



**CITY OF PACIFIC GROVE**  
300 Forest Avenue, Pacific Grove, California 93950

**ERRATA SHEET**

**TO:** HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL  
**FROM:** Sandra Kandell, City Clerk  
**MEETING DATE:** May 2, 2018  
**SUBJECT:** City Council Meeting Agenda- Errata Sheet

---

**Attached is additional information for your consideration at the May 2, 2018 City Council Meeting:**

Agenda Item	Information Provided/Corrected
12C	Public Comment as to Golf Course Mitigated Negative Declaration <b>(See attached comment.)</b>

RESPECTFULLY SUBMITTED:

---

Sandra Kandell, City Clerk

*Ohlone/Costanoan-Esselen Nation*



*Previously acknowledged as  
The San Carlos Band of  
Mission Indians  
The Monterey Band  
And also known as  
O.C.E.N. or Esselen Nation  
P.O. Box 1301  
Monterey, CA 93942*

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

April 3, 2018

Mark Brodeur  
Director, Community and Economic Development Department  
City of Pacific Grove  
300 Forest Avenue  
Pacific Grove, CA 93950

Re: Auto Auctions at Pacific Grove Municipal Golf Course

Saleki Atsa,

Ohlone/Costanoan-Esselen Nation is an historically documented previously recognized tribe. OCEN is the legal tribal government representative for over 600 enrolled members of Esselen, Carmeleno, Monterey Band, Rumsen, Chalon, Soledad Mission, San Carlos Mission and/or Costanoan Mission Indian descent of Monterey County. Though other indigenous people may have lived in the area, the area is the indigenous homeland of our people. Included with this letter please find a territorial map by Taylor 1856; Levy 1973; and Milliken 1990, indentifying Tribal areas.

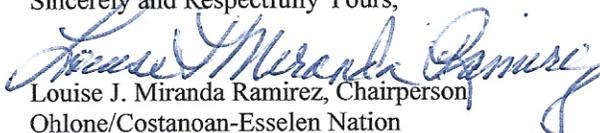
**Ohlone/Costanoan-Esselen Nation objects to all excavation in known cultural lands, even when they are described as previously disturbed, and of no significant archaeological value.** Please be advised that it is our priority that our ancestor's remains be protected and undisturbed. We desire that all sacred burial items be left with our ancestors on site or as culturally determined by OCEN. We request all cultural items returned to Ohlone/Costanoan-Esselen Nation. We ask for the respect that is afforded all of our current day deceased, by no other word these burial sites are cemeteries, respect for our ancestors as you would expect respect for your deceased family members in today's cemeteries. **Our definition of respect is no disturbance.**

OCEN's Tribal leadership desires to be provided with:

- Archaeological reports/surveys, including subsurface testing, and presence/absence testing.
  - OCEN request to be included in mitigation and recovery programs,
  - OCEN request that Cultural and Tribal mitigation measures reflect request for OCEN Tribal Monitor,
  - Reburial of any of our ancestral remains, burial artifacts,
  - Placement/return of all cultural items to OCEN, and that
  - A Native American Monitor of Ohlone/Costanoan-Esselen Nation, approved by the OCEN Tribal Council is used within our aboriginal territory.
- OCEN request consultation with the lead agency.**

We ask that a sacred lands search with the Northwest Information Center, Sonoma State University and the Native American Heritage Commission. Please feel free to contact me at (408) 629-5189. Nimasianexelpasaleki. Thank you

Sincerely and Respectfully Yours,

  
Louise J. Miranda Ramirez, Chairperson  
Ohlone/Costanoan-Esselen Nation  
(408) 629-5189

Cc: OCEN Tribal Council  
Wendy Lao, Associate Planner, City of Pacific Grove



**JOHN R. TROTH  
59 ASILOMAR AVENUE  
PACIFIC GROVE, CA 93950  
(OWNER)**

April 20, 2018

**VIA EMAIL (mbrodeur@cityofpacificgrove.org)**

City of Pacific Grove  
Attn: Mark Brodeur  
Director of Community and Economic Development  
300 Forest Avenue  
Pacific Grove, CA 93950

Re: Initial Study / Environmental Checklist Form: Auto Auctions at Pacific Grove  
Municipal Golf Course

Dear Mr. Brodeur:

I own the home at 59 Asilomar Avenue in Pacific Grove, which is immediately adjacent to the 18<sup>th</sup> fairway of the golf course where the project is proposed, and submit the following comments.

1. Description of Project: The project description is inadequate and must be revised and the Initial Study recirculated to reflect the following:
  - a. Event setup and teardown require 3-4 days each. When combined with the three-day auction/viewing time the total event timeframe is approximately 10-12 days.
  - b. Because the environmental review is based on a defined number of guests (i.e., 500) this must be set as a maximum attendance so as to assure the adequacy and accuracy of the environmental assessment.
  - c. The route of the valet parking (i.e., between the 18<sup>th</sup> and the 16<sup>th</sup> fairways) must be specifically defined to assess potential impacts to Crespi Pond and traffic conflicts on Sunset/Ocean View Boulevard.
  - d. Signage AND (not or) temporary barriers informing attendees that event parking is not permitted in coastal pullouts, along Ocean View Boulevard, or in residential areas must be imposed through enforceable mitigation measures.

City of Pacific Grove  
April 20, 2018  
Page 2

2. Other Public Agencies Whose Approval is Required:

- a. In accordance with Coastal Commission staff comments on the draft Local Coastal Program (proposed section 23.90.040.F) a Coastal Development Permit for the event will be required because the event (including setup and teardown) will exceed two days in duration. Because the property is subject to the terms and conditions of the Deed recorded as Document 2006074277 (see the attached letter dated July 28, 2017, which letter is incorporated by this reference herein), the following responsible agencies must be included in the recirculation of the Initial Study/Mitigated Negative Declaration: U.S. Department of Interior, U.S. Fish & Wildlife Service, State of California State Historic Preservation Office, U.S. Army Corp of Engineers, California Coastal Commission, and United States Government Services Administration Office of Real Property Utilization and Disposal.
- b. A recent out-of-season agreement by the City of PG with an outside firm for temporary use of PG parkland should set the absolute minimum requirements for the auto-auction, or the City of PG can be accused of picked favorites without any public reason. Per an article in the P.G. Cedar Times (April 13-19, 2018, pg. 1): The applicant . . . had requested a permit for . . . Lovers Point Park, including exclusive use of a 1200 square foot portion of the park plus parking lot use over a 12-day period, to give them time for set-up, filming, and take-down of the structure. Park use fees include:
  - Park rental fee @ \$2,111.00/day at 12 days \$25,332.00
  - Park use fee @ \$2.10/sq. ft. \$30,240.00
  - Parking spaces in Lot A @ 35 x \$21 for 3 days \$2,205.00
  - Parking spaces in Lot B @ 11 x \$21.00 for 3 days \$693.00
  - Estimated total \$58,770.00
  - Less 25% credit on City costs \$14,692.50
  - Revised estimated amount \$44,077.50

The fees will not include personnel charges such as police officer and public works employees, which will be reimbursed directly to the City . . . separately from the park use fees. Environmental documents are not required and the Coastal Commission has advised that the activity is exempt from a Coastal Development Permit because it is a temporary event [in a downtown location].

City of Pacific Grove  
April 20, 2018  
Page 3

3. Aesthetics: In order to avoid impacts on adjacent homeowners and Crespi Pond, mitigation measure AES-1 must be modified to require all lighting be ground-level only and shielded to prevent impacts to adjacent land uses.
4. Biological Resources:
  - a. Potential impacts from the proposed pedestrian sidewalk on the existing mature cypress trees bordering Asilomar Boulevard must be assessed and mitigated.
  - b. Mitigation measure BIO-1: Temporary fencing must include hay bales, straw wattles, or other mitigation to capture and control all runoff into Crespi Pond and the surrounding wetlands. A precise setback distance must be defined (e.g., 150 ft.) subject to the approval of the California Coastal Commission (not the Public Works Director). The proposed cart path must be relocated to respect the above-mentioned Crespi Pond/wetlands setbacks. An emergency response plan must be defined to address significant accidental spills of hazardous materials near Crespi Pond/wetlands. The location of the portalets proposed for the project must respect the Crespi Pond/wetlands setback.
  - c. Proposed parking on the 16<sup>th</sup> fairway is located uphill from Crespi Pond and its wetlands. Effective mitigation measures must be incorporated to protect the pond and wetlands from any oil or gasoline leaks or spills from parked vehicles.
  - d. Access to the proposed 16<sup>th</sup> fairway parking lot must be defined and must respect the Crespi Pond/wetlands setback.
  - e. All of the above must be in accordance with recommendation from a qualified wetlands biologist.
5. Hazards and Hazardous Materials:
  - a. Mitigation measure HAZ-1: The required plan must address “parking” as well as traffic control consistent with the project description and satisfactory to the California Coastal Commission.
  - b. No response plan is provided nor are response times provided for Fire Department or other PG city services to respond to leakages and discharges. This is especially needed as the event will likely be over a weekend, when PG city services are generally not available.

City of Pacific Grove  
April 20, 2018  
Page 4

- c. A response Plan is also needed due to the proximity of the site to Crespi Pond and wetlands. Minutes count in any response, and plans should be made for on-site responders.
- d. Further, as the City of PG is now having multiple “temporary” outdoor events on public property, there needs to be a City of PG policy on such responses.

6. Land Use and Planning:

- a. The project conflicts with the City General Plan as well as the Zoning Ordinance (“O” zoning designation). A commercial car show/auction is not compatible with open space recreation as defined in the General Plan (i.e., wildlife/forest preserve or public park uses) regardless of duration. It is also incompatible with golf use of the property (two of the 18 holes are proposed to be usurped by the event).
- b. All events in the O district require a use permit in each case (ref. Zoning Ordinance, chapter 23). Use permits are also mandated for special events generally (23.64.020) and for parking lots (23.64.050). The use permit exception for single occasion special events under section 23.64.055 only applies in the downtown area.
- c. The proposed events are also inconsistent with deed restrictions and regulations of agencies with jurisdiction over the property (ref. comment 2.a above) the violation of which risk forfeiture of the land (ref. July 28, 2017, letter attached).
- d. These land use inconsistencies constitute significant unavoidable impacts requiring the preparation of an EIR.

7. Noise:

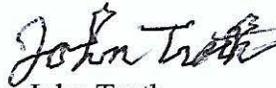
- a. In order for noise generated by “normal” vehicle traffic to be considered less than significant, “normal” vehicular traffic must be ensured by mitigation (i.e., hours of operation must be limited to 8:00 a.m. - 6:00 p.m. Monday through Saturday and 10:00 a.m. - 5:00 p.m. on Sunday).
- b. No consideration, assessment, or mitigation has been proposed for amplified sound inside the event tents. The canvas tents will not shield the neighborhood or Crespi Pond from noise impacts associated with amplified sound inside the event tents. Mitigation measures must be defined and should be the same as those imposed on golf course clubhouse activities.

City of Pacific Grove  
April 20, 2018  
Page 5

8. Public Services: Location and potential impacts (viewshed and biological/Crespi Pond/wetlands) of the necessary portable toilets must be assessed and mitigated.
9. Recreation: Impacts to public access to the golf course resulting from the closure of two fairways for approximately 10 days must be assessed and mitigated.
10. Bonding: The City of PG and its officials were provided documentation after the 2017 auto auction of the disregard of the conditions to protect the area, and then refused to provide any after-the-fact remedies (see attached December 4, 2017 email from Lisa Ciani). Since PG's Coastal analyst failed to put the understanding in an enforceable document, Coastal Commission Enforcement staff could not act on the violation report. In light of these facts, a performance bond in the amount of at least \$100,000 with liquidated damage provisions for harm caused by failure to comply must be required.

We respectfully request a written response to the above comments as well as advance written notice of all public hearings scheduled to consider the project, including the IS/MND. We note that the first public hearing on this matter is scheduled for May 2<sup>nd</sup> at 6:00 p.m., which is only two hours after the close of the public comment period on the IS/MND. Obviously staff will not have time to prepare written responses to comments received in said two hours nor will the public have an opportunity to review said responses in order to meaningfully participate at the City Council meeting. The public hearing on this matter must be rescheduled to afford the public (and responsible agencies) reasonable opportunity to review staff's responses to comments.

Sincerely,



John Troth

Enclosures

cc: Daniel Gho, Public Works Director  
Mayor Bill Kampe  
Mayor Protempore Robert Huitt  
Councilmember Ken Cuneo  
Councilmember Rudy Fischer  
Councilmember Cynthia Garfield  
Councilmember Bill Peake  
Councilmember Nick Smith  
John Bridges

FENTON & KELLER

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

2801 MONTEREY-SALINAS HIGHWAY

POST OFFICE BOX 791

MONTEREY, CALIFORNIA 93942-0791

TELEPHONE (831) 373-1241

FACSIMILE (831) 373-7219

www.FentonKeller.com

LEWIS L. FENTON  
1925-2005

OF COUNSEL  
CHARLES R. KELLER  
THOMAS H. JAMISON

MARK A. CAMERON  
JOHN S. BRIDGES  
DENNIS G. MCCARTHY  
CHRISTOPHER E. PANETTA  
DAVID C. SWEIGERT  
SARA B. BOYNS  
BRIAN D. CALL  
TROY A. KINGSHAVEN  
JOHN E. KESECKER  
ELIZABETH R. LEITZINGER  
SHARILYN R. PAYNE  
CAROL S. HILBURN  
CHRISTINA J. BAGGETT  
ELIAS E. SALAMEH  
KENNETH S. KLEINKOPF  
DERRIC G. OLIVER  
LAURA L. FRANKLIN  
EVAN J. ALLEN  
ANDREW B. KREEFT  
ALEX J. LORCA

July 28, 2017

JOHN S. BRIDGES

JBridges@FentonKeller.com  
ext. 238

**VIA EMAIL (cityclerk@cityofpacificgrove.org)**

Pacific Grove City Council  
City Hall  
300 Forest Avenue  
Pacific Grove, CA 93950

Re: Proposed Commercial Worldwide Auctioneers Auto Auction Event at the 18<sup>th</sup> Hole  
and Driving Range

Dear Councilmembers:

For the past three months, we have endeavored to work with the City to mitigate the numerous impacts of the proposed commercial auto auction. We offered specific ideas regarding mitigation and have been promised, on several occasions, that we would be given a mitigation package to review but have not yet received one. We are concerned the withholding of a mitigation is frustrating the public dialogue, perhaps in hopes the time for a formal public interest challenge to the City's failure to process a use permit for the event may pass (ref. my May 3, 2017, email to the Council (attached hereto for ease of reference)).<sup>1</sup>

We now ask you to reconsider this unpermitted event in light of restrictions contained in the deed that conveyed the property to the City in 2006 (attached).

The proposed commercial auto auction on the driving range and 18th fairway violates the August 23, 2006, express deed restriction imposed on the land by the US Government (see attached, ref. deed section 6.A):

REVERSIONARY INTEREST OF THE UNITED STATES...all right, title,  
and interest in and to the Property shall, at the option of the GSA, immediately  
revert to the United States of America, if:

<sup>1</sup> In the "O" open space zone, uses, other than passive open space uses, require a use permit (23.42.020.B). The special event calendar exception to use permit requirements does not apply in the "O" zone.

Pacific Grove City Council  
July 28, 2017  
Page 2 of 3

A. The Property, any part thereof, or any associated historic artifacts, ceases to be available for educational, park, recreational, cultural, historic preservation, or other similar purposes set forth in the terms, conditions, or covenants of this Quitclaim Deed...

The proposed commercial event and its location also conflict with deed section 1 (Historic Preservation Covenant); section 2 (Endangered Species Covenant); section 3 (Use and Maintenance); and section 9 (Wetlands).

Under the terms of the deed, these violations and conflicts risk immediate forfeiture of the land. We do not believe the City's long term ownership of the golf course land should be placed in jeopardy for the sake of a few short term dollars.

Very truly yours,

FENTON & KELLER  
A Professional Corporation



John S. Bridges

JSB:kmc  
Enclosures

cc: Ben Harvey, City Manager (via email)  
Mark Brodeur, Director, Community and Economic Development Dept. (via email)  
Mayor Bill Kampe (via email)  
Mayor Pro Tempore Robert Huitt (via email)  
Councilmember Ken Cuneo (via email)  
Councilmember Rudy Fischer (via email)  
Councilmember Cynthia Garfield (via email)  
Councilmember Bill Peake (via email)  
Councilmember Nick Smith (via email)  
Friends of Point Pinos (via email)  
John Troth (via email)  
Anthony Ciani, Architect (via email)

**The following via U.S. Mail:**

Government Services Administration  
c/o David Haase, Director  
Office of Real Property Utilization and Disposal  
50 United Nations Plaza, Rm. 4345  
San Francisco, CA 94102-4912

Pacific Grove City Council  
July 28, 2017  
Page 3 of 3

U.S. Dept. of the Interior  
U.S. Fish and Wildlife Service  
Division Chief – Santa Cruz/San Benito/Monterey  
2493 Portola Road, Suite B  
Ventura, CA 93003-7726

State of California  
Julianne Polanco, State Historic Preservation Officer  
1725 23<sup>rd</sup> Street, Suite 100  
Sacramento, CA 95816

U.S. Army Corps of Engineers  
Regulatory Office – South Branch  
Attn: Katerina Galacatos  
1455 Market Street, 16<sup>th</sup> Floor  
San Francisco, CA 94105

California Coastal Commission  
Attn: Dan Carl / Brian O'Neill  
725 Front Street, Suite 300  
Santa Cruz, CA 95060

Congressman Jimmy Panetta  
100 West Alisal St.  
Salinas, CA 93901

**Kristie M. Campbell**

---

**From:** John S. Bridges  
**Sent:** Wednesday, May 03, 2017 3:35 PM  
**To:** 'rudysfischer@earthlink.net'; 'cgarfield@cityofpacificgrove.org';  
'bkampe@cityofpacificgrove.org'; 'bpeake@cityofpacificgrove.org'; 'kencun17@icloud.com'; 'huitt@comcast.net'; 'nsmith@cityofpacificgrove.org';  
'citymanager@cityofpacificgrove.org'; 'cityclerk@cityofpacificgrove.org';  
'dave@laredolaw.net'  
**Cc:** Mark Brodeur (mbrodeur@cityofpacificgrove.org); jrtroth@hotmail.com  
**Subject:** Proposed Golf Course Car Auction Event (Agenda item 9)

Mr. Mayor and members of the Council: My client, John Troth (59 Asilomar) requests no action be taken on the Worldwide Auctioneers special event application until all necessary permits (including Use Permit and Coastal Development Permit) have been obtained and until after appropriate CEQA review has been undertaken. (please see below).

---

Thank you.

JOHN

**John S. Bridges**  
**FENTON & KELLER**  
Post Office Box 791  
Monterey, CA 93942-0791  
831-373-1241, ext. 238  
831-373-7219 (fax)  
[jbridges@fentonkeller.com](mailto:jbridges@fentonkeller.com)  
[www.FentonKeller.com](http://www.FentonKeller.com)

**FENTON & KELLER**  
A PROFESSIONAL CORPORATION  
ATTORNEYS AT LAW

EXPERIENCE INTEGRITY RESULTS

**CONFIDENTIALITY NOTICE**

This is a transmission from the Law Firm of Fenton and Keller. This message and any attached documents may be confidential and contain information protected by the attorney-client or attorney work product privileges. They are intended only for the use of the addressee. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this information is strictly prohibited. If you received this transmission in error, please immediately notify our office at 831-373-1241. Thank you.

---

**From:** John S. Bridges  
**Sent:** Wednesday, May 03, 2017 10:35 AM  
**To:** 'Mark Brodeur'  
**Cc:** jrtroth@hotmail.com  
**Subject:** RE: Golf Course Event

Thank you for the prompt follow up Mark.

Please see my responsive thoughts below in CAPS and green

I'd be glad to discuss this further if the matter can be pulled from the Council's agenda tonight (please let me know if this will be done); otherwise I'll have to make my record and pursue from there.

John

**John S. Bridges**

**FENTON & KELLER**

Post Office Box 791  
Monterey, CA 93942-0791  
831-373-1241, ext. 238  
831-373-7219 (fax)  
[jbridges@fentonkeller.com](mailto:jbridges@fentonkeller.com)  
[www.FentonKeller.com](http://www.FentonKeller.com)

**FENTON & KELLER**

A PROFESSIONAL CORPORATION  
ATTORNEYS AT LAW

EXPERIENCE INTEGRITY RESULTS

**CONFIDENTIALITY NOTICE**

This is a transmission from the Law Firm of Fenton and Keller. This message and any attached documents may be confidential and contain information protected by the attorney-client or attorney work product privileges. They are intended only for the use of the addressee. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this information is strictly prohibited. If you received this transmission in error, please immediately notify our office at 831-373-1241. Thank you.

**From:** Mark Brodeur [<mailto:mbrodeur@cityofpacificgrove.org>]

**Sent:** Wednesday, May 03, 2017 8:38 AM

**To:** John S. Bridges

**Subject:** Re: Golf Course Event

**COASTAL**

- *Some temporary events that meet certain requirements, such as less than a 2 week duration, and no significant impacts to certain sensitive coastal resources, including public access*

**PERHAPS YOU MISSED MY EMAIL TO THE CCC? PLEASE SEE BELOW:**

Brian: I understand the City of Pacific Grove is proposing a Concourse Week Car Show/Auction event on the 18<sup>th</sup> Fairway of the PG Municipal Golf Links (which is in the Coastal Zone). The event will occupy the 18<sup>th</sup> fairway (displacing golf) for 10 days, August 11-21. 70-80 cars will be parked on the fairway. I understand a Coastal Development Permit should be required for this event in accordance with the Commission's guidelines for temporary event permits section III because:

1. The event will preclude the general public from a use of a public recreational area (the golf course) for a significant period of time (10 days)
2. The event will directly or indirectly impact significant scenic resources (the golf course is a designated scenic resource) and other coastal resources (e.g. animal habitat, downslope beach areas and Crespi Pond from oil/gas runoff from the cars, noise/light impacts on wildlife, traffic/parking/circulation impacts to the local neighborhood and beach access points, etc.)

3. Other events (of similar size/scope) have historically been subject to CCC scrutiny/required a coastal development permits to address and monitor associated impacts to coastal resources (ref. e.g. CDP 5-14-1919; 2-15-1458-A1; and A-1-MEN-16-0007)

This event would also require a CDP under the new LCP as a non-exempt event (ref. 23.90.040.F; greater than **two days** in duration, will occupy part of the public golf course, there are potential adverse effects (direct and indirect) to sensitive coastal resources.

As a new event, this car show/auction must obviously be treated differently than the activity at the 18<sup>th</sup> hole in Pebble Beach (because that event/use was vested in 1952, long before the Coastal Act came into existence).

NOTE: THE MAXIMUM TIME FRAME UNDER THE LCP FOR POSSIBLE EXEMPTION IS TWO **DAYS** (“INCLUDING SETUP AND TAKE-DOWN”) NOT TWO WEEKS. THE NEW LCP IS ILLUSTRATIVE OF CCC PRACTICE IN THIS REGARD.

#### **CITY**

In the case of the City the City Council must approve of the event being place on the Special Events Calendar. Only the COuncil can adopt these.

"Single occasion events, and **special** events approved by the city council in accord with the council **special** events policy, shall not require a use permit.

THE SECTION YOU CITE PERTAINS TO THE DOWNTOWN COMMERCIAL AREA “D” DISTRICT; NOT THE OPEN SPACE “O” DISTRICT. ALL USES OTHER THAN PASSIVE RECREATION/OPEN SPACE USES IN THE “O” DISTRICT, EVEN IF DEEMED PERTINENT AND COMPATIBLE, REQUIRE A USE PERMIT IN EACH CASE (23.42.020.B)

*Mark*

Mark J. Brodeur, Director

---

City of Pacific Grove  
Community & Economic Development Department  
300 Forest Avenue  
Pacific Grove, California 93950  
T: 831.648.3189  
M: 831.884.3818

On Tue, May 2, 2017 at 8:44 PM, John S. Bridges <[jbridges@fentonkeller.com](mailto:jbridges@fentonkeller.com)> wrote:  
Would appreciate citations to the zoning and Coastal Act categories you are referring to so I can review them.

Thanks.

John

Sent from my iPhone

On May 2, 2017, at 8:04 PM, Mark Brodeur <[mbrodeur@cityofpacificgrove.org](mailto:mbrodeur@cityofpacificgrove.org)> wrote:

It's categorized as a temporary event. Not a Use Permit. Also in the exempt category for Coastal.

On May 2, 2017 3:45 PM, "John S. Bridges" <[jbridges@fentonkeller.com](mailto:jbridges@fentonkeller.com)> wrote:

Mark: I believe, at a minimum, a use permit is required for this event (if the event is allowed at all in the Open Space zone). In the first instance, I don't think a commercial car show/auction is compatible with open space recreation, wildlife/forest preserve or public park uses. It certainly isn't compatible with golf use (cars and golf balls don't get along). If somehow deemed compatible in the "O" zone, such a car show/auction would, in any event, be "subject to first securing a use permit in each case." (ref. Zoning Ordinance Ch. 23). Use permits are, of course also mandated for special events generally (23.64.020) and for parking lots (23.64.050). The use permit exception for a single occasion special event under 23.64.055 only applies in the downtown area.

We also believe a Coastal Development Permit is required for this activity in accordance with CCC Guidelines and the draft LCP.

Finally, we believe CEQA review must be undertaken to address and mitigate potential impacts associated with traffic/parking/circulation, hazardous waste/runoff/water quality, Biological resources/wildlife, visual, noise, lighting, and land use/public access conflicts.

As previously requested, please include me on the notice list for all future considerations of this matter.

Thanks...JOHN

**John S. Bridges**

**FENTON & KELLER**

Post Office Box 791

Monterey, CA 93942-0791

[831-373-1241](tel:831-373-1241), ext. 238

[831-373-7219](tel:831-373-7219) (fax)

[jbridges@fentonkeller.com](mailto:jbridges@fentonkeller.com)

[www.FentonKeller.com](http://www.FentonKeller.com)

**FENTON & KELLER**

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

---

EXPERIENCE INTEGRITY RESULTS

**CONFIDENTIALITY NOTICE**

This is a transmission from the Law Firm of Fenton and Keller. This message and any attached documents may be confidential and contain information protected by the attorney-client or attorney work product privileges. They are intended only for the use of the addressee. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this information is strictly prohibited. If you received this transmission in error, please immediately notify our office at [831-373-1241](tel:831-373-1241). Thank you.

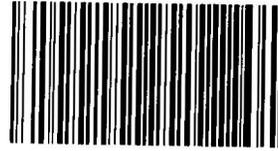
Stephen L. Vagnini  
Monterey County Recorder  
Recorded at the request of  
**City of Pacific Grove**

CINTERIM  
8/23/2006  
11:54:01

WHEN RECORDED MAIL ORIGINAL TO:

City of Pacific Grove  
300 Forest Avenue  
Pacific Grove, CA 93950  
Attention: City Manager

DOCUMENT: **2006074277**



Titles: 1/ Pages: 25

Fees....	
Taxes....	
Other....	4.00
AMT PAID	<u>\$4.00</u>

WHEN RECORDED MAIL DATED AND STAMPED  
COPY TO:

Commander (s)  
United States Coast Guard  
Maintenance and Logistics Command Pacific  
1301 Clay Street, Suite 700N  
Oakland, California 94612-5203

SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY

**QUITCLAIM DEED**

**THIS DEED** is made as of the 23<sup>rd</sup> day of August, 2006 between the **UNITED STATES OF AMERICA**, acting by and through the Commander, U.S. Coast Guard Maintenance and Logistics Command Pacific, acting under written delegation of authority dated November 15, 1996, issued by the Commandant, U.S. Coast Guard pursuant to the power and authority of the Secretary of the Department of Homeland Security, as set forth in the Homeland Security Act of 2002 (Public Law 107-296, enacted November 25, 2002) ("**GRANTOR**"), and further pursuant to the authority contained in the provisions of the Maritime Transportation Security Act of 2002, Public Law 107-295, Section 349 (the "**Act**"); and the **CITY OF PACIFIC GROVE**, a political subdivision of the State of California, acting by and through the City Council of the City of Pacific Grove, and its successors and assigns ("**GRANTEE**").

**GRANTOR**, without payment of consideration, does hereby **REMISE, RELEASE, AND FOREVER QUITCLAIM**, without representation or warranty, express or implied, unto the said **GRANTEE**, its successors and assigns, the property commonly known as the Point Pinos Light Station, GSA Control No. 9-U-CA-1603, hereinafter referred to as the "**Property**", legally described as a parcel of land situated in the County of Monterey and State of California, more particularly described in **Exhibit "A"**, and depicted on the "Survey Plat" map described in **Exhibit "B"**, both of which are attached and incorporated by reference herein.

**TOGETHER WITH** all buildings, improvements, and personalty located thereon, and all and singular the tenements, hereditaments, appurtenances, improvements thereunto belonging, or in anywise appertaining, except as rights to same may be retained herein.

The terms "**GRANTOR**" and "**GRANTEE**" as used in this Quitclaim Deed to designate either of the parties herein shall be deemed to include the heirs, representatives, successors, and assigns of each such party.

The term "**Commandant**" as used in this Quitclaim Deed shall mean the Commandant of the United States Coast Guard.

The term "**Federal Aid-to-Navigation**" as used in this Quitclaim Deed shall refer to any device, operated and maintained by the United States, external to a vessel or aircraft, intended to assist a navigator to determine position or safe course, or to warn of dangers or obstructions to navigation, and shall include, but not be limited to, a light, lens, lantern, antenna, radio, sound signal, camera, sensor, electronic navigation equipment, power source, or other associated equipment, in, on or upon the **Property**, or such light and optics or other navigational aid placed in lieu thereof.

The **Property** is hereby conveyed subject to any and all existing reservations, easements, leases, licenses, outgrants, restrictions, and rights, recorded or unrecorded, for public roads and access thereto, highways, streets, railroads, power lines, telephone lines and equipment, pipelines, drainage, sewer and water mains and lines, public utilities, and other rights-of-way, including but not limited to the specific easements, reservations, exceptions, rights, restrictions, conditions, and covenants that are described herein.

**RESERVING AND EXCEPTING FROM THIS CONVEYANCE THE FOLLOWING EASEMENTS, RESERVATIONS, EXCEPTIONS, AND RIGHTS:**

**1. RESERVATION OF FEDERAL AID-TO-NAVIGATION EASEMENT.**

The **GRANTOR** reserves for itself, its successors and assigns a perpetual, nonexclusive easement to continue to operate, maintain, and have the right upon reasonable notice to the **GRANTEE** to install, repair, inspect, remove, relocate, replace, or add any **Federal Aid-to-Navigation** upon the **Property** as may be necessary for navigational purposes.

**2. RESERVATION OF ACCESS AND UTILITY EASEMENTS.**

The **GRANTOR** reserves for itself, its successors and assigns a perpetual, non-exclusive easement for: (a) unrestricted access upon, through, over, and across the **Property**, at any time and without notice, including but not limited to, the right of ingress and egress in, to, and through the interior of the light station structure, for the purpose of operating, maintaining, and inspecting the **Federal Aid-to-Navigation** in use on the **Property**; or (b) egress and ingress, and utilities, including power and communications lines, to the **Federal Aid-to-Navigation** located on the **Property**, including but not limited to access by motor vehicles, at any time and without notice, hindrance or interference by any structure, building or activity which may be constructed or permitted upon the **Property** by the **GRANTEE**; or (c) the purpose of enforcing compliance with the terms and conditions of the **Act**.

**3. RESERVATION OF VISUAL AND AUDITORY EASEMENTS.**

The **GRANTOR** reserves for itself, its successors and assigns, easements for the operation and maintenance of the **Federal Aid-to-Navigation**, including, but not limited to, a perpetual, exclusive visual easement to insure the continued, effective and unobstructed arc of visibility if a lighted **Federal Aid-to-Navigation**, or to produce sound if a fog horn or other sound-based **Federal Aid-to-Navigation**, or electronic signals and characteristics of the **Federal Aid-to-Navigation** located on the **Property**, including the right to trim or remove vegetation and trees, or to require or perform the modification or removal of structures or equipment that causes interference with said visual, sound, or electronic characteristics of the **Federal Aid-to-Navigation**, and the operation thereof.

