



2101 North Fremont Street Hotel Project

Final Environmental Impact Report State Clearinghouse (SCH) Number 2022060567

prepared by

City of Monterey

Community Development Department

570 Pacific Street

Monterey, California 93940

Contact: Chris Schmidt, Senior Associate Planner

prepared with the assistance of

Rincon Consultants, Inc.

2511 Garden Road, Suite C-250

Monterey, California 93940

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RINCON CONSULTANTS, INC.

Environmental Scientists | Planners | Engineers

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Acronyms

3CE	Central Coast Community Energy
AB	Assembly Bill
ADT	average daily trips
AFY	acre-feet per year
ALUC	Airport Land Use Commission
AMBAG	Association of Monterey Bay Area Governments
AQMP	Air Quality Management Plan
BAAQMD	Bay Area Air Quality Management District
CBIA	California Building Industry Association
BCE	before common era
BMP	best management practice
CalEEMod	California Emissions Estimator Model
CalEPA	California Environmental Protection Agency
CAL FIRE	California Department of Forestry and Fire Protection
CALGreen	California Green Building Standards
Caltrans	California Department of Transportation
Cal/OSHA	California Occupational Safety and Health Administration
CAO	Cleanup and Abatement
CAP	Climate Action Plan
CARB	California Air Resources Board
CBC	California Building Code
CCR	California Code of Regulations
CDFW	California Department of Fish and Wildlife
CDO	Cease and Desist Orders
CE	common era
CEQA	California Environmental Quality Act
CERCLA	Comprehensive Environmental Response, Compensation and Liability Act
CFR	Code of Federal Regulations
CH ₄	methane
CHRIS	California Historical Resources Information System
CLUP	Comprehensive Land Use Plan

CNDDDB	California Natural Diversity Database
CNEL	Community Noise Equivalent Level
CNPS	California Native Plant Society
CO	carbon monoxide
CO ₂	carbon dioxide
CO ₂ e	carbon dioxide equivalents
CRHR	California Register of Historical Resources
DOC	California Department of Conservation
DOF	California Department of Finance
dB	decibels
dBA	A-weighted decibels
DPM	diesel particulate matter
DTSC	California Department of Toxic Substances Control
DWR	California Department of Water Resources
EIR	Environmental Impact Report
EO	Executive Order
FAA	Federal Aviation Administration
FEMA	Federal Emergency Management Agency
FHSZ	Fire Hazard Severity Zone
FHWA	Federal Highway Administration
FTA	Federal Transit Administration
GHG	greenhouse gas
GSP	Groundwater Sustainability Plan
HVAC	heating, ventilation, and air conditioning
Hz	Hertz
in/sec	inches per second
ITZ	Inner Turning Zone
MBARD	Monterey Bay Air Resources District
MLD	most likely descendant
MPUSD	Monterey Peninsula Unified School District
MPWMD	Monterey Peninsula Water Management District
MT	metric ton
NAHC	Native American Heritage Commission

NIMS	National Incident Management System
NOx	oxides of nitrogen
NPDES	National Pollutant Discharge Elimination System
NRHP	National Register of Historic Places
NWIC	Northwest Information Center
OSHA	Occupational Safety and Health Act
PCB	polychlorinated biphenyls
PM2.5	Particulate matter with a diameter of 2.5 microns or fewer
PM10	Particulate matter with a diameter of 10 microns or fewer
PPV	peak particle velocity
PRC	Public Resources Code
PTAC	Packaged Terminal Air Conditioner
PWM	Pure Water Monterey
RCNM	Roadway Construction Noise Model
RCRA	Resource Conservation and Recovery Act
RWQCB	Regional Water Quality Control Board
SB	Senate Bill
SLF	Sacred Lands File
SOx	oxides of sulfur
SR	State Route
SVP	Society of Vertebrate Paleontology
SWRCB	State Water Resources Control Board
TAC	toxic air contaminant
TAMC	Transportation Agency for Monterey County
USEPA	United States Environmental Protection Agency
USFWS	United States Fish and Wildlife Service
USGS	United States Geological Survey
UWMP	Urban Water Management Plan
VAF	Visitor Accommodation Facility
VMT	vehicle miles traveled
VOC	volatile organic compounds

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Executive Summary

This document is an Environmental Impact Report (EIR) analyzing the environmental effects of the proposed 2101 North Fremont Street Hotel Project (proposed project, State Clearinghouse No. 2022060567). It is composed of a revised version of the Draft EIR (with ~~striketrough~~ and underline showing changes from the original text), technical appendices, comments received during the public review period, and responses to those comments. This section summarizes the details of the EIR public review process and the characteristics of the proposed project, alternatives to the proposed project, and the environmental impacts and mitigation measures associated with the proposed project.

Public Review Process

A Notice of Preparation (NOP) of a Draft EIR was circulated to potentially interested parties from June 24, 2022 to July 25, 2022. The City received six responses to the NOP. The NOP and comment letters are included in Appendix A. As detailed in Table 1-1 of this EIR, the responses to the NOP comment letters are addressed, as appropriate, in the analysis contained in the various subsections of the EIR.

The Draft EIR was circulated for a 45-day public review period that began on July 7, 2023 and ended on August 21, 2023. Two comment letters were received on the Draft EIR. Responses to the public comments are detailed in Section 7.0 of this EIR. New text added to the Draft EIR is shown in underline format; deletions are shown in ~~striketrough~~ format. Section 15088.5 of the CEQA Guidelines requires that a lead agency recirculate a Draft EIR when significant new information is added to the EIR prior to certification. The revisions in the Final EIR do not constitute “significant new information” because they do not result in a new avoidable significant effect, do not substantially increase the severity of any environmental impacts, do not identify a feasible project alternative considerably different from others previously analyzed, and do not involve new mitigation measures or substantial revisions to mitigation measures that were proposed in the Draft EIR. Because the revisions clarify or strengthen the analysis of impacts in the EIR and do not constitute significant new information, recirculation of the Draft EIR is not required pursuant to CEQA Guidelines Section 15088.5.

Project Synopsis

Project Applicant

Lakshmi Hotel Partners
2113 North Fremont Street
Monterey, California 93490

Lead Agency Contact Person

Chris Schmidt, Senior Associate Planner
City of Monterey
Community Development Department
570 Pacific Street
Monterey, California 93940
schmidt@monterey.org
(831) 646-3910

Project Description

This EIR has been prepared to examine the potential environmental effects of the 2101 North Fremont Street Hotel Project. The following is a summary of the project; a full project description can be found in Section 2.0, *Project Description*.

The project site is a 0.58-acre lot located at 2101 North Fremont Street in the City of Monterey (City), California, on the northeast corner of North Fremont Street and Casa Verde Way. The project site has a General Plan land use designation of Commercial, which allows retail, visitor commercial, and professional office uses. The project site is zoned as Visitor Accommodation Facility (VAF), as defined by the City's Zoning Map. Uses permitted in the VAF zoning district include commercial uses, VAFs and limited-occupancy VAFs, and accessory uses. The project site is currently developed with an existing one-story, 18-guest room motel, a 134-seat restaurant, and a surface parking lot. The existing motel and restaurant are not currently open for business.

Project Characteristics

The project would involve demolition of the existing uses on site, including the one-story, 18-guest room motel, a 134-seat restaurant, and a surface parking lot. The project would involve construction of a new four-story, 42-guest room branded hotel and a surface parking lot with 42 parking spaces.

Table ES-1 summarizes the project characteristics.

Table ES-1 Project Characteristics

Address	2101 North Fremont Street
APN	013-112-045-000
Proposed Use	Hotel
Number of Guest Rooms	42
Number of Parking Spaces	42
Height/Stories	45 feet (35 feet above grade)
	3 stories above grade
	1 story partially below grade for basement
Lot Area	25,258 sf; 0.58 acre
Building Footprint	7,076 sf
Total Floor Area	25,000 sf
Basement	2,600 sf
Ground Floor	6,800 sf
2 nd Floor	7,800 sf
3 rd Floor	7,800 sf
sf = square feet	

The proposed project would be a maximum of 45 feet in height (35 feet above grade) and four stories, including a partial basement and three above grade stories, and would have a total floor area of 25,000 square feet. From the on-site parking lot located in the northern portion of the project site, which is below grade compared to North Fremont Street, the hotel would appear to be four stories and 45 feet in height. Due to the 10 percent slope on the project site, the proposed hotel would appear to be three stories and 35 feet in height from North Fremont Avenue.

The proposed hotel would include two main entrance lobbies: one on the south side of the hotel off adjacent to North Fremont Street, accessible from the public sidewalk, and the other on the north side of the hotel adjacent to the on-site parking lot, off Casa Verde Way, accessible from walkways leading from the parking lot and Casa Verde Way. Two elevators would be provided at the center of the building; two sets of stairs would be provided at the northwestern and southeastern corners of the building, respectively. The basement would include the lower lobby, bicycle storage room, laundry room, storage, trash, and electrical and utilities rooms. The first story would include the upper lobby and check-in area, housekeeping area, offices, employee breakrooms, restrooms, and various amenities for guests including a lounge area, pantry, and fitness center. The second and third stories would include guest rooms and housekeeping areas. Guest rooms would be comprised of 24 double queen rooms and 18 king rooms. Rooftop mechanical equipment would be installed in two areas and would not exceed five feet in height.

Table ES-2 compares existing conditions to the proposed project with respect to building footprint and height.

Table ES-2 Summary of Proposed Changes

	Existing Conditions	Proposed Project	Change
Lot Coverage	8,366 sf (33 percent)	7,069 sf (28 percent)	-1,297 sf
Height	20 feet (12 feet above grade)	45 feet (35 feet above grade)	+23 feet above grade
Guest Rooms	18 rooms	42 rooms	+24 rooms
Restaurant Seats	134 seats	0 seats	-134 seats
Parking	32 spaces	42 spaces	+10 spaces
Impervious Surface Area	23,241 sf (92 percent)	22,606 sf (89.5 percent)	-635 sf
Landscape Area	2,017 sf (8 percent)	2,652 sf (10.5 percent)	+635 sf

sf = square feet

Parking and Site Access

Pursuant to Section 38-115, Off-Street Parking and Loading Spaces Required, of the City's Zoning Code, the proposed project would require 42 parking spaces (1 parking space per guest room). The proposed project would include 42 parking spaces, including 2 Americans with Disabilities (ADA) compliant spaces, which is consistent with the City's parking regulations established by the Zoning Code. In addition, one loading space is proposed. The lower lobby on the north side of the hotel adjacent to the on-site parking lot off Casa Verde Way would be ADA accessible. A covered loading space and ramp, which would be utilized for deliveries, is proposed on the eastern side of the building. As allowed by Section 38-117, upon approval of a use permit, the project would involve a reduction in the required number of loading zone spaces from two standard-size (12-foot by 25-foot by 14-foot) loading zone spaces to one substandard-sized (9-foot, 4-inches by 23-foot by 8-foot, 6-inches) loading zone space. The loading zone space included as part of the project is intended for

infrequent, short-term deliveries to the project site, and does not constitute a long-term or overnight parking space.

Per Section 38-120, Bicycle Parking, the proposed project would require one bicycle parking space (two percent of the required amount of automobile parking spaces); the proposed project would provide 8 bicycle parking spaces within the bicycle storage room, which is consistent with the City's bicycle parking regulations. The bicycle storage room would be available for use by guests and employees.

Vehicular access to the project site would be provided via two access points: an existing curb cut along North Fremont Street, which would be improved as part of the project, and a proposed curb cut along Casa Verde Way. Circulation through the parking lot would be possible in both directions. Pedestrian and bicycle access would also be provided via the access points on North Fremont Street and Casa Verde Way. As part of the proposed project, the applicant would provide an easement on the project site with hardscaping designed to provide improved pedestrian circulation.

Utilities

The following utility providers currently provide service to the project site and would continue to serve the proposed project: the California-American Water Company (Cal-Am) would supply water, the City's Public Works Department would provide sanitary sewer and stormwater services, and Central Coast Community Energy (3CE) would supply electricity via Pacific Gas and Electric Company's (PG&E) electricity infrastructure.

A proposed 3-inch water line and a 4-inch fire water line would connect the project to an existing water main along North Fremont Street. A proposed 6-inch sanitary sewer line would connect the project to an existing 8-inch sanitary sewer main along Casa Verde Way.

A proposed underground infiltration chamber, located at the northwestern portion of the project site, would provide approximately 965 cubic feet of stormwater retention. Roof stormwater would be collected by rain gutters and downspouts, then directed to the underground infiltration chamber. Other stormwater collected on the project site would flow to the underground infiltration chamber through a proposed 4-inch trench drain located to the east of the hotel building, and a proposed concrete gutter which would traverse the northern portion of the parking lot in an east-west direction. Overflow from the infiltration chamber would surface flow to adjacent landscaping, and overflow from landscaping would be conveyed via a proposed 4-inch storm drain overflow line to an existing curb drain along Casa Verde Way. The proposed landscape planters along North Fremont Street would be graded to retain water flows from portions of the adjacent sidewalk.

Construction and Grading

Construction of the proposed project is expected to occur over approximately 24 months. Construction activities would be separated into several phases, including demolition, site preparation, grading, building construction, paving, and architectural coating. Construction equipment for the proposed project would include earthwork equipment such as tractors, backhoes, cranes, bulldozers, forklifts, graders, pavers, and loaders, among others. Grading would require 1,483 cubic yards of cut and 134 cubic yards of fill, with 1,349 cubic yards to be exported off site.

Construction equipment would be staged on-site. Temporary lane closures may be required during construction along westbound North Fremont Street and northbound Casa Verde Way. Lane closures would range in duration from hours to a few days.

Landscaping

The proposed project would install approximately 2,652 sf of landscaping, which is an increase of 31.5 percent as compared to existing conditions. The northern property boundary includes a 5-foot-wide easement, which would be landscaped with ornamental grasses and shrubs. Ornamental grasses and shrubs would also be planted along portions of the hotel façade on North Fremont Street and Casa Verde Way and throughout the surface parking lot. Several trees, including deodar cedar, western redbud, goldenchain, mayten, and olive, would be planted at the project site's corners. Green wall plantings with climbing vines would be located along portions of the hotel façade on North Fremont Street and Casa Verde Way.

Retaining Walls

Due to the slope of the project site, retaining walls would be constructed along the northern and eastern site boundaries. To visually screen the adjacent residential uses to the north, a stucco wall ranging from approximately 5 feet to 7 feet in height would be constructed on top of the retaining wall on the northern site boundary. The combined height of the stucco wall and retaining wall from grade of the adjacent property to the north would range from approximately 6 feet to 12 feet in height. No wall would be constructed on top of the retaining wall along the eastern site boundary, which would be approximately two feet in height from grade of the adjacent property to the east.

Green Building Features

The proposed project would meet the requirements of the 2022 California Energy Code and would include energy-efficient appliances and lighting, water-efficient appliances and fixtures, and water-efficient irrigation. Additionally, the project would include the following additional green building features:

- Energy-efficient appliances and lighting
- Water-efficient appliances, fixtures, and irrigation
- Electric vehicle charging stations

Specific Plan and Zoning Code Text Amendments

The proposed project includes text amendments to the North Fremont Specific Plan clarifying that: (a) VAF zone requirements for VAF zoned properties apply as required by City of Monterey Charter, rather than the Specific Plan development objectives, standards, and guidelines; and (b) the Specific Plan is a tool to implement, but not a part of, the General Plan. The proposed project also includes an amendment to the City's off-street parking standards and loading zone requirement, and re-adoption of the parking calculation in Section 38-36(A) of the City Zoning Code.

The amendment to the VAF zoning parking requirement would clarify that an additional 2 parking spaces per 50 rooms are required for visitor accommodation facilities with 50 or more rooms. The amendment to the City's loading zone requirement would apply City-wide and would give the City discretion to reduce the current required loading space size in recognition of the emerging industry standard of last mile deliveries to be made by limited size trucks or vans, not semi-trailer trucks, for most businesses, and update the number of required loading spaces for hotels and motels.

Required Approvals

The project would require the following ministerial permits from the City:

- Demolition permit
- Building permits

The proposed project would require the following discretionary permits and approvals from the City:

- Certification of the Environmental Impact Report
- Conditional Use Permit (CUP)
- Architectural Review Committee Approval
- Specific Plan Text Amendments
- Zoning Code Text Amendments

The proposed project would also be required to obtain a water permit from the Monterey Peninsula Water Management District.

Alternatives

As required by the California Environmental Quality Act (CEQA), this EIR examines alternatives to the proposed project. Studied alternatives include the following three alternatives. Based on the alternatives analysis, Alternative 2 was determined to be the environmentally superior alternative.

- **Alternative 1: No Project/Existing Motel and Restaurant to Remain.** This alternative assumes that the project is not approved and none of the proposed components are implemented. This alternative assumes the existing one-story, 18-guest room motel and 134-seat restaurant are not demolished and the 42-guest room hotel is not developed on the project site. The existing motel and restaurant would not remain vacant. Rather, the site would once again operate as a motel and restaurant utilizing the existing on-site structures. Under this alternative, the existing vacant buildings could foreseeably be renovated prior to new occupancy; however, any future use would be limited to an 18-guest room motel and 134-seat restaurant. The project site would continue to be accessible from North Fremont Street. The available on-site parking would remain 32 spaces, with no available bicycle parking. No utility upgrades would occur as part of the No Project Alternative.
- **Alternative 2: Three Story Hotel.** This alternative would include demolition of the existing one-story 18-guest room motel and 134-seat restaurant and construction of a three-story, 28-guest room branded hotel and a surface parking lot with 42 parking spaces. Alternative 2 would include construction of the hotel envisioned under the proposed project, but with the fourth floor (which contains 21 rooms) removed. Alternative 2 would include a total of 21 rooms on the third floor and 7 rooms on the second floor. On the second floor, the square footage of the lounge area, pantry, fitness center would be reduced in size compared to the proposed project in order to accommodate 7 guest rooms. Alternative 2 would be a maximum of 36 feet in height (26 feet above grade) and three stories, including a partial basement and two above grade stories, and would have a total floor area of 17,200 sf. Vehicular access to the project site would be provided via two access points: an existing curb cut along North Fremont Street, which would be improved as part of the project, and a proposed curb cut along Casa Verde Way. A proposed

3-inch water line and a 4-inch fire water line would connect the project to an existing water main along North Fremont Street. A proposed 6-inch sanitary sewer line would connect the project to an existing 8-inch sanitary sewer main along Casa Verde Way.

- **Alternative 3: Different Location on Project Site.** This alternative would include demolition of the existing one-story 18-guest room motel and 134-seat restaurant and construction of a four-story, 42 guest room branded hotel within the northeastern portion of the project site and a surface parking lot with 42 parking spaces along the southern and western portion of the project site. For comparison, the proposed project included the hotel at the southwestern portion of the project site with the surface parking lot along the northern and eastern portions of the project site. Alternative 3 includes construction of the same hotel uses in the same configuration as the proposed project, but in a different location in the northwestern portion of the project site. Under Alternative 3, the proposed hotel would be positioned closer to the existing residential uses to the north, providing screening between the apartments and North Fremont Street. Similar to the proposed project, Alternative 3 would be a maximum of 45 feet in height (35 feet above grade) and four stories, including a partial basement and three above grade stories, and would have a total floor area of 25,000 sf. Vehicular access to the project site would be provided via two access points: an existing curb cut along North Fremont Street, which would be improved as part of the project, and a proposed curb cut along Casa Verde Way. A proposed 3-inch water line and a 4-inch fire water line would connect the project to an existing water main along North Fremont Street. A proposed 6-inch sanitary sewer line would connect the project to an existing 8-inch sanitary sewer main along Casa Verde Way.

Refer to Section 6.0, *Alternatives*, for the complete alternatives analysis.

Areas of Known Controversy

An Initial Study-Mitigated Negative Declaration (IS-MND) was prepared for the proposed project and was circulated for public review between March 17 and April 16, 2021. Comments received on the project were primarily related to building design (style, height, and massing), parking, noise, and water supply. The IS-MND was approved by the Planning Commission on October 12, 2021, following which an appeal was filed by an adjacent property owner on October 22, 2021. As a result of the public controversy, the City determined that an EIR should be prepared.

The City distributed a Notice of Preparation (NOP) of the EIR for a 30-day agency and public review period starting on June 24, 2022 and ending on July 25, 2022. The City received letters from the following five agencies and one Native American Tribe in response to the NOP during the public review period: California Department of Fish and Wildlife, California Department of Toxic Substances Control, Monterey County Airport Land Use Commission (ALUC), Native American Heritage Commission, Transportation Agency for Monterey County, and KaKoon Ta Ruk Band of Ohlone-Costanoan Indians of the Big Sur Rancheria. Refer to Section 1.0, *Introduction*, for a complete summary of the comments received on the NOP.

Public comments raised on the Draft EIR and responses to those comments are detailed in Section 7.0 of this EIR. The comment letters raised concerns about environmental topics including aesthetics, noise, transportation, and water supply.

Summary of Impacts and Mitigation Measures

The EIR analyzed the potential impacts of the project. Impacts are categorized as follows:

- **Significant and Unavoidable.** An impact that cannot be reduced to below the threshold level given reasonably available and feasible mitigation measures. Such an impact requires a Statement of Overriding Considerations to be issued if the project is approved pursuant to Section 15093 of the *CEQA Guidelines*.
- **Less than Significant with Mitigation Incorporated.** An impact that can be reduced to below the threshold level given reasonably available and feasible mitigation measures. Such an impact requires findings under Section 15091 of the *CEQA Guidelines*.
- **Less than Significant.** An impact that may be adverse, but does not exceed the threshold levels and does not require mitigation measures. However, mitigation measures that could further lessen the environmental effect may be suggested if readily available and easily achievable.
- **No Impact:** The proposed project would have no effect on environmental conditions or would reduce existing environmental problems or hazards.

Based on the analysis in the previous IS-MND and public comments received, the City determined the following environmental topics would have no impact or less than significant impacts. These topics are briefly addressed in Section 4.6, *Effects Found not to be Significant*:

- | | |
|---------------------------------------|---------------------------------|
| ▪ Aesthetics | ▪ Mineral Resources |
| ▪ Agricultural and Forestry Resources | ▪ Population and Housing |
| ▪ Air Quality | ▪ Public Services |
| ▪ Biological Resources | ▪ Recreation |
| ▪ Energy | ▪ Transportation |
| ▪ Geology and Soils | ▪ Utilities and Service Systems |
| ▪ Greenhouse Gas Emissions | ▪ Wildfire |
| ▪ Hydrology and Water Quality | |

The City determined that the following issues could have potentially significant impacts, which have been studied in detail in Sections 4.1 through 4.5 of the EIR:

- Cultural Resources (including Paleontological Resources)
- Hazards and Hazardous Materials
- Land Use and Planning
- Noise
- Tribal Cultural Resources

Table ES-3 summarizes the potentially significant impacts, proposed mitigation measures, and residual impacts (the impact after application of mitigation, if required) for the five issue areas listed above.

In addition to the mitigation measures detailed in Table ES-3, the applicant would implement the following measures that were recommended by the Monterey County ALUC and Monterey Bay Air Resources District (MBARD) to be implemented as part of the project:

- **ALUC Recommendation 1: Aviation and Hazard Easement.** Prior to finalization of the first construction permit for the project, the developer/owner shall grant an aviation and hazard easement to the appropriate airport authority. The easement shall be recorded at the Monterey County Recorder's Office. The easement shall include the following, as applicable:
 - Right-of-flight at any altitude above the acquired easement surfaces.
 - Right to cause noise, vibrations, fumes, dust and fuel particle emissions.
 - Right to prevent construction or growth of all structures, objects or natural growth above the acquired easement surfaces.
 - Right-of-entry to remove, mark or light any structures or growth above the acquired easement surfaces, or right to require the owner to remove, mark or light.
 - Right to prohibit creation of electrical interference, unusual light sources and other hazards to aircraft flight.
 - Any other limitation the appropriate airport authority may recommend to protect the public's health, safety and welfare.
- **ALUC Recommendation 2: Objects Affecting Navigable Airspace.** The project shall conform to FAR, Part 77 – Objects Affecting Navigable Airspace. The developer shall submit a FAA Form 7460-1 (Notice of Proposed Construction of Alteration). The developer shall notify the staff of the Monterey Regional Airport when the form is submitted and when a determination is provided by the FAA.
- **ALUC Recommendation 3: Exterior Lighting.** Prior to the issuance of a construction permit, an Exterior Lighting Plan shall be reviewed and approved by the applicable airport manager prior to the issuance of any construction permits. All exterior lighting shall be unobtrusive, down-lit, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled.
- **ALUC Recommendation 4: Towers – Marking and Lighting.** When not specifically required by FAA Advisory Circular 70/7640-IF (Obstruction Marking and Lighting), the following ALUC recommendations shall be applied to towers:
 - A flashing red beacon shall be installed at the highest point of the structure.
- **ALUC Recommendation 5: Change of Use.** In the future, if new development or a change of building use is proposed on the subject parcel that would potentially intensify the occupancy level, then the proposed change(s) shall be submitted to the ALUC for a subsequent, project-specific consistency determination.
- **MBARD Recommendation 1:** The applicant shall implement Dust Control Best Management Practices (BMPs) during all phases of construction. Dust Control BMPs include, but are not limited to:
 - Stabilize storage, vehicle movement, and parking areas by installing gravel over geotextile fabric.
 - Install or maintain vegetative or structural barriers.
 - Sweep or vacuum paved surfaces to remove tracked soil.
 - Apply mulch to exposed soil.
 - Use tarps to cover stockpiles.

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- Load trucks carrying excavated material so that the material does not extend above the walls or back of the truck bed. Wet the surface of each load and tightly cover before the haul truck leaves the loading area.
- Continuous water spraying during dust generation activities. Commercial Stabilizers may also be considered.
- **MBARD Recommendation 2:** During construction, the applicant shall use cleaner construction equipment that conforms to CARB's Tier 3 and Tier 4 emission standards. Whenever feasible, construction equipment should use alternative fuels such as electricity, compressed natural gas or propane.
- **MBARD Recommendation 3:** The applicant shall register portable equipment when required by MBARD or CARB. Contact MBARD Engineering Division at (831) 647-9411 to discuss if an MBARD or CARB portable equipment registration is necessary for any portable equipment planned to be utilized for this project.
- **MBARD Recommendation 4:** The applicant shall ensure the buildings planned for demolition are surveyed by a certified asbestos inspector. In addition, notification to MBARD is required 10 days in advance of any building demolition. During demolition/retrofitting, grading and/or trenching activities other MBARD rules may apply. Rule 424 contains the investigation and reporting requirements for asbestos which includes surveys and advanced notification on structures being renovated or demolished.

