this location is adjacent to commercial and office uses and is further from shoreline areas. As such, the parking structure construction activities would be in areas that are not as close to sensitive wildlife species and residential receptors.

**Public Services.** As the basic uses and development program under Alternative C would be similar to the proposed project, effects upon public service providers would be similar and would remain less than

significant. There is nothing unique about a parking structure that would trigger new or different impacts to public services.

**Transportation.** Compared to the project, increased traffic and VMT associated with the project would be similar. The only difference is the location of parking, which would result in incidental differences in traffic distribution.

**Tribal Cultural Resources.** The introduction of a parking structure at 124 Central Avenue may require additional grading and foundation work for structural support. This would could disturb more ground area in a location not previously proposed for grading. While elimination of excavation in Level B1 would reduce digging in this location, most of the digging would occur in solid rock formations, where discovery of cultural resources would not be expected to occur. Surface grading at this location will occur, even without deep excavation. For these reasons, the near surface disturbance for the parking structure could result in slightly greater impacts associated with the potential to discover or disturb subsurface cultural resources.

**Utilities and Service Systems.** As the overall development program of the project is similar to that of Alternative C, relative impacts would be similar. A parking garage would not substantially increase demand on utility or service systems.

## 20.8 Comparison of Alternatives Summary

CEQA requires the following for alternatives analysis and comparison:

The EIR shall include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project. A matrix displaying the major characteristics and significant environmental effects of each alternative may be used to summarize the comparison. If an alternative would cause one or more significant effects in addition to those that would be caused by the project as proposed, the significant effects of the alternative shall be discussed, but in less detail than the significant effects of the project as proposed (CEQA Guidelines Section 15126.6(d)).

The comparative merits of each alternative are provided in the narrative evaluation above. However, [Table 20-1: Alternatives Impacts Comparison Summary](#), provides a visual representation of this comparison in graphic format.

**Table 20-1: Comparison of Impacts Against the Proposed Project**

Subject/Area of Analysis in the EIR	No Project Alternative	Alternative A: Limited Alteration of ATC Factory Building	Alternative B: Low Profile Alternative	Alternative C: Alternative Parking Concept
Aesthetics	Similar	Similar	Reduced	Slightly Greater
Air Quality	Similar	Similar	Slightly Reduced	Similar
Biological Resources	Similar	Similar	Slightly Reduced	Reduced
Cultural Resources	Similar	<b>Avoids Significant Impact</b>	Similar	Slightly Greater
Energy	Similar	Similar	Slightly Reduced	Similar



Subject/Area of Analysis in the EIR	No Project Alternative	Alternative A: Limited Alteration of ATC Factory Building	Alternative B: Low Profile Alternative	Alternative C: Alternative Parking Concept
Geology and Soils	Similar	Similar	Similar	Slightly Reduced
Greenhouse Gas Emissions	Similar	Similar	Slightly Reduced	Similar
Hazards and Hazardous Materials	Similar	Similar	Similar	Greater
Hydrology and Water Quality	Similar	Similar	Similar	Slightly Greater
Land Use	Similar	Similar	Similar	Similar
Noise	Similar	Similar	Slightly Reduced	Reduced
Public Services	Similar	Similar	Similar	Similar
Transportation	Similar	Similar	Slightly Reduced	Similar
Tribal Cultural Resources	Similar	Similar	Similar	Slightly Greater
Utilities and Service Systems	Similar	Similar	Slightly Reduced	Similar

### 20.8.1 Environmentally Superior Alternative

In this section, the City of Pacific Grove has identified the Environmentally Superior Alternative, as required by CEQA Guidelines Section 15126.6(d) and (e)(2). Based upon the comparison above, the No Project Alternative would result in the fewest environmental impacts.

If the environmentally superior alternative is the No Project Alternative, CEQA requires identification of an environmentally superior alternative among the other alternatives (CEQA Guidelines Section 15126.6(e)(2)).

Pursuant to the CEQA Guidelines, Alternative A, Limited Alteration of the ATC Factory Building, would be the Environmentally Superior Alternative. This is the only alternative that would fully mitigate an otherwise significant unavoidable impact.

Alternative B would have environmental benefits, as it would slightly reduce the projects effects related to air quality, biology, energy, greenhouse gas emissions, transportation and utilities. However, these effects would only be reduced by a matter of degree. It would more substantially reduce the degree of visual effects in the Coastal Zone; however, it would not completely eliminate this impact. Alternative C, Alternative Parking Concept, would also have some environmental benefits by eliminating hard rock excavation in Level B1, and in doing so, would have lesser noise and slightly reduced impacts for geology and soils. However, this alternative results in the transfer some impacts to the Central Avenue location and actually expands the development footprint of the project. As such, Alternative C would result in slightly greater impacts to aesthetics, cultural and tribal resources, hazardous materials, and water

quality. As such, Alternative C is not environmentally superior to the proposed project or the other alternatives.

## 21 Other CEQA Considerations

The information in this chapter presents several additional considerations and required subjects related to the project's environmental effects. Consistent with CEQA Guidelines Section 15126, an EIR must include the following subjects shown in Table 21-1: Consideration and Discussion Environmental Impacts. The table identifies where several of these specific subjects are contained in the EIR. Remaining subjects are discussed in this chapter.

**Table 21-1: Consideration and Discussion Environmental Impacts**

Required Subject	Location with the EIR
Significant Environmental Effects of the Project	Within the analysis of each subject in Chapter 5 through Chapter 19
Significant Environmental Effects Which Cannot be Avoided if the Project is Implemented	Within Chapter 5 (Aesthetics), Chapter 8 (Cultural Resources)
Significant Irreversible Environmental Changes Should the Project be Implemented	Not required for this project per CEQA Guidelines Section 15127.
Growth Inducing Effects of the Project	Chapter 21, in the paragraphs below
Mitigation Measures Proposed to Minimize Significant Effects	Within the analysis of each subject in Chapter 5 through Chapter 19
Alternatives to the Project	Chapter 20

### 21.1 Growth-Inducing Effects

Section 15126.2(d) of the State CEQA Guidelines provides the following guidance on growth-inducing impacts: a project is identified as growth inducing if it “could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment.”

A project can have direct and/or indirect growth-inducement potential. Direct growth inducement would result if a project involves construction of new housing. A project can have indirect growth-inducement potential if it would establish substantial new permanent employment opportunities (e.g., commercial, industrial or governmental enterprises) or if it would involve a substantial construction effort with substantial short-term employment opportunities and indirectly stimulate the need for additional housing and services to support the new employment demand.

Similarly, under CEQA, a project would indirectly induce growth if it would remove an obstacle to additional growth and development, such as removing a constraint on a required public service. Increases in population could tax existing community service facilities, requiring construction of new facilities that could cause significant environmental effects. The CEQA Guidelines also require analysis of the characteristics of projects that may encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively.

The project would not generate a new permanent residential population, and any induced growth would be the result of additional employment opportunities. While the project would foster economic growth within the City of Pacific Grove in terms of tax base and transient occupancy, 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. Similarly, short-term construction jobs would likely be filled by existing residents from Monterey, Santa Cruz and San Benito Counties. In addition, as the project is within an existing urbanized area and would not extend critical infrastructure or remove barriers to adjacent growth, opportunities for influencing or inducing growth are very limited. For these reasons, the proposed project would not result in substantial growth inducement to the City or region.

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