**THIS CONVEYANCE FURTHER CONTAINS THE FOLLOWING RESTRICTIONS, CONDITIONS AND COVENANTS:**

**1. HISTORIC PRESERVATION COVENANT.**

The **Property** is listed in the National Register of Historic Places as Reference No. 77000312. The **GRANTEE**, in accepting this Quitclaim Deed, covenants for itself, its successors, and assigns and every successor in interest to the real property hereby conveyed, or any part thereof that the **Property** is hereby conveyed subject to the conditions, restrictions, and limitations hereinafter set forth which are covenants running with the land; that the **GRANTEE**, its successors and assigns, covenants and agrees, that in the event that the **Property** is sold or otherwise disposed of, these covenants and restrictions shall be inserted in the instruments of conveyance:

- A. Any structures identified by the California State Historic Preservation Officer ("**SHPO**") pursuant to *the National Register of Historic Places, Reference #77000312*, and situated on the **Property**, shall be preserved and maintained in accordance with plans approved in writing by the State of California, State Historic Preservation Officer, 1416 9<sup>th</sup> Street, Room 1442-7, Sacramento, CA 95814.
- B. The **GRANTEE** shall preserve and maintain the lighthouse in accordance with the Secretary of Interior's Standards for Rehabilitation (36 CFR Part 67).
- C. No physical or structural changes or changes of color or surfacing shall be made to the exterior of the structure(s) and architecturally or historically significant interior features as determined by the **SHPO** without the written approval of the **SHPO**.
- D. Development of the **Property** shall be in compliance with The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.
- E. Development plans shall be approved by the **SHPO** for guidance in development of the **Property** as it effects the archeological sites identified in the *November 1977 Archaeological Inventory and Evaluation of the U.S. Lighthouse Reservation, Pacific Grove, California* by Rob

*Edwards and Gary S. Breschini. (Map Updated July 2003).*

- F. In the event of violation of the above restrictions, the U.S. General Services Administration (the "**GSA**") or the **SHPO** may institute a suit to enjoin such violation or for damages by reason of any breach thereof.
- G. The **GSA** or authorized representative, and/or the **SHPO** shall be permitted at all times to inspect the **Property** in order to ascertain if the conditions under this Section 1, HISTORIC PRESERVATION COVENANT, are being observed.
- H. In the event that the **Property**, or any historic artifacts associated with the **Property** ceases to be maintained in compliance with the covenants, conditions, and restrictions set forth in this Historic Preservation Covenant, the **Property** shall, at the option of the **GSA**, revert to the United States to be placed under administrative control of the **GSA**.
- I. The failure of the **GSA** and/or the **SHPO** to exercise any right or remedy granted under this Section 1, HISTORIC PRESERVATION COVENANT, shall not have the effect of waiving or limiting the exercise of any other right or remedy, or the use of such right or remedy at any time.
- J. The **SHPO** may, for good cause, and with the concurrence of the Advisory Council on Historic Preservation, modify or cancel any or all of the foregoing restrictions under this Section 1., HISTORIC PRESERVATION COVENANT, of this Quitclaim Deed, upon written application of the **GRANTEE**, its successors or assigns.
- K. These covenants, conditions, and restrictions under this Section 1., HISTORIC PRESERVATION COVENANT, shall be binding on the parties hereto, and their successors and assigns in perpetuity, and shall be inserted by the **GRANTEE** verbatim or by express reference in any deed or other legal instrument by which it divests itself of either the fee simple title or any lesser estate in the **Property**, and shall constitute a binding servitude upon the **Property** and shall be deemed to run with the land.

## 2. ENDANGERED SPECIES COVENANT.

**GRANTEE** covenants for itself, its successors, and assigns, and every successor in interest to the **Property** hereby conveyed, or any part thereof, that the **Property** above described is conveyed subject to the conditions, restrictions, and limitations hereinafter set forth which are covenants running with the land; that the **GRANTEE**, its successors and assigns, covenants and agrees, that in the event that the **Property** is sold or otherwise disposed of, in whole or in part, these covenants, conditions and restrictions shall be inserted in the instruments of conveyance.

- A. With the exception of an emergency action required to protect the existing lighthouse, **GRANTEE** shall not use the **Property** or authorize any third party to use the **Property**, for any purpose that would, in the judgment of the U.S. Department of the Interior, Fish and Wildlife Service (the

**"USFWS"):** 1) alter the existing topography and/or present character of the **Property**; or 2) adversely affect the Menzie's wallflower, Tidestrom's lupine, Beach layia, or Monterey spineflower, or the habitat of any of these species; other than as specifically allowed in the **USFWS Biological Opinion No. 1-8-04-F-35** (the "**Biological Opinion**"), issued to **GSA**, unless the **GRANTEE** first obtains the express written authorization of the **USFWS**, Ventura Fish and Wildlife Office, California. Specifically, **GRANTEE** shall not use the **Property**, or authorize any third party to use the **Property**, or authorize any third party to use the **Property**, for a golf course or any other use unless such use is carried out in conformance with the "Biological Assessment and Dune Habitat Restoration Plan" dated May 17, 2004, as amended by Addendum dated October 20, 2004 (the "**Plan**"), and as the **Plan** may be revised from time to time by **GRANTEE** in consultation with and subject to the written concurrence of the **USFWS**. The **Biological Opinion** and the **Plan** are incorporated herein by reference. Copies of the **Biological Opinion** and the **Plan** are maintained in 1) City Hall located at 300 Forest Ave, Pacific Grove, CA 93950, 2) the Public Library, 550 Central Ave, Pacific Grove, CA 93950, and 3) the Ventura Fish and Wildlife Office of the **USFWS**. In the event of an emergency action as described above, **GRANTEE** shall promptly consult with the **USFWS** and remediate any damage to the **Property** caused by **GRANTEE's** response to the emergency.

- B. **GRANTOR** hereby reserves a reversionary interest in all of the **Property**. If **GRANTOR** (or its assigns), acting through the **USFWS** or a designated successor agency, determines that any portion of the **Property** subject to a restriction or other requirement of the **Biological Opinion or the Plan** is not being conserved and/or managed in accordance with the provisions of the **Biological Opinion or the Plan**, then **GRANTOR**, through the **USFWS**, may, in its discretion, exercise a right to reenter the **Property**, or any portion thereof, in which case, the **Property**, or those portions thereof as to which the right of reentry is exercised, shall revert to **GRANTOR** through the **USFWS**. In the event of an occurrence on the **Property** that violates a restriction or other requirement of the **Biological Opinion or the Plan**, **GRANTEE** shall 1) promptly notify the **USFWS** of any such occurrence; 2) immediately take any actions necessary to protect and preserve the affected portion of the **Property** so as to prevent and avoid any further adverse affect; and 3) supply copies of any notice, reports, correspondence, and submissions made by **GRANTEE** to any Federal, State, or local authority, or received by **GRANTEE** from said authority relating to the violation. **GRANTEE** shall have 120 days from the date of the notice of violation to prepare and submit a corrective action plan for review and approval by the **USFWS** in order to correct any noted deficiencies prior to **GRANTOR** taking action under this provision. **GRANTOR**, through the **USFWS**, agrees that it will not exercise its right of reentry and reversion of the property without giving **GRANTEE** notice of **GRANTOR'S** intent to reenter and revert the property. In the event that **GRANTOR**, through the **USFWS**, exercises its right of reentry as to all or portions of the **Property**, **GRANTEE** shall execute any and all documents that **GRANTOR**, through the **USFWS**, deems necessary to perfect or provide recordable notice of the reversion and for complete transfer and reversion of all right, title and interest in the **Property** or portions thereof. Subject to applicable federal law, **GRANTEE** shall be liable for all costs and fees incurred by **GRANTOR** in perfecting the reversion and transfer

of title. Any and all improvements on the **Property** or those portions thereof reverting back to **GRANTOR**, through the **USFWS**, shall become the property of **GRANTOR** and **GRANTEE** shall not be entitled to any payment therefore.

### 3. USE AND MAINTENANCE OF PROPERTY.

- A. The **GRANTEE** shall maintain the **Property** in a proper, substantial, and workmanlike manner, and in accordance with the terms and conditions established in Section 1, HISTORIC PRESERVATION COVENANT, pursuant to the National Historic Preservation Act (16 U.S.C. 470 et seq.)
- B. The **GRANTEE** shall be responsible for maintaining and keeping the access roads on the **Property** in a suitable and usable condition.
- C. The **GRANTEE** shall be responsible for all utilities associated with its use of the conveyed **Property**, and as necessary, the **GRANTEE** shall be responsible for the installation of meter(s) and other hardware necessary to isolate and measure utility use by the **GRANTEE**.

### 4. RETENTION, MAINTENANCE AND NON-INTERFERENCE OF FEDERAL AID-TO-NAVIGATION.

The **GRANTOR** shall retain all right, title, and interest to the **Federal Aid-to-Navigation** located on the **Property**. The **GRANTEE** shall not be required to maintain the **Federal Aid-to-Navigation** associated with the **Property**, except any private aid to navigation permitted under Section 83 of Title 14, United States Code. The **GRANTEE** shall not interfere, or allow interference in any manner, with any **Federal Aid-to-Navigation**, nor hinder activities required for the operation and maintenance of any **Federal Aid-to-Navigation**, without the express written permission of the **GRANTOR**.

### 5. NON-INTERFERENCE WITH BEAM OF LIGHT.

The **GRANTEE** shall not construct, maintain, operate, or permit any structures, building, or activities on the **Property** which shall in any manner interfere with the beam of light from the **Federal Aid-to-Navigation** or which shall make said light as it presently is operated or as it may be operated, less discernible to the public, or to water or aircraft as a navigational aid, including but not limited to any lights, structures, buildings, or activities which might cause confusion with or apparent diminution of the beam of light or which might interfere with the use of the lighthouse structure as a **Federal Aid-to-Navigation**.

### 6. REVERSIONARY INTEREST OF THE UNITED STATES.

Upon reasonable advance written notice to the **GRANTEE**, all right, title, and interest in and to the **Property** shall, at the option of the **GSA**, immediately revert to the United States of America, if:

- A. The **Property**, any part thereof, or any associated historic artifacts, ceases to be available for educational, park, recreational, cultural, historic

preservation, or other similar purposes set forth in the terms, conditions, or covenants of this Quitclaim Deed; or

- B. The **Property** or any part thereof ceases to be maintained in a manner that is consistent with and ensures its present or future use as a site for **Federal Aid-to-Navigation**, or ceases to be maintained in a manner that is in compliance with the **Act**; or
- C. The **Property** or any part thereof ceases to be maintained in a manner consistent with the conditions under Section 3.A., **USE AND MAINTENANCE OF PROPERTY**, set forth in this Quitclaim Deed; or
- D. The **Property** or any part thereof is needed for national security purposes in which case the **GRANTOR** shall provide written notice to the **GRANTEE** at least 30 days prior to the reversion.

In the event that there is a breach of any of the conditions and covenants herein contained by the **GRANTEE**, its successors and assigns, whether caused by legal or other inability of the **GRANTEE**, its successors and assigns, to perform said conditions and covenants, or otherwise, all right, title, and interest in and to the **Property** shall revert to and become the property of the United States at the option of the GSA. The United States, in addition to all other remedies for such breach, shall have the right of entry upon the **Property**, and the **GRANTEE**, its successors and assigns, shall forfeit all right, title, and interest in the **Property**, and in any and all of the tenements, hereditaments, and appurtenances thereto belonging.

The **GRANTEE**, by its acceptance of the Quitclaim Deed, covenants and agrees for itself, and its successors and assigns, that in the event the United States of America exercises its power to terminate the **GRANTEE's** interest in the **Property** then the **GRANTEE** shall provide protection to and maintenance of the **Property** at all times until such time as the title is actually reverted, including the period of any notice of intent to revert. Such protection and maintenance shall, at a minimum, conform to the standards prescribed by the **GSA** in its Federal Management Regulations in effect at the time of the reversion. Prior to any such reversion, the **GRANTEE** further agrees to complete and submit to the United States of America an environmental assessment of the **Property** that sufficiently documents and evaluates its condition in regard to the release of hazardous substances as defined under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (42 U.S.C. & 9601 (14)).

## 7. HISTORIC ARTIFACTS.

The **GRANTOR** shall retain all right, title, and interest to any historic artifact, including any lens or lantern, located on the **Property** at or before the time of conveyance, as personal property of the United States under the administrative control of the **Commandant**.

## 8. SUBMERGED LANDS.

No submerged lands are included as a part of this conveyance.

#### 9. NOTICE OF WETLANDS.

The northern portion of the **Property** contains jurisdictional wetlands near Crespi Pond. Activities contemplated for the **Property** by the **GRANTEE**, its successors and assigns are subject to any and all Federal, State and local laws, rules, and ordinances governing land use in wetland areas. No work by the **GRANTEE**, its successors or assigns on the **Property**, including filling, excavation, digging, or dredging is permitted in this area without a permit from the U.S. Army Corps of Engineers, if applicable.

#### 10. NOTICE OF POSSIBLE PRESENCE OF LEAD-BASED PAINT AND COVENANT TO RESTRICT USE OF PROPERTY.

##### A. Definitions Pertinent to This Paragraph 10.

(1) Department. "Department" means the State of California acting by and through the Department of Toxic Substances Control and includes its successor agencies, if any.

(2) Owner. "Owner" is synonymous with GRANTEE, Grantee's successors in interest, and their successors in interest, including heirs and assigns, during GRANTEE's ownership of all of any portion of the Property.

(3) Occupant. "Occupant" is synonymous with GRANTEE and any person or entity entitled by ownership, leasehold, or other legal relationship to the right to occupy any portion of the Property.

(4) Covenantor. "Covenantor" is synonymous with GRANTEE.

B. Notice. The **Property** is being conveyed "As Is" and the **GRANTEE** shall be responsible for any and all liabilities, damages, loss, expenses or judgments arising out of or related to health problems which are the result of exposure to lead-based paint where the exposure occurred after the **Property** was conveyed to the **GRANTEE**. The light station was constructed in 1854 and was placed in use on February 1, 1855. The **Property** may contain Lead Based Paint (**LBP**). The Phase 1 Environmental Due Diligence Audit, US Coast Guard Point Pinos Light Station, Pacific Grove, Monterey County, California, dated July 2002, states that due to the age of the structures, it is likely that **LBP** was used during construction and in touchups. The **GRANTEE** is hereby informed and does acknowledge that the lighthouse and buildings on the **Property** and existing on the date of this Quitclaim Deed were constructed prior to 1978 and, as with all such property, a lead-based paint hazard may be present.

C. Restrictions to Run with the Land. This Covenant sets forth protective provisions, covenants, restrictions, and conditions (collectively referred to as "Restrictions"), subject to which the **Property** and every portion thereof shall be improved, held, used, occupied, leased, sold, hypothecated, encumbered, and/or

conveyed. Each and every Restriction: (a) runs with the land pursuant to the California Health and Safety Code (H&SC) section 25355.5(a)(1)(C) and Civil Code section 1471; (c) is enforceable by the Department; and (d) is imposed upon the entire **Property** unless expressly stated as applicable only to a specific portion thereof.

D. Binding upon Owners/Occupants. Pursuant to H&SC section 25355.5(a)(1)(C) and Civil Code section 1471, this Covenant binds all owners and occupants of the **Property**, and their heirs, successors, and assignees, and agents, employees, and lessees. Pursuant to Civil Code section 1471(d), all successive owners and occupants of the **Property** are expressly bound hereby for the benefit of the Department.

E. Notice of the Presence of Lead in Surface Soil. Prior to the sale, lease or sublease of the Property or any portion thereof, the **Owner**, lessor, or sublessor shall give the buyer, lessee, or sublessee notice that hazardous substances are located on or beneath the **Property**, as required by H&SC section 25359.7.

F. Incorporation into Deeds and Leases. The Restrictions set forth herein shall be incorporated by reference in each and all deeds and leases and subleases for any portion of the **Property**.

G. Conveyance of Property. The **Owner** shall provide notice to the Department not later than thirty (30) days after executing any document conveying any ownership or leasehold interest in the property (excluding mortgages, liens, and other non-possessory encumbrances). The Department shall not, by reason of this Covenant alone, have authority to approve, disapprove, or otherwise affect a conveyance, except as otherwise provided by law, by administrative order, or by a specific provision of this Covenant.

H. Costs of Administering the Deed Restriction. The terms of this Covenant run with the land and will continue in perpetuity unless a Variance is granted or the Covenant is Terminated pursuant to sections N or O, below. The Department has incurred and will in the future incur costs associated with the administration of this Covenant. Pursuant to California Code of Regulations, title 22, section 67391.1(h), the **Owner** agrees to pay the Department's costs associated with the administration of this Covenant. In the event that **Property** ownership changes between the time the Department incurs administrative costs and the invoice for such costs is received, each owner of the property for the period covered by the invoice as well as the current owner is responsible for such costs.

#### I. RESTRICTIONS

(1) **Property** shall not be used for any of following purposes: a residence, including any mobile home or factory built housing used as residential human habitation, a hospital for humans, a public or private school, a day care center for children, a playground.

(2) Soil Management. No activities that will disturb the surface soil to 12 inches below ground surface (e.g. excavation, grading, removal, trenching, filling, earth movement, or mining) shall be allowed on

**Property** without a pre-approved Soil Management Plan and a Health and Safety Plan approved by the Department.

(3) **Owner** shall provide the Department written notice at least thirty (30) days prior to any building, filling, grading, mining, or excavation of the Property surface soil to 12 inches below the ground surface.

(4) Any soil removed from the **Property** shall be managed in accordance with all applicable provisions of state and federal law.

J. Access for Department. The **Department** shall have reasonable right-of-entry consistent with the purposes of this Covenant as deemed necessary by the Department to protect the public health and safety and oversee any remediation activities.

K. Inspection and Monitoring of Restrictions. The **Owner** shall inspect the **Property** annually for compliance with any of the Restrictions herein. Any violations of the Restrictions shall be grounds for the Department to take enforcement actions in accordance with section M, below.

L. Reporting.

Notices to the Department shall be made to: Department of Toxic Substances Control, Office of Military Facilities, Attn: Charlie Ridenour, 8800 Cal Center Drive, Sacramento, CA, 95826.

The **Owner** shall provide written notice to the Department of any violations identified during annual inspections and corrective actions taken, within 30 days of the date of the inspection.

M. Enforcement. Failure of the **Owner** or **Occupant** to comply with any of the Restrictions shall be grounds for the **Department** to exercise any or all of their rights to require that the **Owner** or **Occupant** modify or remove any improvements ("improvements" includes but is not limited to all buildings, roads, driveways, paved parking areas, water wells, and surface impoundments) constructed or placed upon any portion of the **Property** in violation of the terms of this Covenant or the terms of the Historic Preservation Covenant set forth in Section 1, above. Violation of any provision of this Covenant shall be grounds for the **Department** to file civil or criminal actions as provided by law.

N. Variance. The **Owner**, or with the **Owner's** consent, any **Occupant**, may apply to the **Department** for a written variance from the provisions of this Covenant. Such application shall be made in accordance with H&SC section 25233.

O. Termination. Any **Owner**, or with the **Owner's** consent, any **Occupant**, may apply to **Department** for a termination of the Restrictions or other terms of this Covenant as they apply to all or any portion of the **Property**. Such application shall be made in accordance with H&SC section 25234.

P. Term. This Covenant shall continue in effect in perpetuity unless ended in accordance with the Termination paragraph above, by law, or by the **Department** in the exercise of its discretion.

Q. No Dedication Intended. Nothing set forth in this Covenant shall be construed to be a gift or dedication, or offer of a gift or dedication to the general public or anyone else for any purpose whatsoever.

R. State of California References. All references to the State of California and the **Department** include successor agencies/departments or other successor entity(ies).

S. Notices Between the Parties. Whenever **Owner** gives or serves any Notice ("Notice" as used herein includes any demand or other communication with respect to this Covenant), each such Notice shall be in writing and shall be deemed effective: (a) when delivered, if personally delivered to the person being served or to an officer of a corporate party being served; or (b) three business days after deposit in the mail, if mailed by United States mail, postage paid, certified, return receipt requested:

## 11. NOTICE OF THE PRESENCE OF ASBESTOS.

The **Property** may have asbestos containing material. The Phase 1 Environmental Due Diligence Audit, US Coast Guard Point Pinos Light Station, Pacific Grove, Monterey County, California, dated July 2002, states that due to the age of the structures, it is likely that asbestos-containing material (**ACM**) exists in the building materials. **ACM** has been confirmed in the construction materials used at the lighthouse.

The **GRANTEE** Covenants and agrees, on behalf of themselves, their successors and assigns, that in their use and occupancy of the **Property**, or any part thereof, they will comply with all Federal, state and local laws relating to asbestos. The **GRANTOR** assumes no liability for damages for personal injury, illness, disability or death, to the **GRANTEE**, or to the **GRANTEE**'s successors, assigns, employees, invitees, or to any other person subject to the control or direction of the **GRANTEE**, its successors or assigns, or to any other person, including members of the general public, arising from or incident to the purchase, transportation, removal, handling, use, disposition, or other activity causing or leading to contact of any kind whatsoever with asbestos on the **Property** described in this Quitclaim Deed, whether the **GRANTEE**, its successors or assigns has or have properly warned or failed to properly warn the individual(s) injured.

## 12. HAZARDOUS SUBSTANCE ACTIVITY.

Notice. Pursuant to 40 CFR 373.2 and Section 120(h)(3)(A)(i) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (CERCLA)(42 U.S.C. §9620(h)(3)(A)(i)), and based upon a complete search of agency files, the United States gives notice that other than the substances identified in paragraphs 10 and 11, above, no hazardous

substances have been released or disposed of or stored for one year or more on the **Property**.

**Covenant.** United States warrants that all remedial action necessary to protect human health and the environment has been taken before the date of this conveyance. United States warrants that it shall take any additional response action found to be necessary after the date of this conveyance regarding hazardous substances located on the **Property** on the date of this conveyance.

This covenant shall not apply:

(a) In any case in which the **GRANTEE**, its successor(s) or assign(s), or any successor in interest to the **Property** or part thereof is a Potentially Responsible Party (PRP) with respect to the **Property** immediately prior to the date of this conveyance; **OR**

(b) To the extent but only to the extent that such additional response action or part thereof found to be necessary is the result of an act or failure to act of the **GRANTEE**, its successor(s) or assign(s), or any party in possession after the date of this conveyance that either:

(i) Results in a release or threatened release of a hazardous substance that was not located on the **Property** on the date of this conveyance; **OR**

(ii) Causes or exacerbates the release or threatened release of a hazardous substance the existence and location of which was known and identified to the applicable regulatory authority as of the date of this conveyance.

In the event the **GRANTEE**, its successor(s) or assign(s), seeks to have United States conduct any additional response action, and, as a condition precedent to United States incurring any additional cleanup obligation or related expenses, the **GRANTEE**, its successor(s) or assign(s), shall provide United States at least 45 days written notice of such a claim and provide credible evidence that:

(A) The associated contamination existed prior to the date of this conveyance; and

(B) The need to conduct any additional response action or part thereof was not the result of any act or failure to act by the **GRANTEE**, its successor(s) or assign(s), or any party in possession.

**Access For Environmental Investigation, Remediation or Other Corrective Action.** United States reserves a right of access, at reasonable times and upon reasonable advance written notice to the **GRANTEE**, to all portions of the **Property** or to any adjoining properties, for environmental investigation, remediation or other corrective action. This reservation includes the right of access to and use of available utilities at reasonable cost to United States. These rights shall be exercisable in any case in which a remedial action, response action or corrective action is found to be necessary after the date of this conveyance, or in which access is necessary to carry out a remedial action,

response action, or corrective action on adjoining property. United States shall exercise reasonable efforts to minimize any interference with the operations of any then existing tenants on the **Property** or any then ongoing development activity in carrying out such response or corrective actions. Pursuant to this reservation, the United States of America, and its respective officers, agents, employees, contractors and subcontractors shall have the right (upon reasonable advance written notice to the record title owner) to enter upon the **Property** and conduct investigations and surveys, to include drilling, test-pitting, borings, data and records compilation and other activities related to environmental investigation, and to carry out remedial or removal actions as required or necessary, including but not limited to the installation and operation of monitoring wells, pumping wells, and treatment facilities. Any such entry, including such activities, responses or remedial actions, shall be coordinated with record title owner and shall be performed in a manner that minimizes interruption with activities of authorized occupants.

### 13. CONDITION OF PROPERTY.

The **GRANTEE** attests by its acceptance of this Quitclaim Deed that it has inspected, is aware of, and accepts the condition and state of repair of the **Property** herein conveyed. It is understood and agreed that the **Property** is conveyed "AS IS" and "WHERE IS" without any representation or warranty on the part of the **GRANTOR** to make any alterations, repairs, or additions. The **GRANTOR** shall not be liable for any latent or patent defects in the **Property**, except to the extent required by applicable law. The **GRANTEE** acknowledges by acceptance of this Quitclaim Deed that the **GRANTOR** has made no representation or warranty concerning the condition and state of repair of the **Property** nor any agreement or promise to alter, improve, adapt or repair the **Property** which has not been fully set forth in this Quitclaim Deed.

### 14. CONVEYANCES AND OBLIGATIONS.

- A. The **GRANTEE** attests by its acceptance of and recording of this Quitclaim Deed that all of the covenants and obligations stated in this conveyance run with the **Property** and are binding upon the **GRANTEE**, and agrees to perform all of its obligations related thereto.
- B. This Quitclaim Deed and its acceptance by the **GRANTEE** shall constitute the entire agreement between the **GRANTEE** and the United States of America, unless modified and approved in writing by both parties. This agreement becomes binding upon execution or delivery of the Quitclaim Deed by the United States.
- C. The **GRANTEE** shall save, hold harmless, defend, and indemnify the United States, its employees, agents, and representatives from any suit, claim, demand, or action, liability, judgment, cost or other fee arising out of any claim for personal injury or property damage (including death, illness, or loss of or damage to the **Property** or economic loss) that arises from the **GRANTEE's** or the **GRANTEE's** employee's, agent's, or representative's use or occupancy of the **Property** and/or the **GRANTEE's** failure to comply with the terms and conditions of the conveyance excepting those claims arising

out of the negligence of the United States.

- D. Except to the extent they conflict with California law, the **GRANTEE** further covenants and agrees for itself, its successors, and assigns, to comply with the provisions of the Federal Disaster Protection Act of 1973 (87 Stat. 975); Executive Order 11988, relating to the evaluation of flood hazards; Executive Order 11288, relating to the prevention, control, and abatement of water pollution; and Executive Order 11990, relating to the protection of wetlands, where and to the extent said Act and Orders are applicable to the **Property**, and the **GRANTEE** shall be subject to any use restrictions issued under said Act and Orders.

#### 15. COMPLIANCE AND FAILURE OF GRANTOR.

The United States, and any representative it may so delegate, shall have the right of entry upon the **Property** at any time to conduct periodic inspection to ensure compliance with the terms and conditions of the conveyance. The failure of any agency of the United States to exercise any right, term, covenant, condition or remedy granted under this Quitclaim Deed shall not be deemed to be a waiver of the same or any other term, covenant, condition, right or remedy. No term, covenant, condition, right or remedy shall be deemed to have been waived by the United States unless such waiver is in writing executed by a duly authorized representative of the United States, and the **GRANTEE's** obligations with respect to such future performance shall continue in full force and effect.

IN WITNESS WHEREOF, the GRANTOR, acting by and through the Commandant, U.S. Coast Guard, and by further delegation to the Commander, U.S. Coast Guard maintenance and Logistics Command Pacific, has caused this Quitclaim Deed to be executed as of the day and year first written above.

For the UNITED STATES OF AMERICA



M. K. BROWN  
Rear Admiral, U.S. Coast Guard  
Commander, Maintenance and Logistics Command Pacific

WITNESS:

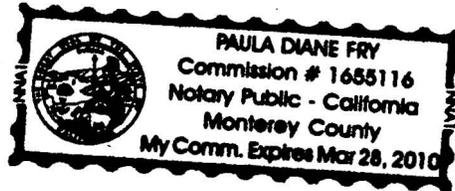
---

CERTIFICATION BY NOTARY PUBLIC  
State of California  
County of ~~Alameda~~ *MONTEREY* *AF*

On AUGUST 23, 2006, before me, PAULA DIANE FRY, personally appeared M. K. BROWN AND DANIEL CORT, personally known to me, or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she in his/her authorized capacity, and that by his/her signature on the instrument, the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

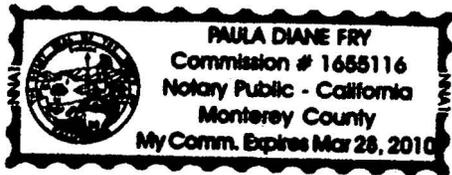
  
Signature of Notary



Notary Stamp

**ACCEPTANCE of QUITCLAIM DEED**

The **GRANTEE**, through its authorized representative, hereby accepts title to the conveyed **Property** and accepts and agrees to all of the terms, conditions, and restrictions contained in the QUITCLAIM DEED set forth above. Executed on behalf of the **GRANTEE** this 23RD day of AUGUST, 2006, at Monterey County.



**CITY OF PACIFIC GROVE**

*Daniel Evan Cort*

By: Daniel Evan Cort  
Mayor of the City of Pacific Grove

EXHIBIT "A"

LEGAL DESCRIPTION

For Point Pinos Coast Guard Reservation  
Point Pinos Rancho, City of Pacific Grove, California

## POINT PIÑOS COAST GUARD RESERVATION

Certain real property situate in Point Piños Rancho, City of Pacific Grove, California, particularly described as follows:

BEGINNING at a point in the line of ordinary high water of the Bay of Monterey, at the intersection of said line with the northerly prolongation of the easterly boundary of the Point Piños Lighthouse Reservation, as said Reservation is described in that certain deed to the United States of America dated November 23, 1870 and recorded in Book J of Conveyances at Page 305, records of Monterey County, California, which point bears N. 15° 36' E., approximately 260 feet from a stone monument marked "L.H.R." at the northeast corner of the said Point Piños Lighthouse Reservation; and running thence, following the meanderings of the line of ordinary high water of the Bay of Monterey and of the Pacific Ocean (bearings based on the true meridian)

- (1) westerly, southwesterly and southerly to the point of intersection of said ordinary line of high water with the a westerly prolongation of the southerly boundary of said original Lighthouse Reservation; thence leaving said line of ordinary high water and running along said westerly prolongation of said boundary
- (2) S. 74° 34' E., 1200 feet, more or less, to a stone monument marked "L.H.R." standing at the southwest corner of said Point Piños Lighthouse Reservation; thence along the southerly boundary of said Reservation
- (3) S. 74° 34' E., 545 feet to a 10" by 10" granite monument marked "U.S.L.H." at the southeast corner of said Reservation; thence along the easterly boundary of said Reservation
- (4) N. 15° 26' E., 2000.00 feet to the above said stone monument marked "L.H.R." at the northeast corner of the said Point Piños Lighthouse Reservation; thence
- (5) N. 15° 26' E., 260 feet, more or less, to the point of beginning.

### EXCEPTING THEREFROM:

A certain parcel of land particularly described as follows:

BEGINNING at a point which bears N. 15° 26' E., 116.05 feet from the southeast corner of the above described Point Piños Coast Guard Reservation; and running thence along the easterly boundary of said Reservation

- (1) N. 15° 26' E., 193.37 feet; thence leaving said easterly boundary
- (2) S. 74° 29' 33 W., 748.63 feet; thence

- (3) S. 15° 28' 43" W., 250.39 feet; thence
- (4) S. 74° 34' E., 692.78 feet; thence
- (5) 79.27 feet along the arc of a tangent curve to the left having a radius of 56.05 feet through a central angle of 90° 00' (long chord bears S. 29° 34' E., 39.63 feet) to the point of beginning.