Table ES-3 Summary of Environmental Impacts, Mitigation Measures, and Residual Impacts

Impact	Mitigation Measure(s)	Residual Impact
Cultural Resources		
Impact CUL-1. The project would result in the demolition and removal of the existing motel and restaurant. Due to a lack of significance and integrity, the existing motel and restaurant do not meet the eligibility criteria for listing in the California Register of Historic Places or otherwise constitute historical resources for the purposes of CEQA. Thus, no impact to historic resources would occur.	None required	No Impact
Impact CUL-2. Project grading and other ground-disturbing activities could result in impacts to previously unidentified archaeological resources. This impact would be less than significant with mitigation.	<p>CUL-2(a) Worker Environmental Awareness Program (WEAP) for Cultural Resources</p> <p>The project applicant shall retain a qualified archaeologist who meets or exceeds the Secretary of the Interior's Professional Qualifications Standards for archaeology to conduct Worker Environmental Awareness Program (WEAP) training for archaeological sensitivity for all construction personnel prior to the commencement of ground disturbing activities. Archaeological sensitivity training shall include a description of the types of cultural resources, including tribal cultural resources, that may be encountered, cultural sensitivity issues, regulatory issues, and the proper protocol for treatment of the materials in the event of a find. The WEAP training document shall include materials which convey the information noted above and shall be maintained in an area accessible to all construction personnel so it may be reviewed regularly by construction staff. A Native American representative should be allowed to participate in the training if requested. Evidence that the WEAP training has been completed shall be provided to the City of Monterey prior to the commencement of ground disturbing activities.</p> <p>CUL-2(b) Unanticipated Discovery of Cultural Resources</p> <p>In the event that archaeological resources are unexpectedly encountered during ground-disturbing activities, work within 50 feet of the find shall halt and an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards for archaeology (National Park Service 1983) shall be contacted immediately to evaluate the find. If the resource is determined by the qualified archaeologist to be prehistoric, then a Native American representative shall also be contacted to participate in the evaluation of the resource. If the qualified archaeologist and/or Native American representative determines it to be appropriate, archaeological testing for CRHR eligibility shall be completed. If the resource proves to be eligible for the CRHR and impacts to the resource cannot be</p>	Less than Significant with Mitigation

Impact	Mitigation Measure(s)	Residual Impact
	<p>avoided via project redesign, a qualified archaeologist shall prepare a data recovery plan tailored to the physical nature and characteristics of the resource, per the requirements of CCR Guidelines Section 15126.4(b)(3)(C). The data recovery plan shall identify data recovery excavation methods, measurable objectives, and data thresholds to reduce any significant impacts to cultural resources related to the resource. Pursuant to the data recovery plan, the qualified archaeologist and Native American representative, as appropriate, shall recover and document the scientifically consequential information that justifies the resource's significance. The City shall review and approve the treatment plan and archaeological testing as appropriate, and the resulting documentation shall be submitted to the regional repository of the California Historical Resources Information System, per CCR Guidelines Section 15126.4(b)(3)(C).</p>	
<p>Impact CUL-3. Ground-disturbing activities during construction would have the potential to disturb unidentified human remains. Compliance with existing regulations would ensure impacts remain less than significant.</p>	<p>None required</p>	<p>Less than Significant</p>
<p>Impact CUL-4. Ground-disturbing activities during construction would have the potential to significantly impact paleontological resources. Impacts would be less than significant with mitigation.</p>	<p>CUL-4(a) Worker Environmental Awareness Program (WEAP) for Paleontological Resources</p> <p>The project applicant shall retain a Qualified Professional Paleontologist (as defined by the Society of Vertebrate Paleontology [SVP 2010]) to conduct a paleontological Worker Environmental Awareness Program (WEAP) training for paleontological resources for all construction personnel prior to commencement of ground disturbing activities. Paleontological resources training shall include information regarding the appearance of fossils and the procedures for notifying paleontological staff should fossils be discovered by construction staff. The WEAP training document shall include materials which convey the information noted above and shall be maintained in an area accessible to all construction personnel so it may be reviewed regularly by construction staff. Evidence that the WEAP training has been completed shall be provided to the City of Monterey prior to the commencement of ground disturbing activities.</p> <p>CUL-4(b) Unanticipated Fossil Discovery</p> <p>In the event a fossil is discovered during construction of the project, excavations within 50 feet of the find shall be temporarily halted or delayed until the discovery is examined by a Qualified Professional Paleontologist (as defined by the Society of Vertebrate Paleontology [SVP 2010]). The project applicant shall include a standard inadvertent discovery clause in every construction contract to inform contractors of</p>	<p>Less than Significant with Mitigation</p>

Impact	Mitigation Measure(s)	Residual Impact
	<p>this requirement. If the find is determined to be significant, the applicant shall retain a Qualified Professional Paleontologist to prepare and implement a data recovery plan for paleontological resources. The data recovery plan shall include measures to reduce any significant impacts to the paleontological resources by ensuring the fossil is appropriately recovered and curated. These measures shall include, but may not be limited to, excavation and salvaging, identification, preparation, and curation of the fossil at a scientific institution. The Qualified Professional Paleontologist shall design and carry out a data recovery plan consistent with the SVP (2010) standards. The City shall review and approve the data recovery plan, as appropriate, prior to excavation and salvaging of the fossil.</p>	
<p>Cumulative Impacts. The project would not result in a considerable contribution to cumulative impacts to historical resources or <u>archaeological resources</u>, human remains, or <u>paleontological resources</u>. <u>The project, in conjunction with other cumulative projects, could result in significant cumulative impacts to archaeological and paleontological resources. In the event that future cumulative projects would result in impacts to archaeological and paleontological resources, impacts to such resources would be addressed on a case-by-case basis, and would likely be subject to mitigation measures similar to those imposed for the project. Impacts would be less than significant with mitigation. With mitigation, the project's contribution to cumulative impacts would not be considerable.</u></p>	<p>None required. <u>Mitigation Measures CUL-2(a), CUL-2(b), CUL-4(a), and CUL-4(b), above</u></p>	<p>Less than Significant <u>Not a Considerable Contribution</u></p>
Hazards and Hazardous Materials		
<p>Impact HAZ- 1. The existing on-site motel and restaurant, which may contain asbestos, lead, mercury, and polychlorinated biphenyl caulk (PCB), would be demolished as part of the proposed project which could result in the release of hazardous materials if not handled, transported, and disposed of properly. Such</p>	<p>HAZ-1 Asbestos, Lead, Mercury, and Polychlorinated Biphenyl Caulk Abatement Prior to issuance of the first demolition permit, the applicant shall contract with a City-approved abatement specialist to conduct surveys that screen for the presence of asbestos, lead (especially lead-based paint), mercury, and PCB caulk in the existing on-site building materials. If the surveys do not identify hazardous building materials, then additional mitigation is not required. If hazardous building materials are identified, the abatement specialist shall prepare an Abatement Report, which shall</p>	<p>Less than Significant with Mitigation</p>

Impact	Mitigation Measure(s)	Residual Impact
impacts would be potentially significant. This impact would be less than significant with mitigation.	summarize the site-specific surveys and outline required abatement measures for identified hazardous building materials. The Abatement Report shall outline abatement measures for identified hazardous building materials to ensure that hazardous building materials are removed and disposed of in accordance with applicable state and federal standards including, but not limited to, the Monterey Bay Air Resources District Rule 424 (National Emission Standards for Hazardous Air Pollutants [NESHAPS]), the United States Environmental Protection Agency's Lead-Based Paint Abatement and Evaluation Program, the Toxic Substances Control Act (United States Code Title 15, Chapter 53, Section 2601, et seq. and Code of Federal Regulations Title 40, Chapter I, Subchapter R), and the California Occupational Safety and Health Administration's (Cal OSHA's) asbestos and lead standards (Title 8 Section 1529 and 1532 of the Cal OSHA Regulations). Abatement measures may include, but would not be limited to, hazardous materials containment, disposal at permitted facilities, segregation of hazardous materials from other waste, use of certified contractors for abatement, use of high efficiency particulate air (HEPA) filtration or other engineering controls to prevent airborne dispersal of hazardous materials, and use of personal protective equipment during abatement. The Abatement Report shall be reviewed and approved by the City of Monterey Community Development Department prior to issuance of the first demolition permit. Recommendations in the approved Abatement Report shall be undertaken by abatement contractors that utilize safe work practices and shall be completed in accordance with timing requirements set forth in the Abatement Report. The applicant shall require contractors to include compliance with the Abatement Report in their demolition and/or construction contracts.	
Impact HAZ-2. The project site is not located within 0.25-miles of a school. No impact would occur.	None required	No Impact
Impact HAZ-3. The project site is not located on any list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. Therefore, the construction and operation of the project would not create a significant hazard to the public or the environment. No impact would occur.	None required	No Impact

Impact	Mitigation Measure(s)	Residual Impact
Impact HAZ-4. There is the potential for the proposed project to result in safety hazards associated with building height and exterior lighting due to proximity to the Monterey Regional Airport. However, project design and compliance with existing FAA regulations and ALUC recommendations related to airport hazards and safety would ensure the proposed project would not result in a safety hazard or excessive noise for people residing or working in the project area. Impacts would be less than significant.	None required	Less than Significant
Impact HAZ-5. North Fremont Street provides access to major evacuation routes identified in the General Plan Safety Element. Demolition, construction, and operation of the project would not impair access to or alter North Fremont Street, and therefore would not conflict with an adopted emergency response or evacuation plan. Impacts would be less than significant.	None required	Less than Significant
Impact HAZ-6. The project site is located in an urbanized area and is not adjacent to any wildland areas. The project would not expose people or structures to a significant risk of loss, injury, or death involving wildland fires, and impacts would be less than significant.	None required	Less than Significant
Cumulative Impacts. The project would not result in a considerable contribution to cumulative impacts related to hazards and hazardous materials. Impacts would be less than significant.	None required	Less than Significant <u>Not a Considerable Contribution</u>

Impact	Mitigation Measure(s)	Residual Impact
Land Use and Planning		
Impact LU-1. The proposed project involves the redevelopment of the project site with a 42-room hotel and would not alter the existing public street layout or access to any existing adjacent land uses. The proposed project would not physically divide an established community and no impact would occur.	None required	No Impact
Impact LU-2. The proposed project would not result in a significant environmental impact due to a conflict with the Monterey General Plan, the Zoning Ordinance, or the North Fremont Specific Plan. This impact would be less than significant.	None required	Less than Significant
Cumulative Impacts. The project would not result in a considerable contribution to cumulative impacts to the division of an established community or environmental effects due to a conflict with Monterey General Plan, the Zoning Ordinance, or the North Fremont Specific Plan. Impacts would be less than significant.	None required	Less than Significant <u>Not a Considerable Contribution</u>
Noise		
Impact NOI-1. Construction of the project would temporarily increase ambient noise levels, which could exceed applicable standards. Such impacts would be potentially significant. However, this impact would be less than significant with mitigation.	NOI-1 Construction Noise Reduction The construction contractor shall prepare and submit a Construction Noise Control Plan to the City of Monterey Community Development Director or designee for review and approval prior to issuance of demolition and grading permits. The Construction Noise Control Plan shall specify the noise reduction measures to be implemented during project construction to ensure noise levels do not exceed 90 dBA ¹ L _{eq} (h) ² at nearby sensitive receivers to the north. The measures specified in the Construction Noise Control Plan shall be included on the demolition, grading, and building plans and shall be implemented by the construction contractor during construction. At a minimum, the Construction Noise Control Plan shall include the following measures:	Less than Significant with Mitigation

Impact	Mitigation Measure(s)	Residual Impact
	<ul style="list-style-type: none"> ▪ Erect a temporary sound barrier at the northern property line until the stucco wall on top of the retaining wall that would be constructed as part of the project has been built. The sound barrier shall be a solid fence constructed of minimum 7-foot-tall sheets of 5/8-inch thick plywood with appropriate supports. The plywood shall overlap at vertical joints by a few inches and be fastened together. Avoid any gaps at the ground level. Construction noise reduction blankets with a solid layer (e.g., 1-psf vinyl) shall also be used. If the sound barrier is calculated to reduce construction noise levels by 4 dBA¹ (Salter 2023). ▪ Limit construction to 8 a.m. to 5 p.m. Monday through Friday, 9 a.m. to 4 p.m. Saturday, and no construction on Sunday or holidays. ▪ Require posted signs at the construction site that include permitted construction days and hours, a day and evening contact number for the job site, and a day and evening contact number for the City in the event of problems. ▪ Notify the City and neighbors within 100 feet in advance of the schedule for each major phase of construction and expected loud activities. ▪ When feasible, locate high noise generating stationary equipment (e.g., generators, pumps, compressors) and material unloading and staging areas away from the sensitive adjacent uses (residences). ▪ Require that all construction equipment be in good working order and that mufflers are inspected to be functioning properly. If feasible, impact tools shall be shrouded or shielded with intake and exhaust port mufflers when used near noise-sensitive receptors. ▪ Avoid unnecessary idling of equipment and engines and to a maximum of five minutes near noise-sensitive receivers. ▪ The general contractor shall designate a noise and vibration disturbance coordinator responsible for responding to any local complaints about construction noise or vibration. The disturbance coordinator shall determine the cause of any noise or vibration complaint (e.g., starting too early, bad muffler, equipment type/location) and shall ensure that reasonable measures be implemented to correct the problem. 	
<p>Impact NOI-2. Although ambient noise in the project vicinity would increase from on-site operational activities and increased traffic resulting from the project, operational noise increases would not exceed applicable standards. This impact would be less than significant.</p>	None required	Less than Significant

Impact	Mitigation Measure(s)	Residual Impact
<p>Impact NOI-3. Project construction would intermittently generate groundbourne vibration on site, which may affect nearby sensitive receivers that could cause architectural damage or annoyance if unmitigated. Such impacts would be potentially significant. However, this impact would be less than significant with mitigation.</p>	<p>NOI-3 Construction Vibration</p> <p>The construction contractor shall prepare and submit a Construction Vibration Control Plan to the City of Monterey Community Development Director or designee for review and approval prior to issuance of demolition and grading permits. The Construction Vibration Control Plan shall specify the vibration reduction measures to be implemented during project construction to ensure vibration levels do not exceed 0.25 in/sec PPV³ at nearby sensitive receivers to the north. The measures specified in the Construction Vibration Control Plan shall be included on the demolition, grading, and building plans and shall be implemented by the construction contractor during construction. At a minimum, the Construction Vibration Control Plan shall include the following measures:</p> <ol style="list-style-type: none"> 1. Earth-moving and ground-impacting operations shall be phased so as not to occur at the same time along the same property line to reduce cumulative vibration impacts. 2. Minimize discontinuities in roadway pavement where trucks will travel. 3. Avoid using vibratory rollers and tampers within 25 feet of adjacent structures. Non-vibratory sheepsfoot rollers or static rollers could be used instead. 4. Grading and earthwork activities within 15 feet of adjacent structures shall be conducted with off-road equipment that is limited to 100 horsepower or less. 5. Avoid use of a hoe ram within 15 feet of adjacent structures. Use of an excavator with reach arm could be used instead. 6. Avoid routing heavily loaded trucks through residential streets. 7. Notify adjacent properties of the construction schedule (in particular, prior to days of high-vibration activity, such as demolition) and provide the name and contact information of the project disturbance coordinator. 	<p>Less than Significant with Mitigation</p>
<p>Impact NOI-4. The project site is located within the Monterey Regional Airport Sphere of Influence but is outside the 65, 70, and 75 dBA¹ Community Noise Equivalent Level noise contours for the Monterey Regional Airport. Therefore, the project would not expose people residing or working in the project area to excessive noise levels from aircraft operations from the Monterey Regional Airport and impacts from airport noise would be less than significant.</p>	<p>None required</p>	<p>Less than Significant</p>

Impact	Mitigation Measure(s)	Residual Impact
Cumulative Impacts. The project would not result in a considerable contribution to cumulative impacts to construction-related noise and vibration, stationary (non-traffic) operational noise, or traffic noise. Impacts would be less than significant.	None required	Less than Significant <u>Not a Considerable Contribution</u>
Tribal Cultural Resources		
Impact TCR-1. Grading and excavation required for the proposed project would have the potential to adversely impact tribal cultural resources. Impacts would be less than significant with mitigation.	<p>TCR-1 Unanticipated Discovery of Tribal Cultural Resources</p> <p>In the event that cultural resources of Native American origin are identified during implementation of the proposed project, all earth-disturbing work within 50 feet of the find shall be temporarily suspended or redirected until an archaeologist has evaluated the nature and significance of the find as a cultural resource and an appropriate local Native American representative is consulted. If the City, in consultation with local Native American tribes, determines that the resource is a tribal cultural resource and thus significant under CEQA, a mitigation plan shall be prepared and implemented in accordance with state guidelines and in consultation with local Native American group(s). The plan shall include avoidance of the resource or, if avoidance of the resource is infeasible, the plan shall outline the appropriate treatment of the resource in coordination with the appropriate local Native American tribal representative and, if applicable, a qualified archaeologist. The plan shall include measures to ensure the find is treated in a manner that respectfully retains, to the degree feasible, the qualities that render the resource of significance to the local Native American group(s). Examples of appropriate mitigation for tribal cultural resources include, but are not limited to, protecting the cultural character and integrity of the resource, protecting traditional use of the resource, protecting the confidentiality of the resource, or heritage recovery.</p> <p>Also, refer to Mitigation Measure CUL-2(a) in Cultural Resources, above.</p>	Less than Significant with Mitigation
Cumulative Impacts. The project, in conjunction with other cumulative project, would not could result in a considerable contribution to significant cumulative impacts to the significance of a tribal cultural resource. <u>If future cumulative projects would result in impacts to known or unknown tribal cultural resources, impacts to such resources would be addressed on a case-by-case basis and would likely be subject to mitigation</u>	None required <u>Mitigation Measures TCR-1 and CUL-2(a) in Cultural Resources, above</u>	Less than Significant <u>Not a Considerable Contribution</u>

Impact	Mitigation Measure(s)	Residual Impact
<u>measures similar to those imposed for the proposed project as a result of the CEQA process. This impact would be less than significant with mitigation. With mitigation, the project's contribution to cumulative impacts would not be considerable.</u>		
¹ Noise levels are commonly measured in decibels (dB) using the A-weighted sound pressure level (dBA).		
² Project construction noise is evaluated using the FTA's general assessment noise analysis threshold of 90 dBA Leq over 1 hour (Leq(h))		
³ Vibration amplitudes are usually expressed in peak particle velocity (PPV). The PPV is normally described in inches per second (in/sec).		

1 Introduction

This document is an Environmental Impact Report (EIR) for a proposed hotel redevelopment project located at 2101 North Fremont Street, City of Monterey, California. The 2101 North Fremont Hotel Project (hereafter referred to as the “proposed project” or “project”) would be constructed on a site currently occupied by an existing one-story, 18-guest room motel, a 134-seat restaurant and surface parking lot. The proposed project includes demolition of the existing uses on site and construction of a new four-story, 42 guest room branded hotel and a surface parking lot with 42 parking spaces. The proposed project requires approval of a Conditional Use Permit (CUP) for the proposed hotel use.

The Final EIR includes the text of the original Draft EIR (circulated for public review in 2023), responses to comments on the Draft EIR (Section 7.0), and various technical appendices. A mitigation monitoring and reporting program (MMRP) has also been prepared for the Final EIR, as a separate document. New text added to the Draft EIR is shown in underline format. Deleted text from the Draft EIR is shown in strikethrough format. Where changes do not involve new facts or information (i.e., they involve editorial or format changes), the text was revised but not shown in underline or strikethrough in order to make the Final EIR more readable.

This section discusses (1) the project and EIR background; (2) the legal basis for preparing an EIR; (3) the scope and content of the EIR; (4) the lead, responsible, and trustee agencies; and (5) the environmental review process required under the California Environmental Quality Act (CEQA). The proposed project is described in detail in Section 2.0, *Project Description*.

1.1 Environmental Impact Report Background

An Initial Study-Mitigated Negative Declaration (IS-MND) was prepared for the proposed project and was circulated for public review between March 17 and April 16, 2021. Comments received on the project were primarily related to building design (style, height, and massing), parking, noise, and water supply. The IS-MND was approved by the City of Monterey (City) Planning Commission on October 12, 2021, following which an appeal was filed by an adjacent property owner. As a result of the public controversy, the City determined that an EIR should be prepared.

The City distributed a Notice of Preparation (NOP) of the EIR for a 30-day agency and public review period starting on June 24, 2022 and ending on July 25, 2022. The City received letters from five agencies and one Native American Tribe in response to the NOP during the public review period. The NOP and comment letters are presented in Appendix A of this EIR. Table 1-1 on the following page summarizes the content of the letters and where the issues raised are addressed in the EIR.

1.2 Purpose and Legal Authority

The proposed project requires the discretionary approval of the City of Monterey Planning Commission; therefore, the project is subject to the environmental review requirements of CEQA. In accordance with Section 15121 of the *CEQA Guidelines* (California Code of Regulations, Title 14), the purpose of this EIR is to serve as an informational document that:

“...will inform public agency decision makers and the public generally of the significant environmental effects of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project.”

This EIR has been prepared as a Project EIR pursuant to Section 15161 of the *CEQA Guidelines*. A Project EIR is appropriate for a specific development project. As stated in the *CEQA Guidelines*:

“This type of EIR should focus primarily on the changes in the environment that would result from the development project. The EIR shall examine all phases of the project, including planning, construction, and operation.”

This EIR is to serve as an informational document for the public and City of Monterey decision makers. The process will include public hearings before the Planning Commission to consider certification of a Final EIR and approval of the proposed project.

Table 1-1 NOP Comments and EIR Response

Commenter	Comment/Request	How and Where It Was Addressed
Agency Comments		
California Department of Fish and Wildlife (CDFW)	Encourages construction activities to occur during the bird non-nesting season. If ground disturbing activities must occur during the breeding season (February through mid-September), CDFW recommends pre-construction surveys.	Potential project impacts to nesting birds and compliance with the Migratory Bird Treaty Act is discussed in Section 4.6.4, <i>Biological Resources</i> .
	Notes that the project applicant is responsible for ensuring that the project would not result in a violation to the Migratory Bird Treaty Act.	
	States that CEQA requires information developed in EIRs to be incorporated into the California Natural Diversity Database.	The EIR analysis did not uncover information that would be required to be incorporated into the California Natural Diversity Database.
	Anticipates that the project will be required to pay CDFW filing fees.	Appropriate CDFW filing fees shall be paid upon completion of the EIR.
California Department of Toxic Substances Control	Recommends that the EIR acknowledge the potential for historic or future activities on or near the project site to result in the release of hazardous wastes or substances.	Potential impacts related to the release of hazardous substances into the environment are discussed in Section 4.2, <i>Hazards and Hazardous Materials</i> .
	Recommends that surveys for lead-based paints, mercury, asbestos-containing materials, and polychlorinated biphenyl caulk be conducted prior to demolition activities.	Section 4.2, <i>Hazards and Hazardous Materials</i> , includes Mitigation Measures HAZ-1 and HAZ-2, which would require abatement of asbestos-containing materials, lead, mercury, and polychlorinated biphenyl caulk prior to and during project demolition and construction activities.
	Recommends sampling of imported backfill soils, if necessary, to ensure that imported soil is free of contamination.	As described in Section 2.0, <i>Project Description</i> , cut soils during grading would be used as fill. Therefore, the project would not involve importing backfill soils.

Commenter	Comment/Request	How and Where It Was Addressed
Monterey County Airport Land Use Commission	States that the Commission has no comments on the NOP. The Commission previously considered the project on September 28, 2020 and voted to find that the proposed development would be consistent with the Monterey Regional Airport Land Use Compatibility Plan.	The City acknowledges that the Commission has no comments the NOP. No response is required.
Native American Heritage Commission (NAHC)	States that the project is subject to the requirements and provisions under Senate Bill 18 (SB 18) and Assembly Bill 52 (AB 52) for tribal cultural resources.	Consultation required by SB 18 and AB 52 was carried out by the City of Monterey. Related topics relevant to CEQA are discussed in Section 4.5, <i>Tribal Cultural Resources</i> , of this EIR.
Transportation Agency for Monterey County	Supports the development of a detailed traffic impact analysis that considers impacts to road networks, existing transit service, and traffic demand management and alternative transportation.	Section 4.6.13, <i>Transportation</i> , evaluates impacts to road networks around the project site, considers existing transit service, and impacts related to vehicle miles traveled (VMT). This section is supported by Traffic Analysis and VMT Analysis prepared by TJKM (Appendix H-1 and H-2).
Native American Tribe Comments		
KaKoon Ta Ruk Band of Ohlone-Costanoan Indians of the Big Sur Rancheria	Recommends cultural sensitivity training for pre-project personnel and including a cultural monitor during development and ground disturbing activities.	Section 4.1, <i>Cultural Resources</i> , includes Mitigation Measure CUL-2(a) which requires Worker Environmental Awareness Program (WEAP) training for archaeological sensitivity, including for tribal cultural resources, for all construction personnel prior to the commencement of ground disturbing activities. Section 4.5, <i>Tribal Cultural Resources</i> , includes Mitigation Measure TCR-1, which outlines procedures for the event that tribal cultural resources are discovered during project construction. Mitigation Measure TCR-1 would include consultation with and involvement of the KaKoon Ta Ruk Band of Ohlone-Costanoan Indians.
	Requests that the Draft EIR be provided to the Tribe.	The Tribe will be provided a copy of the Draft EIR during the public review period.
	Requests that KaKoon Ta Ruk Band of Ohlone-Costanoan Indians of the Big Sur Rancheria's Treatment Protocol are incorporated into the project.	Section 4.5, <i>Tribal Cultural Resources</i> , includes Mitigation Measure TCR-1, which outlines procedures for the event that tribal cultural resources are discovered during project construction. In the event tribal cultural resources are encountered during project construction, Mitigation Measure TCR-1 would involve development of a mitigation plan which would identify appropriate treatment of the resource in coordination with the appropriate local Native American tribal representative.

1.3 Public Review of the Draft EIR

The Draft EIR was circulated for a 45-day public review period that began on July 7, 2023 and ended on August 21, 2023. Two comment letters were received on the Draft EIR. Responses to the public

comments are detailed in Section 7.0 of this EIR. Changes to the Draft EIR in response to public comments are shown in underline format. Deleted text from the Draft EIR is shown in strikethrough format. Non-substantive changes to formatting and appendix lettering are not shown in underline and strikethrough.

Section 15088.5 of the CEQA Guidelines requires that a lead agency recirculate a Draft EIR when significant new information is added to the EIR prior to certification. The revisions in the Final EIR do not constitute “significant new information” because they do not result in a new avoidable significant effect, do not substantially increase the severity of any environmental impacts, do not identify a feasible project alternative considerably different from others previously analyzed, and do not involve new mitigation measures or substantial revisions to mitigation measures that were proposed in the Draft EIR. Because the revisions clarify or strengthen the analysis of impacts in the EIR and do not constitute significant new information, recirculation of the Draft EIR is not required pursuant to CEQA Guidelines Section 15088.5.

1.4 Scope and Content

This EIR addresses impacts identified by the City to be potentially significant. The following issues were found to include potentially significant impacts and have been studied in detail in Sections 4.1 through 4.5 of the EIR:

- Cultural Resources
- Paleontological Resources
- Hazards and Hazardous Materials
- Land Use and Planning
- Noise
- Tribal Cultural Resources

The remaining issue areas are analyzed in Section 4.6, *Effects Found Not to Be Significant*.

In preparing the EIR, use was made of pertinent City policies and guidelines, the previous IS-MND and technical studies for the project, and other background documents. A full reference list is contained in Section 8.0, *References and Preparers*.

The alternatives section of the EIR (Section 6.0) was prepared in accordance with Section 15126.6 of the *CEQA Guidelines* and focuses on alternatives that could eliminate or reduce significant adverse effects associated with the project while feasibly attaining most of the basic project objectives. In addition, the alternatives section identifies the “environmentally superior” alternative among the alternatives assessed. The alternatives evaluated include the CEQA-required “No Project” alternative and four alternative development scenarios for the proposed project.

The level of detail contained throughout this EIR is consistent with the requirements of CEQA and applicable court decisions. Section 15151 of the *CEQA Guidelines* provides the standard of adequacy on which this document is based. The *Guidelines* state:

“An EIR should be prepared with a sufficient degree of analysis to provide decision-makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of the proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR

should summarize the main points of disagreement among the experts. The courts have looked not for perfection, but for adequacy, completeness, and a good faith effort at full disclosure.”

1.5 Lead, Responsible, and Trustee Agencies

The *CEQA Guidelines* define lead, responsible and trustee agencies. The City of Monterey is the lead agency for the project because it holds principal responsibility for approving the project.

A responsible agency refers to a public agency other than the lead agency that has discretionary approval over the project. The proposed project would also be required to obtain a water permit from the Monterey Peninsula Water Management District. The EIR will be submitted to this agency for review and comment.

A trustee agency refers to a state agency having jurisdiction by law over natural resources affected by a project. CDFW is a trustee agency for the proposed project.

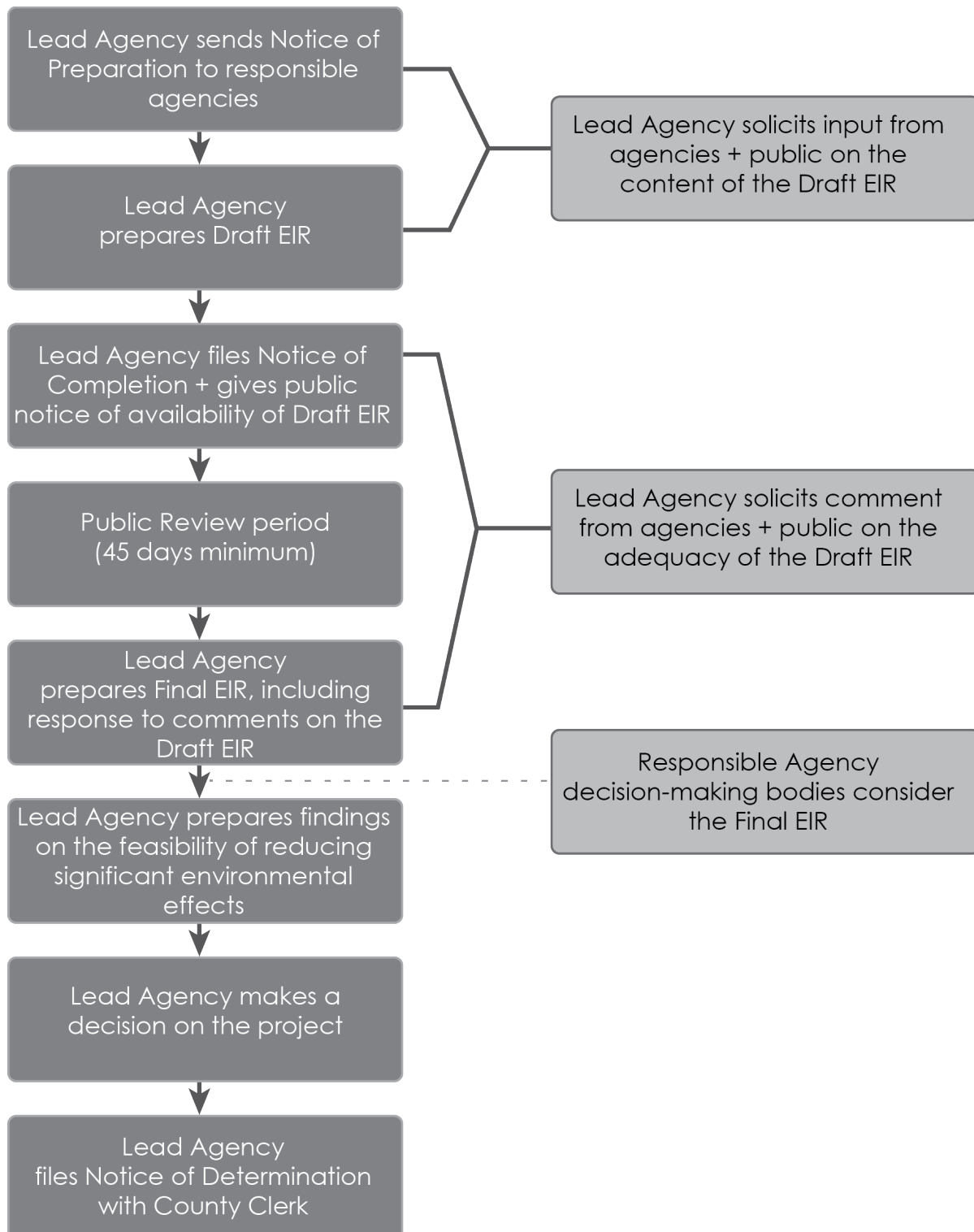
1.6 Environmental Review Process

The environmental impact review process, as required under CEQA, is summarized below and illustrated in Figure 1-1. The steps are presented in sequential order.

1. **Notice of Preparation (NOP).** After deciding that an EIR is required, the lead agency (City of Monterey) must file a NOP soliciting input on the EIR scope to the State Clearinghouse, other concerned agencies, and parties previously requesting notice in writing (*CEQA Guidelines* Section 15082; Public Resources Code Section 21092.2). The NOP must be posted in the County Clerk’s office for 30 days.
2. **Draft EIR Prepared.** The Draft EIR must contain: a) table of contents or index; b) summary; c) project description; d) environmental setting; e) discussion of significant impacts (direct, indirect, cumulative, growth-inducing and unavoidable impacts); f) a discussion of alternatives; g) mitigation measures; and h) discussion of irreversible changes.
3. **Notice of Completion/Notice of Availability.** The lead agency must file a Notice of Completion (NOC) with the State Clearinghouse when it completes a Draft EIR and prepare a Public Notice of Availability (NOA) of a Draft EIR. The lead agency must place the NOA in the County Clerk’s office for 30 days (Public Resources Code Section 21092) and send a copy of the NOA to anyone requesting it (*CEQA Guidelines* Section 15087). Additionally, public notice of Draft EIR availability must be given through at least one of the following procedures: a) publication in a newspaper of general circulation; b) posting on and off the project site; and c) direct mailing to owners and occupants of contiguous properties. The lead agency must solicit input from other agencies and the public and respond in writing to all comments received (Public Resources Code Sections 21104 and 21253). The public review period must be 45 days if a state agency is lead, responsible, or trustee agency or has jurisdiction by law, or the project is of statewide, regional, or areawide significance (Public Resources Code 21091 and Assembly Bill 819).
4. **Final EIR.** A Final EIR must include: a) the Draft EIR; b) copies of comments received during public review; c) list of persons and entities commenting; and d) responses to comments.
5. **Certification of Final EIR.** Prior to making a decision on a proposed project, the lead agency must certify that: a) the Final EIR has been completed in compliance with CEQA; b) the Final EIR was presented to the decision-making body of the lead agency; and c) the decision making body

reviewed and considered the information in the Final EIR prior to approving a project (*CEQA Guidelines* Section 15090).

6. **Lead Agency Project Decision.** The lead agency may a) disapprove the project because of its significant environmental effects; b) require changes to the project to reduce or avoid significant environmental effects; or c) approve the project despite its significant environmental effects, if the proper findings and statement of overriding considerations are adopted (*CEQA Guidelines* Sections 15042 and 15043).
7. **Findings/Statement of Overriding Considerations.** For each significant impact of the project identified in the EIR, the lead agency must find, based on substantial evidence, that either: a) the project has been changed to avoid or substantially reduce the magnitude of the impact; b) changes to the project are within another agency's jurisdiction and such changes have or should be adopted; or c) specific economic, social, or other considerations make the mitigation measures or project alternatives infeasible (*CEQA Guidelines* Section 15091). If an agency approves a project with unavoidable significant environmental effects, it must prepare a written Statement of Overriding Considerations that sets forth the specific social, economic, or other reasons supporting the agency's decision.
8. **Mitigation Monitoring Reporting Program.** When the lead agency makes findings on significant effects identified in the EIR, it must adopt a reporting or monitoring program for mitigation measures that were adopted or made conditions of project approval to mitigate significant effects.
9. **Notice of Determination (NOD).** The lead agency must file a NOD after deciding to approve a project for which an EIR is prepared (*CEQA Guidelines* Section 15094). A local agency must file the NOD with the County Clerk. The NOD must be posted for 30 days and sent to anyone previously requesting notice. Posting of the NOD starts a 30-day statute of limitations on CEQA legal challenges (Public Resources Code Section 21167[c]).

Figure 1-1 Environmental Review Process

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2 Project Description

This section describes the 2101 North Fremont Street Hotel Project (proposed project, State Clearinghouse [SCH] No. 2022060567), including the project applicant, lead agency, the project site and surrounding land uses, major project characteristics, project objectives, and discretionary actions needed for approval.

2.1 Project Applicant

Lakshmi Hotel Partners
2113 North Fremont Street
Monterey, California 93490

2.2 Lead Agency Contact Person

Chris Schmidt, Senior Associate Planner
City of Monterey
Community Development Department
570 Pacific Street
Monterey, California 93940
schmidt@monterey.org
(831) 646-3910

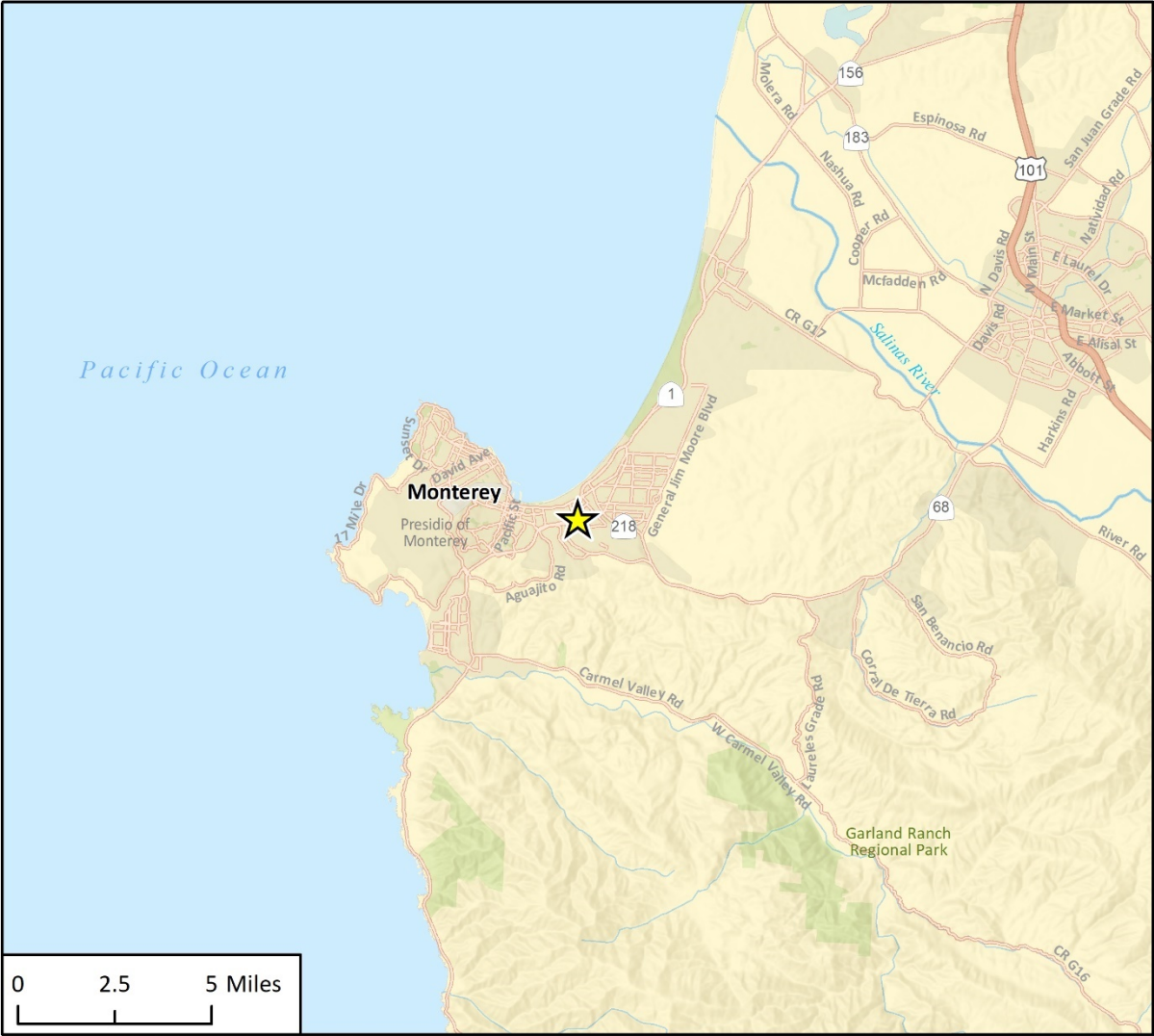
2.3 Project Location

The 0.58-acre project site is located at 2101 North Fremont Street in the City of Monterey, California. The project site is located on the northeast corner of North Fremont Street and Casa Verde Way and is denoted by Assessor Parcel Number 013-112-045-000. The project site has an upward slope (approximately 10 percent) to the southwest along Casa Verde Way. The project site is currently developed with an existing one-story, 18-guest room motel, a 134-seat restaurant, and a surface parking lot. The existing motel and restaurant are not currently open for business.

The project site is regionally accessible from the following nearby State highways: State Route (SR) 1, located approximately 0.2 mile northwest of the project site; SR 68, located approximately 0.3 mile southwest of the project site; and SR 218 (also known as Canyon del Rey Boulevard), located approximately 0.6 mile east of the project site.

Figure 2-1 shows the regional location of the project site, while Figure 2-2 shows the project site and surrounding land uses.

Figure 2-1 Regional Location



★ Project Location

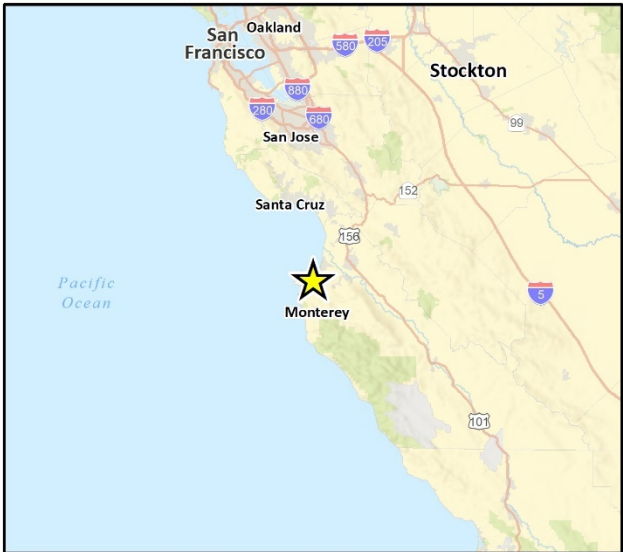


Fig 1 Regional Location

Figure 2-2 Project Site Location and Surrounding Land Uses



Imagery provided by Microsoft Bing and its licensors © 2022.

Fig. 2 Project Location

2.4 Existing Site Characteristics

2.4.1 Current Land Use Designation and Zoning

The project site has a General Plan land use designation of Commercial, which allows retail, visitor commercial, and professional office uses. The project site is zoned as Visitor Accommodation Facility (VAF), as defined by the City's Zoning Map. Uses permitted in the VAF zoning district include commercial uses, VAFs and limited-occupancy VAFs, and accessory uses. Examples of accessory uses include limited retail, such as for the sale of candy, magazines, and sundries; beauty and barber shops; recreation facilities to serve the public, guests, and employees; living accommodations for a manager or caretaker; facilities for conferences and meetings; commercial restaurant businesses; clothes and cleaning pick up agencies; and other visitor sales and services when related to and developed as an accessory use to a VAF. The project site is located within the North Fremont Specific Plan area. However, as discussed further in Section 2.5.10, the VAF zone requirements apply to VAF zoned properties as required by City of Monterey Charter, rather than the Specific Plan development objectives, standards, and guidelines.

2.4.2 Surrounding Land Uses

Surrounding land uses near the project site are generally characterized by residential and commercial uses, with several hotels nearby. As depicted in Figure 2-2, the project site is bounded by residential uses to the north, northwest, and northeast; a gas station, florist, and hotel to the west; an office building, restaurant, and hotel to the east; hotels and commercial uses to the southwest and southeast; and hotels, a night club, and an adult theatre/bookstore to the south with the Monterey County Fairgrounds beyond. Casa Verde Way is directly west of the project site and North Fremont Street is directly south of the project site.

2.4.3 Site Access

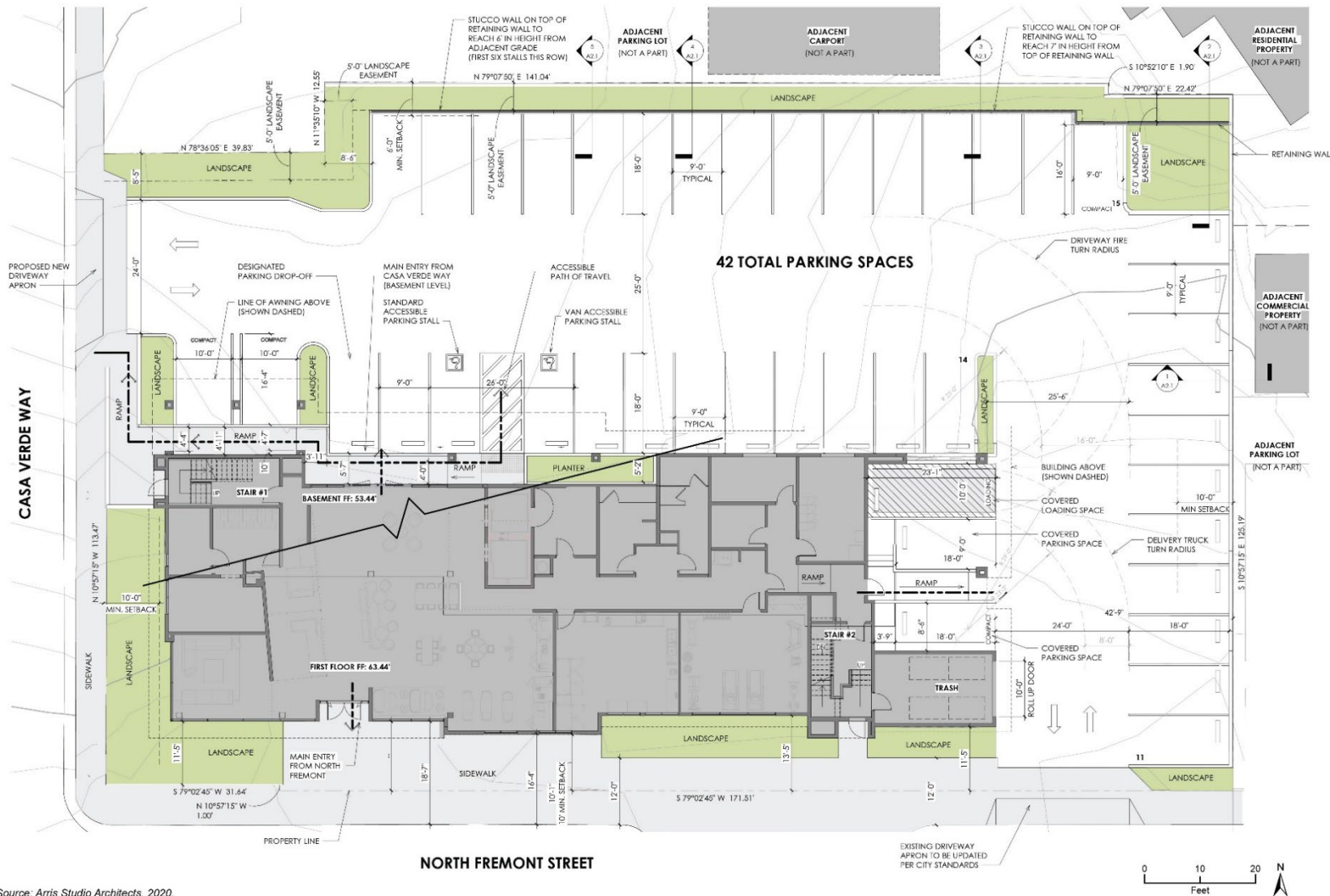
The project site is locally accessible from North Fremont Street. North Fremont Street features Class IV separated bike lanes through the center median which begin at the intersection with Casa Verde Way and travel eastbound. Casa Verde Way features Class II bike lanes in each direction. The project site is also served by Monterey-Salinas Transit, with bus stops directly in front of the project site at North Fremont Street (one in each direction). Pedestrian infrastructure in the vicinity of the project site includes sidewalks and benches associated with bus stops.

2.5 Project Characteristics

2.5.1 Proposed Site Plan

The proposed project includes demolition of the existing uses on site, including a one-story, 18-guest room motel, a 134-seat restaurant, and a surface parking lot. As depicted in Figure 2-3, the proposed project involves construction of a new four-story, 42 guest room branded hotel and a surface parking lot with 42 parking spaces. The proposed project requires approval of a Conditional Use Permit (CUP) for the proposed hotel use. Table 2-1 summarizes the project characteristics.

Figure 2-3 Site Plan



Source: Arris Studio Architects, 2020.

Table 2-1 Project Characteristics

Address	2101 North Fremont Street
APN	013-112-045-000
Proposed Use	Hotel
Number of Guest Rooms	42
Number of Parking Spaces	42
Height/Stories	45 feet (35 feet above grade) 3 stories above grade 1 story partially below grade for basement
Lot Area	25,258 sf; 0.58 acre
Building Footprint	7,076 sf
Total Floor Area	25,000 sf
Basement (1 st Floor)	2,600 sf
Ground Floor (2 nd Floor)	6,800 sf
3 rd Floor	7,800 sf
4 th Floor	7,800 sf
sf = square feet	

The proposed project would be a maximum of 45 feet in height (35 feet above grade) and four stories, including a partial basement and three above grade stories, and would have a total floor area of 25,000 square feet (sf). From the on-site parking lot located in the northern portion of the project site, which is below grade compared to North Fremont Street, the hotel would appear to be four stories and 45 feet in height. Due to the 10 percent slope on the project site, the proposed hotel would appear to be three stories and 35 feet in height from North Fremont Street.

The proposed hotel would include two main entrance lobbies: one on the south side of the hotel off adjacent to North Fremont Street, accessible from the public sidewalk, and the other on the north side of the hotel adjacent to the on-site parking lot, off Casa Verde Way, accessible from walkways leading from the parking lot and Casa Verde Way. Two elevators would be provided at the center of the building; two sets of stairs would be provided at the northwestern and southeastern corners of the building, respectively. The basement (first floor) would include the lower lobby, bicycle storage room, laundry room, storage, trash, and electrical and utilities rooms. The first story would include the upper lobby and check-in area, housekeeping area, offices, employee breakrooms, restrooms, and various amenities for guests including a lounge area, pantry, and fitness center. The second and third stories would include guest rooms and housekeeping areas. Guest rooms would be comprised of 24 double queen rooms and 18 king rooms. Rooftop mechanical equipment would be installed in two areas and would not exceed five feet in height.

The building design would be characterized by a contemporary architectural style with various aesthetic elements, including multi-level roof lines, building articulation, entryways, columns, a tower element, and canopies and awnings. The building would feature a variety of materials, including wood-like cement siding, aluminum siding and windows, painted stucco, stone veneer, and metal fixtures. The color palette would include earth-tones and red and light blue accents. Project design requires approval through the City's Architectural Review Committee. Figure 2-4 and Figure 2-5 show the proposed elevations, and Figure 2-6 and Figure 2-7 show project renderings.

Figure 2-4 Elevations



Figure 2-5 Elevations



RIGHT (EAST) ELEVATION



REAR (NORTH) ELEVATION

Source: Arris Studio Architects, 2020.

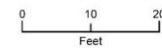


Figure 2-6 Rendering: Facing Northeast at Intersection of North Fremont Street and Casa Verde Way



NOT TO SCALE

Source: Arris Studio Architects, 2020.

Figure 2-7 Rendering: Facing Southeast on Casa Verde Way



Source: Arris Studio Architects, 2020.