**ALSO EXCEPTING THEREFROM:**

A certain parcel of land particularly described as follows:

**BEGINNING** at a point which bears N. 15° 26' E., 827.1 feet from the southeast corner of the above described Point Piños Coast Guard Reservation; and running thence along the easterly boundary of said Reservation

- (1) N. 15° 26' E., 200.00 feet; thence leaving said easterly boundary
- (2) N. 74° 34' W., 300.00 feet; thence
- (3) S. 15° 26' W., 200.00 feet; thence
- (4) S. 74° 34' E., 300.00 feet to the point of beginning.

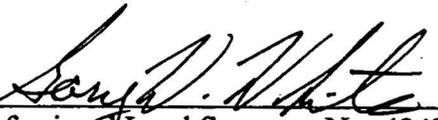
  
Professional Land Surveyor No. 4247  
October 18, 2004



EXHIBIT "B"

SURVEY PLAT

For Point Pinos Coast Guard Reservation  
Pacific Grove, California

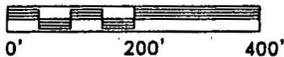
PUBLIC COMMENT  
JOHN R. TROTH

MONTEREY  
BAY

TRUE MAGNETIC



SCALE: 1" = 200'



BEARINGS ARE BASED  
ON THE TRUE MERIDIAN

PACIFIC OCEAN

OCEAN VIEW

BOULEVARD

CITY OF  
PACIFIC GROVE  
SEWER  
TREATMENT  
SITE

POINT PINOS COAST GUARD RESERVATION

POINT PINOS LIGHTHOUSE RESERVATION

US COAST  
GUARD  
HOUSING

U.S. NAVY

R = 56.05  
Δ = 90'  
L = 79.27

10"x10"  
GRANITE  
MONUMENT  
MARKED  
"U.S.L.H."

NEILL ENGINEERS CORP.  CARMEL, CALIFORNIA

**SURVEY PLAT**  
POINT PINOS COAST GUARD  
RESERVATION  
PACIFIC GROVE, CALIFORNIA

OCT. 15, 2004 W.O. PGRET04E SCALE: 1"=200'

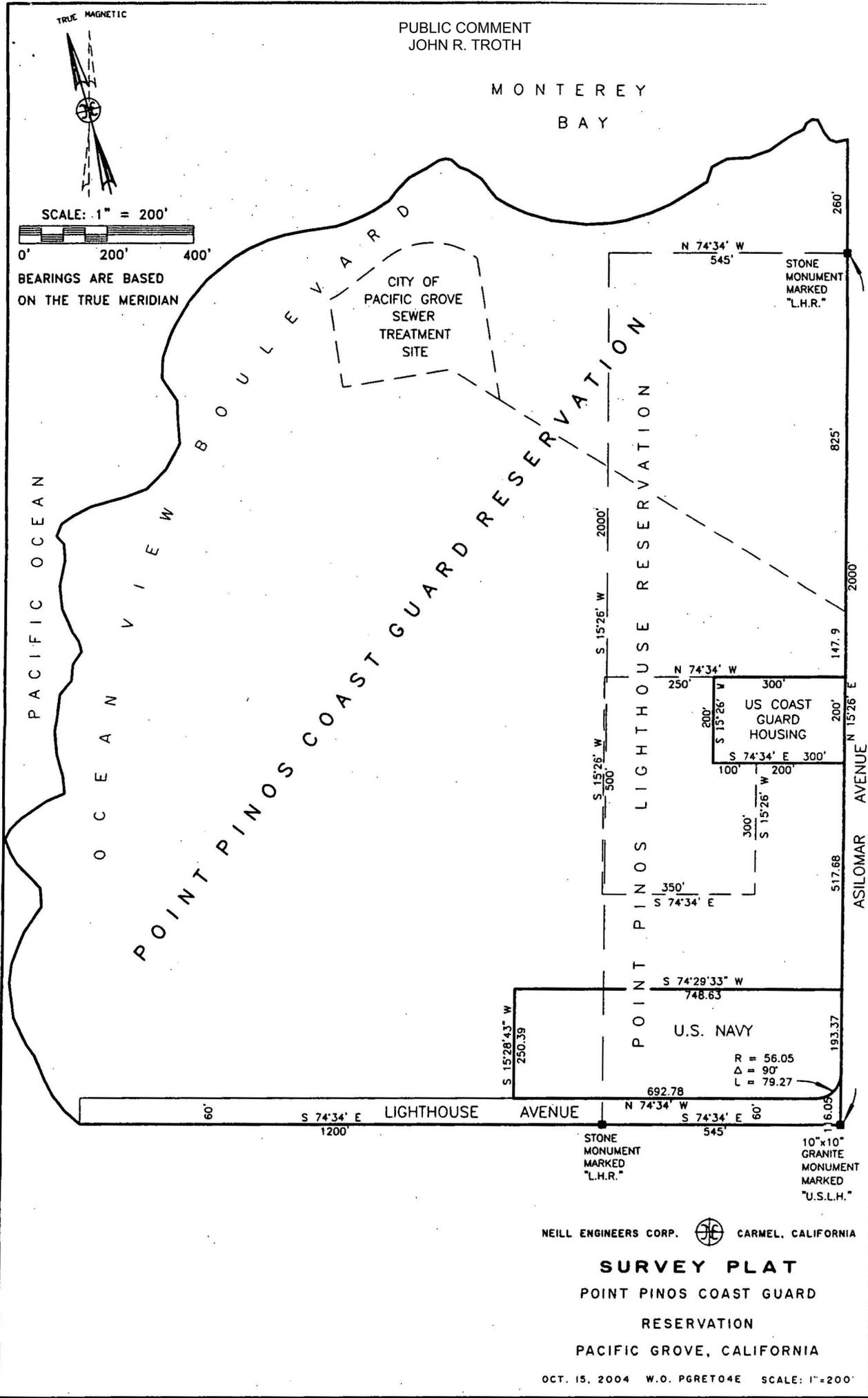


EXHIBIT "C"

California Department of Toxic Substance Control  
Transfer and Use Restrictions Concurrence



## Department of Toxic Substances Control

Maureen F. Gorsen, Director  
8800 Cal Center Drive  
Sacramento, California 95826-3200



Arnold Schwarzenegger  
Governor



Linda S. Adams  
Secretary for  
Environmental Protection

July 3, 2006

Mr. Robert L. Smith  
Chief, Civil Engineering Division  
U.S. Coast Guard  
1301 Clay Street, Suite 700N  
Oakland, California 94612-5203

### POINT PINOS LIGHTHOUSE INVESTIGATION AND TRANSFER TO THE CITY OF PACIFIC GROVE, CALIFORNIA

Dear Mr. Smith:

Thank you for your letter dated May 19, 2006 regarding the investigation and proposed transfer of the Point Pinos Lighthouse, Pacific Grove, California from the Federal Government to the City of Pacific Grove. You requested the Department of Toxic Substances Control (DTSC) review the submitted investigation report and sign a quit claim deed transferring the lighthouse in an "as-is" condition to the City of Pacific Grove. We have reviewed the site investigation report and the quit claim deed and concur with the proposed transfer and use restrictions, but request you make the changes to the quit claim deed as described below.

The Phase II Lead Contamination Assessment Report, January 2006, provides the results of lead sampling conducted around the lighthouse. Lead concentrations in soil ranged from 6 mg/kg to 6490 mg/kg. Risk analysis using DTSC's Lead Spread Model indicates the lead concentrations would pose a significant risk to humans for a residential use scenario but not a significant risk for a commercial/ industrial use scenario. Based on the mandated future use as a historic landmark and operational aid to navigation, use restrictions will provide a remedy that is protective of human health and the environment.

Based on the particular conditions associated with this property transfer, DTSC will not require a separate land use covenant. In accordance with DTSC regulations,

Mr. Robert L. Smith  
July 3, 2006  
Page 2

alternatives to a land use covenant may be utilized under certain circumstances. Current and future restrictions placed on the property to retain its function as an operating Federal Aid to Navigation and its listing in the National Register of Historic Places will prevent future residential use. Separately, the deed includes restrictions on future use, restriction monitoring and reporting, and requires a Department approved soil management plan for any soil disturbances.

DTSC appreciates the effort the U.S. Coast Guard has taken to coordinate this property transfer, and recommends future lighthouse transfers be handled similarly. As stated above, DTSC requests the following changes to the quit claim deed:

- 1) Remove DTSC's signature block from the quit claim deed;
- 2) Modify section "10. L Reporting" to section "10. L Reporting. The Owner shall provide written notice to the Department of any violations identified during annual inspections and corrective actions taken, within 30 days of the date of the inspection."
- 3) Add a section "Notices to the Department" and state the following: "Notices to the Department shall be made to: Department of Toxic Substances Control, Office of Military Facilities, Attn: Charlie Ridenour, 8800 Cal Center Drive, Sacramento, CA 95826."

Please provide me with a copy of the final signed quit claim deed for our records. If you have any questions or comments, please contact me at (916) 255-3571.

Sincerely,



Charles Ridenour, P.E.  
Chief, Federal Facilities Unit  
Office of Military Facilities

cc: The Honorable Sam Farr  
100 W. Alisal Street  
Salinas, California 93901

Mr. Robert L. Smith  
July 3, 2006  
Page 3

cc: Mr. Jim Colangelo  
City Manager  
City of Pacific Grove  
300 Forest Avenue  
Pacific Grove, California 93950

Mr. Tom Doszkocs  
Government Services Administration  
401 West A Street, Suite 2075  
San Diego, California 92101

Mr. Richard Beyer  
Attorney-Advisor  
Environmental Law Branch  
Maintenance and Logistic Command,  
Pacific Coast Guard Island  
Alameda, California 94501

Mr. Rick Brausch  
Department of Toxic Substances Control  
1001 I Street  
Post Office Box 806  
Sacramento, California 95812

**END OF DOCUMENT**

**From:** Lisa Ciani <[lisa.ciani@gmail.com](mailto:lisa.ciani@gmail.com)>

**Date:** December 4, 2017 at 10:21:10 PM PST

**To:** Rudy Fischer <[rudyfischer@earthlink.net](mailto:rudyfischer@earthlink.net)>, Cynthia Garfield <[cgarfield@cityofpacificgrove.org](mailto:cgarfield@cityofpacificgrove.org)>, Bill Kampe <[bkampe@cityofpacificgrove.org](mailto:bkampe@cityofpacificgrove.org)>, Bill Peake <[bpeake@cityofpacificgrove.org](mailto:bpeake@cityofpacificgrove.org)>, Ken Cuneo <[kencun17@icloud.com](mailto:kencun17@icloud.com)>, Robert Huitt <[huitt@comcast.net](mailto:huitt@comcast.net)>, Nick Smith <[nsmith@cityofpacificgrove.org](mailto:nsmith@cityofpacificgrove.org)>, Ben Harvey <[citymanager@cityofpacificgrove.org](mailto:citymanager@cityofpacificgrove.org)>, [cityclerk@cityofpacificgrove.org](mailto:cityclerk@cityofpacificgrove.org), David Laredo <[dave@laredolaw.net](mailto:dave@laredolaw.net)>

**Subject:** Proposed multi-year car auction agreement, agenda item 12A, 12-6-17 meeting

Dear Mayor Kampe and Council Members,

The Car Auction event organizers did not follow through on a significant coastal resource protection measure that Coastal staff assured us would be provided for Crespi Pond, a “protected” coastal wetland and ESHA in our LCP.

I was at the location of the Pacific Grove Car Auction on August 17, serving as a monitor for the Black Oystercatcher territories across Ocean View Blvd from the golf course, while the drone operator hired by the Chamber of Commerce was filming the event. I was assisting him in assuring that there was no wildlife disturbance while he was operating his drone, and he was very careful and cooperative in planning his drone operation.

In contrast, the Car Auction organizers had assured Coastal staff that they would provide specified protective measures in order to avoid requiring a CDP. Here is what PG’s Coastal Analyst Brian O’Neill wrote to me and other concerned residents of PG on July 28 (hopefully specific Crespi Pond protective measures show up in black contrasted with blue font):

On Jul 28, 2017, at 1:42 PM, O’Neill, Brian@Coastal <[brian.o'neill@coastal.ca.gov](mailto:brian.o'neill@coastal.ca.gov)> wrote:

All,

Thank you for contacting our office regarding the temporary auto auction event that is scheduled to take place at the Pacific Grove Golf Links in August. As we have previously explained, many temporary events within the Coastal Zone are excluded from Coastal Development Permit (CDP) requirements under the Commission’s temporary event guidance (attached). In this case, a CDP is not required because the event will not occupy part or all of a sandy beach area. Thus criteria (b) for requiring a CDP under our guidelines has not been met.

Our guidelines further state that the Executive Director has the discretion to require a permit in certain circumstances where the event has the potential for significant adverse impacts to coastal resources. The organizers of this event have instituted measures to protect coastal resources during the event. These measures include a reduction in the proposed parking area to create a 150-foot buffer from Crespi Pond and the use of straw wattles to protect water quality. The golf course and lighthouse will remain open to public use. The event organizers will utilize a variety of strategies to prevent significant impacts to public parking including the use of free shuttles, free valet parking, traffic management, directional signage, and signs to ensure that

public parking areas along Ocean Boulevard remain open to the public. With these protective measures, the Executive Director has determined that the proposed event does not have the potential for significant adverse impacts to coastal resources. Accordingly, the proposed event meets the criteria for exclusion from CDP requirements under our guidance.

Thank you,  
Brian

Brian O'Neill, Coastal Program Analyst  
Central Coast District Office  
Coastal Commission  
725 Front Street, Suite 300  
Santa Cruz, CA 95060  
(831) 427-4864

However, the event organizers did not provide the protective measures for Crespi Pond; the Public Works Director did not enforce provision of those protective measures; and there was no way for the public to enforce the measures. Parking was allowed right up to the fence at the edge of the wetland despite promising a 150' buffer from the wetland. Furthermore, there were bright lights aimed at the wetland during the evening, and loud music. Many of the birds in the wetland are secretive and only seen when they emerge from the reeds, but they are there. The City needs to require the measures Brian O'Neill promised—and more, now that we have seen what happens at one car auction event.

That evening, I reported the violation to the PG police, who came and spoke with me but had no authority to do anything, and I reported the violation to Coastal staff the next day with photographs. Since PG's Coastal analyst failed to put the understanding in an enforceable document, Coastal Commission Enforcement staff could not act on my violation report. I have reminded their enforcement personnel of the car auction incident at Crespi Pond and informed them of the proposed multi-year agreement.

Any agreement the City negotiates with the Car Auction organizers needs to include protective measures for Crespi Pond developed by local wildlife monitors and experts, with clear enforcement provisions that include coordination by the City with those monitors and experts.

The agenda report finding that CEQA review is not necessary is ignoring the facts. The Car Auction takes place directly adjacent to Crespi Pond wetland, which is an ESHA, it continues after dark, and it takes place during nesting season. And while the car auction itself takes place during one, long evening, the set up, preview period, and break down require approximately ten days of moving a large number of cars on and off the area and considerably more intense use than the normal golf course activity. Even more cars can be expected to park on the golf course in future years, as the event becomes better known. Furthermore, since both the City and the event organizers have ignored the protective measures for the wetland promised for the first car auction event, and since Coastal analyst Brian O'Neill is not an expert with regard to the natural

resource issues at Crespi Pond, I believe there needs to be environmental review to address the potential for significant negative impacts to the wetland.

Thank you for considering my comments,  
Lisa Ciani

Car Auction parking 8/17/17





Lighting during Car Auction





Sandra Kandell &lt;skandell@cityofpacificgrove.org&gt;

---

**Re: IS/MND for 5-year agreement for Car Auction**

1 message

**Ben Harvey** <citymanager@cityofpacificgrove.org>

Wed, Apr 25, 2018 at 3:20 PM

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

Cc: Rudy Fischer &lt;rudyfischer@earthlink.net&gt;, Cynthia Garfield &lt;cgarfield@cityofpacificgrove.org&gt;, Bill Kampe &lt;bkampe@cityofpacificgrove.org&gt;, Bill Peake &lt;bpeake@cityofpacificgrove.org&gt;, Ken Cuneo &lt;kencun17@icloud.com&gt;, Robert Huitt &lt;huitt@comcast.net&gt;, Nick Smith &lt;nsmith@cityofpacificgrove.org&gt;, City Clerk &lt;cityclerk@cityofpacificgrove.org&gt;, Dave Laredo &lt;dave@laredolaw.net&gt;, Wendy Lao &lt;wlao@cityofpacificgrove.org&gt;, Daniel Gho &lt;dgho@cityofpacificgrove.org&gt;, Mark Brodeur &lt;mbrodeur@cityofpacificgrove.org&gt;

Ms. Ciani,

Thank you for your email. You are encouraged to submit your comments as soon as possible to assist the City Council in meeting its schedule. To clarify, the Draft Initial Study/Mitigated Negative Declaration cycle, the process requires the publishing of the draft document (link contained within this email), and for the City Council to consider those comments that are received. All comments received will be provided to the City Council with the agenda report. Those comments received after the City Council agenda packet has been posted will be distributed with the agenda errata. City Staff will be prepared to respond and assess those comments that are received, providing input/advice to the City Council.

Please also be advised that the proposed car auction event attendee parking is proposed to be moved this year, away from Crespi Pond, just as the posted MND document indicates.

Linke to Draft Initial Study/Mitigated Negative Declaration:

<https://www.cityofpacificgrove.org/sites/default/files/general-documents/ceqa-california-environmental-quality-act/draft-mnd-auto-auction-golf-course.pdf>

Thank you.

On Wed, Apr 25, 2018 at 2:18 PM, Lisa Ciani &lt;lisa.ciani@gmail.com&gt; wrote:

Dear Mayor Kampe and City Council,

I have just discovered that the hearing for the 5-year agreement for the car auction and for the Initial Study/Mitigated Negative Declaration is scheduled for the Council's May 2nd agenda, TWO HOURS AFTER THE CLOSE OF THE PUBLIC REVIEW PERIOD for the environmental review document. (See Notice of Intent to Adopt a Mitigated Negative Declaration for this project on the City's CEQA webpage.)

That scheduling makes a mockery of public comment. Public review of the IS/MND appears to be meaningless, since public comments may not be considered in a final draft IS/MND which needs to be prepared enough in advance of the Council meeting to be included in the agenda report which is typically posted the Friday before the meeting. (That would be April 27, for the May 2 Council meeting). In this case, the final draft IS/MND would need to be completed almost a week before the public review period ends.

The car auction is to be located immediately adjacent to Crespi Pond wetland, an Environmentally Sensitive Habitat Area. The event organizers and the City failed to uphold the protective measures agreed to with Coastal Commission staff for last year's event. A very clear, enforceable plan for protection of the wetland needs to be in place for the next 5 years. Time needs to be allowed for public comment to be considered and incorporated into the IS/MND.

Please re-schedule the Council's public hearing of the proposed agreement for the car auction and IS/MND. The hearing needs to take place after all public comment has been considered and sufficient time can be allowed for both the public and the Council to review the final draft IS/MND. And please provide appropriate public notice of the change in schedule.

I would appreciate a timely response to my request.

Thank you,  
Lisa Ciani

4/25/2018

City of Pacific Grove Mail - Re: IS/MND for 5-year agreement for Car Auction

--

Ben Harvey  
City Manager  
City of Pacific Grove  
[bharvey@cityofpacificgrove.org](mailto:bharvey@cityofpacificgrove.org)



Sandra Kandell <skandell@cityofpacificgrove.org>

---

## IS/MND for 5-year agreement for Car Auction

1 message

---

**Lisa Ciani** <lisa.ciani@gmail.com>

Wed, Apr 25, 2018 at 2:18 PM

To: Rudy Fischer <rudyfischer@earthlink.net>, Cynthia Garfield <cgarfield@cityofpacificgrove.org>, Bill Kampe <bkampe@cityofpacificgrove.org>, Bill Peake <bpeake@cityofpacificgrove.org>, Ken Cuneo <kencun17@icloud.com>, Robert Huit <huit@comcast.net>, Nick Smith <nsmith@cityofpacificgrove.org>, Ben Harvey <citymanager@cityofpacificgrove.org>, cityclerk@cityofpacificgrove.org, dave@laredolaw.net

Dear Mayor Kampe and City Council,

I have just discovered that the hearing for the 5-year agreement for the car auction and for the Initial Study/Mitigated Negative Declaration is scheduled for the Council's May 2nd agenda, TWO HOURS AFTER THE CLOSE OF THE PUBLIC REVIEW PERIOD for the environmental review document. (See Notice of Intent to Adopt a Mitigated Negative Declaration for this project on the City's CEQA webpage.)

That scheduling makes a mockery of public comment. Public review of the IS/MND appears to be meaningless, since public comments may not be considered in a final draft IS/MND which needs to be prepared enough in advance of the Council meeting to be included in the agenda report which is typically posted the Friday before the meeting. (That would be April 27, for the May 2 Council meeting). In this case, the final draft IS/MND would need to be completed almost a week before the public review period ends.

The car auction is to be located immediately adjacent to Crespi Pond wetland, an Environmentally Sensitive Habitat Area. The event organizers and the City failed to uphold the protective measures agreed to with Coastal Commission staff for last year's event. A very clear, enforceable plan for protection of the wetland needs to be in place for the next 5 years. Time needs to be allowed for public comment to be considered and incorporated into the IS/MND.

Please re-schedule the Council's public hearing of the proposed agreement for the car auction and IS/MND. The hearing needs to take place after all public comment has been considered and sufficient time can be allowed for both the public and the Council to review the final draft IS/MND. And please provide appropriate public notice of the change in schedule.

I would appreciate a timely response to my request.

Thank you,  
Lisa Ciani



Sandra Kandell &lt;skandell@cityofpacificgrove.org&gt;

## Re: The proposed May 3 agenda makes me feel like Alice in Wonderland

1 message

**Ben Harvey** <citymanager@cityofpacificgrove.org>

Thu, Apr 26, 2018 at 1:54 PM

To: "JaneHaines80@gmail.com" <janehaines80@gmail.com>

Cc: "Laredo P.G. City Attorney" <dave@laredolaw.net>, Wendy Lao <wlao@cityofpacificgrove.org>, Mark Brodeur <mbrodeur@cityofpacificgrove.org>, Daniel Gho <dgho@cityofpacificgrove.org>, "rudyfischer@earthlink.net" <rudyfischer@earthlink.net>, Garfield Cynthia <cgarfield@cityofpacificgrove.org>, Bill Kampe <bkampe@cityofpacificgrove.org>, Bill Peake <bpeake@cityofpacificgrove.org>, Ken Cuneo <kencun17@icloud.com>, "huitt@comcast.net huitt@comcast.net" <huitt@comcast.net>, Smith Nick <nsmith@cityofpacificgrove.org>, Pacific Grove City Clerk of <cityclerk@cityofpacificgrove.org>

Ms. Haines,

Further down on the same page that you reference in your last email, you'll see the following:

x x x x

### **10. Other public agencies whose approval is required: California Coastal Commission (site leveling and pathways only)**

x x x x

The City has submitted a Coastal Development Permit application to the California Coastal Commission, which is mentioned in the forthcoming 5/2 City Council agenda report.

Thank you.

On Thu, Apr 26, 2018 at 1:44 PM, [JaneHaines80@gmail.com](mailto:JaneHaines80@gmail.com) <[janehaines80@gmail.com](mailto:janehaines80@gmail.com)> wrote:

On Apr 26, 2018, at 1:38 PM, [JaneHaines80@gmail.com](mailto:JaneHaines80@gmail.com) <[janehaines80@gmail.com](mailto:janehaines80@gmail.com)> wrote:

Mr. Harvey,

The Initial Study/Environmental Checklist Form, page 2 item 8 states:

"8. Description of the Project: The proposed project is a concession agreement for a series of five annual collector car auctions (one per year) to be conducted at the Pacific Grove Municipal Golf Course ..."

Since the project is instead "proposed improvements to be made at the golf course," I hope the agenda report will explain why a coastal development permit is not needed.

Sincerely,  
Jane Haines

On Apr 26, 2018, at 1:25 PM, Ben Harvey <[citymanager@cityofpacificgrove.org](mailto:citymanager@cityofpacificgrove.org)> wrote:

Ms. Haines,

Thank you for your email. The Initial Study/Mitigated Negative Declaration (IS/MND) relates to the proposed improvements to be made at the golf course, and not to the actual proposed contractual agreement with Worldwide Auctioneers. All information related to the proposed golf course improvements is within the posted IS/MND document. While the draft contract will be included as an attachment to the forthcoming 5/2 City Council agenda

report item, it is not required to be included with the IS/MND, nor does it provide additional information the public is not already made aware of from reading the IS/MND document itself.

On Thu, Apr 26, 2018 at 11:27 AM, Jane Haines <[janehaines80@gmail.com](mailto:janehaines80@gmail.com)> wrote:

Dear City Council,

According to the City website, "A public hearing on the proposed project and mitigated negative declaration [for a 5-year concession agreement for annual car auctions] is tentatively scheduled to be held by the City Council on May 2, 2018 at 6:00 p.m." However, the Public Works Director informed me this morning that I can't review the proposed concession agreement until after the agenda is posted tomorrow (April 27).

And it gets curiouser and curiouser. The 41-page draft initial study and mitigated negative declaration evaluates that same agreement that apparently doesn't exist yet.

Alice said: "Why, sometimes I've believed as many as six impossible things before breakfast." Me too, I actually read 41 pages evaluating something that apparently doesn't exist yet.

Alice in Wonderland, I mean — Jane Haines

--

Ben Harvey  
City Manager  
City of Pacific Grove  
[bharvey@cityofpacificgrove.org](mailto:bharvey@cityofpacificgrove.org)

--

Ben Harvey  
City Manager  
City of Pacific Grove  
[bharvey@cityofpacificgrove.org](mailto:bharvey@cityofpacificgrove.org)



Sandra Kandell &lt;skandell@cityofpacificgrove.org&gt;

---

**Re: The proposed May 3 agenda makes me feel like Alice in Wonderland**

1 message

---

**Ben Harvey** <citymanager@cityofpacificgrove.org>

Thu, Apr 26, 2018 at 1:25 PM

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

Cc: City Council Members &lt;citycouncil@cityofpacificgrove.org&gt;, Dave Laredo &lt;dave@laredolaw.net&gt;, Wendy Lao &lt;wlao@cityofpacificgrove.org&gt;, Mark Brodeur &lt;mbrodeur@cityofpacificgrove.org&gt;, Daniel Gho &lt;dgho@cityofpacificgrove.org&gt;

Ms. Haines,

Thank you for your email. The Initial Study/Mitigated Negative Declaration (IS/MND) relates to the proposed improvements to be made at the golf course, and not to the actual proposed contractual agreement with Worldwide Auctioneers. All information related to the proposed golf course improvements is within the posted IS/MND document. While the draft contract will be included as an attachment to the forthcoming 5/2 City Council agenda report item, it is not required to be included with the IS/MND, nor does it provide additional information the public is not already made aware of from reading the IS/MND document itself.

On Thu, Apr 26, 2018 at 11:27 AM, Jane Haines &lt;janehaines80@gmail.com&gt; wrote:

Dear City Council,

According to the City website, "A public hearing on the proposed project and mitigated negative declaration [for a 5-year concession agreement for annual car auctions] is tentatively scheduled to be held by the City Council on May 2, 2018 at 6:00 p.m." However, the Public Works Director informed me this morning that I can't review the proposed concession agreement until after the agenda is posted tomorrow (April 27).

And it gets curiouser and curiouser. The 41-page draft initial study and mitigated negative declaration evaluates that same agreement that apparently doesn't exist yet.

Alice said: "Why, sometimes I've believed as many as six impossible things before breakfast." Me too, I actually read 41 pages evaluating something that apparently doesn't exist yet.

Alice in Wonderland, I mean — Jane Haines

--

Ben Harvey  
City Manager  
City of Pacific Grove  
[bharvey@cityofpacificgrove.org](mailto:bharvey@cityofpacificgrove.org)



Sandra Kandell &lt;skandell@cityofpacificgrove.org&gt;

---

**Re: The proposed May 3 agenda makes me feel like Alice in Wonderland**

1 message

---

**JaneHaines80@gmail.com** <janehaines80@gmail.com>

Thu, Apr 26, 2018 at 1:44 PM

To: Ben Harvey &lt;citymanager@cityofpacificgrove.org&gt;

Cc: "Laredo P.G. City Attorney" &lt;dave@laredolaw.net&gt;, Wendy Lao &lt;wlao@cityofpacificgrove.org&gt;, Mark Brodeur &lt;mbrodeur@cityofpacificgrove.org&gt;, Daniel Gho &lt;dgho@cityofpacificgrove.org&gt;, "rudyfischer@earthlink.net" &lt;rudyfischer@earthlink.net&gt;, Garfield Cynthia &lt;cgarfield@cityofpacificgrove.org&gt;, Bill Kampe &lt;bkampe@cityofpacificgrove.org&gt;, Bill Peake &lt;bpeake@cityofpacificgrove.org&gt;, Ken Cuneo &lt;kencun17@icloud.com&gt;, "huitt@comcast.net huitt@comcast.net" &lt;huitt@comcast.net&gt;, Smith Nick &lt;nsmith@cityofpacificgrove.org&gt;, Pacific Grove City Clerk of &lt;cityclerk@cityofpacificgrove.org&gt;

On Apr 26, 2018, at 1:38 PM, [JaneHaines80@gmail.com](mailto:janehaines80@gmail.com) <janehaines80@gmail.com> wrote:

Mr. Harvey,

The Initial Study/Environmental Checklist Form, page 2 item 8 states:

"8. Description of the Project: The proposed project is a concession agreement for a series of five annual collector car auctions (one per year) to be conducted at the Pacific Grove Municipal Golf Course ..."

Since the project is instead "proposed improvements to be made at the golf course," I hope the agenda report will explain why a coastal development permit is not needed.

Sincerely,  
Jane Haines

On Apr 26, 2018, at 1:25 PM, Ben Harvey &lt;citymanager@cityofpacificgrove.org&gt; wrote:

Ms. Haines,

Thank you for your email. The Initial Study/Mitigated Negative Declaration (IS/MND) relates to the proposed improvements to be made at the golf course, and not to the actual proposed contractual agreement with Worldwide Auctioneers. All information related to the proposed golf course improvements is within the posted IS/MND document. While the draft contract will be included as an attachment to the forthcoming 5/2 City Council agenda report item, it is not required to be included with the IS/MND, nor does it provide additional information the public is not already made aware of from reading the IS/MND document itself.

On Thu, Apr 26, 2018 at 11:27 AM, Jane Haines &lt;janehaines80@gmail.com&gt; wrote:

Dear City Council,

According to the City website, "A public hearing on the proposed project and mitigated negative declaration [for a 5-year concession agreement for annual car auctions] is tentatively scheduled to be held by the City Council on May 2, 2018 at 6:00 p.m." However, the Public Works Director informed me this morning that I can't review the proposed concession agreement until after the agenda is posted tomorrow (April 27).

And it gets curiouser and curiouser. The 41-page draft initial study and mitigated negative declaration evaluates that same agreement that apparently doesn't exist yet.

Alice said: "Why, sometimes I've believed as many as six impossible things before

4/26/2018

City of Pacific Grove Mail - Re: The proposed May 3 agenda makes me feel like Alice in Wonderland

breakfast." Me too, I actually read 41 pages evaluating something that apparently doesn't exist yet.

Alice in Wonderland, I mean — Jane Haines

--

Ben Harvey  
City Manager  
City of Pacific Grove  
[bharvey@cityofpacificgrove.org](mailto:bharvey@cityofpacificgrove.org)



Sandra Kandell <skandell@cityofpacificgrove.org>

---

## The proposed May 3 agenda makes me feel like Alice in Wonderland

1 message

---

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

Thu, Apr 26, 2018 at 11:27 AM

To: "rudyfischer@earthlink.net" <rudyfischer@earthlink.net>, Garfield Cynthia <cgarfield@cityofpacificgrove.org>, Bill Kampe <bkampe@cityofpacificgrove.org>, Bill Peake <bpeake@cityofpacificgrove.org>, Ken Cuneo <kencun17@icloud.com>, "huitt@comcast.net huitt@comcast.net" <huitt@comcast.net>, Smith Nick <nsmith@cityofpacificgrove.org>, Ben Harvey <citymanager@cityofpacificgrove.org>, Pacific Grove City Clerk of <cityclerk@cityofpacificgrove.org>, "Laredo P.G. City Attorney" <dave@laredolaw.net>

Dear City Council,

According to the City website, "A public hearing on the proposed project and mitigated negative declaration [for a 5-year concession agreement for annual car auctions] is tentatively scheduled to be held by the City Council on May 2, 2018 at 6:00 p.m." However, the Public Works Director informed me this morning that I can't review the proposed concession agreement until after the agenda is posted tomorrow (April 27).

And it gets curiouser and curiouser. The 41-page draft initial study and mitigated negative declaration evaluates that same agreement that apparently doesn't exist yet.

Alice said: "Why, sometimes I've believed as many as six impossible things before breakfast." Me too, I actually read 41 pages evaluating something that apparently doesn't exist yet.

Alice in Wonderland, I mean — Jane Haines



Sandra Kandell &lt;skandell@cityofpacificgrove.org&gt;

## Re: IS/MND for 5-year agreement for Car Auction

1 message

**Lisa Ciani** <lisa.ciani@gmail.com>

Thu, Apr 26, 2018 at 11:18 AM

To: Ben Harvey <citymanager@cityofpacificgrove.org>

Cc: Rudy Fischer <rudyfischer@earthlink.net>, Cynthia Garfield <cgarfield@cityofpacificgrove.org>, Bill Kampe <bkampe@cityofpacificgrove.org>, Bill Peake <bpeake@cityofpacificgrove.org>, Ken Cuneo <kencun17@icloud.com>, Robert Huitt <huitt@comcast.net>, Nick Smith <nsmith@cityofpacificgrove.org>, City Clerk <cityclerk@cityofpacificgrove.org>, Dave Laredo <dave@laredolaw.net>, Wendy Lao <wlao@cityofpacificgrove.org>, Daniel Gho <dgho@cityofpacificgrove.org>, Mark Brodeur <mbrodeur@cityofpacificgrove.org>

Mr. Harvey,

Thank you for your email.

You have not even stated a public review deadline for inclusion in the agenda report—you seem to be saying that Council will receive tomorrow an agenda report with the IS/MND presented as if it's the final draft, despite its being five days before the end of the public review period. Where is the transparency? There is nothing in the notification to the public about the IS/MND that says public comments should be submitted to City Council.

You make no reference to the posted public review period which ends on May 2, 2018. You simply refer to Council considering "those comments that are received" as if Council is the CEQA consultant, and you specify no date. You ask me to "assist the Council in meeting their schedule". What about the public's schedule? Are you suggesting Council can ignore the public review period announced to the public, and make their own assessment of the IS/MND based on their CEQA expertise and staff's and whatever they have time to read right up to the time of their meeting?

Your IS/MND "cycle" is random, and disrespectful of the public. Your "cycle" eliminates the opportunity for public comment from anyone who is not able to respond until near the end of the public review period to even be included in the Council packet. This "cycle" undermines the intent of CEQA. The City asks for all public comment to be submitted to Council by 9am the day prior to the Council meeting.

I have to refer back to the Mayor's State of the City addresses for prior years, because this year's address no longer mentions "effective public engagement" and "transparent processes" as priorities. In the past, the Mayor stated, "The first goal is to make sure public information about our government and our activities is accessible to our residents and staff in a timely, reliable, and accurate manner." Meeting the minimum legal requirements—if that—is not a formula for effective public engagement. The public hearing has been inappropriately scheduled and needs to be postponed.

Lisa Ciani

> On Apr 25, 2018, at 3:20 PM, Ben Harvey <citymanager@cityofpacificgrove.org> wrote:

>

> Ms. Ciani,

>

> Thank you for your email. You are encouraged to submit your comments as soon as possible to assist the City Council in meeting its schedule. To clarify, the Draft Initial Study/Mitigated Negative Declaration cycle, the process requires the publishing of the draft document (link contained within this email), and for the City Council to consider those comments that are received. All comments received will be provided to the City Council with the agenda report. Those comments received after the City Council agenda packet has been posted will be distributed with the agenda errata. City Staff will be prepared to respond and assess those comments that are received, providing input/advice to the City Council.

>

> Please also be advised that the proposed car auction event attendee parking is proposed to be moved this year, away from Crespi Pond, just as the posted MND document indicates.

>

> Linke to Draft Initial Study/Mitigated Negative Declaration:

>

> <https://www.cityofpacificgrove.org/sites/default/files/general-documents/ceqa-california-environmental-quality-act/draft-mnd-auto-auction-golf-course.pdf>

>

> Thank you.

>

>

> On Wed, Apr 25, 2018 at 2:18 PM, Lisa Ciani <[lisa.ciani@gmail.com](mailto:lisa.ciani@gmail.com)> wrote:

> Dear Mayor Kampe and City Council,

>

> I have just discovered that the hearing for the 5-year agreement for the car auction and for the Initial Study/Mitigated Negative Declaration is scheduled for the Council's May 2nd agenda, TWO HOURS AFTER THE CLOSE OF THE PUBLIC REVIEW PERIOD for the environmental review document. (See Notice of Intent to Adopt a Mitigated Negative Declaration for this project on the City's CEQA webpage.)

>

> That scheduling makes a mockery of public comment. Public review of the IS/MND appears to be meaningless, since public comments may not be considered in a final draft IS/MND which needs to be prepared enough in advance of the Council meeting to be included in the agenda report which is typically posted the Friday before the meeting. (That would be April 27, for the May 2 Council meeting). In this case, the final draft IS/MND would need to be completed almost a week before the public review period ends.

>

> The car auction is to be located immediately adjacent to Crespi Pond wetland, an Environmentally Sensitive Habitat Area. The event organizers and the City failed to uphold the protective measures agreed to with Coastal Commission staff for last year's event. A very clear, enforceable plan for protection of the wetland needs to be in place for the next 5 years. Time needs to be allowed for public comment to be considered and incorporated into the IS/MND.

>

> Please re-schedule the Council's public hearing of the proposed agreement for the car auction and IS/MND. The hearing needs to take place after all public comment has been considered and sufficient time can be allowed for both the public and the Council to review the final draft IS/MND. And please provide appropriate public notice of the change in schedule.

>

> I would appreciate a timely response to my request.

>

> Thank you,

> Lisa Ciani

>

>

>

>

> --

> Ben Harvey

> City Manager

> City of Pacific Grove

> [bharvey@cityofpacificgrove.org](mailto:bharvey@cityofpacificgrove.org)



Sandra Kandell &lt;skandell@cityofpacificgrove.org&gt;

---

**Re: CITY OF PACIFIC GROVE AUTO AUCTIONS AT PACIFIC GROVE MUNICIPAL GOLF COURSE DRAFT INITIAL STUDY & MITIGATED NEGATIVE DECLARATION**

1 message

---

**Anthony Ciani** <aciani@cianiarchitecture.com>

Mon, Apr 30, 2018 at 10:11 AM

To: Daniel Gho &lt;dgho@cityofpacificgrove.org&gt;

Cc: "O'Neill, Brian@Coastal" &lt;Brian.O'Neill@coastal.ca.gov&gt;, "Kahn, Kevin@Coastal" &lt;Kevin.Kahn@coastal.ca.gov&gt;, "Craig, Susan@Coastal" &lt;Susan.Craig@coastal.ca.gov&gt;, "Carl, Dan@Coastal" &lt;Dan.Carl@coastal.ca.gov&gt;, City Manager &lt;bharvey@cityofpacificgrove.org&gt;, City Clerk &lt;cityclerk@cityofpacificgrove.org&gt;, David Laredo &lt;dave@laredolaw.net&gt;

Dan,

To be clear, please see the correction to my email below in **red**:

Therefore, your application for the CDP is deficient and incomplete and wrongfully denied citizens due process, and I request that you take all actions necessary to correct this error, including **not** but limited to submitting a full and complete list of **a list of names and addresses of all other parties known to the applicant to be interested in the proposed development (such as persons expressing interest at a local government hearing, etc.)** along with the stamped envelopes addressed to those people to allow to Commission to complete its regulatory duties fairly and with due process.

Tony

On Mon, Apr 30, 2018 at 9:49 AM, Anthony Ciani &lt;aciani@cianiarchitecture.com&gt; wrote:

Dan,

Thank you for your reply, however, I don't believe I was included on the CDP Application's "List of Interest Persons." I also believe there are likely other persons who should have also been notified and desire such notification. The Coastal Commission's CDP Application Form Checklist Item #3 requires: *"Stamped envelopes (no postage meter please) addressed to neighboring property owners and occupants and other interested parties and a list of the same."* And, that checklist directs the applicant to page 8 item 5 for specific directions, which provides:

***"5. Stamped, addressed envelopes (no metered postage, please) and a list of names and addresses of all other parties known to the applicant to be interested in the proposed development (such as persons expressing interest at a local government hearing, etc.)"***

Therefore, your application for the CDP is deficient and incomplete and wrongfully denied citizens due process, and I request that you take all actions necessary to correct this error, including but limited to submitting a full and complete list of **a list of names and addresses of all other parties known to the applicant to be**

**interested in the proposed development (such as persons expressing interest at a local government hearing, etc.)** along with the stamped envelopes addressed to those people to allow to Commission to complete its regulatory duties fairly and with due process.

Please advise me ASAP, how you decide to proceed.

Thank you,

Tony Ciani  
220 Walnut Street  
Pacific Grove, CA 93950

On Mon, Apr 30, 2018 at 8:50 AM, Daniel Gho <[dgho@cityofpacificgrove.org](mailto:dgho@cityofpacificgrove.org)> wrote:

Anthony,

The City did add you as a person of interest and I believe this is why you received this notification so you can have the opportunity to comment.

Daniel Gho  
City of Pacific Grove Public Works Director  
831-648-5722

On Mon, Apr 30, 2018 at 8:42 AM, Anthony Ciani <[aciani@cianiarchitecture.com](mailto:aciani@cianiarchitecture.com)> wrote:

Hello Brian,

I received the April 26, 2018 Notice of Proposed Waiver No. 3-18-0259-W on Saturday, April 28, 2018, however, I did not receive a Notice of Pending Permit. After I got my mail on Saturday I checked the site and observed a yellow Notice of Pending Permit dated April 5, 2018.

I am forwarding the email I sent to Dan Gho with a copy to you (as highlighted in yellow below) on April 4, 2018. As you know from my past letters concerning the City's use of this site for auto auctions, my interests are well known by you and the City. Why did you fail to include me on the list of interested persons to receive the Notice of Pending Permit after my specific request? While I appreciate getting a copy of the proposed waiver, it is too late to provide me with the opportunity to contribute to your efforts to fully evaluate the proposed project, and for me to submit my comments to the Commission as part of your initial Agenda Packets sent to the Commission. Failure to provide legal notice is a violation of the Coastal Act's provisions to provide maximum public access and participation in the planning and regulatory efforts of the Coastal Commission.

Moreover, I understand the City's CDP Application included the Draft CEQA Initial Study and Mitigated Mitigated Declaration for which public comments are to be submitted for consideration and due at 4 pm on May 2, 2018. As the April 4, 2018 email below was sent to the City's Public Works Director Dan Gho, with copies to the City Manager and City Attorney, they too were responsible to include me in their list of interested persons to receive a Notice of Pending Permit, but they also failed to comply with that requirement. Therefore, regardless of your direct knowledge of my interest, their application was incomplete. The IS/MND, public comments, and responses are meaningful and necessary information that was wrongly excluded in the review of the pending Waiver. Omission of that input violates CEQA. Therefore, for all of the above reasons, I request the Commission postpone its hearing on this item and also to allow for the completion of the Lead Agency's CEQA review, and for that information to be properly considered in the decision making process.

Please advise me as soon as possible how you plan to proceed with this item.

Sincerely,

Tony Ciani

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

From: **Anthony Ciani** <[aciani@cianiarchitecture.com](mailto:aciani@cianiarchitecture.com)>

4/30/2018

City of Pacific Grove Mail - Re: CITY OF PACIFIC GROVE AUTO AUCTIONS AT PACIFIC GROVE MUNICIPAL GOLF COURSE DRAF...

Date: Wed, Apr 4, 2018 at 1:37 PM

Subject: CITY OF PACIFIC GROVE AUTO AUCTIONS AT PACIFIC GROVE MUNICIPAL GOLF COURSE DRAFT INITIAL STUDY & MITIGATED NEGATIVE DECLARATION

To: [dgho@cityofpacificgrove.org](mailto:dgho@cityofpacificgrove.org)

Cc: City Manager <[citymanager@cityofpacificgrove.org](mailto:citymanager@cityofpacificgrove.org)>, David Laredo <[dave@laredolaw.net](mailto:dave@laredolaw.net)>, "O'Neill, Brian@Coastal" <[Brian.O'Neill@coastal.ca.gov](mailto:Brian.O'Neill@coastal.ca.gov)>

Dear Dan,

If for some reason you have not specifically included me as an "interested person" regarding this matter, please add me to the list for all future notifications.

Thank you,

Tony Ciani  
[220 Walnut Street](#)  
[Pacific Grove, CA 93950](#)



Sandra Kandell &lt;skandell@cityofpacificgrove.org&gt;

---

**Re: CITY OF PACIFIC GROVE AUTO AUCTIONS AT PACIFIC GROVE MUNICIPAL GOLF COURSE DRAFT INITIAL STUDY & MITIGATED NEGATIVE DECLARATION**

1 message

---

**Anthony Ciani** <aciani@cianiarchitecture.com>

Mon, Apr 30, 2018 at 10:15 AM

To: Daniel Gho &lt;dgho@cityofpacificgrove.org&gt;

Cc: "O'Neill, Brian@Coastal" &lt;Brian.O'Neill@coastal.ca.gov&gt;, "Kahn, Kevin@Coastal" &lt;Kevin.Kahn@coastal.ca.gov&gt;, "Craig, Susan@Coastal" &lt;Susan.Craig@coastal.ca.gov&gt;, "Carl, Dan@Coastal" &lt;Dan.Carl@coastal.ca.gov&gt;, City Manager &lt;bharvey@cityofpacificgrove.org&gt;, City Clerk &lt;cityclerk@cityofpacificgrove.org&gt;, David Laredo &lt;dave@laredolaw.net&gt;

Dan.

Please provide me with empirical evidence that I and *other* interested persons *not* living or owning properties within 100 feet of the project site were on a list of interested persons and mailed notice of the pending permit.

Thank you,

Tony

On Mon, Apr 30, 2018 at 10:10 AM, Daniel Gho &lt;dgho@cityofpacificgrove.org&gt; wrote:

Anthony,

You received the notification as you are a person that expressed interest. The list generated was person within 100 feet of the site. You expressed an interest so you also received the notification.

Daniel Gho

City of Pacific Grove Public Works Director  
831-648-5722

On Mon, Apr 30, 2018 at 9:49 AM, Anthony Ciani &lt;aciani@cianiarchitecture.com&gt; wrote:

Dan,

Thank you for your reply, however, I don't believe I was included on the CDP Application's "List of Interest Persons." I also believe there are likely other persons who should have also been notified and desire such notification. The Coastal Commission's CDP Application Form Checklist Item #3 requires: *"Stamped envelopes (no postage meter please) addressed to neighboring property owners and occupants and other interested parties and a list of the same."* And, that checklist directs the applicant to page 8 item 5 for specific directions, which provides:

***"5. Stamped, addressed envelopes (no metered postage, please) and a list of names and addresses of all other parties known to the applicant to be interested in the proposed development (such as persons expressing interest at a local government hearing, etc.)"***

Therefore, your application for the CDP is deficient and incomplete and wrongfully denied citizens due process, and I request that you take all actions necessary to correct this error, including but limited to submitting a full and complete list of **a list of names and addresses of all other parties known to the applicant to be interested in the proposed development (such as persons expressing interest**

at a local government hearing, etc.) along with the stamped envelopes addressed to those people to allow to Commission to complete its regulatory duties fairly and with due process.

Please advise me ASAP, how you decide to proceed.

Thank you,

Tony Ciani  
220 Walnut Street  
Pacific Grove, CA 93950

On Mon, Apr 30, 2018 at 8:50 AM, Daniel Gho <[dgho@cityofpacificgrove.org](mailto:dgho@cityofpacificgrove.org)> wrote:

Anthony,

The City did add you as a person of interest and I believe this is why you received this notification so you can have the opportunity to comment.

Daniel Gho  
City of Pacific Grove Public Works Director  
831-648-5722

On Mon, Apr 30, 2018 at 8:42 AM, Anthony Ciani <[aciani@cianiarchitecture.com](mailto:aciani@cianiarchitecture.com)> wrote:

Hello Brian,

I received the April 26, 2018 Notice of Proposed Waiver No. 3-18-0259-W on Saturday, April 28, 2018, however, I did not receive a Notice of Pending Permit. After I got my mail on Saturday I checked the site and observed a yellow Notice of Pending Permit dated April 5, 2018.

I am forwarding the email I sent to Dan Gho with a copy to you (as highlighted in yellow below) on April 4, 2018. As you know from my past letters concerning the City's use of this site for auto auctions, my interests are well known by you and the City. Why did you fail to include me on the list of interested persons to receive the Notice of Pending Permit after my specific request? While I appreciate getting a copy of the proposed waiver, it is too late to provide me with the opportunity to contribute to your efforts to fully evaluate the proposed project, and for me to submit my comments to the Commission as part of your initial Agenda Packets sent to the Commission. Failure to provide legal notice is a violation of the Coastal Act's provisions to provide maximum public access and participation in the planning and regulatory efforts of the Coastal Commission.

Moreover, I understand the City's CDP Application included the Draft CEQA Initial Study and Mitigated Mitigated Declaration for which public comments are to be submitted for consideration and due at 4 pm on May 2, 2018. As the April 4, 2018 email below was sent to the City's Public Works Director Dan Gho, with copies to the City Manager and City Attorney, they too were responsible to include me in their list of interested persons to receive a Notice of Pending Permit, but they also failed to comply with that requirement. Therefore, regardless of your direct knowledge of my interest, their application was incomplete. The IS/MND, public comments, and responses are meaningful and necessary information that was wrongly excluded in the review of the pending Waiver. Omission of that input violates CEQA. Therefore, for all of the above reasons, I request the Commission postpone its hearing on this item and also to allow for the completion of the Lead Agency's CEQA review, and for that information to be properly considered in the decision making process.

Please advise me as soon as possible how you plan to proceed with this item.

Sincerely,

Tony Ciani

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

From: **Anthony Ciani** <[aciani@cianiarchitecture.com](mailto:aciani@cianiarchitecture.com)>

Date: Wed, Apr 4, 2018 at 1:37 PM

4/30/2018

City of Pacific Grove Mail - Re: CITY OF PACIFIC GROVE AUTO AUCTIONS AT PACIFIC GROVE MUNICIPAL GOLF COURSE DRAF...

Subject: CITY OF PACIFIC GROVE AUTO AUCTIONS AT PACIFIC GROVE MUNICIPAL GOLF COURSE  
DRAFT INITIAL STUDY & MITIGATED NEGATIVE DECLARATION

To: [dgho@cityofpacificgrove.org](mailto:dgho@cityofpacificgrove.org)

Cc: City Manager <[citymanager@cityofpacificgrove.org](mailto:citymanager@cityofpacificgrove.org)>, David Laredo <[dave@laredolaw.net](mailto:dave@laredolaw.net)>, "O'Neill,  
Brian@Coastal" <[Brian.O'Neill@coastal.ca.gov](mailto:Brian.O'Neill@coastal.ca.gov)>

Dear Dan,

If for some reason you have not specifically included me as an "interested person" regarding this matter, please add me to the list for all future notifications.

Thank you,

Tony Ciani  
[220 Walnut Street](#)  
[Pacific Grove, CA 93950](#)



Sandra Kandell &lt;skandell@cityofpacificgrove.org&gt;

---

**Re: CITY OF PACIFIC GROVE AUTO AUCTIONS AT PACIFIC GROVE MUNICIPAL GOLF COURSE DRAFT INITIAL STUDY & MITIGATED NEGATIVE DECLARATION**

1 message

---

**Anthony Ciani** <aciani@cianiarchitecture.com>

Mon, Apr 30, 2018 at 10:20 AM

To: Daniel Gho &lt;dgho@cityofpacificgrove.org&gt;

Cc: "O'Neill, Brian@Coastal" &lt;Brian.O'Neill@coastal.ca.gov&gt;, "Kahn, Kevin@Coastal" &lt;Kevin.Kahn@coastal.ca.gov&gt;, "Craig, Susan@Coastal" &lt;Susan.Craig@coastal.ca.gov&gt;, "Carl, Dan@Coastal" &lt;Dan.Carl@coastal.ca.gov&gt;, City Manager &lt;bharvey@cityofpacificgrove.org&gt;, City Clerk &lt;cityclerk@cityofpacificgrove.org&gt;, David Laredo &lt;dave@laredolaw.net&gt;

DAN,

Sorry for the bold graphics, but I am trying to be sure you understand my concern and point....

ERRATA:

Therefore, your application for the CDP is deficient and incomplete and wrongfully denied citizens due process, and I request that you take all actions necessary to correct

this error, but ***not*** limited to submitting a full and complete list of **a list of names and addresses of all other parties known to the applicant to be interested in the proposed development (such as persons expressing interest at a local government hearing, etc.)** along with the stamped envelopes addressed to those people to allow to Commission to complete its regulatory duties fairly and with due process.

Tony

On Mon, Apr 30, 2018 at 10:15 AM, Anthony Ciani &lt;aciani@cianiarchitecture.com&gt; wrote:

Dan.

Please provide me with empirical evidence that I and *other* interested persons *not* living or owning properties within 100 feet of the project site were on a list of interested persons and mailed notice of the pending permit.

Thank you,

Tony

On Mon, Apr 30, 2018 at 10:10 AM, Daniel Gho &lt;dgho@cityofpacificgrove.org&gt; wrote:

Anthony,

You received the notification as you are a person that expressed interest. The list generated was person within 100 feet of the site. You expressed an interest so you also received the notification.

Daniel Gho  
City of Pacific Grove Public Works Director  
831-648-5722

On Mon, Apr 30, 2018 at 9:49 AM, Anthony Ciani &lt;aciani@cianiarchitecture.com&gt; wrote:

Dan,

Thank you for your reply, however, I don't believe I was included on the CDP Application's "List of Interest Persons." I also believe there are likely other persons who should have also been notified and desire such notification. The Coastal Commission's CDP Application Form Checklist Item #3 requires: *"Stamped envelopes (no postage meter please) addressed to neighboring property owners and occupants and other interested parties and a list of the same."* And, that checklist directs the applicant to page 8 item 5 for specific directions, which provides:

***"5. Stamped, addressed envelopes (no metered postage, please) and a list of names and addresses of all other parties known to the applicant to be interested in the proposed development (such as persons expressing interest at a local government hearing, etc.)"***

Therefore, your application for the CDP is deficient and incomplete and wrongfully denied citizens due process, and I request that you take all actions necessary to correct this error, including but limited to submitting a full and complete list of **a list of names and addresses of all other parties known to the applicant to be interested in the proposed development (such as persons expressing interest at a local government hearing, etc.)** along with the stamped envelopes addressed to those people to allow to Commission to complete its regulatory duties fairly and with due process.

Please advise me ASAP, how you decide to proceed.

Thank you,

Tony Ciani  
[220 Walnut Street](#)  
[Pacific Grove, CA 93950](#)

On Mon, Apr 30, 2018 at 8:50 AM, Daniel Gho <[dgho@cityofpacificgrove.org](mailto:dgho@cityofpacificgrove.org)> wrote:

Anthony,

The City did add you as a person of interest and I believe this is why you received this notification so you can have the opportunity to comment.

Daniel Gho  
City of Pacific Grove Public Works Director  
831-648-5722

On Mon, Apr 30, 2018 at 8:42 AM, Anthony Ciani <[aciani@cianiarchitecture.com](mailto:aciani@cianiarchitecture.com)> wrote:

Hello Brian,

I received the April 26, 2018 Notice of Proposed Waiver No. 3-18-0259-W on Saturday, April 28, 2018, however, I did not receive a Notice of Pending Permit. After I got my mail on Saturday I checked the site and observed a yellow Notice of Pending Permit dated April 5, 2018.

I am forwarding the email I sent to Dan Gho with a copy to you (as highlighted in yellow below) on April 4, 2018. As you know from my past letters concerning the City's use of this site for auto auctions, my interests are well known by you and the City. Why did you fail to include me on the list of interested persons to receive

the Notice of Pending Permit after my specific request? While I appreciate getting a copy of the proposed waiver, it is too late to provide me with the opportunity to contribute to your efforts to fully evaluate the proposed project, and for me to submit my comments to the Commission as part of your initial Agenda Packets sent to the Commission. Failure to provide legal notice is a violation of the Coastal Act's provisions to provide maximum public access and participation in the planning and regulatory efforts of the Coastal Commission.

Moreover, I understand the City's CDP Application included the Draft CEQA Initial Study and Mitigated Mitigated Declaration for which public comments are to be submitted for consideration and due at 4 pm on May 2, 2018. As the April 4, 2018 email below was sent to the City's Public Works Director Dan Gho, with copies to the City Manager and City Attorney, they too were responsible to include me in their list of interested persons to receive a Notice of Pending Permit, but they also failed to comply with that requirement. Therefore, regardless of your direct knowledge of my interest, their application was incomplete. The IS/MND, public comments, and responses are meaningful and necessary information that was wrongly excluded in the review of the pending Waiver. Omission of that input violates CEQA. Therefore, for all of the above reasons, I request the Commission postpone its hearing on this item and also to allow for the completion of the Lead Agency's CEQA review, and for that information to be properly considered in the decision making process.

Please advise me as soon as possible how you plan to proceed with this item.

Sincerely,

Tony Ciani

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

From: **Anthony Ciani** <[aciani@cianiarchitecture.com](mailto:aciani@cianiarchitecture.com)>

Date: Wed, Apr 4, 2018 at 1:37 PM

Subject: CITY OF PACIFIC GROVE AUTO AUCTIONS AT PACIFIC GROVE MUNICIPAL GOLF COURSE  
DRAFT INITIAL STUDY & MITIGATED NEGATIVE DECLARATION

To: [dgho@cityofpacificgrove.org](mailto:dgho@cityofpacificgrove.org)

Cc: City Manager <[citymanager@cityofpacificgrove.org](mailto:citymanager@cityofpacificgrove.org)>, David Laredo <[dave@laredolaw.net](mailto:dave@laredolaw.net)>, "O'Neill, Brian@Coastal" <[Brian.O'Neill@coastal.ca.gov](mailto:Brian.O'Neill@coastal.ca.gov)>

Dear Dan,

If for some reason you have not specifically included me as an "interested person" regarding this matter, please add me to the list for all future notifications.

Thank you,

Tony Ciani  
[220 Walnut Street](#)  
[Pacific Grove, CA 93950](#)



Sandra Kandell <skandell@cityofpacificgrove.org>

---

## Re: CITY OF PACIFIC GROVE AUTO AUCTIONS AT PACIFIC GROVE MUNICIPAL GOLF COURSE DRAFT INITIAL STUDY & MITIGATED NEGATIVE DECLARATION

1 message

---

Anthony Ciani <aciani@cianiarchitecture.com>

Mon, Apr 30, 2018 at 11:35 AM

To: Daniel Gho <dgho@cityofpacificgrove.org>

Cc: "O'Neill, Brian@Coastal" <Brian.O'Neill@coastal.ca.gov>, "Kahn, Kevin@Coastal" <Kevin.Kahn@coastal.ca.gov>, "Craig, Susan@Coastal" <Susan.Craig@coastal.ca.gov>, "Carl, Dan@Coastal" <Dan.Carl@coastal.ca.gov>, City Manager <bharvey@cityofpacificgrove.org>, City Clerk <cityclerk@cityofpacificgrove.org>, David Laredo <dave@laredolaw.net>

Dear Dan.

I am writing to clarify my earlier requests today; please send me a copy of the list of names and addresses of all persons, **other** than adjacent property owners, known to the applicant (City of Pacific Grove) to be interested in the project, that you provided with the Coastal Development Permit Application per *"SECTION IV. REQUIRED ATTACHMENTS The following items must be submitted with this form as part of the application. on page 8 of the application, item 5. Stamped, addressed envelopes (no metered postage, please) and a list of names and addresses of all other parties known to the applicant to be interested in the proposed development (such as persons expressing interest at a local government hearing, etc.)."*

I am not asking for the list of property owners that is required in item 4 of those requirements.

I will also ask the City Clerk, but in the meantime, I am formally requesting that the City and by way of a cc, the Coastal Commission Staff, to postpone the Commission's hearing on this matter, pending correction of the permit application documents and proper notification to allow adequate time to prepare and contribute meaningful and timely public comments prior to a determination regarding the merits of the projects and type of permit and hearing process.

Please be advised that I will seek all administrative and legal remedies regarding the due process.

Sincerely,

Tony Ciani  
[220 Walnut Street](#)  
[Pacific Grove, CA 93950](#)

Cc: Pacific Grove City Clerk and other members of the City administration  
California Coastal Commission Staff

On Mon, Apr 30, 2018 at 10:20 AM, Anthony Ciani <aciani@cianiarchitecture.com> wrote:

DAN,

Sorry for the bold graphics, but I am trying to be sure you understand my concern and point....

ERRATA:

Therefore, your application for the CDP is deficient and incomplete and wrongfully denied citizens due process, and I request that you take all actions necessary to correct this error, but ***not*** limited to submitting a full and complete list of **a list of names and addresses of all other parties known to the applicant to be interested in the proposed development (such as persons expressing interest at a local government hearing, etc.)** along with the stamped envelopes addressed to those people to allow to Commission to complete its regulatory duties fairly and with due process.

Tony

On Mon, Apr 30, 2018 at 10:15 AM, Anthony Ciani <[aciani@cianiarchitecture.com](mailto:aciani@cianiarchitecture.com)> wrote:

Dan,

Please provide me with empirical evidence that I and *other* interested persons *not* living or owning properties within 100 feet of the project site were on a list of interested persons and mailed notice of the pending permit.

Thank you,

Tony

On Mon, Apr 30, 2018 at 10:10 AM, Daniel Gho <[dgho@cityofpacificgrove.org](mailto:dgho@cityofpacificgrove.org)> wrote:

Anthony,

You received the notification as you are a person that expressed interest. The list generated was person within 100 feet of the site. You expressed an interest so you also received the notification.

Daniel Gho  
City of Pacific Grove Public Works Director  
831-648-5722

On Mon, Apr 30, 2018 at 9:49 AM, Anthony Ciani <[aciani@cianiarchitecture.com](mailto:aciani@cianiarchitecture.com)> wrote:

Dan,

Thank you for your reply, however, I don't believe I was included on the CDP Application's "List of Interest Persons." I also believe there are likely other persons who should have also been notified and desire such notification. The Coastal Commission's CDP Application Form Checklist Item #3 requires: *"Stamped envelopes (no postage meter please) addressed to neighboring property owners and occupants and other interested parties and a list of the same."* And, that checklist directs the applicant to page 8 item 5 for specific directions, which provides:

***"5. Stamped, addressed envelopes (no metered postage, please) and a list of names and addresses of all other parties known to the applicant to be***

***interested in the proposed development (such as persons expressing interest at a local government hearing, etc.)".***

Therefore, your application for the CDP is deficient and incomplete and wrongfully denied citizens due process, and I request that you take all actions necessary to correct this error, including but limited to submitting a full and complete list of **a list of names and addresses of all other parties known to the applicant to be interested in the proposed development (such as persons expressing interest at a local government hearing, etc.)** along with the stamped envelopes addressed to those people to allow to Commission to complete its regulatory duties fairly and with due process.

Please advise me ASAP, how you decide to proceed.

Thank you,

Tony Ciani  
220 Walnut Street  
Pacific Grove, CA 93950

On Mon, Apr 30, 2018 at 8:50 AM, Daniel Gho <[dgho@cityofpacificgrove.org](mailto:dgho@cityofpacificgrove.org)> wrote:

Anthony,

The City did add you as a person of interest and I believe this is why you received this notification so you can have the opportunity to comment.