NOT TO SCALE

Property line setbacks would be a minimum of 10 feet, as required by development standards for the VAF zone (City's Zoning Code Section 38-36, Property Development Standards).

Table 2-2 compares the project characteristics to existing conditions.

Table 2-2 Summary of Proposed Changes Compared to Existing Use

	Existing Conditions	Proposed Project	Change
Lot Coverage	8,366 sf (33 percent)	7,069 sf (28 percent)	-1,297 sf
Height	20 feet (12 feet above grade)	45 feet (35 feet above grade)	+23 feet above grade
Guest Rooms	18 rooms	42 rooms	+24 rooms
Parking	32 spaces	42 spaces	+10 spaces
Impervious Surface Area	23,241 sf (92 percent)	22,606 sf (89.5 percent)	-635 sf
Landscape Area	2,017 sf (8 percent)	2,652 sf (10.5 percent)	+635 sf
sf = square feet			

As shown in Table 2-2, the proposed building footprint and lot coverage would decrease (from 8,366 sf and 33 percent to 7,069 sf and 28 percent, respectively) compared to existing conditions. The proposed project would also result in a slight decrease in impervious surface area (from 92 percent to 89.5 percent) and an increase in landscape area (from 8 percent to 10.5 percent) as compared to existing conditions. The proposed project would represent an increase in height, number of guest rooms, and parking spaces compared to existing conditions.

2.5.2 Employees

The proposed 42 room hotel would generate an estimated 45 jobs, with 5 on-site positions and 40 remote positions. The 45 total jobs would comprise the following positions:

- **Full Time:**
 - General Manager
 - Assistant Manager
 - Front Desk Manager
 - Front Desk Staff (8 persons)
 - Night Auditor
 - Housekeeping Manger
 - Laundry Attendant
 - Housekeepers (12 persons)
 - Houseman (2 persons)
 - Accountant
 - Controller
 - Maintenance (2 persons)
 - Revenue Manager
 - Director of Sales

- **Part Time:**
 - Front Desk Manager
 - Front Desk Staff (4 persons)
 - Night Auditors (2 persons)
 - Housekeepers (2 persons)
 - Maintenance (2 persons)

2.5.3 Parking and Site Access

Per Section 38-115, Off-Street Parking and Loading Spaces Required, of the City's Zoning Code, the proposed project would require 42 parking spaces (1 parking space per guest room). The proposed project would include 42 parking spaces, including 2 Americans with Disabilities (ADA) compliant spaces, which is consistent with the City's parking regulations. The lower lobby on the north side of the hotel adjacent to the on-site parking lot off Casa Verde Way would be ADA accessible. A covered loading space and ramp, which would be utilized for deliveries, is proposed on the eastern side of the building. As allowed by Section 38-117, upon approval of a use permit, the project would involve a reduction in the required number of loading zone spaces from two standard-size (12-foot by 25-foot by 14-foot) loading zone spaces to one substandard-sized (9-foot, 4-inches by 23-foot by 8-foot, 6-inches) loading zone space. The loading zone space included as part of the project is intended for infrequent, short-term deliveries to the project site, and does not constitute a long-term or overnight parking space.

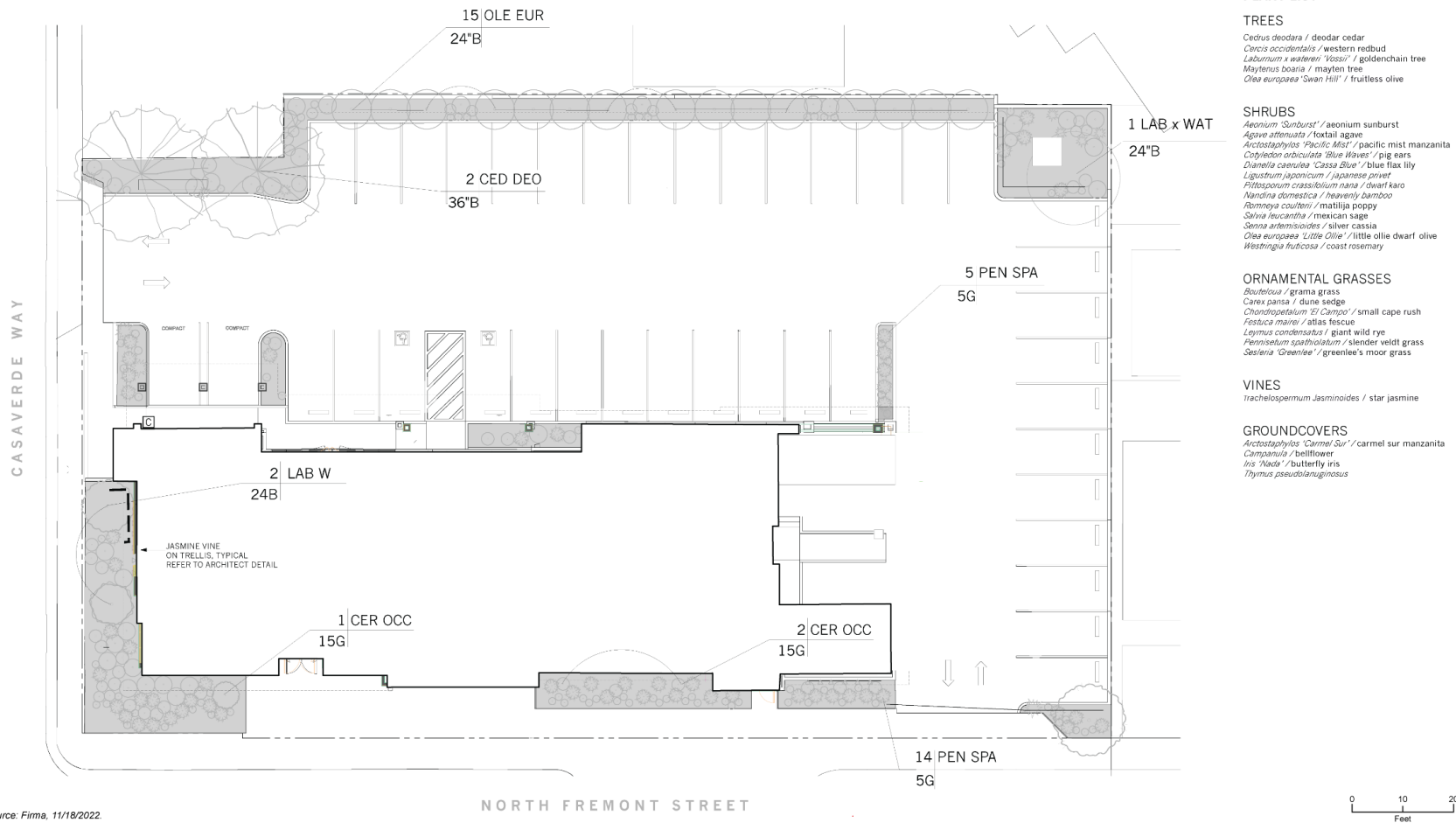
Per Section 38-120, Bicycle Parking, the proposed project would require one bicycle parking space (two percent of the required amount of automobile parking spaces); the proposed project would provide eight bicycle parking spaces within the bicycle storage room, which is consistent with the City's bicycle parking regulations. The bicycle storage room would be available for use by guests and employees.

Vehicular access to the project site would be provided via two access points: an existing curb cut along North Fremont Street, which would be improved as part of the project, and a proposed curb cut along Casa Verde Way. Circulation through the parking lot would be possible in both directions. Pedestrian and bicycle access would also be provided via the access points on North Fremont Street and Casa Verde Way. As part of the proposed project, the applicant would provide an easement on the project site with hardscaping designed to provide improved pedestrian circulation.

2.5.4 Landscaping

As depicted in Figure 2-8, landscaping would be integrated throughout the project site. The proposed project would install approximately 2,652 sf of landscaping, which is an increase of 31.5 percent as compared to existing conditions. The northern property boundary includes a 5-foot-wide easement, which would be landscaped with ornamental grasses and shrubs. Ornamental grasses and shrubs would also be planted along portions of the hotel façade on North Fremont Street and Casa Verde Way and throughout the surface parking lot. Several trees, including deodar cedar, western redbud, goldenchain, mayten, and olive, would be planted at the project site's corners. Green wall plantings with climbing vines would be located along portions of the hotel façade on North Fremont Street and Casa Verde Way.

Figure 2-8 Planting Plan



2.5.5 Retaining Walls

Due to the slope of the project site, retaining walls would be constructed along the northern and eastern site boundaries. To visually screen the adjacent residential uses to the north, a 7-foot high stucco wall would be constructed on top of the retaining wall on the northern site boundary.

The combined height of the stucco wall and retaining wall from grade of the adjacent property to the north would range from approximately 8 feet to 12 feet in height. No wall would be constructed on top of the retaining wall along the eastern site boundary, which would be approximately two feet in height from grade of the adjacent property to the east.

2.5.6 Exterior Lighting

The proposed project would include a variety of exterior lighting fixtures. Wall-mounted light fixtures would be located at several locations on the building's façade. Two bollard light fixtures would be located in landscaping along Casa Verde Way. Recessed lights providing downlighting would be located along walkways and at doorways. Five pole-mounted lights providing downlighting would be located throughout the surface parking lot.

2.5.7 Utilities

The following utility providers currently provide service to the project site and would continue to serve the proposed project: the California-American Water Company (Cal-Am) would supply water, the City's Public Works Department would provide sanitary sewer and stormwater services, and Central Coast Community Energy (3CE) would supply electricity via Pacific Gas and Electric Company's (PG&E) electricity infrastructure.

A proposed 3-inch water line and a 4-inch fire water line would connect the project to an existing water main along North Fremont Street. A proposed 6-inch sanitary sewer line would connect the project to an existing 8-inch sanitary sewer main along Casa Verde Way.

A proposed underground infiltration chamber, located at the northwestern portion of the project site, would provide approximately 965 cubic feet of stormwater retention. Roof stormwater would be collected by rain gutters and downspouts, then directed to the underground infiltration chamber. Other stormwater collected on the project site would flow to the underground infiltration chamber through a proposed 4-inch trench drain located to the east of the hotel building, and a proposed concrete gutter which would traverse the northern portion of the parking lot in an east-west direction. Overflow from the infiltration chamber would surface flow to adjacent landscaping, and overflow from landscaping would be conveyed via a proposed 4-inch storm drain overflow line to an existing curb drain along Casa Verde Way. The proposed landscape planters along North Fremont Street would be graded to retain water flows from portions of the adjacent sidewalk.

2.5.8 Construction and Grading

Construction of the proposed project is expected to occur over approximately 24 months. Construction activities would be separated into several phases, including demolition, site preparation, grading, building construction, paving, and architectural coating. Construction equipment for the proposed project would include earthwork equipment such as tractors, backhoes, cranes, bulldozers, forklifts, graders, pavers, and loaders, among others. Grading would require 1,483 cubic yards of cut and 134 cubic yards of fill, with 1,349 cubic yards to be exported off site.

Construction equipment would be staged on-site. Temporary lane closures may be required during construction along westbound North Fremont Street and northbound Casa Verde Way. Lane closures would range in duration from hours to a few days.

2.5.9 Green Building Features

The proposed project would meet the requirements of the 2022 California Energy Code and would include energy-efficient appliances and lighting, water-efficient appliances and fixtures, and water-efficient irrigation. Additionally, the project would include the following additional green building features:

- Energy-efficient appliances and lighting
- Water-efficient appliances, fixtures, and irrigation
- Electric vehicle charging stations.

The project would also comply with new “green” building requirements effective January 2023, California Energy Code 2022, California Green Building Standards Code 2022, California Building Code 2022, California Electric Code 2022, California Plumbing Code 2022 and California Mechanical Code 2022.

2.5.10 Specific Plan and Zoning Code Text Amendments

The North Fremont Specific Plan and Zoning Code text amendments included as part of the project are provided in Appendix B and below. The proposed project includes text amendments to the North Fremont Specific Plan clarifying that: (a) VAF zone requirements for VAF zoned properties apply as required by City of Monterey Charter, rather than the Specific Plan development objectives, standards, and guidelines; and (b) the Specific Plan is a tool to implement, but not a part of, the General Plan. The proposed project also includes an amendment to the City’s Zoning Code, as follows. Amendments (text additions) are shown in underline.

Section 38-36.A

A. Number of Off-Street Parking Spaces Required.

Hotels and Motels	One per guest room; plus two for every 50 rooms <u>for hotels and motels with over 49 rooms</u> ; plus parking, as required for accessory uses.
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Section 38-117

A use permit may be approved for nonresidential uses, reducing the number of parking spaces or loading spaces to less than the number and size specified in the schedules in Section 38-115, provided that the following findings are made:

- A. The parking demand will be less than the requirement in Schedule A or B; and
- B. The probable long-term occupancy of the building or structure, based on its design, will not generate additional parking demand; or
- C. There is significant public parking within a reasonable distance that has been provided or will be provided within a reasonable time.

In reaching a decision, the Planning Commission shall consider survey data submitted by an applicant or collected at the applicant's request and expense.

2.6 Project Objectives

The City and the project applicant have established the following objectives for the proposed project:

1. Revitalize the project site with a modern, high-quality designed hotel to attract new customers.
2. Remove urban decay and construct a new, economically viable hotel. Modernize the project site layout to be more functional and improve visual character for the existing and planned North Fremont Street commercial corridor.
3. Improve energy and utility efficiency relative to the existing motel.
4. Complement the City's efforts to invest in the North Fremont Business District and adjacent public infrastructure (which includes new sidewalks, dedicated bicycle lanes, center medians, reconstruction of the street, and upgrades to transportation systems) with quality private investment resulting in redevelopment of the project site.
5. Support local businesses and economy by providing additional lodging to accommodate more visitors than the existing motel.
6. Catalyze investment by other surrounding properties by increasing the number of visitors to North Fremont Street, thereby creating other community benefits including increasing consumer demand for goods and services to the direct vicinity.
7. Create new employment opportunities.
8. Increased Transient Occupancy Tax revenue for the City to fund public infrastructure and services.

2.7 Required Approvals

The proposed project would require the following ministerial permits from the City:

- Demolition permit
- Building permits

The proposed project would require the following discretionary permits and approvals from the City:

- Certification of the Environmental Impact Report
- CUP
- Architectural Review Committee Approval
- Specific Plan Text Amendments
- Zoning Code Text Amendments

The proposed project would also be required to obtain a water permit from the Monterey Peninsula Water Management District.

3 Environmental Setting

This section provides a general overview of the environmental setting for the proposed project. More detailed descriptions of the environmental setting for each environmental issue area can be found in Section 4.0, *Environmental Impact Analysis*.

3.1 Regional Setting

The project site is within the City of Monterey, approximately 0.75 mile south of Monterey Bay. The City of Monterey is located on the southern end of the Monterey Bay along the Central Coast of California, and is surrounded by the City of Pacific Grove to the west, unincorporated Monterey County to the south and southwest, San City and the City of Seaside to the east and northeast, and the Pacific Ocean to the north. Monterey encompasses approximately 12.3 square miles and as of January 2022 had a population of 28,082 (California Department of Finance 2022).

A grid system of roadways, including arterials, collectors, and local streets, are oriented parallel and perpendicular along the coast and provide vehicular access throughout the City. The major roadways in the City include Del Monte Avenue, Pacific Street, Lighthouse Avenue, and Fremont Street. The closest highways providing regional access include State Route 1 (SR 1), SR 68, and SR 218 (also known as Canyon del Rey Boulevard). SR 1 is located approximately 0.2 mile northwest of the project site, SR 68 is located approximately 0.3 mile southwest of the project site, and SR 218 is located approximately 0.6 mile east of the project site.

The City of Monterey and the surrounding region experience a Mediterranean, coastal climate with moderate temperatures year-round, with rainfall concentrated in the winter months. Summers are typically foggy and dry while winters are colder with rainfall and fog.

3.2 Project Site Setting

As shown in Figure 2-2 in Section 2.0, *Project Description*, the project site is bordered by residential uses to the north, northwest, and northeast; a gas station, florist, and hotel to the west; an office building, restaurant, and hotel to the east; hotels and commercial uses to the southwest and southeast; and hotels, a night club, and an adult theatre/bookstore to the south with the Monterey County Fairgrounds beyond.

The project site is currently developed with an existing one-story, 18-guest room motel, a 134-seat restaurant, and a surface parking lot. The existing motel and restaurant are not currently open for business. The site has a General Plan land use designation of Commercial, which allows retail, visitor commercial, and professional office uses. The project site is zoned as Visitor Accommodation Facility (VAF), as defined by the City's Zoning Map. Uses permitted in the VAF zoning district include commercial uses, VAFs and limited-occupancy VAFs, and accessory uses.

3.3 Cumulative Development

In addition to the specific impacts of individual projects, CEQA requires Environmental Impact Reports (EIRs) to consider potential cumulative impacts of the proposed project. CEQA defines "cumulative impacts" as two or more individual impacts that, when considered together, are

substantial or will compound other environmental impacts. Cumulative impacts are the combined changes in the environment that result from the incremental impact of development of the proposed project and other nearby projects. For example, traffic impacts of two nearby projects may be less than significant when analyzed separately, but could have a significant impact when analyzed together. Cumulative impact analysis allows the EIR to provide a reasonable forecast of future environmental conditions and can more accurately gauge the effects of a series of projects.

CEQA requires cumulative impact analysis in EIRs to consider either a list of planned and pending projects that may contribute to cumulative effects or a forecast of future development potential. Currently planned and pending projects in Monterey are listed in Table 3-1. In particular, the 2200 North Fremont project and the Garden Road projects are either located near the project site or along the same major arterial as the project site. These projects are considered in the cumulative analyses and the end of each section in Section 4.0, *Environmental Impact Analysis*.

Table 3-1 Cumulative Projects List

Project Location ¹	Proximity to Project Site	Description	Status
449 Alvarado Street	1.7 miles west	Demolish existing structure and construct a four-story mixed-use building with 34 new apartment units and 2,376 square feet of retail space.	EIR preparation in process
300 Cannery Row	2.2 miles northwest	Conversion of existing building to create eight new residential condominium units and 8,500 square feet of retail and coastal commercial with parking offsite	Planning permit approved; currently in review with Coastal Commission
480 Cannery Row	2.3 miles northwest	Construct a combination of buildings to include 51 residential units, 87,362 square feet of commercial use, 30,000 square feet of restaurant space, and 8,408 square feet of coastal/community use.	Has not received planning permits; coastal permit for small-scale desal denied
704 Foam Street	2.5 miles northwest	Demolish existing structure and construct four new stand-alone residential units with detached garages.	Planning permits in review; environmental review pending
2000 Garden Road	0.7 mile south	Convert existing commercial building to Construct a multi-family building with 34 <u>30</u> apartment units.	Architectural Review Committee preliminary review approved; final review pending <u>Concept review in progress</u>
2300 Garden Road	0.8 mile south	Convert existing office building into 64 apartment units.	Architectural Review Committee permit in review; environmental review approved <u>Construction underway</u>
2560 Garden Road	1 mile southwest	Demolish existing structure and construct a three-story multi-family building with 63 apartment units.	Planning permit incomplete

Project Location ¹	Proximity to Project Site	Description	Status
2600 Garden Road	1 mile southwest	Demolish existing structures and construct five 18 three two-story multi-family duplex buildings with 57 apartment <u>36 condominium</u> units.	Architectural Review Committee preliminary review approved; final review pending <u>Concept review in progress</u>
200 Glenwood Circle	1.6 southwest	Construct a new building to provide 40 independent living apartment units.	Building permit issued
600 Irving Avenue	2.8 miles northwest	Construct an addition to existing structure to create five new residential units.	Planning permits approved; water allocation pending
601 Lighthouse Avenue	2.5 miles northwest	Conversion of existing building to create four new apartment units, 3,345 square feet of retail space and one 914 office space (<i>sic</i>)	Building permit pending
6 Lower Ragsdale	2.8 miles southeast	Construct a 60,000 square-foot building to include 16 residential psychiatric health facility beds, a partial hospitalization program, an intensive outpatient program, and an outpatient clinic.	Construction underway
2200 North Fremont	1,100 feet east	Construct a three-story mixed-use building with 40 apartment units and 6,000 square feet of commercial space.	Building permits pending
2 Upper Ragsdale Drive, Bldg. A	2.8 miles southeast	Construct a 66,173 square-foot medical office building.	Environmental review pending <u>Planning permits approved; building permits pending</u>
457 Wave Street	2.3 miles northwest	Construct two new three-story buildings totaling four residential condominium units.	Building permit incomplete
Cumulative Project Summary			
<i>Residential Units</i>	<i>Commercial Square Feet</i>	<i>Medical Square Feet</i>	
293	21,135	126,173	
¹ Cumulative project details were sourced from the City of Monterey's website, last updated in February 2022 (City of Monterey 2022).			

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4 Environmental Impact Analysis

This section discusses the possible environmental effects of the 2101 North Fremont Hotel Project for the specific issue areas that were identified by the City as having the potential to experience significant effects. A “significant effect” as defined by the *CEQA Guidelines* §15382 as “a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. An economic or social change by itself shall not be considered a significant effect on the environment. A social or economic change related to a physical change may be considered in determining whether the physical change is significant.”

The assessment of each issue area begins with a discussion of the environmental setting related to the issue, which is followed by the impact analysis. In the impact analysis, the first subsection identifies the methodologies used and the “significance thresholds,” which are those criteria adopted by the City and other agencies, universally recognized, or developed specifically for this analysis to determine whether potential effects are significant. The next subsection describes each impact of the proposed project, mitigation measures for significant impacts, and the level of significance after mitigation. Each effect under consideration for an issue area is separately listed in bold text with the discussion of the effect and its significance. Each bolded impact statement also contains a statement of the significance determination for the environmental impact as follows:

- **Significant and Unavoidable.** An impact that cannot be reduced to below the threshold level given reasonably available and feasible mitigation measures. Such an impact requires a Statement of Overriding Considerations to be issued if the project is approved per §15093 of the *CEQA Guidelines*.
- **Less than Significant with Mitigation Incorporated.** An impact that can be reduced to below the threshold level given reasonably available and feasible mitigation measures. Such an impact requires findings under §15091 of the *CEQA Guidelines*.
- **Less than Significant.** An impact that may be adverse but does not exceed the threshold levels and does not require mitigation measures. However, mitigation measures that could further lessen the environmental effect may be suggested if readily available and easily achievable.
- **No Impact.** The proposed project would have no effect on environmental conditions or would reduce existing environmental problems or hazards.

Following each environmental impact discussion is a list of mitigation measures (if required) and the residual effects or level of significance remaining after implementation of the measure(s). In cases where the mitigation measure for an impact could have a significant environmental impact in another issue area, this impact is discussed and evaluated as a secondary impact. The impact analysis concludes with a discussion of cumulative effects, which evaluates the impacts associated with the proposed project in conjunction with other planned and pending developments in the area listed in Section 3.0, *Environmental Setting*.

The Executive Summary of this EIR summarizes all impacts and mitigation measures that apply to the proposed project.

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4.1 Cultural Resources

This section analyzes the proposed project's potential impacts related to cultural resources including historical and archeological resources, as well as human remains. This section also analyzes impacts related to paleontological resources. Tribal cultural resources are addressed in Section 4.5, *Tribal Cultural Resources*. The analysis in this section is based, in part, on a Cultural Resources Technical Report prepared for the project by Rincon Consultants, Inc. in July 2022. The full analysis is provided in Appendix C of this EIR.

4.1.1 Environmental Setting

The cultural setting of the project site is summarized below. A more detailed discussion of the project site's cultural resources setting is included in the Cultural Resources Technical Report in Appendix C.

a. Pre-Contact Setting

Indigenous History

The project site lies in the Central Coast archaeological region, which has been defined as extending from south of San Francisco Bay to the northern edge of the California Bight. The prehistoric cultural chronology for the Central Coast can be generally divided into six periods: Paleo-Indian (ca. 10000–8000 before common era [BCE]), Millingstone/Early Archaic (8000-3500 BCE), Early (3500-600 BCE), Middle (600 BCE- 1000 common era [CE]), Middle-Late Transition (1000-1250 CE), and Late (1250 CE-contact [ca. 1769 CE]).

Paleo-Indian Period

When the Early Man horizon (referred to herein as the Paleo-Indian Period) was developed in the 1950s, little evidence of human presence along the California coast prior to 6000 BCE existed. Archaeological work in the intervening years has identified numerous sites older than this date, and it is likely that more Paleo-Indian coastal sites are presently under water as it is estimated that 10,000 years ago sea levels were 15 – 20 meters lower than sea levels are today. This estimate places the central California shoreline during this period at approximately 10 kilometers farther west than today's coastline.

Most of the earliest accepted dates for occupation within the Central Coast are located in San Luis Obispo County, which have produced radiocarbon dates from approximately 9,000 years ago. One occupation site located in the Monterey Bay area and one occupation site located in southern Santa Clara Valley have produced debated radiocarbon dates more than 9,000 years ago, ranging from 7,180 to 10,080 years ago.

Typically, artifact assemblages from the Paleo-Indian Period lack groundstone implements and an abundance of faunal remains; however, assemblages indicate early use of millingstone technology alongside flaked stone artifacts. Flaked stone tools are common in this period, such as the eccentric crescent, which is thus far exclusive to the Paleo-Indian period. Furthermore, this period shows use of large side-notched points of the Central Coast Stemmed series which date to as early as 8,000 years ago. Points of this type have been recovered at Diablo Canyon, Cross Creek, and Little Pico Creek. Additionally, a fluted point was reportedly found on the surface in Nipomo, San Luis Obispo County.

Millingstone Period (8000–3500 BCE)

The Millingstone Period is characterized by an ecological adaptation to collecting suggested by the appearance and abundance of well-made milling implements. Millingstones occur in large numbers for the first time in the region's archaeological record and are even more numerous near the end of this period. Aside from millingstones, typical artifacts during this period include crude core and cobble-core tools, flake tools, large side-notched projectile points, and pitted stones.

The Cross Creek site in San Luis Obispo County is a Millingstone occupation site that returned radiocarbon dates ranging between 9,500 – 4,700 years ago. This site represents one of the oldest expressions of the Millingstone pattern. Within the Elkhorn Slough of the Monterey Bay Area radiocarbon dates of 6,200-4,000 BCE have been produced, and younger expressions of the pattern can be found in the Monterey Bay area.

No less than 42 sites dating to this period have been identified in various settings, including rocky coasts, estuaries, and nearshore interior valleys. The larger sites usually contain extensive midden deposits, possible subterranean house pits, and cemeteries. Most of these sites probably reflect intermittent use over many years of local cultural habitation and resource exploitation, with an emphasis on marine resources. Evidence at Elkhorn Slough confirms an early preference for estuarine and lacustrine settings. A lack of shell beads and flaked obsidian tools suggests low intensity inter-regional exchange.

Early Period (3500–600 BCE)

An extensive series of shoreline midden deposits within the Central Coast region date to the Early Period, suggesting an increase in occupation of the open coast. These include estuarine sites in San Luis Obispo County and open-coast sites in the Monterey Bay area. Sites dating to this period are marked by large lithic artifact assemblages consisting of Central Coast Stemmed Series and side-notched projectile points. Square-stemmed and side-notched points have also been found in deposits at Willow Creek in Big Sur, and Little Pico II on the San Luis Obispo coast. This trend has since become apparent at numerous sites throughout the Central Coast. In many cases, manifestations of this trend are associated with the establishment of new settlements.

The material culture recovered from Early Period sites within the Central Coast region provides evidence for continued exploitation of inland plant and coastal marine resources. Artifacts include milling slabs and handstones, as well as mortars and pestles, which were used for processing a variety of plant resources. Bipointed bone gorges were used for fishing. Assemblages also include a suite of *Olivella* beads, bone tools, and pendants made from talc schist. Square abalone shell (*Haliotis spp.*) beads have been found in Monterey Bay, but not in the Big Sur or San Luis Obispo areas.

Shell beads and obsidian are hallmarks of the trade and exchange networks of the central and southern California coasts. The archaeological record indicates a substantial increase in the abundance of obsidian at Early period sites in the Monterey Bay and San Luis Obispo areas. Obsidian trade continued to increase during the following the Middle period.

The Early Period shows an increase in hunting and fishing over the Millingstone Period, with rabbits and fish remains present in greater concentrations.

Middle Period (600 BCE–1000 CE)

The Middle Period saw a population increase as evidenced by the increased number of new settlements spanning throughout the Central Coast. During this period, there was a preference for burials in a flexed position and associated burial items, including projectile points and bone gorges. *Olivella* shell beads are found in abundance associated with burials dating to the Middle Period.

The Middle-Period is generally characterized by a shift in subsistence patterns, including more abundant use of mortars and pestles as well as higher use of larger stemmed and notched projectile points. Additionally, the first appearance of circular shell and bone fishhooks and notched net sinkers were observed within sites dating to this period. Evidence shows that marine resources were still abundantly utilized, with an increase in pinniped faunal remains, such as fur seals. Faunal assemblages show that marine diets were supplemented with small mammals, such as rabbits. Additionally, evidence from macro botanical analysis indicates a shift from small seeds to a heavy reliance on acorns.

Middle-Late Transition Period (1000–1250 CE)

The Middle-Late Transition period is marked by relative instability and change, with major changes in diet, settlement patterns, and interregional exchange. The relatively ubiquitous Middle period shell midden sites found along the Central Coast were abandoned by the end of the Middle-Late Transition period; therefore, most Transition period and Late period sites were first occupied at this time. Instead of large year-round habitation patterns, Middle-Late and Late period sites show smaller seasonal settlements.

During the Middle-Late Transition period within the Central Coast region, projectile points diagnostic of both the Middle and Late periods are found. The points include large, contracting-stemmed types typical of the Middle Period, as well as Late Period small, leaf-shaped points, which likely reflect the introduction of the bow and arrow.

Late Period (1250 CE–Historic Contact)

Late period sites are marked by small, finely worked projectile points, such as Desert side-notched and Cottonwood points, as well as temporally diagnostic shell beads. Although shell beads were typical of coastal sites, trade brought many of these maritime artifacts to inland locations, especially during the latter part of the Late period.

Common artifacts identified at Late Period sites include bifacial bead drills, bedrock mortars, hopper mortars, lipped and cupped *Olivella* shell beads, and steatite disk beads. The presence of beads and bead drills suggest that low-level bead production was widespread throughout the Central Coast region.

Unlike the large Middle period shell middens, Late period sites are more frequently single-component deposits. There are also more inland sites, with fewer and less visible sites along the Pacific shore during the Late period. However, one Late Period shell midden has been identified on the coast in Morro Bay. The settlement pattern and dietary reconstructions indicate a lesser reliance on marine resources than observed for the Middle and Middle-Late Transition periods, as well as an increased preference for deer and rabbit. An increase in sites with bedrock mortars during the Late period further suggests that nuts and seeds began to take on a more significant dietary role.

Ethnographic Setting

The project site lies in an area traditionally occupied by the Ohlone (or Costanoan) people. Ohlone territory extends along the California coast from the point where the San Joaquin and Sacramento rivers merge into the San Francisco Bay to Point Sur. Their inland boundary was limited to the interior Coast Ranges. The Ohlone language belongs to the Penutian family, with several distinct dialects throughout the region. It is divided into eight regional dialects: Karkin, Chochenyo, Ramaytush, Awaswas, Taymen, Mutsun, Rumsen, and Chalon.

Seven Franciscan missions were built in Ohlone territory in the late 1700s, and all members of the Ohlone group were eventually brought into the mission system. After the establishment of the missions, Ohlone population dwindled from roughly 10,000 people in 1770 to 1,300 by 1814. In 1973, the population of people with Ohlone descent was estimated at fewer than 300. The descendants of the Ohlone united in 1971 and have since arranged political and cultural organizations to revitalize aspects of their culture. Refer to Section 4.5.1.a in Section 4.5, *Tribal Cultural Resources*, for additional discussion of the Ohlone people.

b. Post-Contact Setting

Post-Contact history for the state of California is generally divided into three periods: the Spanish Period (1769–1822), Mexican Period (1822–1848), and American Period (1848–present). Although Spanish, Russian, and British explorers visited the area for brief periods between 1529 and 1769, the Spanish Period in California begins with the establishment in 1769 of a settlement at San Diego and the founding of Mission San Diego de Alcalá, the first of 21 missions constructed between 1769 and 1823. Independence from Spain in 1821 marks the beginning of the Mexican Period, and the signing of the Treaty of Guadalupe Hidalgo in 1848, ending the Mexican-American War, signals the beginning of the American Period when California became a territory of the United States.

Spanish Period (1769-1822)

Spanish explorers made sailing expeditions along the coast of California between the mid-1500s and mid-1700s. Juan Rodriguez Cabrillo in 1542 led the first European expedition to observe what was known by the Spanish as Alta (upper) California. For more than 200 years, Cabrillo and other Spanish, Portuguese, British, and Russian explorers sailed the Alta California coast and made limited inland expeditions, but they did not establish permanent settlements. The Spanish crown laid claim to Alta California based on the surveys conducted by Cabrillo and Vizcaíno.

By the 18th century, Spain developed a three-pronged approach to secure its hold on the territory and counter against other foreign explorers. The Spanish established military forts known as presidios, as well as missions and pueblos (towns) throughout Alta California. The presidio at Monterey and Mission San Carlos Borromeo were established in 1770, although the mission was moved a year later to present-day Carmel. Monterey served as the capital of Baja and Alta California in 1776 until 1803. The pueblo of Monterey grew as residents expanded outside the royal presidio with Spanish soldiers marrying, raising families, or retiring.

Construction of missions and associated presidios was a major emphasis during the Spanish Period in California to integrate the Native American population into Christianity and communal enterprise. Incentives were also provided to bring settlers to pueblos or towns; just three pueblos were established during the Spanish Period, only two of which were successful and remain as California cities (San José and Los Angeles).

Spain began making land grants in 1784, typically to retiring soldiers, although the grantees were only permitted to inhabit and work the land. The land titles technically remained property of the Spanish king.

Mexican Period (1822-1848)

Several factors kept growth within Alta California to a minimum, including the threat of foreign invasion, political dissatisfaction, and unrest among the indigenous population. After more than a decade of intermittent rebellion and warfare, New Spain won independence from Spain in 1821. In 1822, the Mexican legislative body in California ended isolationist policies designed to protect the Spanish monopoly on trade, and decreed California ports open to foreign merchants.

In 1822, residents of Alta California received word that Mexico had won its war for independence from Spain. At this time, the pueblo of Monterey had a population of several hundred and the newly established Mexican government decreed the California ports open to increased trade with foreigners under the constitution of 1824.

Hallmarks of the Mexican Period in California are the secularization of mission lands, which was fully accomplished by 1836, the issuance of large land grants, and cattle ranching for the hide and tallow trade. Extensive land grants were established in the interior during the Mexican Period, in part to increase the population inland from the more settled coastal areas where the Spanish had first concentrated their colonization efforts. The secularization of the missions following Mexico's independence from Spain resulted in the subdivision of former mission lands and establishment of many additional ranchos. Commonly, former soldiers and well-connected Mexican families were the recipients of these land grants, which now included the title to the land. As Mexico opened California to international trade, Monterey became the primary port of entry, and the exportation of hide and tallow was one of the most important parts of the economy.

American Period (1848 - Present)

The United States went to war with Mexico in 1846. During the first year of the war, John C. Fremont traveled from Monterey to Los Angeles with reinforcements for Commodore Stockton, and evaded Californian soldiers in Santa Barbara's Gaviota Pass by taking the route over the San Marcos grade instead. The war ended in 1848 with the Treaty of Guadalupe Hidalgo, ushering California into its American Period.

The Gold Rush brought a multitude of new settlers to California beginning in 1848, and in 1850 Monterey became one of the first counties in the newly-established state, with the City of Monterey serving as the original county seat until 1872.

c. Local History

Although it was no longer the capital of Baja and Alta California, in 1850, Monterey was established as the county seat and supplied early miners for the first couple of years of the Gold Rush before new boom towns grew around the southern mines of Gold Country. Gold was not the only attraction for those who settled in Monterey. The wealth of sea life around the Monterey Peninsula, from migrating whales to abalone and squid, supported a community of Chinese fisherman. By 1853, they had established a vibrant fishing village and were soon joined by Portuguese whalers from the Azores Islands who made their livelihoods in shore whaling.

By the mid-1850s, the Gold Rush had ended for Monterey, the army installment in Monterey had moved to San Francisco, and former Rancho lands that made up large portions of the area were being sold off. In 1872, Monterey lost its county seat to the City of Salinas.

The area, however, slowly started to develop following the establishment of the first railroad in 1874. Shortly thereafter, Charles Crocker, one of California's railroad barons, took over the railroad. He had a vision to create a destination for his railroad, with a luxury resort at the center. Hotel Del Monte was established in 1880, and spanned several acres, and included gardens, parkland, polo grounds, and a racetrack. The hotel land was vast, spanning over 7,000 acres. The opening of the hotel marked the beginning of Monterey's international tourism industry. Tourism in the area continued following the opening of the hotel. In addition to the luxury hotel, Monterey attracted people for being a quaint town with charming adobes as well as its desirable seaside location.

In addition to fishing and tourism, Monterey also attracted artists. In 1874 Jules Tavernier opened a studio in the area and invited his friends, initiating an art colony that included Fannie Osborne and Robert Louis Stevenson. At the turn of the twentieth century, the military also returned to Monterey, making the city's continued expansion. Following the Spanish-American War, the need for more presence on the west coast prompted the Army to establish the Monterey Military Reservation on the same site as the 1846 Army installation. In 1904 it was renamed the Presidio of Monterey in honor of the original presidio at Monterey. The presidio continues to provide instruction and training today.

The local economy was further transformed in 1902 when the first fish packing and canning operation opened on Ocean View (present day Cannery Row). In the following years fishery experts introduced the boat and net system increasing salmon and sardine catches. Canning expert Knut Hovden arrived in Monterey and introduced methods to mechanize the canning operation, further spurring the local economy. By 1940, nineteen canneries harvested over 250,000 tons per season on Cannery Row, making Monterey the "Sardine Capital of the World." By the late 1940s, however, sardine harvests diminished signaling the end of the signature industry.

Beginning in the 1920s, with increased automobile ownership and the expansion of local roads, more Americans were able to travel, including to Monterey. In order to accommodate a variety of travelers, motor courts and autocamps were developed along commonly traveled routes outside downtowns, allowing families to stay in small cottages or tents including along North Fremont Street through Monterey.

In 1919, the Del Monte Properties Company acquired the Hotel Del Monte and the first incarnation of the Monterey County Fair took place on the racetrack and polo grounds in 1930. The County Fair lapsed for several years during the great depression, but newly legalized horse racing in 1936 spurred the return of the fair, offering another tourism attraction for the area.

Monterey's tourism continued to flourish through the war years. Following the end of World War II, the city continued to expand and adapt for growing tourism. In the 1960s, a national movement to revitalize downtowns through renewal projects arrived in Monterey. Swaths of older parts of Old Town Monterey were demolished while nearby Fort Ord was expanded. The result was a new plaza near the foot of Fisherman's Wharf that connected to Cannery Row, which included the adaptive reuse of old industrial canning buildings for new commercial uses.

The Monterey Bay Aquarium opened in 1984. In 1992, Monterey Bay was designated a National Marine Sanctuary. Fort Ord closed in 1994, and a portion was quickly redeveloped for the creation of the California State University Monterey Bay. The Presidio of Monterey also began to house the Defense Language Institute, specializing in graduate degrees in international studies and a center for

foreign languages. The former Hotel Del Monte now houses the Naval Postgraduate School. Today, the ecological and environmental sectors, and educational facilities along with tourism are the primary drivers for the local economy.

d. Project Site Historical Setting

Developed between 1945-1949, the project site is typical of the commercial development of Monterey during this period. Following the establishment of the Monterey County Fairgrounds in 1936 and subsequent increase in tourism after World War II, the property was one of several motels constructed along North Fremont Street during this era. The existing motel served motoring families vacationing in Monterey or attending the Monterey County Fairgrounds south of the property, which was bringing in record crowds by 1947. By 1956, the surrounding area developed further with residential developments south and west of the project area and greater commercial development along North Fremont Street. Approximately ten motor courts and motels were constructed, including the project site, and the older motor courts expanded into motels. Since 1968, the area has seen very little changes and development. Some of the older motels were torn down for new commercial uses, and the fairgrounds racetrack was converted to a golf course.

Research conducted as part of the Cultural Resources Technical Report (Appendix C) did not reveal that the project site has historical significance. As such, the project site is recommended ineligible for listing in the National Register of Historic Places (NRHP) or the California Register of Historical Resources (CRHR). The NRHP and the CRHR are described further in Section 4.1.2, *Regulatory Setting*.

Research did not reveal that the project site was individually significant within this context or any other historic trend important to the region, state, or nation. The property is recommended ineligible for listing in the NRHP and the CRHR under Criterion A/1, listed below.

NRHP Criterion A:	Is associated with events that have made a significant contribution to the broad patterns of our history
CRHR Criterion 1:	Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage

The property has had a number of owners and operators since its construction. Research conducted as part of the Cultural Resources Technical Report did not identify any individual connected with the property has made significant historical contributions; therefore, the property is recommended ineligible for listing to the NRHP and the CRHR under Criterion B/2, listed below.

NRHP Criterion B:	Is associated with the lives of persons significant in our past
CRHR Criterion 2:	Is associated with the lives of persons important to our past

2101 Fremont Street was constructed between 1945 and 1949 as motel. Built with elements of the Minimal Traditional and Revival Styles, it was one of many properties designed with the same characteristics during this period. It does not embody distinctive characteristics of a type, period, or method of construction. Furthermore, the property has been substantially altered since its construction between 1945 and 1949 with the addition of a two-story section at the rear of the manager living quarters in 1959, a complete alteration of the façade of the living quarters and dining area into a restaurant in 1966 and 1984, the addition of the office in 1981, and the replacement of all windows in 1996. As a result, the existing motel and restaurant have diminished integrity of material and design. The existing motel and restaurant have undergone several

alterations throughout its history each designed and constructed by various architects and building contractors. The original architect and contractor of the motel were not identified during research. The additions and alterations from the other architects and contractors are minor additions and not representative of their respective works. It also is not the work of a master, nor does it possess high artistic value. Therefore, 2021 North Fremont Street is recommended ineligible for listing to the NRHP and CRHR under Criterion C/3, listed below.

- | | |
|--------------------------|--|
| NRHP Criterion C: | Embodies the distinctive characteristics of a type, period, or method of installation, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction |
| CRHR Criterion 3: | Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values |

Finally, a review of available evidence and records search results did not indicate the property may yield important information about prehistory or history. The property is recommended ineligible for listing to the NRHP and CRHR under Criterion D/4, listed below.

- | | |
|--------------------------|--|
| NRHP Criterion D: | Has yielded, or may be likely to yield, information important in prehistory or history |
| CRHR Criterion 4: | Has yielded, or may be likely to yield, information important in prehistory or history |

Because the project site is not eligible for listing in the NRHP or CRHR, it is also ineligible for listing as a local historic resource under the City's Historic Properties Ordinance, described further in Section 4.1.2, *Regulatory Setting*.

e. Paleontological Setting

Paleontological resources, or fossils, are the evidence of once-living organisms preserved in the rock record. They include both the fossilized remains of ancient plants and animals and the traces thereof (e.g., trackways, imprints, burrows, etc.). Paleontological resources are not found in "soil" but are contained within the geologic deposits or bedrock that underlies the soil layer. Typically, fossils are greater than 5,000 years old (i.e., older than middle Holocene in age) and are typically preserved in sedimentary rocks. Although rare, fossils can also be preserved in volcanic rocks and low-grade metamorphic rocks under certain conditions (Society of Vertebrate Paleontology [SVP] 2010). Fossils occur in a non-continuous and often unpredictable distribution within some sedimentary units, and the potential for fossils to occur within sedimentary units depends on several factors. It is possible to evaluate the potential for geologic units to contain scientifically important paleontological resources, and therefore evaluate the potential for impacts to those resources and provide mitigation for paleontological resources if they are discovered during construction of a development project.

The project site is in the Coast Ranges geomorphic province, one of the eleven geomorphic provinces of California (California Geological Survey 2002). The Coast Ranges extend along the majority of California's coast from the California-Oregon border to Point Arguello in Santa Barbara County in the south and consist of northwest-trending mountain ranges and valleys. The Coast Ranges are composed of Mesozoic and Cenozoic sedimentary, igneous, and metamorphic strata. The eastern side is characterized by strike-ridges and valleys in the Upper Mesozoic strata. The

Coast Ranges province runs parallel to and overlaps the San Andreas Fault in some areas (California Geological Survey 2002). Locally, the project site is in the City of Monterey, which lies on the coast of Monterey Bay at the northern end of the Sierra de Salinas.

The regional geology was mapped at a scale of 1:24,000 by Clark et al. (1997), who identified a single geologic unit, Pleistocene-aged coastal terrace deposits, underlying the project site. The project site is located on the border of two named coastal terraces, the Lighthouse and Peninsula College coastal terraces, but the lithology and paleontological sensitivity of these terraces are identical, so they will be considered together herein. Coastal terrace deposits consist of semiconsolidated, moderately well-sorted sand with thin, discontinuous gravel layers (Clark et al. 1997). Coastal terrace deposits have produced vertebrate and invertebrate fossils throughout California, including near Monterey Bay (Bradley and Addicott 1968, Jefferson 2010, Paleobiology Database 2022; Powell et al. 2004, University of California Museum of Paleontology 2022; Wright 1972). Therefore, coastal terrace deposits have high paleontological sensitivity.

4.1.2 Regulatory Setting

a. Federal Regulations

National Register of Historic Places

Although the project does not have a federal nexus, properties which are listed in or have been formally determined eligible for listing in the NRHP are automatically listed in the CRHR. The following is therefore presented to provide applicable regulatory context. The NRHP was authorized by Section 101 of the National Historic Preservation Act and is the nation's official list of cultural resources worthy of preservation. The NRHP recognizes the quality of significance in American, state, and local history, architecture, archaeology, engineering, and culture is present in districts, sites, buildings, structures, and objects. Per 36 CFR Part 60.4, a property is eligible for listing in the NRHP if it meets one or more of the following criteria:

- Criterion A:** Is associated with events that have made a significant contribution to the broad patterns of our history
- Criterion B:** Is associated with the lives of persons significant in our past
- Criterion C:** Embodies the distinctive characteristics of a type, period, or method of installation, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction
- Criterion D:** Has yielded, or may be likely to yield, information important in prehistory or history

In addition to meeting at least one of the above designation criteria, resources must also retain integrity. The National Park Service recognizes seven aspects or qualities that, considered together, define historic integrity. To retain integrity, a property must possess several, if not all, of these seven qualities, defined as follows:

- Location:** The place where the historic property was constructed or the place where the historic event occurred
- Design:** The combination of elements that create the form, plan, space, structure, and style of a property
- Setting:** The physical environment of a historic property

- Materials:** The physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form a historic property
- Workmanship:** The physical evidence of the crafts of a particular culture or people during any given period in history or prehistory
- Feeling:** A property's expression of the aesthetic or historic sense of a particular period of time
- Association:** The direct link between an important historic event or person and a historic property

Certain properties are generally considered ineligible for listing in the NRHP, including cemeteries, birthplaces, graves of historical figures, properties owned by religious institutions, relocated structures, or commemorative properties. Additionally, a property must be at least 50 years of age to be eligible for listing in the NRHP. The National Park Service states that 50 years is the general estimate of the time needed to develop the necessary historical perspective to evaluate significance (National Park Service 1997:41). Properties which are less than 50 years must be determined to have "exceptional importance" to be considered eligible for NRHP listing.

b. State Regulations

California Register of Historical Resources

The CRHR was established in 1992 and codified by Public Resources Code (PRC) Sections 5024.1 and 4852. The CRHR is an authoritative listing and guide to be used by state and local agencies, private groups, and citizens in identifying the existing historical resources of the state and to indicate which resources deserve to be protected, to the extent prudent and feasible, from substantial adverse change (PRC 5024.1(a)). The criteria for eligibility for the CRHR are consistent with the NRHP criteria but have been modified for state use in order to include a range of historical resources that better reflect the history of California (Public Resources Code, 5024.1(b)). Unlike the NRHP however, the CRHR does not have a defined age threshold for eligibility; rather, a resource may be eligible for the CRHR if it can be demonstrated sufficient time has passed to understand its historical or architectural significance. Furthermore, resources may still be eligible for listing in the CRHR even if they do not retain sufficient integrity for NRHP eligibility. Generally, the California Office of Historic Preservation recommends resources over 45 years of age be recorded and evaluated for historical resources eligibility.

A property is eligible for listing in the CRHR if it meets one of more of the following criteria:

- Criterion 1:** Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage
- Criterion 2:** Is associated with the lives of persons important to our past
- Criterion 3:** Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values
- Criterion 4:** Has yielded, or may be likely to yield, information important in prehistory or history

California Environmental Quality Act

California PRC Section 21804.1 requires lead agencies determine if a project could have a significant impact on historical or unique archaeological resources. As defined in PRC Section 21084.1, a

historical resource is a resource listed in, or determined eligible for listing in, the CRHR, a resource included in a local register of historical resources or identified in a historical resources survey pursuant to PRC Section 5024.1(g), or any object, building, structure, site, area, place, record, or manuscript that a lead agency determines to be historically significant. PRC Section 21084.1 also states resources meeting the above criteria are presumed to be historically or cultural significant unless the preponderance of evidence demonstrates otherwise. Resources listed in the NRHP are automatically listed in the CRHR and are, therefore, historical resources under CEQA. Historical resources may include eligible built environment resources and archaeological resources of the precontact or historic periods.

CEQA Guidelines Section 15064.5(c) provides further guidance on the consideration of archaeological resources. If an archaeological resource does not qualify as a historical resource, it may meet the definition of a “unique archaeological resource” as identified in PRC Section 21083.2. PRC Section 21083.2(g) defines a unique archaeological resource as an artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria: 1) it contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information, 2) has a special and particular quality such as being the oldest of its type or the best available example of its type, or 3) is directly associated with a scientifically recognized important prehistoric or historic event or person.

If an archaeological resource does not qualify as a historical or unique archaeological resource, the impacts of a project on those resources will be less than significant and need not be considered further (*CEQA Guidelines* Section 15064.5[c][4]). *CEQA Guidelines* Section 15064.5 also provides guidance for addressing the potential presence of human remains, including those discovered during the implementation of a project.

According to CEQA, an impact that results in a substantial adverse change in the significance of a historical resource is considered a significant impact on the environment. A substantial adverse change could result from physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of the historical resource would be materially impaired (*CEQA Guidelines* Section 15064.5 [b][1]). Material impairment is defined as demolition or alteration in an adverse manner [of] those characteristics of a historical resource that convey its historical significance and that justify its inclusion in, or eligibility for inclusion in, the CRHR or a local register (*CEQA Guidelines* Section 15064.5[b][2][A]).

California Health and Safety Code

Section 7050.5 of the California Health and Safety Code states that in the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the remains are discovered has determined if the remains are subject to the Coroner’s authority. If the human remains are of Native American origin, the coroner must notify the NAHC within 24 hours of this identification.

California Public Resources Code Section 5097.98

Section 5097.98 of the California Public Resources Code states that the NAHC, upon notification of the discovery of Native American human remains pursuant to Health and Safety Code §7050.5, shall immediately notify those persons (i.e., the Most Likely Descendant [MLD]) that it believes to be descended from the deceased. With permission of the landowner or a designated representative,

the MLD may inspect the remains and any associated cultural materials and make recommendations for treatment or disposition of the remains and associated grave goods. The MLD shall provide recommendations or preferences for treatment of the remains and associated cultural materials within 48 hours of being granted access to the site.

California Public Resources Code

Section 5097.5 of the Public Resources Code states:

No person shall knowingly and willfully excavate upon, or remove, destroy, injure, or deface any historic or prehistoric ruins, burial grounds, archaeological or vertebrate paleontological site, including fossilized footprints, inscriptions made by human agency, or any other archaeological, paleontological, or historical feature, situated on public lands, except with the express permission of the public agency having jurisdiction over such lands. Violation of this section is a misdemeanor.