Daniel Gho  
City of Pacific Grove Public Works Director  
831-648-5722

On Mon, Apr 30, 2018 at 8:42 AM, Anthony Ciani <[aciani@cianiarchitecture.com](mailto:aciani@cianiarchitecture.com)> wrote:

Hello Brian,

I received the April 26, 2018 Notice of Proposed Waiver No. 3-18-0259-W on Saturday, April 28, 2018, however, I did not receive a Notice of Pending Permit. After I got my mail on Saturday I checked the site and observed a yellow Notice of Pending Permit dated April 5, 2018.

I am forwarding the email I sent to Dan Gho with a copy to you (as highlighted in yellow below) on April 4, 2018. As you know from my past letters concerning the City's use of this site for auto auctions, my interests are well known by you and the City. Why did you fail to include me on the list of interested persons to receive the Notice of Pending Permit after my specific request? While I appreciate getting a copy of the proposed waiver, it is too late to provide me with the opportunity to contribute to your efforts to fully evaluate the proposed project, and for me to submit my comments to the Commission as part of your initial Agenda Packets sent to the Commission. Failure to provide legal notice is a violation of the Coastal Act's provisions to provide maximum public access and participation in the planning and regulatory efforts of the Coastal Commission.

Moreover, I understand the City's CDP Application included the Draft CEQA Initial Study and Mitigated Mitigated Declaration for which public comments are to be submitted for consideration and due at 4 pm on May 2, 2018. As the April 4, 2018 email below was sent to the City's Public Works Director Dan Gho, with copies to the City Manager and City Attorney, they too were responsible to include me in their list of interested persons to receive a Notice of Pending Permit, but they also failed to comply with that requirement. Therefore, regardless of your direct knowledge of my interest, their application was incomplete. The IS/MND, public comments, and responses are meaningful and necessary information that was wrongly excluded in the review of the pending Waiver. Omission of that input violates CEQA. Therefore, for all of the above reasons, I request the Commission postpone its hearing on this item and also

to allow for the completion of the Lead Agency's CEQA review, and for that information to be properly considered in the decision making process.

Please advise me as soon as possible how you plan to proceed with this item.

Sincerely,

Tony Ciani

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

From: **Anthony Ciani** <[aciani@cianiarchitecture.com](mailto:aciani@cianiarchitecture.com)>

Date: Wed, Apr 4, 2018 at 1:37 PM

Subject: CITY OF PACIFIC GROVE AUTO AUCTIONS AT PACIFIC GROVE MUNICIPAL GOLF COURSE  
DRAFT INITIAL STUDY & MITIGATED NEGATIVE DECLARATION

To: [dgho@cityofpacificgrove.org](mailto:dgho@cityofpacificgrove.org)

Cc: City Manager <[citymanager@cityofpacificgrove.org](mailto:citymanager@cityofpacificgrove.org)>, David Laredo <[dave@laredolaw.net](mailto:dave@laredolaw.net)>, "O'Neill, Brian@Coastal" <[Brian.O'Neill@coastal.ca.gov](mailto:Brian.O'Neill@coastal.ca.gov)>

Dear Dan,

If for some reason you have not specifically included me as an "interested person" regarding this matter, please add me to the list for all future notifications.

Thank you,

Tony Ciani

[220 Walnut Street](#)  
[Pacific Grove, CA 93950](#)



Sandra Kandell &lt;skandell@cityofpacificgrove.org&gt;

---

**Re: CITY OF PACIFIC GROVE AUTO AUCTIONS AT PACIFIC GROVE MUNICIPAL GOLF COURSE DRAFT INITIAL STUDY & MITIGATED NEGATIVE DECLARATION**

1 message

---

**Daniel Gho** <dgho@cityofpacificgrove.org>

Mon, Apr 30, 2018 at 10:10 AM

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

Cc: "O'Neill, Brian@Coastal" &lt;Brian.O'Neill@coastal.ca.gov&gt;, "Kahn, Kevin@Coastal" &lt;Kevin.Kahn@coastal.ca.gov&gt;, "Craig, Susan@Coastal" &lt;Susan.Craig@coastal.ca.gov&gt;, "Carl, Dan@Coastal" &lt;Dan.Carl@coastal.ca.gov&gt;, City Manager &lt;bharvey@cityofpacificgrove.org&gt;, City Clerk &lt;cityclerk@cityofpacificgrove.org&gt;, David Laredo &lt;dave@laredolaw.net&gt;

Anthony,

You received the notification as you are a person that expressed interest. The list generated was person within 100 feet of the site. You expressed an interest so you also received the notification.

Daniel Gho

City of Pacific Grove Public Works Director

831-648-5722

On Mon, Apr 30, 2018 at 9:49 AM, Anthony Ciani &lt;aciani@cianiarchitecture.com&gt; wrote:

Dan,

Thank you for your reply, however, I don't believe I was included on the CDP Application's "List of Interest Persons." I also believe there are likely other persons who should have also been notified and desire such notification. The Coastal Commission's CDP Application Form Checklist Item #3 requires: *"Stamped envelopes (no postage meter please) addressed to neighboring property owners and occupants and other interested parties and a list of the same."* And, that checklist directs the applicant to page 8 item 5 for specific directions, which provides:

***"5. Stamped, addressed envelopes (no metered postage, please) and a list of names and addresses of all other parties known to the applicant to be interested in the proposed development (such as persons expressing interest at a local government hearing, etc.)"***

Therefore, your application for the CDP is deficient and incomplete and wrongfully denied citizens due process, and I request that you take all actions necessary to correct this error, including but limited to submitting a full and complete list of **a list of names and addresses of all other parties known to the applicant to be interested in the proposed development (such as persons expressing interest at a local government hearing, etc.)** along with the stamped envelopes addressed to those people to allow to Commission to complete its regulatory duties fairly and with due process.

Please advise me ASAP, how you decide to proceed.

Thank you,

Tony Ciani  
220 Walnut Street  
Pacific Grove, CA 93950

On Mon, Apr 30, 2018 at 8:50 AM, Daniel Gho <[dgho@cityofpacificgrove.org](mailto:dgho@cityofpacificgrove.org)> wrote:

Anthony,

The City did add you as a person of interest and I believe this is why you received this notification so you can have the opportunity to comment.

Daniel Gho  
City of Pacific Grove Public Works Director  
831-648-5722

On Mon, Apr 30, 2018 at 8:42 AM, Anthony Ciani <[aciani@cianiarchitecture.com](mailto:aciani@cianiarchitecture.com)> wrote:

Hello Brian,

I received the April 26, 2018 Notice of Proposed Waiver No. 3-18-0259-W on Saturday, April 28, 2018, however, I did not receive a Notice of Pending Permit. After I got my mail on Saturday I checked the site and observed a yellow Notice of Pending Permit dated April 5, 2018.

I am forwarding the email I sent to Dan Gho with a copy to you (as highlighted in yellow below) on April 4, 2018. As you know from my past letters concerning the City's use of this site for auto auctions, my interests are well known by you and the City. Why did you fail to include me on the list of interested persons to receive the Notice of Pending Permit after my specific request? While I appreciate getting a copy of the proposed waiver, it is too late to provide me with the opportunity to contribute to your efforts to fully evaluate the proposed project, and for me to submit my comments to the Commission as part of your initial Agenda Packets sent to the Commission. Failure to provide legal notice is a violation of the Coastal Act's provisions to provide maximum public access and participation in the planning and regulatory efforts of the Coastal Commission.

Moreover, I understand the City's CDP Application included the Draft CEQA Initial Study and Mitigated Mitigated Declaration for which public comments are to be submitted for consideration and due at 4 pm on May 2, 2018. As the April 4, 2018 email below was sent to the City's Public Works Director Dan Gho, with copies to the City Manager and City Attorney, they too were responsible to include me in their list of interested persons to receive a Notice of Pending Permit, but they also failed to comply with that requirement. Therefore, regardless of your direct knowledge of my interest, their application was incomplete. The IS/MND, public comments, and responses are meaningful and necessary information that was wrongly excluded in the review of the pending Waiver. Omission of that input violates CEQA. Therefore, for all of the above reasons, I request the Commission postpone its hearing on this item and also to allow for the completion of the Lead Agency's CEQA review, and for that information to be properly considered in the decision making process.

Please advise me as soon as possible how you plan to proceed with this item.

Sincerely,

Tony Ciani

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

From: **Anthony Ciani** <[aciani@cianiarchitecture.com](mailto:aciani@cianiarchitecture.com)>

Date: Wed, Apr 4, 2018 at 1:37 PM

Subject: CITY OF PACIFIC GROVE AUTO AUCTIONS AT PACIFIC GROVE MUNICIPAL GOLF COURSE DRAFT INITIAL STUDY & MITIGATED NEGATIVE DECLARATION

To: [dgho@cityofpacificgrove.org](mailto:dgho@cityofpacificgrove.org)

Cc: City Manager <[citymanager@cityofpacificgrove.org](mailto:citymanager@cityofpacificgrove.org)>, David Laredo <[dave@laredolaw.net](mailto:dave@laredolaw.net)>, "O'Neill, Brian@Coastal" <[Brian.O'Neill@coastal.ca.gov](mailto:Brian.O'Neill@coastal.ca.gov)>

Dear Dan,

If for some reason you have not specifically included me as an "interested person" regarding this matter, please add me to the list for all future notifications.

4/30/2018

City of Pacific Grove Mail - Re: CITY OF PACIFIC GROVE AUTO AUCTIONS AT PACIFIC GROVE MUNICIPAL GOLF COURSE DRAF...

Thank you,

Tony Ciani  
[220 Walnut Street](#)  
[Pacific Grove, CA 93950](#)

April 30, 2018

Mayor Bill Kampe, and  
Members of the City Council  
City Of Pacific Grove  
300 Forest Avenue  
Pacific Grove, CA 93950

**RE: May 2, 2018 Agenda Item 12- Auto Auctions at Pacific Grove Municipal Golf Course, Draft Initial Study & Mitigated Negative Declaration, March 30, 2018**

Dear Mayor Kampe and Members of the City Council,

The Draft Environmental Initial Study and Mitigated Negative Declaration has not been adequately prepared and completed according to the provisions of latest edition of the California Environmental Quality Act of 1970. The necessary findings of fact cannot be made to adopt an Initial Study/Mitigated Negative Declaration for the proposed improvements, a walking trail and auto auction events, at the Pacific Grove Golf Links, - Lighthouse Reservation; and or to approve the necessary findings and authorize the Notice of Determination, for the following reasons:

- 1) The event does not comply with all City zoning specifications under the Municipal Code and General Plan;
- 2) The event is not a “pertinent and compatible” use with the Lighthouse Reservation-golf course;
- 3) The proposed improvements and event(s) would be detrimental or injure designated highly sensitive natural resources and scenic quality of a designated highly area; and, result in negative effects to health, safety, peace, morals, comfort or general welfare of persons residing or working near the golf course, or to property and improvements on or near the golf course, and;
- 4) The event is not compatible with the policies of the City of Pacific Grove General Plan or the Local Coastal Program Land Use Plan.

It would be negligent and abuse of your discretion to authorize the City Manager to enter into a five-year agreement with Worldwide Auctioneers for annual car auctions at Pacific Grove Golf Links or authorize the City Manager to enter into an agreement with D.H.R Construction Inc., for the grading, filling, walking and cart path realignment of the 18th Hole of Pacific Grove Golf Links in an amount not to exceed \$129,000 plus a 10% contingency.

Please take the time necessary to complete the environmental review, and to fully consider the public comments and responses in the Draft IS/MND, and to allow corrections and modifications required to approve the project.

Sincerely,

Anthony A. Ciani  
220 Walnut Street  
Pacific Grove, CA 93950

cc: Brian O’Neill, Coastal Analyst and Planner, California Coastal Commission

1.



Sandra Kandell &lt;skandell@cityofpacificgrove.org&gt;

---

**Re: CITY OF PACIFIC GROVE AUTO AUCTIONS AT PACIFIC GROVE MUNICIPAL GOLF COURSE DRAFT INITIAL STUDY & MITIGATED NEGATIVE DECLARATION**

1 message

---

**Anthony Ciani** <aciani@cianiarchitecture.com>

Mon, Apr 30, 2018 at 9:49 AM

To: Daniel Gho &lt;dgho@cityofpacificgrove.org&gt;

Cc: "O'Neill, Brian@Coastal" &lt;Brian.O'Neill@coastal.ca.gov&gt;, "Kahn, Kevin@Coastal" &lt;Kevin.Kahn@coastal.ca.gov&gt;, "Craig, Susan@Coastal" &lt;Susan.Craig@coastal.ca.gov&gt;, "Carl, Dan@Coastal" &lt;Dan.Carl@coastal.ca.gov&gt;, City Manager &lt;bharvey@cityofpacificgrove.org&gt;, City Clerk &lt;cityclerk@cityofpacificgrove.org&gt;, David Laredo &lt;dave@laredolaw.net&gt;

Dan,

Thank you for your reply, however, I don't believe I was included on the CDP Application's "List of Interest Persons." I also believe there are likely other persons who should have also been notified and desire such notification. The Coastal Commission's CDP Application Form Checklist Item #3 requires: *"Stamped envelopes (no postage meter please) addressed to neighboring property owners and occupants and other interested parties and a list of the same."* And, that checklist directs the applicant to page 8 item 5 for specific directions, which provides:

***"5. Stamped, addressed envelopes (no metered postage, please) and a list of names and addresses of all other parties known to the applicant to be interested in the proposed development (such as persons expressing interest at a local government hearing, etc.)"***

Therefore, your application for the CDP is deficient and incomplete and wrongfully denied citizens due process, and I request that you take all actions necessary to correct this error, including but limited to submitting a full and complete list of **a list of names and addresses of all other parties known to the applicant to be interested in the proposed development (such as persons expressing interest at a local government hearing, etc.)** along with the stamped envelopes addressed to those people to allow to Commission to complete its regulatory duties fairly and with due process.

Please advise me ASAP, how you decide to proceed.

Thank you,

Tony Ciani  
[220 Walnut Street](#)  
[Pacific Grove, CA 93950](#)

---

On Mon, Apr 30, 2018 at 8:50 AM, Daniel Gho <dgho@cityofpacificgrove.org> wrote:

Anthony,

The City did add you as a person of interest and I believe this is why you received this notification so you can have the opportunity to comment.

Daniel Gho  
City of Pacific Grove Public Works Director  
831-648-5722

On Mon, Apr 30, 2018 at 8:42 AM, Anthony Ciani <[aciani@cianiarchitecture.com](mailto:aciani@cianiarchitecture.com)> wrote:  
Hello Brian,

I received the April 26, 2018 Notice of Proposed Waiver No. 3-18-0259-W on Saturday, April 28, 2018, however, I did not receive a Notice of Pending Permit. After I got my mail on Saturday I checked the site and observed a yellow Notice of Pending Permit dated April 5, 2018.

I am forwarding the email I sent to Dan Gho with a copy to you (as highlighted in yellow below) on April 4, 2018. As you know from my past letters concerning the City's use of this site for auto auctions, my interests are well known by you and the City. Why did you fail to include me on the list of interested persons to receive the Notice of Pending Permit after my specific request? While I appreciate getting a copy of the proposed waiver, it is too late to provide me with the opportunity to contribute to your efforts to fully evaluate the proposed project, and for me to submit my comments to the Commission as part of your initial Agenda Packets sent to the Commission. Failure to provide legal notice is a violation of the Coastal Act's provisions to provide maximum public access and participation in the planning and regulatory efforts of the Coastal Commission.

Moreover, I understand the City's CDP Application included the Draft CEQA Initial Study and Mitigated Mitigated Declaration for which public comments are to be submitted for consideration and due at 4 pm on May 2, 2018. As the April 4, 2018 email below was sent to the City's Public Works Director Dan Gho, with copies to the City Manager and City Attorney, they too were responsible to include me in their list of interested persons to receive a Notice of Pending Permit, but they also failed to comply with that requirement. Therefore, regardless of your direct knowledge of my interest, their application was incomplete. The IS/MND, public comments, and responses are meaningful and necessary information that was wrongly excluded in the review of the pending Waiver. Omission of that input violates CEQA. Therefore, for all of the above reasons, I request the Commission postpone its hearing on this item and also to allow for the completion of the Lead Agency's CEQA review, and for that information to be properly considered in the decision making process.

Please advise me as soon as possible how you plan to proceed with this item.

Sincerely,

Tony Ciani

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

From: **Anthony Ciani** <[aciani@cianiarchitecture.com](mailto:aciani@cianiarchitecture.com)>

Date: Wed, Apr 4, 2018 at 1:37 PM

Subject: CITY OF PACIFIC GROVE AUTO AUCTIONS AT PACIFIC GROVE MUNICIPAL GOLF COURSE DRAFT INITIAL STUDY & MITIGATED NEGATIVE DECLARATION

To: [dgho@cityofpacificgrove.org](mailto:dgho@cityofpacificgrove.org)

Cc: City Manager <[citymanager@cityofpacificgrove.org](mailto:citymanager@cityofpacificgrove.org)>, David Laredo <[dave@laredolaw.net](mailto:dave@laredolaw.net)>, "O'Neill, Brian@Coastal" <[Brian.O'Neill@coastal.ca.gov](mailto:Brian.O'Neill@coastal.ca.gov)>

Dear Dan,

If for some reason you have not specifically included me as an "interested person" regarding this matter, please add me to the list for all future notifications.

Thank you,

Tony Ciani  
[220 Walnut Street](https://www.google.com/maps/place/220+Walnut+Street,+Pacific+Grove,+CA+93950)  
[Pacific Grove, CA 93950](https://www.google.com/maps/place/220+Walnut+Street,+Pacific+Grove,+CA+93950)



Sandra Kandell &lt;skandell@cityofpacificgrove.org&gt;

## May 2 agenda item 12c - multi-year car auction agreement

1 message

JaneHaines80@gmail.com &lt;janehaines80@gmail.com&gt;

Mon, Apr 30, 2018 at 8:22 AM

To: "rudfyfischer@earthlink.net" <rudfyfischer@earthlink.net>, Garfield Cynthia <cgarfield@cityofpacificgrove.org>, Bill Kampe <bkampe@cityofpacificgrove.org>, Bill Peake <bpeake@cityofpacificgrove.org>, Ken Cuneo <kencun17@icloud.com>, "huitt@comcast.net huitt@comcast.net" <huitt@comcast.net>, Smith Nick <nsmith@cityofpacificgrove.org>, Ben Harvey <citymanager@cityofpacificgrove.org>, Pacific Grove City Clerk of <cityclerk@cityofpacificgrove.org>, "Laredo P.G. City Attorney" <dave@laredolaw.net>

Cc: Daniel Gho <dgho@cityofpacificgrove.org>, Mark Brodeur <mbrodeur@cityofpacificgrove.org>, O'Halloran Laurel <lohalloran@cityofpacificgrove.org>

Good morning City Council members,

This is the first of two letters I'll submit regarding agenda item no. 12c. This letter urges you not to approve the 5-year concessionaire agreement until Worldwide Auctioneers California LLC complies with Corporations Code §16959 and satisfies below-described concerns. My next letter will discuss issues related to the project's CEQA review. This is submitted electronically so you can click on cited links to read the evidence for yourselves.

Worldwide Auctioneers California LLC, is not registered to do business in California, in violation of California Corporations Code §16959, subdivision (a)(1) which states:

*"(a) (1) Before transacting intrastate business in this state, a foreign limited liability partnership shall comply with all statutory and administrative registration or filing requirements of the state board, commission, or agency that prescribes the rules and regulations governing a particular profession in which the partnership proposes to be engaged, pursuant to the applicable provisions of the Business and Professions Code relating to the profession or applicable rules adopted by the governing board. A foreign limited liability partnership that transacts intrastate business in this state shall within 30 days after the effective date of the act enacting this section or the date on which the foreign limited liability partnership first transacts intrastate business in this state, whichever is later, register with the Secretary of State by submitting to the Secretary of State an application for registration as a foreign limited liability partnership, signed by a person with authority to do so under the laws of the jurisdiction of formation of the foreign limited liability partnership, stating the name of the partnership, the street address of its principal office, the mailing address of the principal office if different from the street address, the name and street address of its agent for service of process in this state in accordance with subdivision (a) of Section 16309, a brief statement of the business in which the partnership engages, and any other matters that the partnership determines to include."* <https://law.justia.com/codes/california/2015/code-corp/title-2/chapter-5/article-10/section-16959>  
<http://www.sos.ca.gov/business-programs/business-entities/cbs-search-tips/>

Additionally, although I've learned nothing unfavorable about John Kruse who represents Worldwide in Pacific Grove, nonetheless I suggest you read this 2010 news article about the Indiana Auctioneer Commission permanently revoking one license of Kruse Inc. and a two-year suspension of another license for 70 counts of failure to pay clients who had sold items at Kruse auctions at <https://web.archive.org/web/20100527095612/http://www.wane.com/dpp/news/indiana-auctioneer-commission-revokes-kruse-license>. See also [Minutes - IN.gov](#) See too John Kruse's LinkedIn page showing he's been a member of the Indiana Auction Commission since 2015 and was employed by "ebay.com/Kruse International" from August, 1999 to November, 2001, nine years before Kruse International lost its auctioneer license. At minimum, Pacific Grove should not enter into a five-year concessionaire agreement until Worldwide becomes lawfully eligible to do business in California.

The August 23, 2018 car auction event has been nationally advertised at <https://whatsupmonterey.com/events/monterey-car-week/worldwide-auctioneers/1003>. See also Pebble Beach Concourse d'Elegance calendar at <https://pebblebeachconcours.net/visitor-guide/event-calendar/schedule-by-day.html> (click on "Main Event Calendar"). Moreover, the "proposed" concessionaire agreement in the May 2 agenda report has the agreement's dates filled in. It states "This Agreement is from **March 1, 2018** to December 31, 2022..." (See May 2 agenda report for Agenda Item no. 12c, paragraph 3 of attachment 2, page 1 of 11 pages.) Hopefully that doesn't mean the City has already signed the five-year agreement.

My concern too is about the very uneven level of CEQA review. Many pages in the Initial Study/Mitigated Negative Declaration are well-written, informative and represent skillful CEQA analysis, yet the document as a whole is

unfathomable because of its claim the “permit type” is a “concession agreement” [sic] and the “The proposed project is a concession agreement for a series of five annual collector car auctions (one per year) to be conducted at the Pacific Grove Municipal Golf Course...” (Quotations are from agenda report for item no. 12c, Attachment 1, pg. 2 of 41.) Compare the informative discussion of potential archeological resources on pages 35 and 36 of the Draft Initial Study & Mitigated Negative Declaration with the fact the public was provided no way to review the concession agreement until a few days before the comment period ends. “Odd in the extreme” is an apt description of the CEQA review.

Finally, there’s the proposed agreement itself, which contains no conditions obligating Worldwide to comply with the mitigation measures, has a blank page for Exhibit B titled “Fees Per the City’s Master Fee Schedule,” plus there’s the history of the concession agreement. It began with a push for immediate action at the Council’s [May 3rd, 2017 meeting](#), continued with a now-unavailable discussion on December 6, 2017 (the video skips over Agenda item 12 which contains Council agreement for an annual car auction special event at the Pacific Grove Golf Links) up to the current Initial Study/Mitigated Negative Declaration about a concession agreement the public couldn’t see until only a few days remained in the 30-day comment period. Additional issues include Sports Car Digest reporting the 2017 Worldwide Pacific Grove August 17, 2017 car auction resulted in nearly \$7.5 million in total sales at <http://www.sportscardigest.com/worldwide-pacific-grove-2017-auction-results/> and Worldwide Auctioneer is charging a buyer’s premium of 10% on vehicles. <http://www.worldwide-auctioneers.com/how-to-buy-classic-cars/> This relates to the Policy 400-4 issue of whether the City’s financial benefit is proportional to Worldwide’s financial benefit.

Assuming it’s not too late, I request you not to approve the five-year agreement until Worldwide Auctioneers California LLC complies with Corporations Code §16959 and until someone investigates other above-described concerns.

Sincerely,  
Jane Haines



Sandra Kandell &lt;skandell@cityofpacificgrove.org&gt;

---

## Pacific Grove Golf Course "Improvements"

1 message

---

**Vicki Pearse** <vpearse@gmail.com>

Mon, Apr 30, 2018 at 10:30 PM

To: Rudy Fischer <rudyfischer@earthlink.net>, Cynthia Garfield <cgarfield@cityofpacificgrove.org>, Bill Kampe <bkampe@cityofpacificgrove.org>, Bill Peake <bpeake@cityofpacificgrove.org>, Ken Cuneo <kencun17@icloud.com>, Robert Huit <huit@comcast.net>, Nick Smith <nsmith@cityofpacificgrove.org>, Ben Harvey <citymanager@cityofpacificgrove.org>, City Clerk <cityclerk@cityofpacificgrove.org>, Dave Laredo <dave@laredolaw.net>  
Cc: Danial Gho <dgho@cityofpacificgrove.org>, mbrodeur@cityofpacificgrove.org, wlao@cityofpacificgrove.org

Fellow Pagrovians,

Although I'm a biologist, I claim no special expertise about wetlands. I'm writing simply as a resident who places great value on natural places such as Crespi Pond.

Allow me to plead gently for its protection. This quiet pond has the misfortune to find itself bordering our golf course and has suffered a variety of insults. It continues, nonetheless, as an oasis, providing refuge, habitat, and drinking water for many birds and scenic refreshment for myself and many other people, both residents and visitors. Nearby stands of native Monterey Cypress trees are rare sites for nesting.

Do you rationalize that the construction and each car auction itself occupy a relatively short period of time? Nesting birds who are driven out can thereby lose an entire year of their short reproductive lives. After 5 years of auctions, they may as well have been killed outright.

You may understand, therefore, why I don't welcome the leveling and cart-path construction, the noise and lights accompanying the car auctions, and other disturbances to the pond's immediate surroundings.

Indeed, your labeling them pre-emptively as "Improvements" seems to me sadly biased and inappropriate if not perverse - certainly in effect deceitful (even if the intent was not).

Please consider all these consequences before you agree too hastily to sacrifice this precious natural resource - for what?

Thank you,  
Vicki Pearse  
Pacific Grove



Sandra Kandell <skandell@cityofpacificgrove.org>

---

## May 2, 2018 Agenda Item No. 12C, Draft IS/MND, Multi-Year Car Auction Agreement & Golf Course Improvements

1 message

---

**Michael Broome** <mebpg12@gmail.com>

Tue, May 1, 2018 at 12:53 PM

To: rudyfischer@earthlink.net, cgarfield@cityofpacificgrove.org, bkampe@cityofpacificgrove.org, bpeake@cityofpacificgrove.org, kencun17@icloud.com, nsmith@cityofpacificgrove.org, citymanager@cityofpacificgrove.org, cityclerk@cityofpacificgrove.org  
Cc: lisa.ciani@gmail.com

To Whom It may Concern,

I am writing this letter in regards to the proposed 5 year agreement to construct a new cart path and leveling pads for the Pacific Grove Car Auction.

Last year during this auction, numerous parked cars were seen <10 feet from Crespi pond.

In addition to he parked cars, bright lights and loud amplified music filled the air.

There should be a formal study from a wildlife wetland biologist to ensure Crespi Pond has adequate wetland and migratory bird protection. This includes a specific boundary for construction activities and parking areas to ensure this environmentally sensitive area remains pristine.

Thank you for your consideration

Michael Broome

# Jane Haines

601 OCEAN VIEW BOULEVARD, APT. 1 PACIFIC GROVE CA 93950

[janehaines80@gmail.com](mailto:janehaines80@gmail.com)

Tel 831 375 5913

May 1, 2018

Mr. Dan Gho, Public Works Director  
City of Pacific Grove  
300 Forest Avenue  
Pacific Grove, CA 93950

Re: Comments on Draft Initial Study and Mitigated Negative Declaration for Auto Auctions at Pacific Grove Municipal Golf Course - SCH #2018041004

Dear Dan,

These comments address how the four mitigation measures required by the Initial Study/ Mitigated Negative Declaration (IS/MND) can be made legally enforceable. The mitigations are:

1. AES-1 is a mitigation requiring that lights be shielded during the auto auctions so their brightness is limited and they don't cause glare. (IS/MND page 11.)
2. BIO-1 is a mitigation requiring that temporary fencing be installed in the area around Crespi Pond during the auto auctions to prevent encroachment into environmentally sensitive habitat area. (IS/MND page 17.)
3. CUL-1 is a mitigation requiring that a qualified tribal cultural resources monitor approved by the OCEN Tribe direct handling of any archaeological resources unearthed during the golf course improvements. (IS/MND page 35.)
4. HAZ-1 is a mitigation requiring development and implementation of a traffic control plan for use during the car auctions. (IS/MND page 34.)

CEQA requires the mitigation measures be legally enforceable:

“ A public agency shall provide that measures to mitigate or avoid significant effects on the environment are fully enforceable through permit conditions, agreements, or other measures. Conditions of project approval may be set forth in referenced documents which address required mitigation measures or, in the case of the adoption of a plan, policy, regulation, or other public project, by incorporating the mitigation measures into the plan, policy, regulation, or project design.” (Public Resources Code §21081.6, subd. (b).)

Currently, they're not enforceable because the proposed Mitigation Monitoring Program (see the 5/2/18 Agenda Report for item 12c at Attachment 1b, pages 1 through 4) is nothing more than a list of what needs to happen using vague terms such as “applicant,” even though neither the car auctions nor golf course improvements involve an “applicant.” The current program does not differentiate between mitigations for the auto auction and mitigations for golf course construction, so their differentiation must be guessed based on what corresponding pages of the Mitigation Negative Declaration state.

Legal enforceability could be achieved by revising the Mitigation Monitoring Program as shown in the redline revision on the following page to specify responsibilities, and by adopting the following contract conditions:

1. Amend the proposed Concession Agreement at Agenda Report page 1 of Attachment 2 so paragraph 5.02 states:

“CONCESSIONAIRE, its agents, vendors, employees, subcontractors, volunteers, and assisting organizations shall conduct all events in a safe, skillful and workmanlike manner and in compliance with all applicable laws and regulations. All work performed under this Agreement that is required by law to be performed or supervised by licensed personnel shall be performed in accordance with such licensing requirements. CONCESSIONAIRE further agrees to carry out its responsibilities set forth in AES-1, BIO-1 and HAZ-1 in the Mitigation Monitoring and Reporting Program attached hereto as Exhibit C. CONCESSIONAIRE’S failure to meet its obligations set forth in Exhibit C for AES-1, BIO-1 and/or HAZ-1 shall be deemed “just cause” for City to cancel the remainder of the Concession Agreement. CONCESSIONAIRE agrees to pay any costs City incurs arising from CONCESSIONAIRE’s failure to satisfactorily perform its duties as described in AES-1, BIO-1 and/or HAZ-1.”

2. Include in any contract for golf course improvements with DHR Construction a similar provision except reference mitigation CUL-1.
3. Enter into a contract with OCEN requiring OCEN’s enforcement of CUL-1 as set forth in the revised Mitigation Monitoring Program.

The above would satisfy CEQA’s requirement for a Mitigation Monitoring Program “designed to ensure compliance during project implementation through enforceable contract conditions,” as mandated:

“The public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment. The reporting or monitoring program shall be designed to ensure compliance during project implementation.” (Public Resources Code §210816, subd. (a)(1).)

All four mitigation measures must be legally enforceable, however BIO-1 is especially critical to ensure protection of environmentally sensitive habitat at Crespi Pond.

See redline amended Mitigation Monitoring Program on the following page.