Here “public lands” means those owned by, or under the jurisdiction of, the state or any city, county, district, authority, or public corporation, or any agency thereof. Consequently, public agencies are required to comply with Public Resources Code Section 5097.5 for their own activities, including construction and maintenance, and for permit actions (e.g., encroachment permits) undertaken by others.

c. Local Regulations

City of Monterey Historic Properties Ordinance

The City of Monterey Historic Properties Ordinance (Ordinance No. 3472 [2012]) authorizes the Historic Preservation Commission to designate historic resources as H-1 Landmark Overlay Zoning, H-2 City Historic Resource Overlay Zoning, or H-D Historic District Overlay Zoning, as approved by the City Council, by the procedures outlined in the ordinances. An eligible property may be nominated and zoned in the Landmark Overlay Zoning (H-1), City Historic Resource Overlay Zoning (H-2), or Historic District Overlay Zoning (H-D).

City of Monterey General Plan Historic Preservation Element

The City’s General Plan Historic Preservation Element recognizes that the City contains historic resources with international, national, and statewide significance. Accordingly, the City has developed a comprehensive Historic Preservation Program for the protection of historic resources. The program consists of the Historic Preservation Element itself, the City’s Historic Master Plan and historic survey program, the Historic Preservation Ordinance, city ownership and maintenance of historic buildings, and coordination with and incentive for historic property owners (City of Monterey 2019).

4.1.3 Impact Analysis

a. Methodology

Cultural Resources

Direct impacts can be assessed by identifying the types and locations of proposed development, determining the exact locations of cultural resources within the project area, assessing the

significance of the resources that may be affected, and determining the appropriate mitigation. Removal, demolition, or alteration of historical resources can permanently impact the historic fabric of an archaeological site, structure, or historic district.

The State Legislature, in enacting the California Register, amended CEQA to clarify which properties are significant, as well as which project impacts are considered significantly adverse. A project with an effect that may cause a substantial adverse change in the significance of a historic resource is a project that may have significant effect on the environment (Section 150645[b]). A substantial adverse change in the significance of a historic resource means demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of a historical resource would be materially impaired (Section 150645[b][1]).

The *CEQA Guidelines* further state that “[t]he significance of an historic resource is materially impaired when a project... [d]emolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in the California Register ... local register of historic resources... or its identification in an historic resources survey.”

As such, the test for determining whether the project will have a significant impact on identified historic resources is whether it will materially impair physical integrity of the historic resource such that it could no longer be listed in the NRHP or CRHR or the local landmark program.

As described in Section 4.1.2 of the Cultural Resources Technical Report prepared by Rincon Consultants, Inc. in July 2022 (Appendix C), Rincon cultural resource specialists conducted a cultural resources records search at the California Historical Resources Information System (CHRIS) at the Northwest Information Center (NWIC) located at Sonoma State University on June 17, 2022. The NWIC is the official state repository for cultural resources records and reports for the county in which the project falls. The purpose of the records search was to identify previously recorded cultural resources, as well as previously conducted cultural resources studies within the project site and a 0.25-mile radius surrounding it. Rincon cultural resources specialists also reviewed the NRHP, the CRHR, the California Historical Landmarks list, and the Built Environment Resources Directory., Additionally, Rincon archeologists reviewed the Archaeological Determination of Eligibility list.

Paleontological Resources

Rincon evaluated the paleontological sensitivity of the geologic units that underlie the project site to assess the project’s potential for significant impacts to scientifically important paleontological resources. The analysis was based on the results of a review of existing information in the scientific literature regarding known fossils within geologic units mapped at the project site. According to the SVP (2010) classification system, geologic units can be assigned a high, low, undetermined, or no potential for containing scientifically significant nonrenewable paleontological resources. Following the literature review, a paleontological sensitivity classification was assigned to each geologic unit mapped within the project site. This criterion is based on rock units within which vertebrate or significant invertebrate fossils have been determined by previous studies to be present or likely to be present. The potential for impacts to significant paleontological resources is based on the potential for ground disturbance to directly impact paleontologically sensitive geologic units.

b. Significance Thresholds

In accordance with Appendix G of the *CEQA Guidelines*, an impact to cultural resources is considered significant if the project would:

1. Cause a substantial adverse change in the significance of a historical resource pursuant to *CEQA Guidelines* §15064.5;
2. Cause a substantial adverse change in the significance of an archaeological resource pursuant to *CEQA Guidelines* §15064.5; or
3. Disturb any human remains, including those interred outside of dedicated cemeteries.

An impact to paleontological resources is considered significant if the project would:

4. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

c. Project Impacts and Mitigation Measures

Threshold 1: Would the project cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?

Impact CUL-1 THE PROJECT WOULD RESULT IN THE DEMOLITION AND REMOVAL OF THE EXISTING MOTEL AND RESTAURANT. DUE TO A LACK OF SIGNIFICANCE AND INTEGRITY, THE EXISTING MOTEL AND RESTAURANT DO NOT MEET THE ELIGIBILITY CRITERIA FOR LISTING IN THE CALIFORNIA REGISTER OF HISTORIC PLACES OR OTHERWISE CONSTITUTE HISTORICAL RESOURCES FOR THE PURPOSES OF CEQA. THUS, NO IMPACT TO HISTORIC RESOURCES WOULD OCCUR.

As described under Section 4.1.2, *Regulatory Setting*, a property is eligible for listing on the NRHP or the CRHR if it is associated with events that have made a significant contribution to the broad patterns of our history; associated with the lives of persons who are significant in our past; embodies the distinctive characteristics of a type, period, or method of construction, or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components may lack individual distinction; and/or if it has yielded, or may be likely to yield, information important in prehistory or history.

As described under Section 4.1.1, *Environmental Setting*, the project site is recommended ineligible for listing in the NRHP, CRHR, and as local historical resource, under any applicable significance criteria. Therefore, the project, which would include demolition of the existing motel and restaurant, would not adversely affect a historical resource. As such, no impact to historical resources would occur as defined in Section 15064.5(b) of the *CEQA Guidelines*.

Mitigation Measures

No mitigation measures are required because no impact would occur.

Threshold 2: Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?
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Impact CUL-2 PROJECT GRADING AND OTHER GROUND-DISTURBING ACTIVITIES COULD RESULT IN IMPACTS TO PREVIOUSLY UNIDENTIFIED ARCHAEOLOGICAL RESOURCES. THIS IMPACT WOULD BE LESS THAN SIGNIFICANT WITH MITIGATION.

The project site is located in an urbanized area in the City of Monterey and is developed with a single-story restaurant, an 18-guest room motel, and a surface parking lot. The CHRIS records search and background research identified 15 cultural resources studies within 0.25 mile of the project site. Of these studies, none include a portion of the project site and three include areas directly adjacent

to the project site. None of the three studies adjacent to the project site identified cultural resources within the project area. Refer to Appendix C for further detail regarding the CHRIS record search results.

The proposed project would include grading and excavation. The project site has been previously graded and disturbed during construction of the existing motel, restaurant, and surface parking lot. This Cultural Resources Technical Study conducted for the project did not identify any archaeological resources or archaeological deposits in the project site. The absence of substantial prehistoric or historic-period archaeological remains within the immediate vicinity, along with the existing level of disturbance in the project site, suggest there is a low potential for encountering intact subsurface archaeological deposits. Despite this low potential, there is always a possibility that unknown buried archaeological resources could be encountered during project ground disturbance that may be considered important examples of California history or prehistory. Impacts are potentially significant and Mitigation Measures CUL-2(a) and CUL-2(b) are required.

Mitigation Measures

CUL-2(a) Worker Environmental Awareness Program (WEAP) for Cultural Resources

The project applicant shall retain a qualified archaeologist who meets or exceeds the Secretary of the Interior's Professional Qualifications Standards for archaeology to conduct Worker Environmental Awareness Program (WEAP) training for archaeological sensitivity for all construction personnel prior to the commencement of ground disturbing activities. Archaeological sensitivity training shall include a description of the types of cultural resources, including tribal cultural resources, that may be encountered, cultural sensitivity issues, regulatory issues, and the proper protocol for treatment of the materials in the event of a find. The WEAP training document shall include materials which convey the information noted above and shall be maintained in an area accessible to all construction personnel so it may be reviewed regularly by construction staff. A Native American representative should be allowed to participate in the training if requested. Evidence that the WEAP training has been completed shall be provided to the City of Monterey prior to the commencement of ground disturbing activities.

CUL-2(b) Unanticipated Discovery of Cultural Resources

In the event that archaeological resources are unexpectedly encountered during ground-disturbing activities, work within 50 feet of the find shall halt and an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards for archaeology (National Park Service 1983) shall be contacted immediately to evaluate the find. If the resource is determined by the qualified archaeologist to be prehistoric, then a Native American representative shall also be contacted to participate in the evaluation of the resource. If the qualified archaeologist and/or Native American representative determines it to be appropriate, archaeological testing for CRHR eligibility shall be completed. If the resource proves to be eligible for the CRHR and impacts to the resource cannot be avoided via project redesign, a qualified archaeologist shall prepare a data recovery plan tailored to the physical nature and characteristics of the resource, per the requirements of CCR Guidelines Section 15126.4(b)(3)(C). The data recovery plan shall identify data recovery excavation methods, measurable objectives, and data thresholds to reduce any significant impacts to cultural resources related to the resource. Pursuant to the data recovery plan, the qualified archaeologist and Native American representative, as appropriate, shall recover and document the scientifically consequential information that justifies the resource's significance. The City shall review and approve the treatment plan and archaeological testing as appropriate, and the resulting

documentation shall be submitted to the regional repository of the California Historical Resources Information System, per CCR Guidelines Section 15126.4(b)(3)(C).

Significance after Mitigation

Implementation of Mitigation Measures CUL-2(a) and CUL-2(b) would reduce potential impacts to archaeological resources to less than significant.

Threshold 3: Would the project disturb any human remains, including those interred outside of formal cemeteries?

Impact CUL-3 GROUND-DISTURBING ACTIVITIES DURING CONSTRUCTION WOULD HAVE THE POTENTIAL TO DISTURB UNIDENTIFIED HUMAN REMAINS. COMPLIANCE WITH EXISTING REGULATIONS WOULD ENSURE IMPACTS REMAIN LESS THAN SIGNIFICANT.

No human remains are known to be present within the project site. However, the discovery of human remains is always a possibility during ground disturbing activities. If human remains are found, the State of California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. In the event of an unanticipated discovery of human remains, the County Coroner must be notified immediately. If the human remains are determined to be of Native American origin, the Coroner will notify the NAHC, which will determine and notify a MLD. The MLD has 48 hours from being granted site access to make recommendations for the disposition of the remains. If the MLD does not make recommendations within 48 hours, the landowner shall reinter the remains in an area of the property secure from subsequent disturbance.

With adherence to existing regulations, impacts to human remains would be less than significant.

Mitigation Measures

No mitigation measures are required because this impact would be less than significant.

Threshold 4: Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

IMPACT CUL-4 GROUND-DISTURBING ACTIVITIES DURING CONSTRUCTION WOULD HAVE THE POTENTIAL TO SIGNIFICANTLY IMPACT PALEONTOLOGICAL RESOURCES. IMPACTS WOULD BE LESS THAN SIGNIFICANT WITH MITIGATION.

Ground disturbance for the proposed project is anticipated to consist primarily of surface grading; however, excavations for groundwater infiltration chambers and utilities would be expected to reach up to 15 feet below the surface. The project site is currently developed, so surficial grading is unlikely to disturb previously undisturbed sediments. However, given their depth, excavation for the groundwater infiltration tanks has the potential to destroy unique paleontological resources. Impacts are potentially significant and Mitigation Measures CUL-4(a) and CUL-4(b) are required.

Mitigation Measures

CUL-4(a) Worker Environmental Awareness Program (WEAP) for Paleontological Resources

The project applicant shall retain a Qualified Professional Paleontologist (as defined by the Society of Vertebrate Paleontology [SVP 2010]) to conduct a paleontological Worker Environmental Awareness Program (WEAP) training for paleontological resources for all construction personnel prior to commencement of ground disturbing activities. Paleontological resources training shall include information regarding the appearance of fossils and the procedures for notifying paleontological staff should fossils be discovered by construction staff. The WEAP training document shall include materials which convey the information noted above and shall be maintained in an area accessible to all construction personnel so it may be reviewed regularly by construction staff. Evidence that the WEAP training has been completed shall be provided to the City of Monterey prior to the commencement of ground disturbing activities.

CUL-4(b) Unanticipated Fossil Discovery

In the event a fossil is discovered during construction of the project, excavations within 50 feet of the find shall be temporarily halted or delayed until the discovery is examined by a Qualified Professional Paleontologist (as defined by the Society of Vertebrate Paleontology [SVP 2010]). The project applicant shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. If the find is determined to be significant, the applicant shall retain a Qualified Professional Paleontologist to prepare and implement a data recovery plan for paleontological resources. The data recovery plan shall include measures to reduce any significant impacts to the paleontological resources by ensuring the fossil is appropriately recovered and curated. These measures shall include, but may not be limited to, excavation and salvaging, identification, preparation, and curation of the fossil at a scientific institution. The Qualified Professional Paleontologist shall design and carry out a data recovery plan consistent with the SVP (2010) standards. The City shall review and approve the data recovery plan, as appropriate, prior to excavation and salvaging of the fossil.

Significance After Mitigation

Implementation of Mitigation Measures CUL-4(a) and CUL-4(b) would reduce potential impacts to paleontological resources to less than significant.

4.1.4 Cumulative Impacts

The proposed project would not result in impacts to historical resources. Further, the project is not nearby historic resources, and is not within a historic district; therefore, the project would not contribute to cumulative impacts to historical resources.

The proposed project, in conjunction with other nearby planned, pending, and potential future projects in the City of Monterey (Table 3-1 of Section 3.0, *Environmental Setting*), could result in significant cumulative impacts to archaeological resources. Cumulative development in the region would continue to disturb areas with the potential to contain archaeological resources. As discussed in Section 4.1.3, above, Mitigation Measures CUL-2(a) and CUL-2(b) would be implemented to ensure that unanticipated archaeological resources identified during construction are adequately mitigated. Similarly, cumulative projects are reviewed separately by the appropriate jurisdiction and undergo environmental review when it is determined that the potential for significant impacts

exists. In the event that future cumulative projects would result in impacts to known or unknown cultural resources, impacts to such resources would be addressed on a case-by-case basis, and would likely be subject to mitigation measures similar to those imposed for the proposed project. As such, cumulative impacts would be less than significant with mitigation. After implementation of Mitigation Measures CUL-2(a) and CUL-2(b) the project's contribution would not be cumulatively considerable.

The project would involve ground disturbing activities which could encounter human remains. If human remains are found, the proposed project and cumulative projects would be required to comply with the State of California Health and Safety Code Section 7050.5. With adherence to existing regulations relating to human remains, cumulative impacts would be less than significant and the proposed project's impacts would not be cumulatively considerable.

Cumulative development could result in significant cumulative impacts to paleontological resources. Cumulative development in the region would continue to disturb areas known to have high paleontological sensitivity. As discussed in Section 4.1.3, above, Mitigation Measure CUL-4(a) and CUL-4(b) would be implanted to ensure that impacts to potential paleontological resources would be less than significant. Further, as described above, in the event that future cumulative projects would result in impacts to paleontological resources, impacts to such resources would be addressed on a case-by-case basis, and would likely be subject to mitigation measures similar to those imposed for the proposed project. As such, cumulative impacts would be less than significant with mitigation. After implementation of Mitigation Measures CUL-4(a) and CUL-4(b), the project's contribution would not be cumulatively considerable.

4.2 Hazards and Hazardous Materials

This section discusses the existing environmental setting, regulatory setting, and potential project impacts associated with hazards and hazardous materials. The background information and analysis in this section is based upon the City of Monterey General Plan Safety Element (City of Monterey 2005) and the Monterey Airport Land Use Compatibility Plan (County of Monterey 2019). Databases queried include the following: the Hazardous Waste and Substances site “Cortese” list (Department of Toxic Substances Control [DTSC] 2022); the GeoTracker List of Leaking Underground Storage Tank Sites (State Water Resources Control Board [SWRCB] 2022); a list of solid waste disposal sites identified by the SWRCB (California Environmental Protection Agency [CalEPA] 2022a); and a list of “active” Cease and Desist Orders (CDO) and Cleanup and Abatement (CAO) sites (CalEPA 2022b).

4.2.1 Environmental Setting

a. Hazardous Materials

Hazardous materials are substances with physical and chemical properties of ignitability, corrosivity, reactivity, or toxicity, which may pose a threat to human health or the environment. The term “hazardous materials” is used in this section to generally describe chemical materials, such as petroleum products, solvents, pesticides, herbicides, paints, metals, asbestos, and other regulated chemical materials. Additionally, the term “release” as used in this section includes known historical spills, leaks, illegal dumping, or other methods of release of hazardous materials to soil, sediment, groundwater, or surface water. If a historical release exists, then there is a risk associated with planned development disturbing the release area. As discussed further below in Section 4.2.3.a, *Methodology*, several databases were searched to determine whether the project site is included on any list of known hazardous sites. Based on the database search results, it was determined that the project site is not listed on any lists of hazardous materials sites.

b. Existing On-Site Structures

The project site is currently developed with a one-story, 18-guest room motel, a 134-seat restaurant, and a surface parking lot. The existing motel and restaurant were constructed between 1945 and 1949. The motel has undergone several alterations throughout its history. In 1949 and 1952, the motel was renovated. In 1959, a two-story addition and kidney bean-shaped pool were constructed to the rear of the manager living quarters. In 1966 the living quarters, office, and dining area were converted to a restaurant. Between 1981 and 1982, the current office and living quarters were constructed at the southeast corner of the property. In 1984, the restaurant was altered again with a new storefront. Aerial images indicate that the pool was infilled in the early 2000s. Since then, the buildings have remained largely unchanged. The motel and restaurant are vacant and no longer in use.

c. Asbestos

According to the United States Environmental Protection Agency (USEPA), asbestos is used in a variety of building construction materials for insulation and as a fire retardant due to its durability and heat resistance. Most uses of asbestos are not banned in the United States (USEPA 2022a). However, in 1973, the USEPA banned spray-applied surfacing asbestos-containing material for fireproofing/insulating purposes (USEPA 2022b). Asbestos fibers may be released into the air by the disturbance of asbestos-containing material during product use and demolition work. Exposure to

asbestos could lead to harmful health effects and increased risk of developing lung disease (USEPA 2022a). As discussed above, the existing building was constructed between 1945 and 1949, with several improvements and alterations taking place through the early 2000s. Due to the age of the existing building, it is likely that the building includes asbestos-containing materials.

d. Lead

Lead is a naturally occurring element that can be toxic to humans and animals, and lead exposure can result in health effects, especially in children. Lead and lead compounds have been used in a variety of consumer products, including paint, ceramics, pipes and plumbing materials, solders, gasoline, batteries, ammunition and cosmetics (USEPA 2022c). In 1978, consumer uses of lead-based paint were banned (USEPA 2022d). Since the existing motel and restaurant were constructed prior to 1978, there is potential for lead-based paints to be present.

e. Mercury

Mercury exists in various forms, and potential for exposure occurs in different ways. According to the USEPA, the most common way people in the United States are exposed to mercury is by eating fish containing methylmercury. However, other exposures may result from using or breaking products containing mercury, such as fever thermometers. Potential sources of mercury on the project site include thermostats and electrical switches (USEPA 2022e).

f. Polychlorinated Biphenyls

Caulk containing potentially harmful polychlorinated biphenyls (PCB caulk) was commonly used in buildings constructed in the 1950s through the 1970s to seal the joints of brick, masonry, stone, and metal window frames (USEPA 2022f). Since the existing motel and restaurant were renovated and altered during that time period, there is potential for PCB caulk to be present in building materials.

g. Airport Safety Hazards

The Monterey Regional Airport is located approximately 0.4-mile southeast of the project site. The Monterey Regional Airport provides commercial and general aviation access to the national air transportation system in support of business and leisure travel (Monterey Regional Airport 2022). Aircraft flight operations specifications are regulated by the Federal Aviation Administration (FAA 2022).

The primary hazard associated with land uses near the airport is the risk of aircraft incidents on approach and takeoff. According to the Monterey Airport Land Use Compatibility Plan, the project site is located within the Airport Influence Area, and specifically within Zone 3 - Inner Turning Zone (ITZ). The ITZ includes locations where aircraft are typically turning to the final approach leg and are descending. The ITZ also includes the area where departing aircraft normally complete the transition from takeoff power to a climb mode to get to their route. The accident risk level is considered moderate to high within the ITZ zones, comprising approximately seven percent of general aviation aircraft accidents. According to the Monterey Airport Land Use Compatibility Plan, the project site is not designated as a Noise Sensitive Institution and is not within Noise Contours (County of Monterey 2019).

4.2.2 Regulatory Setting

a. Federal Regulations

Occupational Safety and Health Act

Created by the Occupational Safety and Health Act of 1970, the Occupational Safety and Health Administration (OSHA) is the federal agency responsible for ensuring worker safety. OSHA regulations provide standards for safe workplaces and work practices, including those relating to hazardous materials handling (OSHA 2022a).

Toxic Substances Control Act

The Toxic Substances Control Act (United States Code Section 2601, et seq) was passed by the United States Congress in 1976 and is administered by the USEPA to regulate the introduction of new or already existing chemicals. Under the Toxic Substances Control Act, the USEPA evaluates potential risks from new and existing chemicals and acts to address any unreasonable risks chemicals may have on human health and the environment (USEPA 2022g). The Federal Toxic Substances Control Act provides the USEPA with authority to require reporting, record-keeping and testing requirements, and restrictions relating to chemical substances and/or mixtures (USEPA 2022h).

The USEPA enforces the Toxic Substances Control Act through inspections of places in which asbestos-containing materials are manufactured, processed, and stored and through the assessment of administrative and civil penalties and fines, as well as injunctions against violators. The Toxic Substances Control Act establishes a process by which public exposure to hazards may be reduced through manufacturing, distribution, use and disposal restrictions or labeling of products.

PCBs are hazardous materials regulated by the USEPA under the Toxic Substances Control Act. These regulations ban the manufacture of PCBs although the continued use of existing PCB-containing equipment is allowed. PCBs were formerly used in such applications as hydraulic fluids, plasticizers, adhesives, fire retardants, and electrical transformers, among others. The Toxic Substances Control Act also contains provisions controlling the continued use and disposal of existing PCB-containing equipment. The disposal of PCB wastes is also regulated by Toxic Substances Control Act (40 Code of Federal Regulations [CFR] Part 761), which contains life cycle provisions.

Under the Toxic Substances Control Act, USEPA has enacted strict requirements on the use, handling, and disposal of asbestos-containing materials. These regulations include the phasing out of friable asbestos and asbestos-containing materials in new construction materials beginning in 1979. In 1989, the USEPA banned most uses of asbestos in the country. Although most of the ban was overturned in 1991, the current banned product categories include corrugated paper, rollboard, commercial paper, specialty paper, flooring felt, and any new uses.

The Toxic Substances Control Act also establishes USEPA's Lead-Based Paint Abatement and Evaluation Program regulations, which provide a framework for lead abatement, risk assessment, and inspections. Those performing these services are required to be trained and certified by USEPA.

Resource Conservation and Recovery Act

The Resource Conservation and Recovery Act (RCRA) of 1976 established a program administered by the USEPA for the regulation of the generation, transportation, treatment, storage, and disposal of hazardous waste. RCRA was amended in 1984 by the Hazardous and Solid Waste Act, which

affirmed and extended the “cradle to grave” system of regulating hazardous wastes. Among other things, the use of certain techniques for the disposal of some hazardous wastes was specifically prohibited by the Hazardous and Solid Waste Act (USEPA 2022i).

Comprehensive Environmental Response, Compensation and Liability Act

The Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) was enacted in 1980 and amended by the Superfund Amendments and Reauthorization Act in 1986. This law provides broad federal authority to respond directly to releases or threatened releases of hazardous substances that may endanger public health or the environment. Among other things, CERCLA established requirements concerning closed and abandoned hazardous waste sites, provided for liability of persons responsible for releases of hazardous waste at these sites, and established a trust fund to provide for cleanup when no responsible party could be identified. CERCLA also enabled revision of the National Contingency Plan, which provided the guidelines and procedures needed to respond to releases and threatened releases of hazardous substances, pollutants, or contaminants. The National Contingency Plan also established the National Priorities List (USEPA 2022j).

Process Safety Management Standard

The OSHA Process Safety Management Standard includes requirements for preventing or minimizing the consequences of catastrophic releases of toxic, reactive, flammable, or explosive chemicals for general industry and construction. Requirements of this standard include providing employees with information pertaining to hazardous chemicals, training employees on the operation of equipment with hazardous materials, and employer requirements to perform a process hazard analysis (OSHA 2022b).

National Incident Management System

The National Incident Management System (NIMS) provides a systematic, proactive approach to guide government agencies, nongovernmental organizations, and the private sector to work together to prevent, report to, recover from, and mitigate the effects of incidents, regardless of cause, size, location, or complexity, in order to reduce the loss of life and property harm to the environment. The City participates in NIMS, which improves its ability to prepare for and respond to potential incidents and hazard scenarios (FEMA 2022).

Hazardous Materials Transportation Uniform Safety Act

The United States Department of Transportation regulates hazardous materials transportation on all interstate roads pursuant to its authority under the Hazardous Materials Transportation Uniform Safety Act of 1990. In California, the California Department of Transportation (Caltrans) and California Highway Patrol enforce federal law. Together, these agencies determine driver training requirements, load labeling procedures, and container specifications (OSHA 2022c).

Federal Air Regulations Part 77

Federal Air Regulations Part 77 states that all applicants proposing any construction or alterations that may affect navigable airspace must file a Notice of Proposed Construction or Alteration (Form 7460-1) with the Federal Aviation Administration (FAA). This notice allows the FAA to conduct an initial screening determination for applicable projects. The initial screening determination from the FAA may state one of the following:

- The project is not identified as an obstruction and would not be a hazard to air navigation; or

- The project would be an obstruction unless reduced to a specified height and is presumed to be a hazard to air navigation pending further study.

If a proposed development is identified as a presumed hazard, the FAA may require further aeronautical study or allow the project to be revised to include a reduction in the height of the proposed improvements. After the FAA completes the additional aeronautical study, it will normally issue a Determination of Hazard to Air Navigation or a Determination of No Hazard to Air Navigation.

b. State Regulations

Hazardous Waste Control Law

The DTSC, a department of the CalEPA, is the primary agency in California that regulates hazardous waste, cleans up existing contamination, and looks for ways to reduce the hazardous waste produced in California. DTSC regulates hazardous waste in California primarily under the authority of RCRA and the California Health and Safety Code. DTSC also administers the California Hazardous Waste Control Law to regulate hazardous wastes. While the Hazardous Waste Control Law is generally more stringent than RCRA, until the USEPA approves the California program, both State and federal laws apply in California. The Hazardous Waste Control Law lists 791 chemicals and approximately 300 common materials that may be hazardous; establishes criteria for identifying, packaging, and labeling hazardous wastes; prescribes management controls; establishes permit requirements for treatment, storage, disposal, and transportation; and identifies some wastes that cannot be disposed of in landfills.