**Amended Mitigation Monitoring and Reporting Program**

**Based on Initial Study/Mitigated Negative Declaration for Auto Auctions at Pacific Grove Golf Course SCH #2018041004**

MITIGATION MEASURE	IMPLEMENTATION RESPONSIBILITY	MONITORING RESPONSIBILITY	REPORTING RESPONSIBILITY	TIMING
<p>AES-1. For each event covered by the [date] agreement between City of Pacific Grove and Worldwide Auto Auctions, LLC pertaining to car auction events, all temporary light fixtures shall be placed to direct light rays onto the event site and the lighting intensity shall be limited to the minimum necessary for public safety, as determined by the Public Works Director.</p>	<p>Applicant, <u>Worldwide Auto Auction</u></p>	<p>City of Pacific Grove Public Works Director</p>	<p><u>None unless required by Coastal Development Permit condition.</u></p>	<p>During installation, and ongoing throughout the event.</p>
<p>BIO-1. Prior to commencement of any <u>car auction</u> event activities arising from the agreement between City of Pacific Grove and Worldwide Auto Auctions, temporary fencing shall be installed to prevent encroachment into the area near Crespi Pond in a manner meeting the approval of the Public Works Director. The fencing shall remain in place throughout the duration of the event, and event staff shall ensure that all activities are conducted within the perimeter fence.</p>	<p>Applicant, <u>Worldwide Auto Auction.</u></p>	<p>City of Pacific Grove Public Works Director or appropriate designee, and event staff.</p>	<p><u>None unless required by Coastal Development Permit condition and/or enforceable agreement between OCEN and City of Pacific Grove.</u></p>	<p>During installation, and ongoing throughout the event.</p>
<p>CUL-1. Archaeological and Tribal Resources.  <b>A.</b> Prior to during construction and/or earth disturbance activities on the golf course related to golf course improvements for the Auto Auctions at Pacific Grove golf course including those covered by the [date] agreement between the City and DHR Construction Inc., a Native American Monitor of the Ohlone/Costanoan-Esselen Nation, approved by the OCEN Tribal Council, and a qualified archeological monitor, shall be present. If, at any time, potentially significant tribal cultural features, archaeological resources, or human remains are encountered during construction, work shall be halted within 164 feet (50 meters) of the find until the monitors can evaluate the discovery. If the feature is determined to be significant, work will remain halted until an appropriate mitigation is developed, with the concurrence of the lead agency and implemented.  <b>b.</b> The City of Pacific Grove shall enter into an enforceable agreement with the Ohlone/Costanoan Esselen Nation describing their respective responsibilities before, during and after earth disturbance and construction activities on the golf course, to ensure CUL-1 mitigation measures are satisfactorily performed.  <b>c.</b> Prior to the start of construction and/or earth disturbance activities, a representative from the OCEN Tribe shall conduct an educational meeting to explain to all persons to be engaged in construction and/or earth disturbance activities, including DHR Construction Inc. personnel and Public Works personnel assigned to the golf course improvements construction, what will happen in the incidence of locating an archaeological or tribal cultural resource during construction activities. The representative will briefly explain the history of the tribe, why resources may be found on the property, and what they should do if such resource is spotted on the project site. The construction personnel will be shown a photo of the resource.  <b>d.</b> If, at any time, human remains are identified, work must be halted and the Monterey County Coroner must be notified immediately. If the Coroner determines that the remains are likely to be Native American, the Native American Heritage Commission must be notified as required by law. The Most Likely Descendant designated by the Heritage Commission will provide recommendations for treatment of Native Americans human remains.  <b>e.</b> If sufficient quantities of cultural material are recovered during monitoring/data recovery, appropriate mitigation measures shall be determined by the OCEN Costanoan Esselen Nation (OCEN) tribal cultural resources monitor and/or archaeological monitor.  <b>f.</b> Following monitoring and data recovery, the OCEN monitor shall prepare a report suitable for compliance documentation. This report should will document the field methodology and findings and make management recommendations, as necessary.</p>	<p><u>City of Pacific Grove Public Works Director or appropriate designee.</u></p> <p><u>City of Pacific Grove Public Works Director or appropriate designee.</u></p> <p><u>OCEN Costanoan Esselen Nation (OCEN) tribal cultural resources monitor and/or archeological monitor per enforceable agreement between OCEN and City of Pacific Grove</u></p> <p><u>OCEN Costanoan Esselen Nation (OCEN) tribal cultural resources monitor and/or archeological monitor per enforceable agreement between OCEN and City of Pacific Grove</u></p> <p><u>OCEN Costanoan Esselen Nation (OCEN) tribal cultural resources monitor and/or archeological monitor per enforceable agreement between OCEN and City of Pacific Grove</u></p> <p><u>OCEN Costanoan Esselen Nation (OCEN) tribal cultural resources monitor and/or archeological monitor per enforceable agreement between OCEN and City of Pacific Grove</u></p>	<p>Ohlone Costanoan Esselen Nation (OCEN) tribal cultural resources monitor and/or archeological monitor, with the concurrence of <u>City of Pacific Grove per enforceable agreement between OCEN and City of Pacific Grove.</u></p> <p><u>City of Pacific Grove Public Works Director or appropriate designee.</u></p> <p><u>City of Pacific Grove Public Works Director or appropriate designee.</u></p> <p><u>City of Pacific Grove Public Works Director or appropriate designee.</u></p> <p><u>City of Pacific Grove Public Works Director or appropriate designee.</u></p> <p><u>City of Pacific Grove Public Works Director or appropriate designee.</u></p>	<p><u>As described in mitigation measure</u></p> <p>None</p> <p><u>As described in mitigation measure</u></p> <p><u>As described in mitigation measure</u></p> <p>None</p> <p><u>The OCEN Costanoan Esselen Nation (OCEN) tribal cultural resources monitor and/or archeological monitor is responsible for timely completion of requirements for this report.</u></p>	<p>Prior to and during earth disturbance and/or construction activities related to improvements for the golf course.</p> <p><u>Prior to earth disturbance and/or construction activities.</u></p> <p><u>Prior to earth disturbance and/or construction activities</u></p> <p><u>During earth disturbance and/or construction activities.</u></p> <p><u>During earth disturbance and/or construction activities</u></p> <p><u>The OCEN Costanoan Esselen Nation (OCEN) tribal cultural resources monitor and/or archeological monitor is responsible for timely and proper submittal of this report.</u></p>
<p>HAZ-1 Prior to commencement of any car auction event activities, <u>Worldwide Auto Auction</u> the applicant shall prepare a traffic control and emergency access plan in a manner meeting the approval of the Public Works Director and the Police Department.</p>	<p>Worldwide Auto Auctions Inc.</p>	<p>City of Pacific Grove Public Works Director or appropriate designee.</p>	<p>None</p>	<p><u>Prior to commencement of any event activities auto auction activities.</u></p>

Sincerely,

A handwritten signature in blue ink that reads "Jane Haines". The signature is written in a cursive style with a long, sweeping tail on the "s".

Jane Haines

copy: Brian O'Neil, Central Coast office of the Coastal Commission

May 1, 2018

To: Mayor Kampe and City Council; Mark Brodeur and Dan Gho, IS/MND contacts

From: Lisa Ciani

Re: IS/MND for Auto Auctions at the Golf Course/Crespi Pond – Public Comment,  
and also May 2, 2018 Agenda item 12C, IS/MND and Car Auction Agreement and Golf  
Course Improvements

This comment is intended as both public comment on the IS/MND, and comment on the agenda item 12C.

As you can see, there are multiple parts to this agenda item, for which the processing of the IS/MND has been speeded up—and the City Manager assumes the public should “assist the City Council in meeting its schedule”. However, the City Manager’s “IS/MND cycle” (referred to in his April 25<sup>th</sup> response to my request for the hearing to be rescheduled, on which Council was copied) is a whole new concept. You may recall that I asked Council back in January, and previously as well, to provide clear guidelines for environmental review procedures in the interests of “transparency” and “effective public engagement”, and in light of the City’s inconsistent procedures. The City Manager told Council at that time that he was working on it. But what we have here is a new level of obscurity.

And this is another case, as with the IS/MND for the Point Pinos Trail Project, where the City didn’t choose to mention the IS/MND in the City Manager’s Weekly Summary until two weeks after it was available—and following my request to Kerry Lindstrom to include it. On the other hand, the Monarch Sanctuary bathroom IS/MND was included in the Weekly Summary as soon as it was available. Are transparency and effective public engagement no longer priorities?

The agenda report does not acknowledge that it was prepared at least 6 days before the public review period for the IS/MND will end. **The agenda report is written as if the public review period is over.** (Agenda Report page 3 of 4, 2<sup>nd</sup> full paragraph.) Yet the public will be addressing the “Proposed Final” IS/MND as it was revised on April 26, and will not have an opportunity to address a more thoroughly prepared “proposed final” document due to the hurried scheduling of the Council meeting 2 hours after the close of the public review period for the IS/MND. Public comments on the IS/MND received between Friday and Wednesday will not be available to the public until the errata are posted at the time of the Council meeting where a vote can be expected to be taken. **I request again that you postpone the hearing** so that you can make decisions based on careful consideration of the IS/MND with all public comment included and addressed in a meaningful way. If an environmental review document has a predetermined outcome, it does not meet the CEQA requirement for public review.

My comments will also attempt to address the **5-year Agreement for the car auction** which is described in the IS/MND as “the project”, along with “minor improvements to pathways, and leveling and resodding of the project area prior to the 2018 event”. But the Agreement was not

made available to the public until April 27. So, the IS/MND failed to include the Agreement that is described as “the project”—is that sloppy, or strange, or both? This does not meet CEQA requirements. Is this part of the City Manager’s “IS/MND cycle” to “assist the City Council in meeting its schedule”?

Surprisingly, a **Coastal Development Permit application** was submitted prematurely, 3 days after the IS/MND was posted, as I learned on Friday. Normally, a CDP application would be submitted after the completion of the IS/MND, because Coastal staff should not be processing the application and scheduling it for a hearing when they don’t have the basic supporting information from the applicant. Furthermore, the CDP application is **for the golf course improvements, but not for the Car Auction event itself**. Yet there is a statement in the IS/MND on page 3, item 10 indicating that Coastal Commission approval would only be required for “site leveling and pathways”. But now that phrase has been deleted with strike-out type in the “Proposed Final” IS/MND—so apparently, logically, a CDP is required for the event agreement as well as the “golf course improvements”. What is the status of the CDP for the Car Auction event itself?

The IS/MND is unnecessarily confusing in even the basic description of the project. It lacks information necessary to make an informed assessment of the project and its environmental impacts, and to provide appropriate mitigations for adverse impacts. One aspect of great concern to me is that the IS/MND does not incorporate the standard best management practices for construction in the Coastal Zone during bird nesting season.

#### **DESCRIPTION:**

1. **Project Description:** The description of the project begins, “The proposed project is a **concession agreement** [emphasis added] for a series of five annual collector car auctions (one per year) to be conducted at the Pacific Grove Municipal Golf Course (Figure 1 – Location Map) as well as minor improvements to pathways and leveling and resodding of the project area.” No concession agreement was provided in the IS/MND for the public to review. It was not provided or available until April 27, when it appeared in the Council agenda report, for an IS/MND posted on April 2. Any comments received before April 27 did not have the benefit of knowledge of the concession agreement which has information inconsistent with the IS/MND.
2. **Duration of event:** The revised, “Proposed Final” IS/MND now states that the entire duration of the event, including setup, 2 days’ previewing, the event itself, and breakdown, will be approximately **12 days**. We just learned that in the April 27 agenda report, not in the IS/MND provided to the public on April 2. **However**, on page 9 of 11 in the 5-year Agreement (not included in the IS/MND), the Agreement grants Worldwide Auctioneers use of the 18<sup>th</sup> fairway for **15 days**, from **7am to 10pm**. Five of those 15 days are for conducting the car auction itself. How many days has the City informed the Coastal Commission the event will last? Fifteen days is a long time for a “temporary

event”, and 15 hours per day increases the potential for adverse impacts. And the Agreement says the event itself will last **5 days**, although the IS/MND says, “Each event would be a **1-day auction** with viewing of the vehicles for approximately two days prior to each auction.” I haven’t found a description of the event in the CDP application, likely because the IS/MND originally said California Coastal Commission approval is required for “site leveling and pathways only”. That phrase has now been lined out—so the City has applied for a CDP waiver on the basis that it’s only for site leveling and pathways. A 15-day event of 15 hours per day duration immediately adjacent to an Environmentally Sensitive Habitat Area and during nesting season is hardly an inconsequential temporary event. There is potential for a significant adverse impact.

3. **Habitat Sensitivity:** The IS/MND states on page 3 that the project site is designated “with a Low Habitat Sensitivity (Lawn)” in the LCP. That is only true of part of the project site. The Pathway Plan lacks specifics (are the tree locations indicated accurately?), but it appears that part of the golf cart path and one or both tents will be constructed over the root area of mature **Monterey cypress trees**, which are designated as “protected trees”. According to a recent count, there are 70 Monterey cypress trees on the golf course in the project area and 9 along the street between Surf and Shell Avenues. Any of those trees near construction or event activity (with intensity of use beyond what is usual for the golf course) would normally be protected by orange snow fencing to keep heavy equipment and extra soil or other material from compacting or smothering the roots which likely extend out beyond the drip line of the trees, and to protect the above-ground portions of the trees as well. The fine roots that absorb water and minerals are in the upper 6 to 12 inches of soil. The City Arborist or an arborist consultant needs to direct protection for the Monterey cypress trees that will be in the work area for construction of the cart path and any site leveling and tent installation, and any other activity that might impact the trees. The protection provision added to page 15, which is not even a formal mitigation, only calls for the City Arborist to provide protection “if any tree roots were encountered during construction”. That is not the standard protection provided by arborists for mature trees, much less “protected” trees that contribute to the scenic vista from Ocean View Boulevard, which is a scenic road. The IS/MND fails to provide mitigation for the potential adverse impacts of construction and related activity to the important stand of Monterey cypress trees. (See Biology section also.)
4. **Sand dune restoration habitat:** The site plan indicates that the parking at the 16<sup>th</sup> fairway is located in highly sensitive habitat area. (see Parking) 1989 LUP policy #2.3.5.2.d.3 [page 11 of 37] states with regard to the Lighthouse Reservation and Golf Course area, “Do not allow machinery in the dune area.”
5. **Tent location:** The Pathway Plan shows only the northern one of the two tents indicated on the Site Plan. The Pathway Plan indicates that there are mature trees located where the second tent, to the south, would be located. This potential adverse impact needs to be addressed in the IS/MND.

## **PARKING/PUBLIC SERVICES:**

6. **Parking/Police:** Will City Police supervise the “temporary barriers” provided to protect public parking in the coastal pull-outs, and along Ocean View Boulevard, and in residential areas? (See IS/MND page 3, first full paragraph.) How will that work? The specified “signs and temporary barriers”, and police monitors, will be needed in at least four lots along Ocean View Blvd: Pt Pinos, Crespi Pond restrooms, Crespi Cove, and John Denver turnout, as well as on Ocean View Boulevard and Asilomar Avenue **for five days** as I read the documents. That may be a significant adverse impact to our public police services and to beach and neighborhood parking during the summer season.
7. **New parking lot on 16<sup>th</sup> fairway:** There is practically no description of the large parking area on the slope above Crespi Pond. That parking area is shown on the site plan as being in a highly sensitive land habitat area, sensitivity level B2 on the Land Habitat Sensitivity Map. (The 1989 LUP Land Habitat Sensitivity Map cannot be used for this area due to the recent sand dune restoration project there.) A parking lot is not an acceptable land use in a sensitive habitat area. The parking needs to be moved, and the sensitive habitat needs to be protected in collaboration with a qualified biologist, such as the biologist that monitors the dune restoration there. There needs to be a clear description and mapping of the parking. Is the parking area to be leveled? Will there be new, temporary lighting? Who is responsible for the parking lot, the City or the event organizers? Not enough information has been provided to assess the full environmental impact of the parking lot, and there is clearly no provision for mitigation.

## **LIGHT:**

8. The original IS/MND states, “Temporary nighttime lighting would be provided for safety in the event area and positioned so as not to shine *directly* [emphasis added] toward the residences to the east of Asilomar Avenue or toward Crespi Pond on the golf course property to the west.”

The City needs to provide an objective description of the lighting in relation to the wetlands, not just the open pond, and in relation to the residences. In Mitigation Measure AES-1, we are told that, “All temporary light fixtures shall be placed to direct light rays onto the event site and the lighting intensity shall be limited to the minimum necessary for public safety, as determined by the Public Works Director.”

This appears to represent an improvement from last year’s lighting. Nevertheless, a **qualified wetland biologist and a lighting specialist** need to guide the Public Works Director in any decisions about the lighting, and the lighting would need to be tested well ahead of the event to work out an acceptable intensity and appropriate directional considerations, in order to avoid adverse impacts. Will there be new, temporary lighting at the 16<sup>th</sup> fairway parking lot?

## BIOLOGY:

9. **Accurate measurement necessary for appropriate protection:** How far is the proposed 7' wide cart path from Crespi Pond wetland, as measured by a wetland biologist consistent with Coastal Commission standards? How far will the temporary fencing be from the wetland? How far will the parking area be from the wetland? There is no substantiation for the limited figures that are stated. On page 15, the IS/MND states that, Crespi Pond is "approximately 350 feet west of the project site". The scale on the map indicates 350' is a considerably exaggerated figure, and more closely approximates the distance from the curb to Crespi Pond, not the distance from the new cart path. Also, measurement should be to the edge of the wetland habitat, not to the water. The entire wetland is designated as ESHA.
10. **Buffer around Crespi Pond wetland:** Crespi Pond is identified in Pacific Grove's 1989 Land Use Plan as ESHA and an area of Scientific and Ecological Significance, requiring protection. In conformance with Coastal Act section 30240, 1989 LUP policy #2.3.5.2.d.3 [page 11 of 37] states, "**Protect Crespi Pond from any polluted runoff or other disturbances to its waterfowl habitat.**"

Mitigation Measure BIO-1 states, "Prior to commencement of any event activities, temporary fencing shall be installed to prevent encroachment into the area near Crespi Pond in a manner meeting the approval of the Public Works Director." This does not state how far the fencing will be from the Crespi Pond wetland. The Public Works Director is not a biologist and is not qualified to determine the suitability of fencing to protect a wetland from "encroachment" without direction from a qualified biologist. **The wetland needs to be mapped by a qualified wetland biologist according to Coastal Commission standards prior to establishing placement of the tents and fence and parking, AND prior to any work being done on the cart path.** Following professional mapping, the temporary protective fencing should maintain **at least a 150' buffer area around Crespi Pond**, consistent with the Coastal staff expectation in 2017.

11. **There needs to be a biological assessment of birds, including nesting birds in Crespi Pond and the Monterey Cypress trees, and of amphibians**, at least, before and after pathway construction, before the setup, before and after the event itself, and after breakdown. Many species found there tend to be secretive, hiding in the reeds or living in the mud. (I believe there was reference to a 2016 survey for red-legged frogs—that is not up to date.) **Both endangered species AND all native and migratory species should be surveyed.** Records need to be kept so there are objective data to compare from year to year, so any adverse impacts can be assessed.
12. **Participation of local wildlife authorities** (Monterey Audubon Society, Don Roberson, Rita Carratello, Asilomar State Park Environmental Scientist, etc.) should be encouraged to advise the biologist of resident and migratory species. The BNRC should be consulted. Their 2011 document, "Natural Resource Areas and Associated Natural Resources in

Pacific Grove” (found on the BNRC webpage) points out among other things that **Crespi Pond is “famous for its great number of bird species”, and the Monterey Cypress trees east of Crespi Pond between Crespi Pond and the 18<sup>th</sup> Fairway are “important to migrant and vagrant birds”.**

Local eBird editors and others will be able to provide records of species found at Crespi Pond wetlands in August or nesting there or in the Monterey Cypress trees in the area. See attached email at the end of this comment from Rita Carratello, eBird editor (Cornell Lab of Ornithology), to Lisa Ciani dated January 17, 2018, with regard to my letter to City Council for the January 17 Car Auction agenda item and the importance of Crespi Pond wetland to the birds found there. Rita Carratello was a member of the City’s earlier Crespi Pond committee.

13. The standard for environmental review documents in Pacific Grove’s coastal zone is to perform **pre-construction surveys for nesting birds**. (See the 2017 Asilomar Coast Trail IS/MND, the 2014 Pacific Grove Local Water Project EIR, and the 2011 Rana Creek Biotic Report for the Point Pinos Lighthouse Restoration Site Improvements, at the end of this comment document.) The same should be required **prior to the car auction event as well**, and adjustments made if necessary to protect nesting birds from disturbance. All phases of the project/event take place during nesting season.

#### **WATER QUALITY:**

14. **Straw wattles need to be provided to protect Crespi Pond wetlands from accidental contamination from spills from the parking area** on the slope above the pond, as they were in last year’s informal protective measures worked out between Coastal staff and the event organizers.
15. Require pre-construction, post-construction, pre-setup, pre-event, and post-event and post-breakdown **water quality assessments**. Adjust mitigations, if necessary, based on the findings.

#### **TRAFFIC, EMERGENCY, FIRE:**

16. HAZ-1: Event staff cannot be relied upon to “ensure that all activities are conducted, and emergency access is maintained, in compliance with the [traffic control and emergency access] plan.” How will this be assured? Is this covered in the 5-year Agreement?
17. Are the tents made of flammable material? Will smoking be permitted? Will alcohol be consumed? A bond must be required in case of fire damage to the mature cypress trees in the area.

## NOISE:

18. The IS/MND states, “Noise may be generated during installation of pathways, site leveling and resodding, erection and dismantling of event tents, and from activities during the event.” **A biologist needs to survey for nesting behavior and be present to record observations of the wetland and Monterey cypress trees throughout noise-generating activities such as construction of pathways, site leveling, and resodding, and during the amplified announcements and music at the event. Noise-generating activities need to stop in the event of wildlife disturbance.** Tents cannot be assumed to adequately muffle amplified sound. Since it would be detrimental for speakers to face away from the wetland thereby impacting the residential area and vice versa, and likewise for facing away from the coast, it will be important for music to be subdued, with a specified decibel level in consultation with the wetland biologist. Movement of the expected 80 vehicles, including motorcycles, to and from the event may produce significantly more noise than the normal traffic on Asilomar Avenue. What is the measure of the “noise generated by normal vehicular traffic on Asilomar Avenue”?

## ENFORCEMENT:

19. **Enforcement measures** are imperative to back up the protective measures! Police had no authority to enforce protective measures last year. Professional biological and noise monitoring throughout noise producing activities and construction activities should be provided as a biological and/or neighborhood mitigation. The public needs to know what the recourse is during the event for noncompliance on the part of the event organizers or attendees, and to have guarantees that enforcement will be swift and meaningful—during the day, on weekends, and at night. It is not sufficient for the organizers to pay minimal fines, or less, for noncompliance. City staff cannot be expected to provide unbiased enforcement.
20. There should be **qualified professional assessment** of all mitigation measures, including revised and increased mitigations, and a requirement for additional protective measures for future events, if indicated by findings.

While there are some attempts to mitigate the lighting and noise generated by the event, they lack the necessary expertise to assure effective mitigations. The IS/MND is seriously deficient in terms of identifying potential adverse impacts to sensitive coastal resources and providing sufficient mitigations. I have provided significant new information regarding adverse environmental impacts not addressed in the IS/MND. I cannot clarify the missing information that the City has failed to provide. The City needs to provide adequate information to carry out a thorough identification and analysis of the environmental impacts and needed protective measures following the best of the best management practices such as the ones described in the references I have provided.

I urge the Council to demonstrate their commitment to protecting Pacific Grove’s sensitive coastal resources by requiring a clear and thorough description of the project and analysis of the impacts of the Car Auction/Golf Course development project with appropriate mitigations.

Thank you,  
Lisa Ciani

## **APPENDICES:**

### **RECENT SAMPLE MITIGATION MEASURES FOR NESTING BIRDS IN PACIFIC GROVE’S COASTAL ZONE:**

#### **1)“Asilomar Coast Trail Managed Retreat and Restoration Project IS/MND”**

20 July 27, 2017 – Biotic Report, pages 20-21:

##### Nesting Birds (BMPs 4-6)

4. If possible, all noise generating construction activities will occur outside the migratory bird breeding season (August 1 – February 1).

5.If construction-related activities must be scheduled during the breeding season, then focused surveys to identify active nests of migratory bird species will be conducted by a DPR-approved biologist before construction activities occur in these months.

6.If a nest is found during construction, any disruptive work in the immediate area will be halted and construction must be shifted to another area of the project far enough away as to limit disrupting the active nest. The nest will be monitored to determine when chicks have fledged and when it is safe to resume work around the nest site.

#### **2)September 2014 Pacific Grove Local Water Project DEIR:**

##### **Project-Level Mitigation Measures Biological Resources Mitigation Measure**

1: Construction activities that may directly (e.g., vegetation removal) or indirectly affect (e.g., noise/ground disturbance) protected nesting avian species would be timed to avoid the breeding and nesting season. Specifically, vegetation and/or tree removal can be scheduled after September 16 and before January 31. **Alternatively, a qualified biologist would be retained by the City to conduct pre-construction surveys for nesting raptors and other protected avian species within 300-feet of proposed construction activities if construction occurs between February 1 and September 15. Pre-construction surveys would be conducted no more than 14 days prior to the start of construction activities during the early part of the breeding season (February through April) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May through August).** Because some bird species nest early in spring and others nest later in summer, surveys for nesting birds may be required to continue during construction to address new arrivals, and because some species breed multiple times in a season. The necessity and timing of these continued surveys would be determined by the qualified biologist based on review of the final construction plans and in coordination with the Service and DFW, as needed. If raptors or other protected avian species nests are identified during the pre-construction surveys, the qualified biologist would notify the City and DB contractor, and an appropriate no-disturbance buffer would be imposed within which no construction activities or disturbance should take place (generally 300 feet in all directions for raptors; other avian species may have species-specific requirements) until the young of the year have fledged

and are no longer reliant upon the nest or parental care for survival, as determined by a qualified biologist.

**3) Rana Creek “Biotic Report: Point Piños Lighthouse Restoration Site Improvements”:**

<http://www.pointpinoslighthouse.org/restoration/2010-2013/2011-08-15%20Report%20Rana%20Creek%20re%20Point%20Pinos%20Lighthouse%20biotic%20survey.pdf>

**4) Data regarding birds at Crespi pond in August:**

**From:** Rita Carratello <[merops22@gmail.com](mailto:merops22@gmail.com)>

Date: Tue, Jan 16, 2018 at 4:20 PM

Subject: Explore Data Crespi Pond

To: <[lisa.chiani@gmail.com](mailto:lisa.chiani@gmail.com)>

Hi Lisa,

This is a link to the bar chart for Crespi Pond in eBird. Technically, the breeding season is June and July, although we know some species could still be raising young into August if the first clutch failed, or it was too dry and nesting began later, or a multiple of other reasons.

If we look at it then as the beginning of fall migration, the same issues presented about the importance of the entire area of Point Pinos are true for the pond specifically, e.g. resting, bathing, hiding from predators – especially at night!, and clean drinking water.

The bar chart reflects any sightings of birds that have either landed in the pond, flown over, or perched in the reeds. There is actually another hotspot called Point Pinos general area that covers Crespi, the maintenance yard, the lighthouse, and areas across the street.

What I learned when I was looking for some of the information you requested was that although eBird collects breeding evidence from our posting of sightings, there is as yet no way to look at that information that I can see. Which is probably what you tried to do.

Anyway, I think your letter to the mayor and city council speaks volumes. The eBird data would be useful as back up proof if called upon.

<http://ebird.org/ebird/barchart?r=L343466&yr=all&m=>

Let me know when/if you need more,

---

Rita Carratello

## 5) My previous communications to Council regarding the Car Auction event at Crespi Pond:

December 6, 2017

To: Mayor Kampe and Council Members

From: Lisa Ciani

Re: Multi-Year Car Auction Agreement, agenda item 12A

As I wrote to you Monday [*due to computer issues, I cannot access my December 4, 2017 communication to Council, but it can be found in the May 2, 2018 Agenda report in Attachment 1a, Public Comments and City Response, page 41-45 of 57*], the event organizers did not provide the protection for the Crespi Pond wetland habitat during last summer's car auction event that Brian O'Neill, PG's Coastal staff analyst, assured us was being "instituted". That really means that the City didn't supervise to make sure the protection measures were carried out on City property. That is especially disturbing in light of the City's expectation of having a certified LCP, giving the City the jurisdiction in our coastal zone.

Any multi-year agreement the City proposes to enter into with the car auction event organizers, needs to provide enforceable protections, and additional, bonded protections that are needed, as observed at the first auction event. Since Brian O'Neill did not make the promised protection measures enforceable, and the City took no responsibility for assuring those protective measures, and since Crespi Pond wetland is an Environmentally Sensitive Habitat Area that requires protections, I believe CEQA review is necessary to assess and assure the needed protections. The major car auction event is one long evening event, but the set-up of tents and cars, the preview period, and breakdown and moving of cars spans a period of 10 days, and the event causes a significant increase in the intensity of use of that area. The parking needs to be kept back a minimum of 150 feet from the *edge* of the wetland. Lights and speakers need to be reduced in intensity and directed away from the wetland. Qualified local biologists and residents, familiar with the wildlife and plant life of Crespi Pond, need to develop appropriate protections. The potential for significant adverse impacts to the wetland needs to be studied. And the entire parking and circulation plan needs to be studied as well. There should also be a provision for reassessing adverse impacts, and making adjustments during and after each event.

Staff's conclusion that the car auction can be found categorically exempt from the requirement for preparation and review of an environmental document is not based on the facts of the situation. Please make sure the City provides all appropriate assessments and enforceable protections for Crespi Pond and any other coastal and community resources potentially affected by future events.

The City needs to take the primary responsibility for protecting Pacific Grove's coastal resources. Thank you.

January 16, 2017

To: City Council  
From: Lisa Ciani  
Re: Agenda item 12.A. – Special Events

City staff is asking the Council to approve placement of the Car Auction on the Special Events calendar without first providing specific, enforceable measures assuring that the Crespi Pond wetland will be protected. While the agenda report states that a long-term agreement with Worldwide Auctioneers is currently being negotiated, Council should specifically direct the City Manager to include necessary protections for the Crespi Pond wetland.

Crespi Pond is identified in Pacific Grove's 1989 Land Use Plan as ESHA (Environmentally Sensitive Habitat Area) and an area of Scientific and Ecological Significance, requiring protection. In conformance with Coastal Act section 30240, LUP policy #2.3.5.2.d.3 states, "Protect Crespi Pond from any polluted runoff or other disturbances to its waterfowl habitat."

In 2017, Coastal staff analyst Brian O'Neill asserted there were measures in place to protect this coastal wetland, but failed to ensure enforcement. The protective measure requiring a 150-foot buffer between the wetland and the parking was not observed, and cars parked right up to the netting at the pond. It became apparent once the event took place that the promised protective measures were seriously lacking to begin with, failing to consider lighting, noise, and monitoring.

The City should institute the following measures, and any others appropriate for protection of the Crespi Pond wetland, for all future events, as a condition of approval:

- 1) Monitoring of the pond by a qualified biologist, before, during, and after the event, in cooperation with local volunteers—including an assessment of nesting birds and young prior to and following the event.
- 2) A 150-foot buffer to protect from activity, measured from the edge of the wetland—this would require a qualified biologist to establish the boundaries of the wetland according to Coastal Commission specifications.
- 3) The use of straw wattles, the extent of which should be specified by the biologist, to protect water quality.
- 4) Prohibition of lighting or sound directed toward Crespi Pond or the sea, and reduced intensity of lighting and sound.
- 5) Prohibition of event parking at the Crespi Pond restroom parking lot (along with the previous "requirement" that applied to all nearby parking lots along Ocean View Blvd.)—with attendants to ensure compliance—to avoid nighttime foot traffic around the pond.
- 6) An assessment of the effectiveness of the proposed mitigation measures, and requirement of additional protective measures for future events, if indicated.

These measures should be required in addition to those promised to Brian O'Neill last year, as he described in a July 28 email to interested parties, including the City Manager and CED Director:

“The organizers of this event have instituted measures to protect coastal resources during the event. These measures include a reduction in the proposed parking area to create a 150-foot buffer from Crespi Pond and the use of straw wattles to protect water quality. The golf course and lighthouse will remain open to public use. The event organizers will utilize a variety of strategies to prevent significant impacts to public parking including the use of free shuttles, free valet parking, traffic management, directional signage, and signs to ensure that public parking areas along Ocean Boulevard remain open to the public.”

Please direct the City Manager to include, in collaboration with local wildlife advocates, protective measures as I have listed above, including enforcement measures, in the City's agreement with Worldwide Auctioneers.