Government Code Section 65962.5

Government Code Section 65962.5 requires the DTSC, the State Department of Health Services, SWRCB, and CalEPA to compile and annually update lists of hazardous waste sites and land designated as hazardous waste sites throughout the state. The Secretary for Environmental Protection consolidates the information submitted by these agencies and distributes it to each city and county where sites on the lists are located. Before the lead agency accepts an application for any development project as complete, the applicant must consult these lists to determine if the site at issue is included. If any soil is excavated from a site containing hazardous materials, it would be considered a hazardous waste if it exceeded specific criteria in Title 22 of the California Code of Regulations (CCR). Remediation of hazardous wastes found at a site may be required if excavation of these materials is performed, or if certain other soil disturbing activities would occur. Even if soil or groundwater at a contaminated site does not have the characteristics required to be defined as hazardous waste, remediation of the site may be required by regulatory agencies subject to jurisdictional authority. Cleanup requirements are determined on a case-by-case basis by the agency taking jurisdiction.

Cal/OSHA Title 8

Pursuant to the requirements of Cal/OSHA Title 8, employers must develop site-specific Health and Safety Plans. Workers potentially exposed to hazardous materials in their workplace must be trained so that they are aware of the hazards and provided necessary protection from the hazardous materials.

Hazardous Waste Management

Waste that is toxic, corrosive, flammable, or reactive must be handled, stored, transported, and disposed of in accordance with the regulations in California Health and Safety Code, Division 20, Chapter 6.5 and CCR, Title 22, Division 4.5, which are more stringent than federal regulations.

c. Local Regulations

Monterey County Environmental Health Division

The Monterey County Environmental Health Division is responsible for managing the use, storage, and disposal of hazardous materials in amounts over a specific threshold (the threshold varies among uses and types of materials). The Environmental Health Division keeps an inventory of hazardous materials users and is responsible for working with users to develop plans that ensure the materials are safely used, stored, transported, and disposed.

Monterey Bay Air Resources District Rule 424

The Monterey Bay Air Resources District (MBARD) Rule 424, National Emission Standards for Hazardous Air Pollutants (NESHAPS) incorporates Title 40 CFR, Chapter I, Parts 61 and 63. Rule 424 regulates asbestos as a toxic material and controls the emissions of asbestos from demolition and renovation activities by specifying agency notifications, appropriate removal procedures, and handling and clean up procedures. Rule 424 applies to demolition or renovation of structures with asbestos-containing materials.

Monterey County Airport Land Use Commission

The Monterey County Airport Land Use Commission (ALUC) is a seven-member commission created under the authority of California State Aeronautics Act (Public Utility Code Section 21670). The purpose of the commission is to ensure that new land uses near public use airports do not create excessive noise and safety hazards for the public. Development proposals in the vicinity of local airports are referred to the ALUC by governing jurisdictions for their input (ALUC 2022).

Monterey Airport Land Use Compatibility Plan

Development near the Monterey Regional Airport has the potential to create land use conflicts related to the safe operation of approaching and departing aircraft. The Monterey Airport Land Use Compatibility Plan provides policies and regulations aimed at reducing potential conflicts between the airport and surrounding uses. The plan establishes an Airport Influence Area, which includes portions of the cities of Monterey, Del Rey Oaks, Seaside, Sand City, and unincorporated areas in Monterey County (County of Monterey 2019). The project site is located within the Airport Influence Area in the City. The plan includes the safety, noise, and height restriction policies and criteria to be used when considering land use developments within the vicinity of the Airport Influence Area. The Monterey Airport Land Use Compatibility Plan is an update to the Comprehensive Land Use Plan (CLUP) for Monterey Regional Airport (County of Monterey 1987) and supersedes the CLUP in its entirety.

General Plan Safety Element

The City's General Plan Safety Element identifies and describes the nature of potential seismic, geologic, flood, fire, aircraft, criminal, and emergency preparedness hazards within Monterey. The Safety Element includes the following goals and policies related to aircraft hazards and hazardous

materials that are applicable to the proposed project. Goal and policy consistency related to other relevant hazard areas are discussed in Section 4.6, *Effects Found Not to be Significant*.

Goal e. Maximize aviation safety on and adjacent to the Monterey Airport.

Policy e.1. Support safety improvements to the Monterey Peninsula Airport and adjacent areas.

Program e.1.1. Review proposed buildings to ensure compliance with Federal Aviation Regulations, Part 77, Objects Affecting Navigable Airspace.

Policy e.4. In collaboration with the Monterey Peninsula Airport District, review projects that may pose risks to the safe operation of the Monterey Peninsula Airport and mitigate such impacts through the development review process.

Policy e.5. Develop airport compatibility policies.

Policy e.6. Promote compatible land uses around the airport consistent with the airport safety zones.

Goal g. Review all applications for discretionary projects to evaluate proposed uses of hazardous materials. Require that projects which propose the use, handling, storage, transportation, and/or disposal of hazardous material incorporate actions to minimize hazards to public health and safety from such use and conform to the County of Monterey Environmental Health Department requirements for reporting and management of such materials.

4.2.3 Impact Analysis

a. Methodology

Project impacts are based upon the presence or potential presence of hazardous materials on or near the project site. The City of Monterey General Plan Safety Element (City of Monterey 2005) and the Monterey Airport Land Use Compatibility Plan (County of Monterey 2019) were referenced for information related to hazards planning.

Pursuant to Government Code Section 65962.5, the following databases were queried to determine whether the project site is included on any list of known hazardous sites:

- Hazardous Waste and Substances site “Cortese” list (DTSC 2022) pursuant to Section 65962.5(a)(4)
- GeoTracker List of Leaking Underground Storage Tank Sites (SWRCB 2022) pursuant to Section 65962.5(c)(1)
- List of solid waste disposal sites identified by the SWRCB (CalEPA 2022a) pursuant to Section 65962.5(c)(2)
- List of “active” CDO and CAO sites (CalEPA 2022b) pursuant to Section 65962.5(c)(3)

Lists are no longer compiled pursuant to Government Code Section 65962.5(b) or (d); therefore, the search was limited to the databases listed above.

b. Significance Thresholds

In accordance with Appendix G of the *CEQA Guidelines*, an impact to hazards and hazardous materials is considered significant if the project would:

1. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials;
2. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment;
3. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school;
4. Be located on a site that is included on a list of hazardous material sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment;
5. Result in a safety hazard or excessive noise for people residing or working in the project area for a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport;
6. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan; or
7. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires.

a. Project Impacts and Mitigation Measures

Threshold 1:	Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?
Threshold 2:	Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

Impact HAZ-1 THE EXISTING ON-SITE MOTEL AND RESTAURANT, WHICH MAY CONTAIN ASBESTOS, LEAD, MERCURY, AND POLYCHLORINATED BIPHENYL CAULK, WOULD BE DEMOLISHED AS PART OF THE PROPOSED PROJECT WHICH COULD RESULT IN THE RELEASE OF HAZARDOUS MATERIALS IF NOT HANDLED, TRANSPORTED, AND DISPOSED OF PROPERLY. THIS IMPACT WOULD BE LESS THAN SIGNIFICANT WITH MITIGATION.

Construction of the proposed hotel would temporarily increase the local transport, use, and disposal of construction-related hazardous materials and petroleum products (e.g., diesel fuel, lubricants, paints and solvents, and cement products containing strong basic or acidic chemicals). The transport, use, and storage of hazardous materials could potentially cause harm to construction workers or others in the area during an accidental release or mishandling. The transport, use, and storage of hazardous materials during construction of the project would be subject to all applicable local, State, and federal regulations, including the Hazardous Materials Transportation Act, Resource Conservation and Recovery Act, the California Hazardous Material Management Act, and the California Code of Regulations, Title 22. These regulations prescribe measures for the safe transport, use, storage, and disposal of hazardous materials to reduce risk of accidental spills. In addition, compliance with the Construction General Permit requires implementation of good housekeeping Best Management Practices (BMPs) to reduce risk of spills or leaks of hazardous materials used during construction (refer to Section 4.6.8, *Hydrology and Water Quality*). Further, the proposed project would be required to comply with Goal g in the General Plan Safety Element, which requires City review of all applications for discretionary projects to evaluate proposed use, handling, storage, transportation, and/or disposal of hazardous material to minimize hazards to public health and

safety from such use. The project would also conform to the County of Monterey Environmental Health Department requirements related to reporting and management of hazardous materials.

Existing uses on the project site include a motel and restaurant, which are currently vacant and closed for business. The existing motel and restaurant, which was constructed between 1945 and 1949, would be demolished as part of the project. Hazardous materials, including asbestos, lead, mercury, and PCB caulk could be present in the existing on-site motel and restaurant and could be released into the environment if not handled, transported, and disposed of properly. If released, these hazardous materials could impact construction workers or others in the surrounding area, including nearby residential uses immediately north of the project site. Construction impacts associated with building demolition are potentially significant and mitigation is required. Although not required to reduce impacts due to hazards and hazardous materials, MBARD has provided a recommended measure pertaining to asbestos which the project applicant will implement to reduce air quality impacts related to asbestos (refer to MBARD Recommendation 4 in Section 4.6.3, *Air Quality*).

Operation of the project would involve transport, use, and disposal of nominal amounts of hazardous materials or wastes associated with hotel uses, such as commercial cleaning supplies (e.g., bleach, detergent) and landscaping products (e.g., fertilizer, pesticides) that could be potentially hazardous if handled improperly or ingested. However, these products are not considered acutely hazardous and are not generally considered unsafe. All storage, handling, and disposal of hazardous materials during project operation would comply with applicable standards and instructions related to usage. Project compliance with the General Plan Safety Element and requirements imposed by the County of Monterey Environmental Health Department would further minimize impacts. Therefore, operation and maintenance of the proposed project would result in a less than significant impact associated with the routine transport, use, disposal, or accidental release of hazardous materials.

Mitigation Measures

HAZ-1 Asbestos, Lead, Mercury, and Polychlorinated Biphenyl Caulk Abatement

Prior to issuance of the first demolition permit, the applicant shall contract with a City-approved abatement specialist to conduct surveys that screen for the presence of asbestos, lead (especially lead-based paint), mercury, and polychlorinated biphenyl (PCB) caulk in the existing on-site building materials. If the surveys do not identify hazardous building materials, then additional mitigation is not required. If hazardous building materials are identified, the abatement specialist shall prepare an Abatement Report, which shall summarize the site-specific surveys and outline required abatement measures for identified hazardous building materials. The Abatement Report shall outline abatement measures for identified hazardous building materials to ensure that hazardous building materials are removed and disposed of in accordance with applicable state and federal standards including, but not limited to, the Monterey Bay Air Resources District Rule 424 (National Emission Standards for Hazardous Air Pollutants [NESHAPS]), the United States Environmental Protection Agency's Lead-Based Paint Abatement and Evaluation Program, the Toxic Substances Control Act (United States Code Title 15, Chapter 53, Section 2601, et seq. and Code of Federal Regulations Title 40, Chapter I, Subchapter R), and the California Occupational Safety and Health Administration's (Cal OSHA's) asbestos and lead standards (Title 8 Section 1529 and 1532 of the Cal OSHA Regulations). Abatement measures may include but would not be limited to, hazardous materials containment, disposal at permitted facilities, segregation of hazardous materials from other waste, use of certified contractors for abatement, use of high efficiency particulate air (HEPA)

filtration or other engineering controls to prevent airborne dispersal of hazardous materials, and use of personal protective equipment during abatement. The Abatement Report shall be reviewed and approved by the City of Monterey Community Development Department prior to issuance of the first demolition permit. Recommendations in the approved Abatement Report shall be undertaken by abatement contractors that utilize safe work practices and shall be completed in accordance with timing requirements set forth in the Abatement Report. The applicant shall require contractors to include compliance with the Abatement Report in their demolition and/or construction contracts.

Significance After Mitigation

Implementation of Mitigation Measure HAZ-1 would reduce impacts to a less than significant level.

Threshold 3: Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school?

Impact HAZ-2 THE PROJECT SITE IS NOT LOCATED WITH 0.25-MILE OF A SCHOOL. NO IMPACT WOULD OCCUR.

The project site is not located within 0.25 mile of a school. The nearest schools are the Bay View Academy, which is located approximately 0.35 mile northwest of the project site, and the Santa Catalina School, which is located approximately 0.40 mile southwest of the project site. Therefore, the project would not emit hazardous emissions or handle hazardous materials within 0.25 mile of a school and no impact would occur.

Mitigation Measures

No mitigation measures are required because there would be no impact.

Threshold 4: Would the project be located on a site that is included on a list of hazardous material sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

Impact HAZ-3 THE PROJECT SITE IS NOT LOCATED ON ANY LIST OF HAZARDOUS MATERIALS SITES COMPILED PURSUANT TO GOVERNMENT CODE SECTION 65962.5. THEREFORE, THE CONSTRUCTION AND OPERATION OF THE PROJECT WOULD NOT CREATE A SIGNIFICANT HAZARD TO THE PUBLIC OR THE ENVIRONMENT. NO IMPACT WOULD OCCUR.

As discussed above in Section 4.2.3.a, several databases were searched to determine whether the project site is included on any list of known hazardous sites. No listed hazardous material sites/facilities or active clean ups were identified on the project site (DTSC 2022, SWRCB 2022, CalEPA 2022a, CalEPA 2022b). Therefore, the project site is not listed on any lists of hazardous materials sites compiled pursuant to Government Code Section 65962.5, and construction and operation of the project would not create a significant hazard to the public or the environment. No impact would occur.

Mitigation Measures

No mitigation measures are required because there would be no impact.

Threshold 5: For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?

Impact HAZ-4 THERE IS THE POTENTIAL FOR THE PROPOSED PROJECT TO RESULT IN SAFETY HAZARDS ASSOCIATED WITH BUILDING HEIGHT AND EXTERIOR LIGHTING DUE TO PROXIMITY TO THE MONTEREY REGIONAL AIRPORT. HOWEVER, PROJECT DESIGN AND COMPLIANCE WITH EXISTING FAA REGULATIONS AND ALUC RECOMMENDATIONS RELATED TO AIRPORT HAZARDS AND SAFETY WOULD ENSURE THE PROPOSED PROJECT WOULD NOT RESULT IN A SAFETY HAZARD OR EXCESSIVE NOISE FOR PEOPLE RESIDING OR WORKING IN THE PROJECT AREA. IMPACTS WOULD BE LESS THAN SIGNIFICANT.

The Monterey Regional Airport is located approximately 0.4 mile southeast of the project site. However, the project would not result in excessive noise that would pose a hazard for people residing or working in the project area due to proximity to the Monterey Regional Airport. As a proposed hotel development, the project would not be considered a sensitive receptor for noise. Additionally, the project site is not designated as a Noise Sensitive Institution and is not within Noise Contours in the Monterey Airport Land Use Compatibility Plan (County of Monterey 2019). Further, as discussed in Section 4.4, *Noise*, the proposed project would not result in significant noise impacts related to airport noise. Therefore, the proposed project would not result excessive noise for people residing or working in the project area. No impact related to noise hazards would occur.

According to the Monterey Airport Land Use Compatibility Plan, the project site is located within the Airport Influence Area, and specifically within Zone 3 - ITZ. The accident risk level is considered moderate to high within the ITZ zones, comprising approximately seven percent of general aviation aircraft accidents (County of Monterey 2019). Potential safety hazards associated with the proposed project include building height and exterior lighting. Due to the proximity of the project site to the Monterey Regional Airport, building height exceeding established regulations and bright exterior lighting could pose risks resulting in aircraft accidents. The existing motel and restaurant are one- to two-stories and have a maximum height of approximately 12 feet above grade. The proposed hotel development would be a maximum of four stories (three stores above grade and one story partially below grade) and would have a maximum height of 35 feet above grade. Although the proposed project would increase the building height on the project site by approximately 23 feet, the project would not be substantially taller than other development in the area. Surrounding development in the vicinity of the project site consists predominantly of one -story development. A few two-story developments exist in the vicinity of the project site, including the adjacent office building immediately to the east, a commercial building at the southwest corner of North Fremont Street and Casa Verde Way, and a motel approximately 350 feet to the southeast. An existing three-story hotel is located approximately 200 feet east of the project site, which is developed at a similar scale and height as the proposed project. Additionally, existing telephone and electrical wires traversing North Fremont Street and Casa Verde Way are a maximum height of approximately 35 feet, about the same height as the proposed hotel. Although the project would be built at a height that is taller than existing development in the area, the project would be similar in height as the surrounding telephone and electrical wires. Although not applicable to the project (which is required to comply with VAF zone development standards), the proposed hotel would be consistent with the North Fremont Specific Plan maximum height requirement of 35 feet for buildings located along North Fremont Street because the hotel would be 35 feet above grade as viewed from Fremont Street. There are no maximum height requirements established by the VAF zone and therefore no maximum height requirement for the proposed hotel. Because the proposed hotel would be similar

in height as existing surrounding structures, the project would not result in safety hazards associated with height.

The proposed project would include a variety of exterior lighting fixtures, including wall-mounted light fixtures on the building's façade, two bollard light fixtures in landscaping along Casa Verde Way, recessed lights providing downlighting along walkways and at doorways, and five pole-mounted lights providing downlighting throughout the surface parking lot. The project would result in new lighting sources associated with the proposed hotel and surface parking lot. However, the proposed lighting would be similar to existing lighting on the project site due to the existing uses, as well as in the surrounding area due to adjacent development. Pursuant to Section 38-124 of the Monterey City Code, proposed exterior lighting would either be hooded or recessed and directed downward so that the light source would not be visible off-site. Further, as discussed below in ALUC Recommendation 3, project lighting would be reviewed by the Monterey Regional Airport for compliance with lighting requirements and would be required to be approved prior to project implementation. As such, the project would not result in airport safety hazards associated with lighting.

The proposed project would comply with existing FAA and ALUC regulations related to airport hazards and safety. As discussed further in ALUC Recommendation 2, the project applicant would be required to file a Form 7460-1, Notice of Proposed Construction or Alteration, with the FAA regional office at least 30 days prior to construction; based on project design, the FAA would then determine whether the project poses a hazard to air navigation and could request changes to project design to minimize those hazards, if any. The project has been reviewed by the ALUC, which found the proposed redevelopment of the project site with a new 25,000 square foot four-story hotel is consistent with Monterey Airport Land Use Compatibility Plan (Appendix I).

For the reasons stated above, the proposed project would not result in excessive noise or a safety hazard for people residing or working in the project area. Impacts would be less than significant. Although project impacts would be less than significant, the ALUC recommended the following measures which would be implemented by the applicant and would be conditions of approval for the proposed project, which would further minimize potential safety hazards for project occupants and employees:

- **ALUC Recommendation 1: Aviation and Hazard Easement.** Prior to finalization of the first construction permit for the project, the developer/owner shall grant an aviation and hazard easement to the appropriate airport authority. The easement shall be recorded at the Monterey County Recorder's Office. The easement shall include the following, as applicable:
 - Right-of-flight at any altitude above the acquired easement surfaces.
 - Right to cause noise, vibrations, fumes, dust and fuel particle emissions.
 - Right to prevent construction or growth of all structures, objects or natural growth above the acquired easement surfaces.
 - Right-of-entry to remove, mark or light any structures or growth above the acquired easement surfaces, or right to require the owner to remove, mark or light.
 - Right to prohibit creation of electrical interference, unusual light sources and other hazards to aircraft flight.
 - Any other limitation the appropriate airport authority may recommend to protect the public's health, safety and welfare.

- **ALUC Recommendation 2: Objects Affecting Navigable Airspace.** The project shall conform to FAR, Part 77 – Objects Affecting Navigable Airspace. The developer shall submit a FAA Form 7460-1 (Notice of Proposed Construction of Alteration). The developer shall notify the staff of the Monterey Regional Airport when the form is submitted and when a determination is provided by the FAA.
- **ALUC Recommendation 3: Exterior Lighting.** Prior to the issuance of a construction permit, an Exterior Lighting Plan shall be reviewed and approved by the applicable airport manager prior to the issuance of any construction permits. All exterior lighting shall be unobtrusive, down-lit, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled.
- **ALUC Recommendation 4: Towers – Marking and Lighting.** When not specifically required by FAA Advisory Circular 70/7640-IF (Obstruction Marking and Lighting), the following ALUC recommendations shall be applied to towers:
 - A flashing red beacon shall be installed at the highest point of the structure.
- **ALUC Recommendation 5: Change of Use.** In the future, if new development or a change of building use is proposed on the subject parcel that would potentially intensify the occupancy level, then the proposed change(s) shall be submitted to the ALUC for a subsequent, project-specific consistency determination.

Mitigation Measures

No mitigation measures are required because this impact would be less than significant.

Threshold 6: Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

Impact HAZ-5 NORTH FREMONT STREET PROVIDES ACCESS TO MAJOR EVACUATION ROUTES IDENTIFIED IN THE GENERAL PLAN SAFETY ELEMENT. DEMOLITION, CONSTRUCTION, AND OPERATION OF THE PROJECT WOULD NOT IMPAIR ACCESS TO OR ALTER NORTH FREMONT STREET, AND THEREFORE WOULD NOT CONFLICT WITH AN ADOPTED EMERGENCY RESPONSE OR EVACUATION PLAN. IMPACTS WOULD BE LESS THAN SIGNIFICANT.

The City of Monterey General Plan Safety Element identifies emergency evacuation routes throughout the city. Map 15 of the City's General Plan shows that North Fremont Street, along which the project site is located, serves as access to major evacuation routes, including State Route 1, State Route 68, and Carmel Valley Road. Implementation of the project would involve demolition of the existing motel and restaurant structures and the construction of a new four-story, 42 guest room hotel. Demolition and construction may require temporary lane closures along westbound North Fremont Street. However, lane closures would be coordinated with the City, the Monterey Fire Department, and the Monterey Police Department prior to permit issuance, and lane closures would be temporary, lasting a few hours to a few days. Operationally, the project would not impair access to or alter North Fremont Street and would not impair implementation of the City's evacuation plan. Therefore, the project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan, and impacts would be less than significant.

Mitigation Measures

No mitigation measures are required because this impact would be less than significant.

Threshold 7: Would the project expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?

Impact HAZ-6 THE PROJECT SITE IS LOCATED IN AN URBANIZED AREA AND IS NOT ADJACENT TO ANY WILDLAND AREAS. THE PROJECT WOULD NOT EXPOSE PEOPLE OR STRUCTURES TO A SIGNIFICANT RISK OF LOSS, INJURY, OR DEATH INVOLVING WILDLAND FIRES, AND IMPACTS WOULD BE LESS THAN SIGNIFICANT.

As shown on maps prepared by the California Department of Forestry and Fire Protection (CAL FIRE), the project site is in a local responsibility area and is not within a Fire Hazard Severity Zone (FHSZ). The nearest FHSZ is located along Josselyn Canyon Road, approximately 0.7 mile southwest of the project site (CAL FIRE 2007). The project site is in an urbanized area and is not adjacent to any wildland areas. The project site is surrounded by existing development, and large tracts of wildland fuels, such as forest or brushland, do not occur on or near the project site. Consistent with typical California wildfire behavior, wildfire would spread most rapidly on sloped terrace areas. Although the project site has a slope of approximately 10 percent, the slope would not substantially facilitate extreme wildfire activity. The nearest slope that would facilitate spread of a wildfire is located along Josselyn Canyon Road to the southwest. Therefore, the project would not expose people or structures to a significant risk of loss, injury, or death involving wildland fires, and impacts would be less than significant.

Refer to Section 4.6, *Effects Found Not to be Significant*, under “Wildfire” for further discussion related to wildfire impacts.

Mitigation Measures

No mitigation measures are required because this impact would be less than significant.

4.2.4 Cumulative Impacts

Generally, hazards and hazardous materials impacts associated with individual developments are site specific in nature and must be addressed on a case-by-case basis. As such, the geographic scope for hazardous materials impacts is the project site and immediately surrounding parcels. Since hazards and hazardous materials are required to be examined as part of the permit application and environmental review process, potential impacts associated with individual projects will be adequately addressed prior to permit approval. Therefore, cumulative impacts related to hazardous materials would be less than significant. The proposed project would result in potentially significant impacts because hazardous materials, including asbestos, lead, mercury, and PCB caulk, could be present in the existing on-site motel and restaurant and could be released into the environment if not handled, transported, and disposed of properly. However, with adherence to existing regulatory standards for hazardous materials, as well as Mitigation Measure HAZ-1, project-specific impacts would be less than significant with mitigation. As such, the project would not result in a cumulatively considerable contribution to a significant cumulative impact related to hazards and hazardous materials.

The geographic scope for cumulative safety hazards impacts is inclusive of projects within the Monterey Regional Airport Influence Area. Several cumulative projects listed within Table 3-1 in Section 3.0, *Environmental Setting*, are within the Monterey Regional Airport Influence Area,

thereby potentially exposing persons to risk of airport safety hazards. However, these projects are subject to review of airport-related hazards during the environmental review process and by the FAA and ALUC, which would ensure that development does not impose an aviation-related hazard on structures or people. Therefore, cumulative airport safety impacts would be less than significant. Potential safety hazards associated with the proposed project include building height and exterior lighting. However, the proposed project would be reviewed by the FAA and ALUC to ensure building design would not pose significant safety hazards; project lighting would be required to be approved prior to project implementation, which would reduce impacts to a less than significant level. Therefore, the incremental increase in airport safety hazards at the project site would be negligible and would not result in a cumulatively considerable contribution to a significant cumulative impact related to safety hazards.

The geographic scope for cumulative wildland fire hazard impacts is inclusive of projects within the City. As shown in Table 3-1 in Section 3.0, *Environmental Setting*, several projects are located within 2.8 miles of the project site and are comprised of residential, commercial, medical, and mixed-use developments. None of the cumulative projects fall within a FHSZ (CAL FIRE 2007). Therefore, cumulative wildland fire hazard impacts would be less than significant. The project site is in an urbanized area, is not adjacent to any wildland areas, and is surrounded by existing development; large tracts of wildland fuels, such as forest or brushland, do not occur on or near the project site. As such, the project would not result in a cumulatively considerable contribution to a significant cumulative impact related to wildland fire hazards.