Thank you,  
Lisa Ciani



Sandra Kandell <skandell@cityofpacificgrove.org>

---

## May 2 Agenda item 12C, Draft IS/MND, Multi-Year Car Auction Agreement and Golf Course Improvements

1 message

---

Lisa Ciani <lisa.ciani@gmail.com>

Tue, May 1, 2018 at 9:31 AM

To: Rudy Fischer <rudyfischer@earthlink.net>, Cynthia Garfield <cgarfield@cityofpacificgrove.org>, Bill Kampe <bkampe@cityofpacificgrove.org>, Bill Peake <bpeake@cityofpacificgrove.org>, Ken Cuneo <kencun17@icloud.com>, Robert Huitt <huitt@comcast.net>, Nick Smith <nsmith@cityofpacificgrove.org>, Ben Harvey <citymanager@cityofpacificgrove.org>, City Clerk <cityclerk@cityofpacificgrove.org>, Dave Laredo <dave@laredolaw.net>  
Cc: Mark Brodeur <mbrodeur@cityofpacificgrove.org>, Daniel Gho <dgho@cityofpacificgrove.org>

Dear Mayor Kampe and City Council Members,

While I would like to "assist the Council in meeting its schedule" as the City Manager has "encouraged" me to do, that requires me to give up my right to a public comment period that extends until Wednesday at 4pm. Perhaps if the IS/MND and the agenda report were sufficiently thorough in addressing the substantial environmental impacts the project presents, and all the other aspects of the complex agenda item, I could assist the Council. But there are simply too many issues to deal with, and I need the time to make sure my 6-page IS/MND comment (so far) provides as much information as possible to assist staff in addressing issues they are unaware of in a sensitive habitat area.

Perhaps by being thorough myself, I am sacrificing the opportunity to have my comments considered in a meaningful way. However, it appears to me that opportunity has already been taken from me. The agenda report is written as if all comments have been received, with no mention of the actual public review deadline. In fact, you are told that, "The City reviewed the comments received and has determined that the comments do not add significant new information to the Draft IS/MND, regarding adverse environmental impacts," and, "The City has based its actions on full appraisal of all viewpoints concerning the environmental impacts identified and analyzed in the Draft IS/MND."

Again, I request that the Council continue this item until after the public has had the benefit of the full public review period, and careful consideration has been given to ALL comments within that public review period.

Meanwhile, I would like to comment briefly on other issues in agenda item 12C.

It appears that the City is planning to enter into an agreement with the contractor for the golf course improvements without a Coastal Development permit for the Car Auction event itself. Why is the status of the permitting for the Car Auction not mentioned in the agenda agreement?

I do not want to see the City enter into an agreement for the golf course improvements intended to facilitate a 15-day temporary event each year for five years where the City is advancing the funds based on the event organizer paying the City back over time. While 5% interest sounds good, if the event does not receive a Coastal Commission permit, then the City will be left with the entire bill. Does staff know something they haven't shared in the agenda report? The IS/MND says on page 3, item 10, that Coastal Commission approval is required. And although the IS/MND originally specified that approval is only required for the site leveling and pathways, that specification has been deleted (with red strike-out text) from the "Proposed Final" IS/MND, indicating that Coastal Commission approval is required for the whole project, including the 5-year agreement for the car auction. "Auto Auctions at PG Municipal Golf Course" is the project title in the IS/MND.

The CDP application that the City has submitted to the Coastal Commission is for the golf course improvements only. The Car Auction event itself is not included in the application. Why would staff not mention whether approval has been obtained (without notice to the community)?

Council is not being given basic information for their decision-making, and that is a big concern. Please do not approve an agreement with a contractor for a project costing \$129,000 + 10% contingency that has not received Coastal Commission approval.

I will send my IS/MND comments to the Council and Dan Gho and Mark Brodeur (the two contact persons listed) as soon as I can.

Thank you,

Lisa Ciani



Sandra Kandell <skandell@cityofpacificgrove.org>

---

## May 2, 2018 Agenda Item No. 12C, Draft IS/MND, Multi-Year Car Auction Agreement & Golf Course Improvements

1 message

---

'Susan Pierszalowski' via City Clerk <cityclerk@cityofpacificgrove.org>

Tue, May 1, 2018 at 5:14 PM

Reply-To: Susan Pierszalowski <heronmoon@yahoo.com>

To: "rudyfischer@earthlink.net" <rudyfischer@earthlink.net>, "cgarfield@cityofpacificgrove.org" <cgarfield@cityofpacificgrove.org>, Bill Kampe <bkampe@cityofpacificgrove.org>, Bill Peake <bpeake@cityofpacificgrove.org>, Ken Cuneo <kencun17@icloud.com>, Robert Huitt <huitt@comcast.net>, Nick Smith <nsmith@cityofpacificgrove.org>, Ben Harvey <citymanager@cityofpacificgrove.org>, City Clerk <cityclerk@cityofpacificgrove.org>, "dave@laredolaw.net" <dave@laredolaw.net>

I am writing to request that the City of Pacific Grove take action to protect Crespi Pond during the Car Auction event in August 2018. Crespi Pond and the surrounding area is an important wildlife habitat for several species including resident and migratory birds. These animals depend on Crespi Pond and should be protected from possible disruption from this event. An evaluation by a wetland biologist seems prudent to determine best practices to mitigate adverse impact on this special area of Pacific Grove. Living in close proximity to the auction site I am familiar with the resulting air and noise pollution from multiple diesel semi-trucks transporting hundreds of cars to massive hangar like structures. The construction process itself is very loud, with workmen shouting and machinery delivering and moving construction materials. The golf course is transformed into an unrecognizable commercial venture with attendees, their vehicles, noise and traffic.

Please carefully consider the protection of the natural beauty that draws many to Pacific Grove. The damage to habitat can long outlast any financial gain this auction will provide to a select few.

Sincerely,

Susan Pierszalowski

1257 Shell Avenue,  
Pacific Grove

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

May 2, 2018

Sandra Kandell, City Clerk  
City of Pacific Grove  
300 Forest Avenue  
Pacific Grove, CA 93950

Hand delivered: May 2, 2018, 3:30 PM

**RE: Auto Auctions at Pacific Grove Municipal Golf Course, Draft Initial Study & Mitigated Negative Declaration, March 30, 2018**

Dear Ms. Kandell,

I am enclosing one copy of my comments regarding the above referenced matter for consideration by the Mayor and City Council and City Staff. Please include it in all relevant reviews.

I will also attempt to forward it via email to Mr. Gho.

Thank you for your assistance

Anthony A. Ciani

Enclosure: **Letter to Dan Gho, RE: Auto Auctions at Pacific Grove Municipal Golf Course, Draft Initial Study & Mitigated Negative Declaration, March 30, 2018**

RECEIVED  
CITY MANAGER'S OFFICE  
2018 MAY -2 P 3:31  
CITY OF PACIFIC GROVE

May 2, 2018

Dan Gho, Public Works Director

**RE: Auto Auctions at Pacific Grove Municipal Golf Course, Draft Initial Study & Mitigated Negative Declaration, March 30, 2018**

May 2, 2018

Daniel Gho, Public Works Director  
City of Pacific Grove  
300 Forest Avenue  
Pacific Grove, CA 93950

**RE: Auto Auctions at Pacific Grove Municipal Golf Course, Draft Initial Study & Mitigated Negative Declaration, March 30, 2018**

Dear Mr. Gho,

The Draft Initial Study & Mitigated Negative Declaration (IS/MND), dated March 30, 2018, and approved by Mark Brodeur to “find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent,” is inaccurate and misleading regarding the potential significant and cumulative adverse impacts to identified natural and scenic resources located on the project site. The entire (larger) project must be considered by the Draft IS/MND<sup>footnote13</sup>.

THE FOLLOWING IS A LIST OF INACCURATE AND MISLEADING STATEMENTS IN THE DRAFT IS/MND:

1. *“The project site is within in the Coastal Zone and is designated an Archaeologically Sensitive Area with a Low Land Habitat Sensitivity (Lawn) in the Local Coastal Program.”* (Draft IS/MND, page 3) (Underlining added for emphasis.)

**COMMENT:** In fact, the Local Coastal Program Land Use Plan, certified by the California Coastal Commission and adopted in 1989 by the City of Pacific Grove provides:

**Section 2.3.1** “The land habitat with the greatest sensitivity is the sand dune complex from the Lighthouse Reservation [aka, Golf Course] to Asilomar Conference Grounds.”

(LUP page 7). (Underlining added for emphasis.)

**Section 2.3.3** “The Lighthouse Reservation is identified in the Open Space Element as an area of Scientific and Ecological Significance and also as an active recreational area. Efforts are being made by the Pacific Grove Museum of Natural History to restore a native dune plant community at the Reservation.”

(LUP, Page 7) (Underlining added for emphasis.)

May 2, 2018

Dan Gho, Public Works Director

**RE: Auto Auctions at Pacific Grove Municipal Golf Course, Draft Initial Study & Mitigated Negative Declaration, March 30, 2018**

Page 2

**Section 2.3.4.4. 4.** “The City will use the findings and habitat classifications of the Habitat Sensitivity and Identification Study (including both text and map) prepared for the Local Coastal Program as a basis for implementing the General Policies #2 and #3 of this section. Development projects proposed within any area mapped as A-1, B-2, or B-3 on Figure 2, the Habitat Sensitivity Map, will be required to prepare a botanical survey prior to project approval. Such surveys shall be conducted, at applicant’s expense, by a qualified botanic expert selected from a list to be maintained by the City, in consultation with the Museum of Natural History.” (LUP, page 9) (Underlining added for emphasis.)

“**LAND HABITAT SENSITIVITY MAP, Figure 2**” identifies the areas designated as “B-2” to be a “Highly Sensitive” – “Sand Dune Land Form.” (LUP Appendix Figure 2, and Pacific Grove LCP Working Paper # 1, Access and Natural Resources, 1980) (Coastal Act Policy 30240, LUP Policies 2.3.3, 2.3.4. (1 through 4) .

**2.3.5.2 “Coastal Parklands,** The following recommendations shall be incorporated in the Coastal Parks Plan described in General Policy 2.3.4.3. a) A botanical survey shall be required prior to development, which impacts habitats identified as A-1, B-2, or B-3 on the Habitat Sensitivity Map, with the survey being conducted by a qualified botanical specialist on the entire area during the flowering season.” (LUP, page 10)

Failure of the Draft IS/MND to accurately identify an essential set of resource protection policies is meaningful, and demonstrates the apparent lack of knowledge and diligence in reviewing the proposed project. Moreover, inspection of the proposed plans clearly indicates that project site is located on the Lighthouse Reservation land that is identified in the LUP Open Space Element as an “area of Scientific and Ecological Significance, including habitat classifications of the Habitat Sensitivity”; Identification Study and Habitat Sensitivity Map. Draft IS/MND - Figure 2, page 4 depicts a new public parking area designated “PUBLIC PARKING HOLE # 16” and shown as a bright green rectangle with a yellow border that encroaches a triangular area that would be approximately One Hundred Forty Three (143) feet Long by Fifty (50) Feet at one end, or approximately Three Thousand Five Hundred (3,500) Square Feet into Sand Dunes, that are specifically designated and mapped as “B-2”, Highly Sensitive.

*“The nearest known population of special status plants is located approximately 500 feet towards the northwest [from the Lighthouse] ... within dune habitat.”<sup>1</sup>*

---

<sup>1</sup> City of Pacific Grove – Point Piños Lighthouse Improvements Biotic Report, Rana Creek (August 15, 2011)

May 2, 2018

Dan Gho, Public Works Director

**RE: Auto Auctions at Pacific Grove Municipal Golf Course, Draft Initial Study & Mitigated Negative Declaration, March 30, 2018**

Page 3

Therefore, the above referenced Draft IS/MND statement ***“The project site is within in the Coastal Zone and is designated an Archaeologically Sensitive Area with a Low Land Habitat Sensitivity (Lawn) in the Local Coastal Program.”*** is erroneous and misleading and could result in significant adverse and cumulative impacts to the City’s General Plan, LCP Land Use Plan and California Coastal Act policies, and prejudice the ability to implement the protection and restoration of the Environmentally Sensitive Habitat Areas. (Pacific Grove 1989 LUP)<sup>2</sup>. And, **valet parking on the sand dunes could result in direct significant adverse impacts to flora and fauna (e.g., Menzies’ wallflower or Tidestrom’s lupine and Black or Silver Legless Lizards) in a designated Environmentally Sensitive Habitat Area (ESHA), and the scenic quality of the sand dunes in a designated scenic area of the coastal zone<sup>3</sup> (See attached Photo Array).**

- 2. THE FOLLOWING STATEMENT IN THE DRAFT IS/MND IS ALSO FALSE AND MISLEADING:** *“The nearest area with biological sensitivity is Crespi Pond, located between the 16th and 17th holes of the City of Pacific Grove Municipal Golf Course approximately 350 feet west of the project site.”* (Draft IS/MND, page 15)

**COMMENT: In fact,**

- a. Crespi Pond is located approximately Three Hundred Forty Two (335) Feet west of the west curb of Asilomar Avenue. **Crespi Pond is located approximately One Hundred Thirty Two (167) Feet West of the project site, not 350 feet. Thus, the Draft IS/MND is inaccurate and misleading.**
- b. Also, a stream that appears to be a small fresh water wetland and an important tributary waterway, to the larger Crespi Pond marshlands, runs through the Cypress trees, and the drainage swale runs directly under proposed Tent # 2 (See attached Photo Array). No hydrology study was conducted to assess the impacts of the proposed excavation, re-grading and leveling that would change the existing drainage patterns and historic water flow. **A hydrology study and an assessment by qualified wetland ecologist should be conducted.**

The project plans include a new public parking area titled **“PUBLIC PARKING HOLE # 16”** and shown as the bright green rectangle with a yellow border in the Draft IS/MND - Figure 2, page 4 (See my Exhibit “A” below). The new parking area indicated on the plans is proposed for 80 motor vehicles and **depicted to be located less than One Hundred Fifty (150) Feet) from**

---

<sup>2</sup> City of Pacific Grove LCP Land Use Plan, (1989) Land Habitat Sensitivity Map, Figure 2

<sup>3</sup> City of Pacific Grove LCP Land Use Plan, (2017) Figure 4: Scenic Areas Map - Lighthouse Reservation Lands

May 2, 2018

Dan Gho, Public Works Director

**RE: Auto Auctions at Pacific Grove Municipal Golf Course, Draft Initial Study & Mitigated Negative Declaration, March 30, 2018**

Page 4

**Crespi Pond lagoon (not 350 feet)**, and even closer to the lagoon marshlands. The project site plan, Figure 2, IS/MND PAGE 4, shows "Public Parking Hole #16", proposed to extend over a highly sensitive, restored sand dunes that are located uphill in the Crespi Pond Lagoon and wetland ASBS watershed area<sup>4</sup> (See attached Exhibit "A" & Photo Array).

(Note: applicant, authors, and peer review for this report failed to properly examine the proposed plans, land use plans and relevant past studies leading to its inadequate evaluation.)

3. The proposed plan indicates two large tent enclosures would substantially increase the intensity of use above a similar event in 2017<sup>5</sup>. **A noise study to survey the ambient noise levels should be conducted** and compared to the potential noise levels of the automobiles that would be part of the exhibits and auctions, the noise levels of the amplified sounds emitting from the auction, the noise levels during the construction of the pathway, the noise levels of the exhibit construction setup and breakdown, the noise levels of the auto delivery trucks, and the noise levels during the event valet parking of cars coming and going in and immediately adjacent to designated highly sensitive habitat areas (ESHA).

The site contains a several stands of Monterey cypress (*Cupressus macrocarpa*) trees that could provide nesting opportunities for birds, including nesting raptors and other migratory bird species, that are protected under the Migratory Bird Treaty Act and Fish and Game Code.<sup>6</sup> Although no tree removal or trimming is proposed, **construction activities could disturb nesting birds in the Cypress trees, especially during the spring summer nesting season (February 15 – September 1), and should be managed with a mitigation, monitoring and reporting program.**

The correct answers to IS/MND section IV. BIOLOGICAL RESOURCES, are written in **underlined bold** print below:

Would the project:

- A. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or

---

<sup>4</sup> "Crespi Pond is an environmentally sensitive area located between the 16th and 17<sup>th</sup> holes of the City of Pacific Grove Municipal Golf Course". California Coastal Commission, CDP # 3-03-083

<sup>5</sup> Compare attached 2017 Car Auction Map to the MND Proposed Site Map Figure 2

<sup>6</sup> Biotic Report, City of Pacific Grove Point Piños Lighthouse Restoration Site Improvements APN 007-001-02 Pacific Grove, California

May 2, 2018

Dan Gho, Public Works Director

**RE: Auto Auctions at Pacific Grove Municipal Golf Course, Draft Initial Study & Mitigated Negative Declaration, March 30, 2018**

Page 5

regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service? Yes.

B. 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 California Department of Fish and Wildlife or US Fish and Wildlife Service? Yes.

C. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? Yes.

D. 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? Yes.

E. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? Yes.

F. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? Yes.

**Comment:**

The checked section under "IMPACTS" failed to adequately consider substantial impacts to: migratory wildlife corridors, or if it could impede the use of native wildlife nursery sites, either directly or through habitat modifications; or impact any riparian habitat; or conflict with any local policies or ordinances protecting biological resource; or conflict with the provisions of an adopted habitat protection policies approved in local, regional, or state habitat conservation plans. such as the adopted City of Pacific Grove LUP (1989) as amended, or Draft LUP Update (2017), and adopted General Plan (1994).

The "discussion" in the IS/MND, page 15, states:

*"Items A, B, C, D, E: The Lighthouse Reservation area, in which the proposed project site is located, is identified in the City of Pacific Grove's General Plan and Local Coastal Program Land Use Plan as a land habitat of low sensitivity (lawn). The temporary auction facilities would be located on turf portions of the golf course property, where no sensitive species or habitat is present." (Underlining added for emphasis)*

May 2, 2018

Dan Gho, Public Works Director

**RE: Auto Auctions at Pacific Grove Municipal Golf Course, Draft Initial Study & Mitigated Negative Declaration, March 30, 2018**

Page 6

**Additional Comments:**

- 1) Describing the setting, the IS/MND states: *"The project site is within in the Coastal Zone and is designated an Archaeologically Sensitive Area with a Low Land Habitat Sensitivity (Lawn) in the Local Coastal Program."* The Draft IS/MND is superficial and deficient; to wit, the existing mature **Cypress trees are not a "lawn"**; the Draft IS/MND does not address or provide adequate measures to mitigate potential significant adverse impacts to migratory birds nesting or resting in the trees (February 15 – September 1). **A Cypress Tree Assessment should be conducted qualified biologist to ensure that the proposed project would not substantially degrade the integrity of the trees or visual character or quality of the site and its surroundings.**

As mentioned in the above, the Draft IS/MND statement: *"The temporary auction facilities would be located on turf of the golf course property, where no sensitive species or habitat is present,"* is FALSE and misleading. Sand Dunes **are not** "turf."<sup>7</sup> **The group of nearly 70 mature Monterey Cypress trees, including their roots and their canopy, are part of the project site.** Their canopy are known to be nesting areas for native and migratory birds.<sup>8</sup>

Thus, the project's construction activities, event set up and breakdown activities, and the concession activities including valet parking and amplified announcements under and immediately on or adjacent to the sand dunes, trees, **could have a significant adverse impact on the sensitive habitat of the Sand Dunes, Cypress trees, and Crespi Pond lagoon, and vicinity of the designated ASBS watershed.**<sup>9</sup>

Also, in the event of an accident, fluids could flow into the soils and downhill into the lagoon and surrounding marshlands. Use of the sand dunes and adjacent sloping turf areas for valet parking, could also result in substantial and significant adverse impacts

---

<sup>7</sup> Peter R. Baye, Ph.D. Coastal Ecologist, Botanist - April 3, 2014 Scientific/technical peer review of multiple environmental documents for Monterey Bay Shores Ecoresort, Sand City, California

<sup>8</sup> *"This driving range, adjacent to a row of Monterey Cypresses... hosted an incredible number of rarities..."*

A BRIEF HISTORY OF BIRDING AT PT. PINOS by Don Roberson

(<http://creagrus.home.montereybay.com/MTYsitesPtPinos2.html>)

Also, See: Pacific Grove Local Water Project City of Pacific Grove Draft EIR September 2014, Biological Resources Section 6.1.

<sup>9</sup> City of Pacific Grove LCP Land Use Plan, (2017) Figure 2 – Protected Areas (Area of Special Biological Significance)

May 2, 2018

Dan Gho, Public Works Director

**RE: Auto Auctions at Pacific Grove Municipal Golf Course, Draft Initial Study & Mitigated Negative Declaration, March 30, 2018**

Page 7

to Crespi Pond and surrounding wetlands. It appears that the northeast low point of the proposed parking area is about elevation 36.0 ft.. above MSL. The nearby edge of Crespi Pond shown about 125 feet downhill of the parking, is at about el. 20.0 ft. above MSL, and the Lagoon is approximately at elevation 13.5 ft. above MSL.

No precautions (tarps, wattles, and sand bags, etc.) are proposed to protect the large areas designated for parking, and adjacent surfaces from direct impacts of driving and parking automobiles. What if a gas tank in one or more of the cars parked on the slope overflow? What if any other chemicals normally associated with leaks from cars drain onto the ground and downslope into the lagoon, wetland or sand dunes? There appears to be no buffer zone to protect the sand dunes. What if there is a spill? There appear to be no emergency Hazard Abatement provisions? The Draft IS/MND failed to consider "Best Management Practice" requirements during the construction of the proposed new cart-path, and subsequent event activities including driving and parking cars onto, or immediately adjacent to, or under known highly sensitive habitat areas.

- 2) There should be biotic report conducted by an objective, qualified botanist or ecologist to assess or confirm the proposed Draft IS/MND findings and recommend a long-term recovery, maintenance and monitoring program, who should be responsible for ensuring compliance with all special conditions.
- 3) There appears to be no financial bond and insurance to cover the costs for damages, repairs, restoration and recovery in the event there is any kind of foreseen or unforeseen adverse effects on natural resources, such as an accidental car fire or explosion, but there should be.
- 4) There appear to be no indemnification or hold harmless provisions for any accidents or negligence on the part of the applicants, operators or their employees, but there should be.
- 5) There are no specific provisions to avoid or mitigate substantial impacts to natural resources before or during the proposed pre-event construction, the event, or any of the subsequent events, such as required in the City of Pacific Grove – Point Piños Lighthouse Improvements Biotic Report.<sup>10</sup> **There should be.**

---

<sup>10</sup> City of Pacific Grove – Point Piños Lighthouse Improvements Biotic Report, August 15, 2011

May 2, 2018

Dan Gho, Public Works Director

**RE: Auto Auctions at Pacific Grove Municipal Golf Course, Draft Initial Study & Mitigated Negative Declaration, March 30, 2018**

Page 8

- 6) There is no assessment of the potential cumulative adverse effects of the project, year after year, on or near the highly sensitive sand dune, lagoon or Cypress tree habitats, but **there should be.**
- 7) Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? The Auto Auction in 2017 produced glare from the parking area lighting that negatively impacted the surrounding environmentally sensitive habitat areas. The notion that City staff and the auctioneers will devise a solution to that problem without a specific plan is naïve, therefore, **a qualified lighting expert must prepare a specific plan to avoid lights and glare from entering the sand dunes, Crespi Pond and the Monterey Cypress Trees as happened at a similar event in 2017.**
- 8) A portion of the site is located in the 100-year Flood zone and subject to coastal flooding, indicative of wetlands. A wetland buffer zone should be required based on a study by a qualified wetland ecologist, and indicated on the plans.
- 9) The design and construction of any cart path and permanent foundations for the proposed tent structures should address the potential impacts of coastal flooding.
- 10) The proposed project conflicts with the following provisions of applicable and approved local, regional, or state plans or laws:
  - a. **Environmentally Sensitive Habitat Area (ESHA) Coastal Act Section 30240, states: 30240(a) ... Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.** The Coastal Act, in Section 30107.5, defines an environmentally sensitive area as 30107.5 ... any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments. While Coastal Act policies are the standard of review for coastal development permits until the City completes its LCP, the City's LUP also provides guidance to the Commission as it considers proposals for development in certain areas of the City. Regarding environmentally sensitive habitat areas, the Pacific Grove LUP contains the following relevant information and policies<sup>11</sup>.

---

11. City of Pacific Grove LCP Land Use Plan, (1989) pages 5 - 12

May 2, 2018

Dan Gho, Public Works Director

**RE: Auto Auctions at Pacific Grove Municipal Golf Course, Draft Initial Study & Mitigated Negative Declaration, March 30, 2018**

Page 9

*LUP 2.3.1 "The land habitat of greatest sensitivity is the sand dune complex from the Lighthouse Reservation to Asilomar Conference Grounds. Not only are native dune plants fragile, and dune formations easily destabilized, but also the dunes are habitat for two endangered plant species - Menzies' wallflower and Tidestrom's lupine. Human disturbance and competition from exotic vegetation continue to threaten the survival of these rare plants."*

*"A special report entitled "Habitat Sensitivity and Identification", was prepared for the LUP and provides the basis for policies in this section. The report is available for review at the Pacific Grove Community Development Department and Coastal Commission offices in Santa Cruz. The Pacific Grove LCP Working Paper #1 on Access and Natural Resources (October 1980) and the Pacific Grove LCP Citizens Committee Proposed Local Coastal Plan (August 1984) can be referred to for a detailed discussion of coastal land habitats."*

*LUP 2.3.2 Relevant Coastal Policies Section 30240 of the Coastal Act requires protection of environmentally sensitive areas. These areas must be protected against "any significant disruption", including impacts from development in adjacent areas. Only resource dependent uses are allowed in sensitive areas, and adjacent uses must be compatible with continuance of sensitive habitat areas. (underlining added for emphasis).*

*LUP Policy 2.2.4.2. The City shall protect, maintain and enhance the habitat areas of Menzies' wallflower and Tidestrom's lupine.*

*LUP Policy 2.2.4.3. In addition to the City's tidelands, Crespi Pond...riparian area shall be considered as environmentally sensitive habitat areas.*

*LUP Policy 2.3.4 3. As funding is available the City will develop a Coastal Parks Plan for the management and restoration of the Pacific Grove coastal parklands, including the Lighthouse Reservation. The purpose of the Plan, in part, is to:*

- a) Rehabilitate areas damaged by pedestrian/auto/ground squirrel overuse;*
- b) Revegetate with native bluff and dune plants where feasible;*
- c) Protect habitats of rare and endangered species;*

May 2, 2018

Dan Gho, Public Works Director

**RE: Auto Auctions at Pacific Grove Municipal Golf Course, Draft Initial Study & Mitigated Negative Declaration, March 30, 2018**

Page 10

*d) Provide defined pathways or boardwalks,*

**LUP Policy 2.3.5.2.d.3.** *In the Lighthouse Reservation and Golf Course area, areas of extreme sensitivity; eliminate exotics and restore native dune plants on the Lighthouse Grounds. . . . Protect Crespi Pond from any polluted runoff or other disturbances to its waterfowl habitat.*

The following is a specific list of proposed construction (\*) improvements that may have potentially substantial effects and incremental adverse impacts **that were not addressed** in the Draft IS/MND:

- A) Excavation and “re-grading and elimination uneven slopes” where the existing drainage swales flow into an intermittent creek that drains into Crespi Pond. That waterway appears to be a “wetland” located within the stand of Cypress trees.
- B) Excavation, re-grading and leveling of the grade immediately adjacent to the Cypress trees may result in irreparable damage to their shallow root system.
- C) Changing the overall pattern of slopes that drain into Crespi Pond Lagoon without a hydrology study to assess potential negative impacts to the Crespi Pond watershed.

(\*) This list does not include the impacts due to the other proposed activities that are in whole or in part, of the entire and larger “project”<sup>12</sup>, including the erection of tent structures, parking areas, and concessions, etc. It appears that the Draft IS/MND and corresponding permits and approvals have been separated into a series of development activities that could receive a piecemeal review contrary to CEQA<sup>13</sup>

In conclusion, the DRAFT IS/MND fails to adequately address the proposed project’s potentially significant adverse effects and impacts to the protection, on-going restoration and maintenance of highly sensitive natural resources and scenic resources located in the Lighthouse Reservation – Golf Links property. The report fails to consider the direct and cumulative impacts of operating and parking automobiles on a portion of the sand dune highly sensitive habitat or the land that slopes directly above and into the adjacent wetland and Crespi Pond lagoon highly sensitive habitat.

---

<sup>12</sup> CEQA section § 21065. PROJECT

<sup>13</sup> “an EIR must include an analysis of the environmental effects of future expansion or other action if: (1) it is a reasonably foreseeable consequence of the initial project; and (2) the future expansion or action will be significant in that it will likely change the scope or nature of the initial project or its environmental effects.” [Laurel Heights Improvement Assn. v. Regents of University of California (1988) 47 Cal.3d 376.]

May 2, 2018

Dan Gho, Public Works Director

**RE: Auto Auctions at Pacific Grove Municipal Golf Course, Draft Initial Study & Mitigated Negative Declaration, March 30, 2018**

Page 11

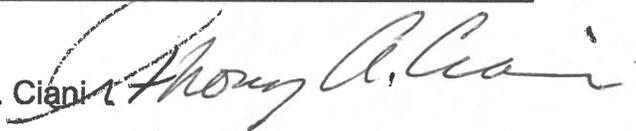
Furthermore, the proposed mitigation measures and environmental monitoring programs appear insufficient to substantially lessen those impacts. The Draft IS/MND fails to systematically identify "both the significant effects of the project and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects"<sup>14</sup>.

The Draft IS/MND does not adequately assess an adequate range of reasonable alternative locations on the Lighthouse Reservation or Golf Links lands, or other municipal lands. There are other large parcels of public lands that may not be located in environmentally sensitive areas, or that would necessitate the same level of excavation, grading and construction and associated public funds, including other portions of the subject site lands further inland or uphill near the Lighthouse.

There is substantial evidence in the City's General Plan, Local Coastal Program Land Use Plans (1989 & 2017) and other related pertinent studies (that were wrongfully omitted in this IS/MND), that demonstrate the presence and significance of the natural and scenic resources at the Lighthouse Reservation and Golf Links.

The necessary findings that the proposed development and concession activities will not result in substantial and cumulative adverse impacts to the environment **cannot be made to approve or certify the DRAFT IS/MND.** To the contrary, evidence in the record demonstrates that **proposed project MAY have a significant adverse effect on the sensitive natural and scenic resources of the project site and surrounding environmental setting, therefore an ENVIRONMENTAL IMPACT REPORT is required<sup>15</sup>**

Sincerely,  
Anthony A. Cianci



**Attachments:** Exhibit "A," and Photo Arrays, pages 1 & 2

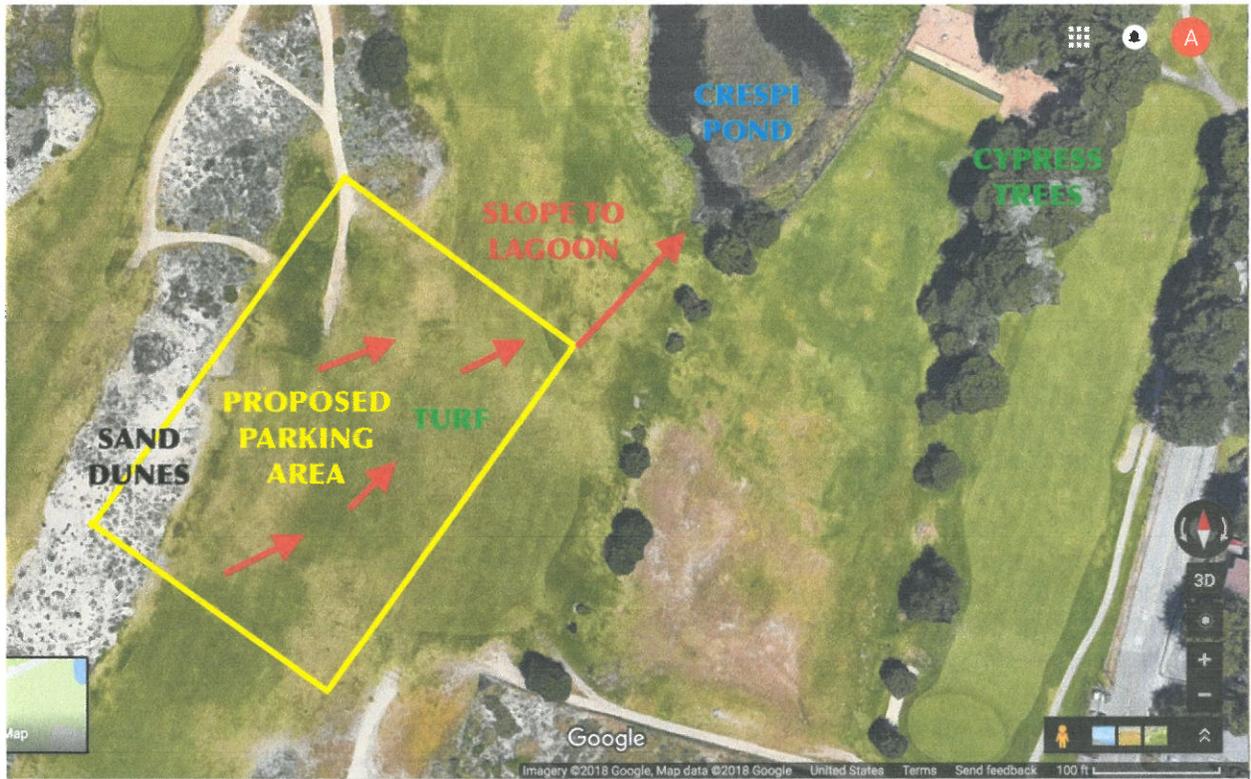
Cc: City Clerk, City of Pacific Grove ✓  
O'Neill, Brian@Coastal  
[jacob\\_martin@fws.gov](mailto:jacob_martin@fws.gov)  
[brandon.sanderson@wildlife.ca.gov](mailto:brandon.sanderson@wildlife.ca.gov)  
[state.clearinghouse@opr.ca.gov](mailto:state.clearinghouse@opr.ca.gov)

---

<sup>14</sup> California Environmental Quality Act California Public Resources Code Division 13. Environmental Quality Sec. 21002

<sup>15</sup> CEQA Sec. 21080 (d) If there is substantial evidence, in light of the whole record before the lead agency, that the project may have a significant effect on the environment, an environmental impact report shall be prepared.

**EXHIBIT "A"**  
**SATILLITE VIEW OF PROPOSED VALET PARKING ON PROJECT SITE**



**SITE STUDY based on IS/MND Fig. 2 & Plans**

Anthony A. Ciani May 2, 2018



**AUTO AUCTION**

**FIGURE 2 - SITE PLAN<sup>16</sup>**

<sup>16</sup>AUTO AUCTIONS AT PACIFIC GROVE MUNICIPAL GOLF COURSE - IS/MND March 30, 2018,

**ARRAY OF PHOTOGRAPHS – Page One**

By Anthony A. Ciani



**SAND DUNES – HIGHLY SENSITIVE HABITAT ~ PORTION OF PROPOSED PARKING**



**CRESPI POND LAGOON AND WETLANDS – SUBJECT TO PARKING AREA & POTENTIAL FOR DOWNHILL RUNOFF (APRIL 26, 2018)**

**ARRAY OF PHOTOGRAPHS – Page 2**  
By Anthony A. Ciani



**CRESPI POND LAGOON, ADJACENT WETLANDS AND MARSHLANDS (March 6, 2016)**



**Waterway Flows across Site for Tents, to Stand of Trees to CRESPI POND WETLAND (5/1/2018)**



**Geese & Gosling  
Area of Tent #2 (MAY 1, 2018)**



**Crespi Pond (APRIL 26, 2018)**



Sandra Kandell <skandell@cityofpacificgrove.org>

## May 2, 2018 Agenda Item No. 12C, Draft IS/MND Multi Year Car Auction Agreement & Golf Course Improvements

1 message

**Cosmo Bua** <philemata@gmail.com> Wed, May 2, 2018 at 11:40 AM  
To: Rudy Fischer <rudyfischer@earthlink.net>, Cynthia Garfield <cgarfield@cityofpacificgrove.org>, Bill Kampe <bkampe@cityofpacificgrove.org>, Bill Peake <bpeake@cityofpacificgrove.org>, Ken Cuneo <kencun17@icloud.com>, Robert Huitt <huitt@comcast.net>, Nick Smith <nsmith@cityofpacificgrove.org>, Ben Harvey <citymanager@cityofpacificgrove.org>, City Clerk <cityclerk@cityofpacificgrove.org>, Daniel Gho <dgho@cityofpacificgrove.org>, wlao@cityofpacificgrove.org, Mark Brodeur <mbrodeur@cityofpacificgrove.org>, dave@laredolaw.net

Pacific Grove City Council  
City Manager, City Clerk, City Attorney, Public Works Director, and Planners:

Re: The Arrogance Auction: Why the Fragile Crespi Pond Area?  
Why Not the High School? Behind the Lighthouse 4? I'm sure you can think of additional more appropriate places for this busy, noisy, polluting commercial venture.

Please Continue this Hearing on a Five-Year Agreement with Worldwide Car Auctioneers

Dear City Council Members, and City Employees:

I'm very concerned that the City is rushing into this agreement without sufficient consideration of it's probable threat to the Crespi Pond area. I've received the same information you have, from Lisa Ciani and others, about the very real dangers our fragile pond area is facing due to forcing auto auctions into it's neighborhood. As you consider this information you can be certain that your primary obligation is to protect the pond and other nearby areas. Nothing should be allowed for the purpose of holding or facilitating the auction which has any possibility of hazard to the environment that includes Crespi Pond. Does the Worldwide company really appreciate the area they'll be operating in? It is healthy and beautiful in part because activity of this type doesn't happen there.

I understand that there were some damages caused by Worldwide Auctioneers last year. What damage was done? What has been done to rectify these damages? by Worldwide Auctioneers? by the City of Pacific Grove? Are there remaining effects?

Residents who live nearby have told me that the light and noise were incredible last year. Needless to say, the birds and other wildlife would have been affected? I'm doubtful your described mitigation will change this. How will the protections concerning Light and Noise be different than last year? Will both be significantly toned down? How will the enforcement be different?

I am not interested in whether or not damage will be considered "significant" (and "with mitigation" no less) by the developers or planners. I can assure you that Pacific Grove residents insist that there be no damage what-so-ever. Insignificant effects will be significant in this particular environment. Year upon year, upon year their significance will accumulate.

Among the points which have been conveyed to you are the following:

1. The public needs to have confidence that the City is using a qualified wetland biologist to evaluate the possible hazards that any part of this entire wetland system could be subjected to by any and all actions which could come about as a result of this contract. We must have certified measurements of the distance from the wetland boundaries to any proposed construction activity. An official boundaries map and requirements with respect to them would be very helpful
2. Any agreement the City makes to accommodate this auction must include enforceable protective measures for the Crespi Pond wetland, and any other Environmentally Sensitive Habitat Area or wildlife habitat, including the dune restoration lands, near the project area.

3. Enforcement must be an elucidated process, for example:

- Who (which city employee position) will be responsible, and held accountable, for ensuring that all agreed upon protections are in place, and the rules complied with, before anything potentially harmful can occur?
- Which particular actions to be taken by the Worldwide company will require this city employee to be present and to supervise for protection enforcement?
- What will the agreed upon process be for requiring immediate work stoppage for enforcement purposes?
- What will the agreed upon process be for this city employee to prevent or stop previously unanticipated hazards?

4. This is a very active habitat. This contract must guarantee that awareness of the then present needs of wildlife will supersede any scheduled actions by the Worldwide company. For example, before any construction in the area can take place there must be surveys for active bird nests and other possible wildlife presence.

5. The Draft IS/MND, Multi Year Car Auction Agreement & Golf Course Improvements states "The project site is within in the Coastal Zone and is designated an **Archaeologically Sensitive Area with a Low Land Habitat Sensitivity** (Lawn) in the Local Coastal Program." What is it possible for this project to leave in its wake which would likely assist in some re-habitation of the project locations and their immediate surroundings?

6. Exactly what "insignificant" damage is going to be done to the habit and wildlife activity in and around hole 16? in and around the new and old pathways and for site leveling? and due to transport of equipment and auction vehicles? due to auction operations? Why are these acceptable? Why are these necessary?

7. No time or other pressures on Worldwide auction's planning, scheduling, or the occurrence of the auction itself are to TRUMP any possible environmental damage which they may be produce.

8. Have the starting and vehicle pick-up points and the routes for valet parking been created to be the least impactful on Crespi Pond and it's wildlife?

Please continue this auction item to allow more of the PG public to become aware of what is happening and the potential "insignificant" consequences.

**Please move this auction to a less sensitive habitat. Why is Worldwide Auctioneers *entitled* to hold it at this location?**

Thank you for your consideration,

Cosmo Bua



Sandra Kandell <skandell@cityofpacificgrove.org>

---

## May 2, 2018 Agenda Item No. 12C, Draft IS/MND, Multi-Year Car Auction Agreement & Golf Course Improvements

1 message

---

**Gail Griffin** <griffing3@gmail.com>

Wed, May 2, 2018 at 2:25 PM

To: rudyfischer@earthlink.net, cgarfield@cityofpacificgrove.org, bkampe@cityofpacificgrove.org, bpeake@cityofpacificgrove.org, kencun17@icloud.com, huitt@comcast.net, nsmith@cityofpacificgrove.org, citymanager@cityofpacificgrove.org, cityclerk@cityofpacificgrove.org, dave@laredolaw.net, dgho@cityofpacificgrove.org, mbrodeur@cityofpacificgrove.org, wlao@cityofpacificgrove.org

City Council Members, City Manager, City Clerk, City Attorney:

We live in a special area of beauty and biodiversity. I'm sure we all appreciate this at some level and it influenced our decision to live here. But special areas such as ours also need special protection to maintain a healthy ecosystem.

I applaud the city's measures along these lines such as with the recent drone ordinance and the ongoing protection of seal pups through temporary fencing.

However I am concerned that the Draft IS/MND, Multi-Year Car Auction Agreement has not been given adequate consideration. In order to ensure it has adequate and careful consideration with public comment, I request that the hearing be postponed or continued. We, as stewards of the environment, need to ensure that there are adequate protections for Pacific Grove's very special ecosystems - one of which is the Crespi Pond area.

Gail Griffin, Pacific Grove resident



Sandra Kandell &lt;skandell@cityofpacificgrove.org&gt;

---

## Agenda item 12c

1 message

---

**JaneHaines80@gmail.com** <janehaines80@gmail.com> Wed, May 2, 2018 at 4:34 PM  
To: "rudyfischer@earthlink.net" <rudyfischer@earthlink.net>, Garfield Cynthia <cgarfield@cityofpacificgrove.org>, Bill Kampe <bkampe@cityofpacificgrove.org>, Bill Peake <bpeake@cityofpacificgrove.org>, Ken Cuneo <kencun17@icloud.com>, "huitt@comcast.net huitt@comcast.net" <huitt@comcast.net>, Smith Nick <nsmith@cityofpacificgrove.org>, Ben Harvey <citymanager@cityofpacificgrove.org>, Pacific Grove City Clerk of <cityclerk@cityofpacificgrove.org>, "Laredo P.G. City Attorney" <dave@laredolaw.net>  
Cc: Daniel Gho <dgho@cityofpacificgrove.org>, Mark Brodeur <mbrodeur@cityofpacificgrove.org>

Dear Council members,

"We are where we are" applies to tonight's auto auction situation (agenda item 12c). However, where we are is not where we should be.

This afternoon I saw for the first time the November 28, 2017 letter from Worldwide Auctioneers (copy attached). Curious, I did a business search on the Secretary of State website. It says Worldwide Auctioneers registration to do business in California was revoked by the Franchise Tax Board for failure to pay taxes. Unsure that entity is related to Worldwide Auctioneers California, LLC, I rechecked the latter. Apparently it's never been registered. Thus, approving the proposed contract tonight means the City would be contracting with an LLC that is doing business in violation of California laws.

Try it for yourselves. Click on [New Search](#). Under "corporation name," type in Worldwide Auctioneers Inc. Click on "Corporation Name," then click "Search." You will learn what the City should have learned in 2017. Now, do the same search for Worldwide Auctioneers California, LLC, the same entity before you tonight. Check LLC instead of corporation. You'll see it's apparently never been registered. (This means it's doing business in California in violation of California laws, including the requirement to deposit a \$20,000 surety bond which the Secretary of State requires for California auctioneers, to be used to reimburse customers in the event of fraud.)

For comparison, enter the name of D.H.R. Construction, Inc., the entity named on page 1 of tonight's agenda report (copy attached). You will find D.H.R. is properly registered.

Such a simple search should have led to questions back in 2017 when the City received the letter, particularly after the City's failure to perform a similar search led to the earlier fiasco known as Project Bella,

I still would like to see the car auction approved, but only if (1) Worldwide Auctioneers California LLC gets lawfully registered with the California Secretary of State and (2) the mitigation measures become enforceable through legally binding contracts. However, more than either of those, I would like to see the City begin a new era of timely attention to details. The City Council should not be in the situation you are in tonight.

Sincerely,  
Jane Haines

---

 **PG entities.pdf**  
211K

**WORLDWIDE  
AUCTIONEERS.**



**WWGauctions.com**

Post Office Box 6025  
Auburn, Indiana 46706  
Tel: 800.990.6789  
Fax: 260.572.2272

November 28, 2017

Ben Harvey, City Manager  
City Hall  
300 Forest Ave. 2<sup>nd</sup> Floor  
Pacific Grove, California  
93950

RE: Multi-year auction agreement

Mr. Harvey,

We would like to initiate discussions with the City of Pacific Grove for a proposed multi-year agreement for a car auction special event on the Pacific Grove Golf Links. We would like the first car auction of the proposed multi-year agreement to take place during Car Week in August of 2018. We further understand that the proposal would need to be vetted through and approved by appropriate advisory and regulatory bodies, including the Pacific Grove Golf Links Advisory Committee, the Pacific Grove City Council and the California Coastal Commission. In addition to this, a separate multi-year agreement for the event will also need to be negotiated with CourseCo, the Pacific Grove Golf Links operator.

Please let me know the appropriate next steps.

Your Partner in the Marketplace,

John M. Kruse  
**Worldwide Auctioneers**  
210-240-2229 mobile



JMK/tww



This Concession Agreement (“Agreement”) is made by and between the **City of Pacific Grove**, a political subdivision of the State of California (hereinafter “City”) and **Worldwide Auctioneers California, LLC**, (hereinafter “CONCESSIONAIRE”).



In consideration of the mutual covenants and conditions set forth in this Agreement and its Exhibits, the parties agree as follows:

1. **CONCESSION TO BE GRANTED.** The City hereby grants CONCESSIONAIRE the right to conduct and CONCESSIONAIRE hereby agrees to conduct, events described in **Exhibit A** in conformity with the terms of this Agreement. The events are generally described as follows: **Collector Car Auction. The event shall include all associated set up and tear down efforts at the site.**
2. **PAYMENTS BY CONCESSIONAIRE.** CONCESSIONAIRE shall pay and provide compensation to or on behalf of the City in accord with payment provisions in **Exhibit B.**
3. **TERM OF AGREEMENT.** This Agreement is from March 1, 2018 to December 31, 2022, unless sooner terminated pursuant to the terms of this Agreement. This Agreement shall have no force or effect until signed by both CONCESSIONAIRE and City, with City signing last.
4. **ADDITIONAL PROVISIONS/EXHIBITS.** The following attached exhibits are incorporated herein by reference and constitute an integral part of this Agreement as if set forth in full:

**Exhibit A Concession Granted and Payment Provisions**

**Exhibit B Fees Per the City’s Master Fee Schedule**

5. **PERFORMANCE STANDARDS.**

5.01. CONCESSIONAIRE warrants that CONCESSIONAIRE and CONCESSIONAIRE’s agents, employees, subcontractors, volunteers, and assisting organizations performing services under or in relation to this Agreement are specially trained, experienced, competent, and appropriately licensed to perform the work and conduct the events required under this Agreement and are not employees of the City. Day-to-day supervision and control of all CONCESSIONAIRE’s employees, agents, subcontractors, volunteers and assisting organizations is the sole responsibility of CONCESSIONAIRE. The CITY shall nonetheless have the right of “just cause” rejection of any CONCESSIONAIRE employees, agents, subcontractors, volunteers or assisting organizations; if this right is exercised, CONCESSIONAIRE shall provide suitable replacements

5.02. CONCESSIONAIRE, its agents, vendors, employees, subcontractors, volunteers, and assisting organizations shall conduct all events in a safe, skillful and workmanlike manner and in compliance with all applicable laws and regulations. All work performed under this Agreement that is required by law to be performed or supervised by licensed personnel shall be performed in accordance with such licensing requirements.

5.03. The requirements of California Health and Safety Code - 114259.5 shall apply. Live animals may not be allowed in any food facility. Animals must be kept at least 20 feet (6 meters) away from any mobile food facility, temporary food facility, or farmers' market.



**CITY OF PACIFIC GROVE**  
300 Forest Avenue, Pacific Grove, California 93950

**AGENDA REPORT**

**TO:** Honorable Mayor and Members of City Council

**FROM:** Ben Harvey, City Manager

**MEETING DATE:** May 2, 2018

**SUBJECT:** Draft Initial Study/Mitigated Negative Declaration, Multi-Year Car Auction Agreement and Golf Course Improvements

**CEQA:** Initial Study/Mitigated Negative Declaration

**RECOMMENDATIONS**

1. Adopt an Initial Study/Mitigated Negative Declaration for improvements and a walking trail at Pacific Grove Golf Links, approve findings and authorize the Notice of Determination. Findings include:
  - 1) The event complies with all City zoning specifications under the Municipal Code and General Plan;
  - 2) The event is a “pertinent and compatible” use with the golf course;
  - 3) No detriment or injury results to health, safety, peace, morals, comfort or general welfare of persons residing or working near the golf course, or to property and improvements on or near the golf course, and;
  - 4) The event is compatible with Open Space-Recreational use.
2. Authorize the City Manager to enter into a five-year agreement with Worldwide Auctioneers for annual car auctions at Pacific Grove Golf Links.
3. Authorize the City Manager to enter into an agreement with D.H.R. Construction Inc., for the grading, filling, walking and cart path realignment of the 18<sup>th</sup> Hole of Pacific Grove Golf Links in an amount not to exceed \$129,000 plus a 10% contingency.

**BACKGROUND**

In 2017, the City Council authorized the City Manager to enter into an agreement with Worldwide Auctioneers for a car auction special event at the Pacific Grove Golf Links, which successfully took place during the August Car Week on the 18<sup>th</sup> Hole. Well-attended and enjoyed by residents and visitors alike, the event was successful for an initial-year offering, especially considering that it was planned and implemented in a compressed time period.

Based upon the success of the 2017 car auction, Worldwide Auctioneers approached the City about the possibility of entering into a multi-year car auction agreement. Upon concept approval from the City Council at the December 6, 2017 meeting, the proposal was then taken to the Golf Links Advisory Committee (GLAC). At their January 10, 2018 meeting, the GLAC voted in support of the proposal.

May 2, 2018

To: Mayor Kampe and City Council Members, Dan Gho, Mark Brodeur  
From: Lisa Ciani  
Re: Car Auction IS/MND Public Comment, and Agenda Item 12C

I am providing some clarifications to my recommendations for protective measures for the Crespi Pond wetland area, following review and response from other community members (section numbers indicate where the related item is found in my earlier comment dated May 1:

Section 8: Lighting - Biologist should be present starting well ahead of the event, to monitor wetland area, because lighting for a whole evening together with amplified auctioneer commentary and music, may present an unusually high potential for wildlife disturbance. It will be important to document if birds are flushed from the wetland or trees.

Section 11: Biological monitoring-- the biologist, in cooperation with local wildlife monitors, should recommend the appropriate amount and timing of surveying and monitoring.

Section 16: Traffic Control and Emergency Access Plan – Perhaps posting the plan in a conspicuous and accessible location throughout the event, and reviewing it with all staff on the day(s) of the event, would help ensure that everyone understands and will follow the plan. Event personnel would benefit from this review.

Section 19: Enforcement - If Council lets the police department know that they want backup provided to the biological monitor at least on the day of the event, I expect that the police can come if requested by the monitor or other citizens, make a report, give a warning or citation as appropriate, and inform appropriate wildlife authorities if there's a significant disturbance. (This is the procedure with wildlife disturbance issues reported by our local wildlife monitors.) It needs to be clear that wildlife disturbance will be taken seriously. It is hoped that this type of additional enforcement would not be necessary, but it needs to be clear that there will be consequences, particularly in light of last year's experience.

Thank you for considering my comments.  
Lisa Ciani



Sandra Kandell <skandell@cityofpacificgrove.org>

## Re: IS/MND for Auto Auctions at the Golf Course/Crespi Pond – Public Comment, and also May 2, 2018 Agenda item 12C, IS/MND and Car Auction Agreement and Golf Course Improvements

1 message

Wendy Lao <wlao@cityofpacificgrove.org>  
To: Sandra Kandell <skandell@cityofpacificgrove.org>

Wed, May 2, 2018 at 1:19 PM

I think this one should be shared with Council. It's an official CEQA comment. Thank you.

### Wendy Lao, Associate Planner

City of Pacific Grove, CEDD Planning Division

Ph: (831) 648.3185 | F: (831) 648.3184 | E: [wlao@cityofpacificgrove.org](mailto:wlao@cityofpacificgrove.org)

Have you seen our new Planning Website? Check out [cityofpacificgrove.org/planning](http://cityofpacificgrove.org/planning) !

On Wed, May 2, 2018 at 1:17 PM, Sandra Kandell <[skandell@cityofpacificgrove.org](mailto:skandell@cityofpacificgrove.org)> wrote:

It isn't necessary I save these for Council to see, correct? Since we haven't been consistently doing so?

Sincerely,

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

*"Please note that the email format using @ci.pg.ca.us has been retired. Please use @cityofpacificgrove.org instead. If you use @ci.pg.ca.us, your email will will bounce. Please check your email contacts with the City of Pacific Grove and change the ci.pg.ca.us to cityofpacificgrove.org. If you have the same contact with both addresses, please delete the ci.pg.ca.us entry. Thank you."*

*Please note Public Records Requests are deemed received on regular business days.*

*Please also note that email correspondence with the City of Pacific Grove, along with attachments if any, may be subject to the California Public Records Act, and therefore may be subject to disclosure unless otherwise exempt under the Act.*

On Wed, May 2, 2018 at 8:21 AM, Wendy Lao <[wlao@cityofpacificgrove.org](mailto:wlao@cityofpacificgrove.org)> wrote:

Received, thank you for your comment.

### Wendy Lao, Associate Planner

City of Pacific Grove, CEDD Planning Division

Ph: (831) 648.3185 | F: (831) 648.3184 | E: [wlao@cityofpacificgrove.org](mailto:wlao@cityofpacificgrove.org)

Have you seen our new Planning Website? Check out [cityofpacificgrove.org/planning](http://cityofpacificgrove.org/planning) !

On Wed, May 2, 2018 at 12:35 AM, Lisa Ciani <[lisa.ciani@gmail.com](mailto:lisa.ciani@gmail.com)> wrote:

Dear Mayor Kampe, City Council Members, Dan Gho, and Mark Brodeur,

Please see my attached comments on the IS/MND for Auto Auctions at Pacific Grove Municipal Golf Course, and Agenda Item 12C, Draft IS/MND, Multi-Year Car Auction Agreement and Golf Course Improvements.

Thank you,  
Lisa Ciani





Sandra Kandell &lt;skandell@cityofpacificgrove.org&gt;

---

## Crespi Pond Habitat & Car Auction Project

1 message

---

'rdparso@aol.com' via City Clerk <cityclerk@cityofpacificgrove.org>

Wed, May 2, 2018 at 2:50 PM

Reply-To: "rdparso@aol.com" &lt;rdparso@aol.com&gt;

To: Rudy Fischer <rudyfischer@earthlink.net>, Cynthia Garfield <cgarfield@cityofpacificgrove.org>, Bill Kampe <bkampe@cityofpacificgrove.org>, Bill Peake <bpeake@cityofpacificgrove.org>, Ken Cuneo <kencun17@icloud.com>, Robert Huitt <huitt@comcast.net>, Nick Smith <nsmith@cityofpacificgrove.org>, Ben Harvey <citymanager@cityofpacificgrove.org>, City Clerk <cityclerk@cityofpacificgrove.org>, Dave Laredo <dave@laredolaw.net>  
Cc: dgho@cityofpacificgrove.org, mbrodeur@cityofpacificgrove.org, wlao@cityofpacificgrove.org

Dear Pacific Grove Mayor and City Council Members:

As an avid birder and photographer fortunate enough to live in Pacific Grove, I greatly value Crespi Pond and it's surrounding habitat. Over the years it has been the home of over 300 different species, including rare birds and endangered species during migration.

Many wild birds seem to have thrived despite the use of Crespi Pond as part of the Pacific Grove Golf Links. Nevertheless, it is crucial that we continue to be vigilant and mindful of how this vital habitat is used or influenced by potential projects.

One project of concern is the Car Auction event planned for this August.

Please consider carefully this and any other events in the area, and take measures to protect the much-loved wildlife habitat of Crespi Pond and it's surrounds. Please also keep any such plans open to citizen comments during planning stages and decision making events at City Hall.

Thank you,

Respectfully,

Rick Parsons  
609 Lobos Avenue  
Pacific Grove, CA 93950  
[rdparso@aol.com](mailto:rdparso@aol.com)  
(831) 920-7764



Sandra Kandell &lt;skandell@cityofpacificgrove.org&gt;

---

## Auto auctions and birdwatching

1 message

---

**John Pearse** <pearsester@gmail.com>

Wed, May 2, 2018 at 1:01 PM

To: Rudy Fischer <rudyfischer@earthlink.net>, Cynthia Garfield <cgarfield@cityofpacificgrove.org>, Bill Kampe <bkampe@cityofpacificgrove.org>, Bill Peake <bpeake@cityofpacificgrove.org>, Ken Cuneo <kencun17@icloud.com>, Robert Huit <huit@comcast.net>, Nick Smith <nsmith@cityofpacificgrove.org>, Ben Harvey <citymanager@cityofpacificgrove.org>, City Clerk <cityclerk@cityofpacificgrove.org>, Dave Laredo <dave@laredolaw.net>, Danial Gho <dgho@cityofpacificgrove.org>, Mark Brodeur <mbrodeur@cityofpacificgrove.org>, Wendy Lao <wlao@cityofpacificgrove.org>

Dear Mayor Kampe, members of the Pacific Grove City Council, and concerned City staff,

I urge you to give careful consideration to Ms Lisa Ciani's extraordinarily thorough public comment of May 1, 2018 about auto auctions at the Gulf Course/Crespi Pond. The Lighthouse Reservation is one of the City's most valuable acquisitions. The Lighthouse (with help from dedicated volunteers) and the extended golf course have made excellent use of it, especially now with recycled water being used for watering the golf course.

However, the wildlife habitat the Lighthouse Reservation provides is another treasure in the area that remains to be developed. You know how much I value the rich and diverse seashore that attracts so many visitors during low tides. But even more attractive to visitors are the birds there, both migratory and residents. Many depend on the wetlands around Crespi Pond, as documented by Ms Ciani's public comment and the letter from Rita Carratell appended to it.

I want to remind you how popular bird watching is throughout the world. Monterey Bay is already known as a major birding hotspot (see: <https://www.visitasilomar.com/things-to-do/sample-itineraries/3-day-bird-watchers-itinerary/>). The most important location in the area is Elkhorn Slough. However, with so many birds passing by Point Pinos, with many sheltering in and around Crespi Pond, that area could be a major draw as well.

Bird watching is one of the most popular recreational activities in the country-- way more so than golfing or even baseball! (see: <https://www.livescience.com/45514-bird-numbers-plummet-but-birdwatching-popular.html>). Pacific Grove is in an excellent position to benefit from this interest. But only if we protect and build on what we have.

Respectively,

John Pearse  
[183 Ocean View Blvd.](#)  
[Pacific Grove, CA](#)

5/2/2018

City of Pacific Grove Mail - Auto auctions and birdwatching

e-mail: [pearsester@gmail.com](mailto:pearsester@gmail.com)

[183 Ocean View Blvd, Pacific Grove, CA 93950](#)



Sandra Kandell <skandell@cityofpacificgrove.org>

## May 2, 2018 Agenda Item No. 12C, Draft IS/MND, Multi-Year Car Auction Agreement & Golf Course Improvements

1 message

**Stephanie Turcotte** <meer367@gmail.com>

Wed, May 2, 2018 at 3:29 PM

To: Rudy Fischer <rudyfischer@earthlink.net>, Cynthia Garfield <cgarfield@cityofpacificgrove.org>, Bill Kampe <bkampe@cityofpacificgrove.org>, Bill Peake <bpeake@cityofpacificgrove.org>, Ken Cuneo <kencun17@icloud.com>, Robert Huitt <huitt@comcast.net>, Nick Smith <nsmith@cityofpacificgrove.org>, Ben Harvey <citymanager@cityofpacificgrove.org>, City Clerk <cityclerk@cityofpacificgrove.org>, Dave Laredo <dave@laredolaw.net>, dgho@cityofpacificgrove.org, mbrodeur@cityofpacificgrove.org, wlao@cityofpacificgrove.org

To Whom it May Concern:

I am writing on behalf of the members of the community who will be voicing concerns at the City Council meeting this evening regarding the impact the car auction has on Crespi Pond and the need for enforced protection of this special environmental habitat during such events. Crespi Pond wetland and the stand of approximately 80 Monterey cypress trees at the project site need careful, well documented, enforceable protections with mapping, surveying, and monitoring by a qualified biologist.

I do not oppose the car auction as a whole. I attended last year's and thought it was a wonderful event for Pacific Grove to host during car week on the peninsula. I understand that it brings needed revenue to the city. However, I do not agree that we need to sacrifice the natural environment and all that it offers for money. Please think about the overall impact. Listen to the voices that speak on behalf of the inhabitants in that environment.

I am requesting that the City Council give public comments full and careful consideration and therefore postpone or continue the hearing until that is achieved.

Thank you for your time and consideration.

Sincerely,  
Stephanie Turcotte Edenholm

--  
Stephanie Turcotte  
**Taproot** "where experience roots knowledge"  
(805) 990-3920  
[meer367@gmail.com](mailto:meer367@gmail.com)



Sandra Kandell <skandell@cityofpacificgrove.org>

---

## May 2, 2018 Agenda Item No. 12C, Draft IS/MND, Multi-Year Car Auction Agreement & Golf Course Improvements

1 message

---

**Cathy Wooten** <cathywooten@earthlink.net>

Wed, May 2, 2018 at 3:00 PM

To: Rudy Fischer <rudyfischer@earthlink.net>, Cynthia Garfield <cgarfield@cityofpacificgrove.org>, Bill Kampe <bkampe@cityofpacificgrove.org>, Bill Peake <bpeake@cityofpacificgrove.org>, Ken Cuneo <kencun17@icloud.com>, Robert Huitt <huitt@comcast.net>, Nick Smith <nsmith@cityofpacificgrove.org>, Ben Harvey <citymanager@cityofpacificgrove.org>, City Clerk <cityclerk@cityofpacificgrove.org>, Dave Laredo <dave@laredolaw.net>, dgho@cityofpacificgrove.org, mbrodeur@cityofpacificgrove.org, wlao@cityofpacificgrove.org

Regarding the Car Auction and construction of a cart path near Crespi Pond:

I am writing to express my concerns regarding the protection of Crespi Pond and the wetlands nearby as well as the habitats for nesting birds and other wildlife in the rocky intertidal area across from the pond. I would like to be assured that IS/MND public comments get full and careful consideration by postponing or continuing the hearing. Pacific Grove has a very unique and sensitive coastline and we need to be sure that all necessary precautions are taken to prevent degradation. This would include consultation with a qualified wetland biologist prior to any activity.

Regards,

Cathy Wooten