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4.3 Land Use and Planning

This section identifies existing land uses on the project site and in its vicinity and analyzes the consistency of the proposed project with surrounding land uses and relevant policy and planning documents. Information presented in this section is based on the Monterey General Plan Land Use Element (City of Monterey 2005), the Zoning Ordinance (Monterey City Code Chapter 38), and the North Fremont Specific Plan (City of Monterey 2014). Land use compatibility conflicts associated with the proposed project are discussed in other sections of this EIR, including Section 4.2, *Hazards and Hazardous Materials*, Section 4.4, *Noise*, and Section 4.6, *Effects Found Not to be Significant*.

4.3.1 Environmental Setting

a. Land Uses Within the City

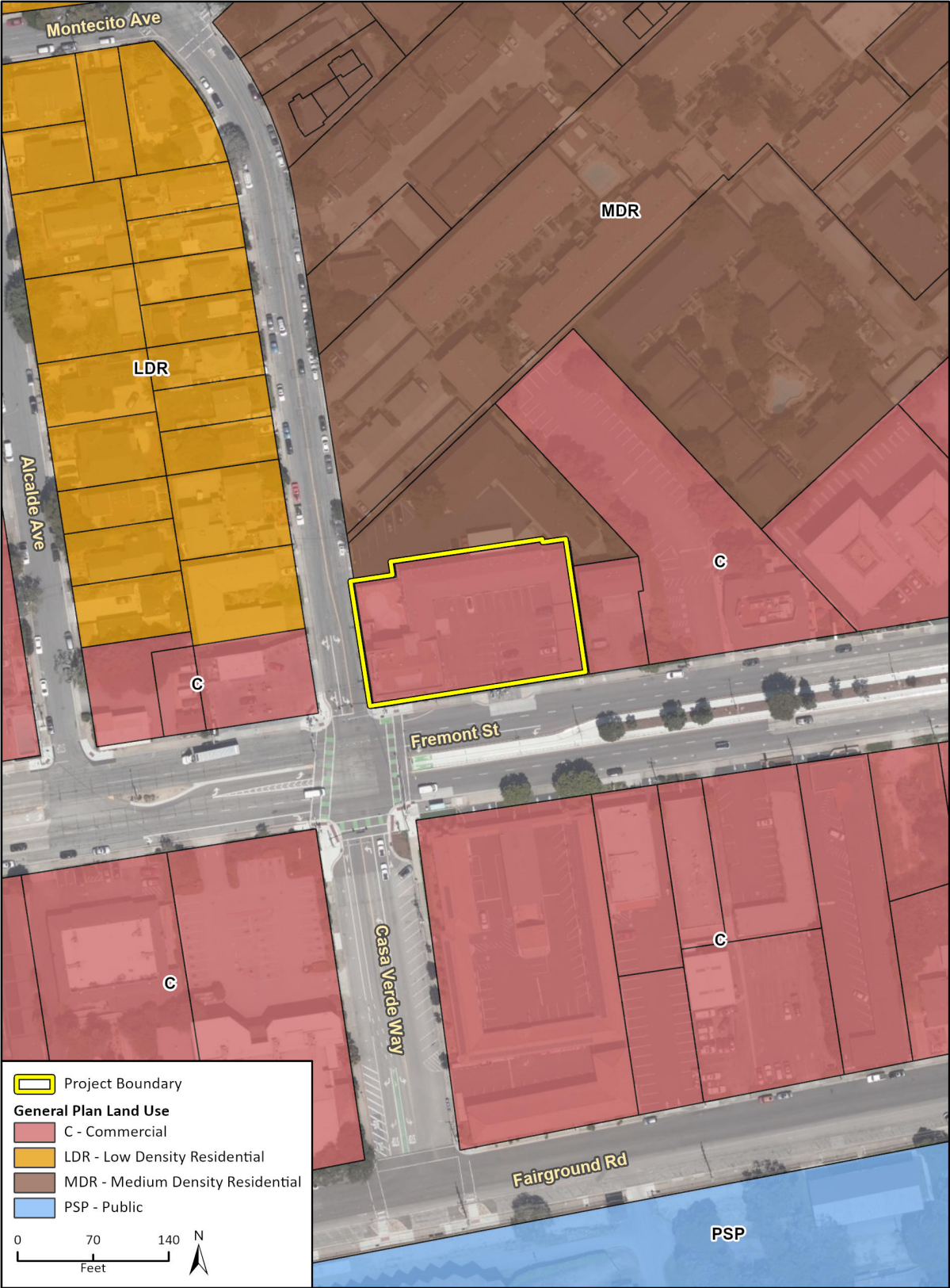
The City of Monterey (City) is an urbanized, coastal community located along the Pacific Ocean in the northernmost portion of the County of Monterey. The largest land use category in the City is residential, with single-family homes occupying the majority of residential land. In 1994, the City's zoning standards were amended to encourage mixed commercial and residential use in commercial zones. Commercial areas are now a primary site for new housing, featuring mixed and multi-family residential uses. Commercial areas in the City have a variety of amenities, access to services, jobs, and transportation, and public infrastructure which are compatible with residential use. The main commercial areas in the City include the following: the Downtown area, focused around three blocks of Alvarado Street; the Del Monte Regional Shopping Center; commercial development along Lighthouse Avenue, Del Monte Avenue, and North Fremont Street; visitor commercial areas, including Downtown, Cannery Row, Fisherman's Wharf, and Munras Avenue; and medical offices concentrated near Pacific Street, El Dorado Street, and Cass Street.

b. Project Site and Surround Land Uses

The project site is currently developed with a one-story, 18-guest room motel, a 134-seat restaurant, and a surface parking lot. The existing motel and restaurant are not currently open for business. Surrounding land uses near the project site are generally characterized by residential and commercial uses, with several hotels nearby. As depicted in Figure 2-2 in Section 2.0, *Project Description*, the project site is bounded by residential uses to the north, northwest, and northeast; a gas station, florist, and hotel to the west; an office building, restaurant, and hotel to the east; hotels and commercial uses to the southwest and southeast; and hotels, a night club, and an adult theatre/bookstore to the south with the Monterey County Fairgrounds beyond. Casa Verde Way is directly west of the project site and North Fremont Street is directly south of the project site.

As shown in Figure 4.3-1, the project site has a General Plan land use designation of Commercial, which allows retail, visitor commercial, and professional office uses. Surrounding General Plan Land Use designations in the vicinity of the project site include Commercial, Low and Medium Density Residential, and Public. As shown in Figure 4.3-2, the project site is zoned Visitor Accommodation Facility (VAF), as defined by the City's Zoning Map. Surrounding zoning designations in the vicinity of the project site include VAF, Planned Community, and Single-Family and Multifamily Medium Density Residential.

Figure 4.3-1 General Plan Land Use Map of Project Site and Surrounding Area



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Additional data provided by County of Monterey, 2022.

GP Land Use and Zoning

Figure 4.3-2 Zoning Map of Project Site and Surrounding Area



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Additional data provided by County of Monterey, 2022.

GP Land Use and Zoning

4.3.2 Regulatory Setting

a. State Regulations

Planning and Zoning Law

State law requires each city and county in California to adopt a general plan for the physical development of the land within its planning area (Government Code Sections 65300-65404). The general plan must contain land use, housing, circulation, open space, conservation, noise, and safety elements, as well as any other elements that the city or county may wish to adopt. The circulation element of a local general plan must be correlated with the land use element.

Zoning authority originates from city and county police power and from the State's Planning and Zoning Law, which sets minimum requirements for local zoning ordinances. The city or county zoning code is the set of detailed requirements that implement the general plan policies at the level of the individual parcel. The zoning code presents standards for different uses and identifies which uses are allowed in the various zoning districts of the jurisdiction.

b. Local Regulations

Monterey General Plan

The Monterey General Plan is a comprehensive, long-term plan for physical development of the City, and was adopted by the City Council in January 2005, with the exception of the Housing Element, which was most recently updated and adopted by the City Council in March 2016. The Monterey General Plan includes the following elements: Urban Design; Land Use; Circulation; Housing; Conservation; Open Space; Safety; Noise; Economic; Social; Historic Preservation; and Public Facilities. The Land Use and Housing Elements, which contain goals, objectives, and policies that are applicable to the project, are discussed in further detail below. Project consistency with other General Plan goals, objectives, and policies related to the other resource areas considered in this EIR is addressed throughout the various subsections of Section 4.0, as applicable.

LAND USE ELEMENT

The Land Use Element is a summary of the expected future land use in Monterey, consistent with the goals, policies, and programs in the other elements of the City's General Plan. The main component of the Land Use Element is the Land Use Plan Map, which illustrates the land use implications of all elements of the General Plan. The plan is divided into five land use categories: Residential; Public/Semi-public; Parks, Recreation, and Open Space; Industrial; and Commercial. According to Monterey's Land Use Plan Map, the project site has a General Plan land use designation of Commercial, which allows hotel uses.

The Land Use Element supports mixed-use neighborhoods, which are areas designed to be well served by transit and bicycle routes and have a welcoming pedestrian environment. North Fremont Street, including the project site, is considered a mixed-use neighborhood. The Land Use Element includes the following goals and policies that are applicable to the proposed project.

Goal a. Maintain a Land Use Plan Map to guide future development and land use.

Policy a.1. Implement the Land Use Plan using the Land Use Plan Map (Figure 3) and the following land use categories:

Commercial. This category applies to all types of commercial areas and allows the full range of commercial uses, including retail, office, visitor commercial and professional offices. Commercial areas are also a primary resource for new housing in mixed use or apartment developments. The maximum allowed residential density in the commercial designations is 30 dwelling units per acre. However, higher density projects may be allowed under certain circumstances as defined in the zoning ordinance, specific plans, or area plans.

Goal b. Direct future population growth into mixed use neighborhoods. The City's goal is to create and nurture mixed use neighborhoods that:

- 1) Reduce automobile trips;
- 2) Improve the quality of the pedestrian experience;
- 3) Create walkable neighborhoods;
- 4) Provide more ownership opportunities;
- 5) Increase the stock of housing affordable to Monterey's work force;
- 6) Require high-quality design to complement Monterey's image; and
- 7) Improve neighborhood-oriented services.

Note: Goal b-4, b-5, and b-7, above, are not applicable to the proposed project.

Policy b.1. Create implementation tools, such as specific plans, to include design concepts, development guidelines, and capital improvement programs for mixed use neighborhoods. Emphasize attractive pedestrian, bicycle and transit access, which may require improved sidewalks, crosswalks, and various public way improvements. The City encourages owner occupied units, innovative site planning and tailoring the design and density to fit with the neighborhood. Mixed use developments are encouraged to be attractive in design, hide parking from the street, share parking, create a pleasant pedestrian environment, and provide a transition into the residential zones through good site planning and design.

CIRCULATION ELEMENT

The primary role of the Circulation Element is to provide policy guidance for planning and implementing the transportation system needed to serve proposed development as defined in the land-use element of the General Plan. The transportation system affects the growth patterns, environment, and quality of life of Monterey's residents and workers. Much of Monterey's charm for both residents and visitors springs from its historic buildings, irregular street pattern, old plazas, and waterfront views. Trying to solve traffic problems by simply widening roads will negatively impact the quality of life that residents enjoy. Building expensive parking improvements to serve peak seasonal demand will lead to facilities being underutilized most of the year when demand is not at peak. This element's policies and programs are intended to reduce the overall duration and frequency of traffic congestion and parking shortages without relying on expansive infrastructure projects.

The primary role of the Circulation Element is to provide policy guidance for planning and implementing the transportation system needed to serve proposed development as defined in the land-use element of the General Plan. The transportation system affects the growth patterns, environment, and quality of life of Monterey's residents and workers. As noted in the Element, much of Monterey's charm for both residents and visitors stems from its historic buildings, irregular street pattern, old plazas, and waterfront views. Solving traffic problems by widening roads would

negatively impact the quality of life that residents enjoy, and building expensive parking improvements to serve peak seasonal demand would lead to facilities being underutilized most of the year when demand is not at peak (City of Monterey 2005). This element's policies and programs are intended to reduce the overall duration and frequency of traffic congestion and parking shortages without relying on expansive infrastructure projects. The Circulation Element includes the following program that is applicable to the proposed project.

Program j.2.1. Define the traffic impact study area to be analyzed as all roadway segments where project traffic is expected to increase the existing traffic by two percent (2%) or more.

Monterey Zoning Ordinance

The Zoning Ordinance (Monterey City Code Chapter 38) is the primary tool for implementing the General Plan. The intent of the Zoning Ordinance is to protect and promote public health, safety, and welfare. All property within Monterey City limits, both public and private, is subject to zoning regulations. According to the City's Zoning Ordinance, the project site is zoned VAF. Uses permitted in the VAF zoning district include commercial uses, VAFs and limited-occupancy VAFs, and accessory uses. Examples of accessory uses include limited retail, such as for the sale of candy, magazines, and sundries; beauty and barber shops; recreation facilities to serve the public, guests, and employees; living accommodations for a manager or caretaker; facilities for conferences and meetings; commercial restaurant businesses; clothes and cleaning pick up agencies; and other visitor sales and services when related to and developed as an accessory use to a VAF. As required by Section 8.1 of the City of Monterey Charter, VAF zone requirements apply to VAF zoned properties rather than specific plan requirements.

North Fremont Specific Plan

The North Fremont Specific Plan serves as a guide for future development along North Fremont Street, an area designated by the City's General Plan for mixed-use. The North Fremont Specific Plan assumes new development of up to 130 dwelling units and 50,000 square feet of commercial use in the plan area. Although the project site is located within the plan area, the specific plan development objectives, standards, and guidelines do not apply to the project. Instead, as required by Section 8.1 of the City of Monterey Charter, the project is regulated by VAF zone requirements, as discussed above.

4.3.3 Impact Analysis

a. Methodology

Land use impacts were evaluated based upon the consistency of the proposed project with applicable land use plans, policies, and regulations included in the Monterey General Plan Land Use Element (City of Monterey 2005), the Zoning Ordinance (Monterey City Code Chapter 38), and the North Fremont Specific Plan (City of Monterey 2014).

b. Significance Thresholds

Significance criteria found in *CEQA Guidelines* Appendix G provide the means to identify where potentially significant impacts might occur. In accordance with the Appendix G of the *CEQA Guidelines*, a project would result in a significant impact if it would:

1. Physically divide an established community; or

2. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

c. Project Impacts and Mitigation Measures

Threshold 1: Would the project physically divide an established community?

Impact LU-1 **THE PROPOSED PROJECT INVOLVES THE REDEVELOPMENT OF THE PROJECT SITE WITH A 42-ROOM HOTEL AND WOULD NOT ALTER THE EXISTING PUBLIC STREET LAYOUT OR ACCESS TO ANY EXISTING ADJACENT LAND USES. THE PROPOSED PROJECT WOULD NOT PHYSICALLY DIVIDE AN ESTABLISHED COMMUNITY AND NO IMPACT WOULD OCCUR.**

The project site is currently developed with an existing one-story, 18-room motel, a 134-seat restaurant, and a surface parking lot. Surrounding land uses near the project site are generally characterized by residential and commercial uses, with several hotels nearby. North Fremont Street is an urbanized, commercial corridor.

The physical division of an established community typically refers to the construction of a physical feature (such as an airport, roadway, or railroad track) or the removal of a means of access (such as a local road or bridge) that would impair mobility. The proposed project involves the demolition of the existing on-site motel and restaurant and construction of a 42-room hotel and surface parking lot. Vehicular access to the project site would be provided via two access points: an existing curb cut along North Fremont Street, which would be improved as part of the project; and a proposed curb cut along Casa Verde Way. Circulation through the parking lot would be possible in both directions. Pedestrian and bicycle access would also be provided via the access points on North Fremont Street and Casa Verde Way. As part of the proposed project, the applicant would provide an easement on the project site, at the corner of North Fremont Street and Casa Verde Way, with hardscaping designed to provide improved pedestrian circulation near the intersection. All improvements proposed as part of the project would be restricted within the boundaries of the project site. Implementation of the proposed project would not alter the existing public street layout or access to any existing adjacent land uses. The project would improve circulation on and through the project site and would not introduce any physical barriers, such as high-capacity roadways or other major infrastructure, that could divide an established community. Further, the proposed project would not involve the removal of any means of access that could impair mobility within the existing local community or between the community and adjacent areas. Therefore, the proposed project would result in no impact related to the physical division of an established community, and no mitigation is required.

Mitigation Measures

No mitigation measures are required because there would be no impact.

Threshold 2: Would the project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

Impact LU-2 THE PROPOSED PROJECT WOULD NOT RESULT IN A SIGNIFICANT ENVIRONMENTAL IMPACT DUE TO A CONFLICT WITH THE MONTEREY GENERAL PLAN, THE ZONING ORDINANCE, OR THE NORTH FREMONT SPECIFIC PLAN. THIS IMPACT WOULD BE LESS THAN SIGNIFICANT.

The Monterey General Plan includes goals and policies which apply to the project. Table 4.3-1 considers the project's consistency with the General Plan Land Use Element. Only goals and policies relevant and applicable to the project are included. The project is determined to be either "consistent" or "inconsistent" with the identified goals and policies. The project is considered consistent with the provisions of the identified plans if it meets the general intent of the applicable plans and does not conflict with any directly applicable policies. A given project need not be in perfect conformity with each and every policy nor does State law require precise conformity of a proposed project with every policy or land use designation. Courts have also acknowledged that general and specific plans attempt to balance a range of competing interests, and that it is nearly, if not absolutely, impossible for a project to be in perfect conformity with each and every policy set forth in the applicable plan. For an impact to be considered significant, any inconsistency would also have to result in a significant adverse change in the environment not already addressed in the other resource chapters of this EIR. As discussed in Table 4.3-1, the proposed project would be consistent with the applicable goals and policies of the General Plan Land Use Element.

Table 4.3-1 General Plan Land Use Consistency Table

Goals and Policies	Consistency Determination
Land Use Element	
<p>Goal a. Maintain a Land Use Plan Map to guide future development and land use.</p> <p>Policy a.1. Implement the Land Use Plan using the Land Use Plan Map (Figure 3) and the following land use categories:</p> <p>Commercial. This category applies to all types of commercial areas and allows the full range of commercial uses, including retail, office, visitor commercial and professional offices. Commercial areas are also a primary resource for new housing in mixed use or apartment developments. The maximum allowed residential density in the commercial designations is 30 dwelling units per acre. However, higher density projects may be allowed under certain circumstances as defined in the zoning ordinance, specific plans, or area plans.</p>	<p>Consistent. The project site has a General Plan land use designation of Commercial. The proposed project involves the redevelopment of the project site with a new, 42-room hotel development that would replace the existing 18-room motel and 134-seat restaurant. The proposed project is consistent with the General Plan land use designation of Commercial, and no General Plan amendment would be necessary. Therefore, the proposed project is consistent with Goal a and Policy a.1.</p>
<p>Goal b. Direct future population growth into mixed use neighborhoods. The City's goal is to create and nurture mixed use neighborhoods that:</p> <ol style="list-style-type: none"> 1) Reduce automobile trips; 2) Improve the quality of the pedestrian experience; 3) Create walkable neighborhoods; 4) Provide more ownership opportunities; 	<p>Consistent. North Fremont Street, including the project site, is considered a mixed-use neighborhood. The project site's location along a high-quality transit corridor¹ and near Class II and Class IV bicycle lanes² would encourage alternative forms of transportation among hotel guests and employees and could reduce automobile trips (Goal b-1). The proposed project involves the redevelopment of an underutilized parcel, which would improve the existing pedestrian experience of the project site as compared to the existing condition. Landscaping would be installed at several</p>

Goals and Policies	Consistency Determination
<p>5) Increase the stock of housing affordable to Monterey's work force;</p> <p>6) Require high-quality design to complement Monterey's image; and</p> <p>7) Improve neighborhood-oriented services.</p> <p><i>Note: Goal b-4, b-5, and b-7, above, are not applicable to the proposed project.</i></p>	<p>locations adjacent to the sidewalk along North Fremont Street and Casa Verde Way. As part of the proposed project, the applicant would provide an easement on the project site with hardscaping designed to provide improved pedestrian circulation. The building design would feature entryways and columns and would be oriented toward pedestrians on North Fremont Street (Goals b-2 and b-3).</p> <p>The building design would be characterized by a contemporary architectural style with various aesthetic elements, including multi-level roof lines, building articulation, entryways, columns, a tower element, and canopies and awnings. The building would feature a variety of materials, including wood-like cement siding, aluminum siding and windows, painted stucco, stone veneer, and metal fixtures. Project design requires approval through the City's Architectural Review Committee, which would promote the incorporation of high-quality design elements, as deemed appropriate (Goal b-6).</p> <p>For the reasons stated above, the proposed project is consistent with Goal b.</p>
<p>Policy b.1. Create implementation tools, such as specific plans, to include design concepts, development guidelines, and capital improvement programs for mixed use neighborhoods. Emphasize attractive pedestrian, bicycle and transit access, which may require improved sidewalks, crosswalks, and various public way improvements. The City encourages owner occupied units, innovative site planning and tailoring the design and density to fit with the neighborhood. Mixed use developments are encouraged to be attractive in design, hide parking from the street, share parking, create a pleasant pedestrian environment, and provide a transition into the residential zones through good site planning and design.</p>	<p>Consistent. Although the project site is located within the North Fremont Specific Plan area, the specific plan development objectives, standards, and guidelines do not apply to the project. However, the proposed project would comply with the VAF zone development standards in the City's Zoning ordinance. Although the proposed project is not mixed-use, it complies with many of the policies related to mixed-use projects. The project site is located along a high-quality transit corridor and near Class II and Class IV bicycle lanes, providing nearby transit access for visitors to and employees of the hotel. As discussed above, the proposed project would incorporate attractive, high-quality design and would improve the pedestrian experience along North Fremont Street. The proposed surface parking lot would be located behind the proposed hotel building and would be generally situated away from North Fremont Street and Casa Verde Way. The project would also include a five-foot-wide landscaped easement along the northern project site boundary, which is adjacent to existing residential uses and would provide screening and a transition between uses. Therefore, the proposed project is consistent with Policy b-1.</p>
Circulation Element	
<p>Program j.2.1. Define the traffic impact study area to be analyzed as all roadway segments where project traffic is expected to increase the existing traffic by two percent (2%) or more.</p>	<p>Consistent. As detailed in Section 4.6.3, the project would increase vehicle trips on nearby roadway segments by approximately 1.8 percent, which is less than the threshold requiring preparation of a traffic study. Regardless, a Traffic Analysis (Appendix H-1) was prepared for the project which analyzes Level of Service for roadways within the traffic impact study area.</p>
<p>Source: Monterey 2005</p> <p>¹ Per California Public Resources Code Section 21155, a high-quality transit corridor is defined as a corridor with fixed route bus service that has service intervals of no more than 15 minutes during peak commute hours.</p> <p>² Class II bicycle lanes are established along streets and are defined by pavement striping and signage to delineate a portion of a lane for bicycle travel. Class IV bicycle lanes, often referred to as protected bicycle lanes, are lanes physically separated from motor traffic for the exclusive use of bicycles (California Department of Transportation [Caltrans] 2017).</p>	

The Monterey Zoning Ordinance includes development standards for properties zoned VAF, including requirements related to minimum site area, minimum yards, and maximum lot coverage. As discussed in Section 4.3, *Effects Found Not to be Significant*, under “Aesthetics”, the proposed project would comply with the VAF zone development standards.

As discussed previously, although the project site is located within the North Fremont Specific Plan area, the specific plan development objectives, standards, and guidelines do not apply to the project. The proposed project includes text amendments to the North Fremont Specific Plan clarifying that: (a) VAF zone requirements for VAF zoned properties apply as required by City of Monterey Charter, rather than the Specific Plan development objectives, standards, and guidelines; and (b) the Specific Plan is a tool to implement, but not a part of, the General Plan (Appendix B). The proposed text amendments are intended to clarify existing language in the North Fremont Specific Plan. Because the City currently applies VAF zone development standards to properties zoned VAF (as opposed to the specific plan standards), the text amendments would not result in a change in implementation of the specific plan by the City. Therefore, the proposed project, including the text amendments, would not conflict with the North Fremont Specific Plan.

For the reasons stated above, the proposed project would not result in a significant environmental impact due to a conflict with the Monterey General Plan, the Zoning Ordinance, or the North Fremont Specific Plan, and impacts would be less than significant.

Mitigation Measures

No mitigation measures are required because this impact would be less than significant.

4.3.4 Cumulative Impacts

The geographic scope for cumulative land use and planning impacts is Monterey. This geographic scope is appropriate because the City limits represent the planning area for the Monterey General Plan.

Cumulative development projects would be required to meet current applicable design standards and would undergo environmental review, including consideration of whether future projects would physically divide an established community. With these considerations prior to project approval, cumulative impacts related to dividing an established community would be less than significant. As discussed under Impact LU-1, the project would result in no impact related to the physical division of an established community. Therefore, the project would not contribute to a cumulative impact related to division of an established community.

Cumulative projects would be required to adhere to applicable General Plan policies and zoning regulations in order to mitigate environmental impacts where feasible. In addition, all future projects would be reviewed for consistency with General Plan policies and zoning regulations prior to approval. Therefore, it is anticipated that cumulative projects would be found consistent with applicable plans, policies, and regulations prior to approval, such that the projects would not cause a significant cumulative environmental impact due to a conflict. Cumulative impacts related to land use conflicts would be less than significant. As discussed under Impact LU-2, the project would be consistent with the applicable local goals, objectives, and policies in Monterey General Plan and the Zoning Ordinance. Therefore, the project’s contribution to this less than significant cumulative impact would not be cumulatively considerable.

4.4 Noise

This section analyzes the project's potential noise impacts. The analysis contains a description of the existing noise setting, and a discussion of both the temporary noise impacts related to construction activity and long-term impacts associated with project operations.

The analysis in this section is based, in part, on the *Environmental Noise Study* prepared for the project by Salter in August 2021 and the *Environmental Noise and Vibration Impact Assessment* prepared for the project by Salter in April 2023 (see Appendices D-1 and D-2, respectively). The analysis is based on noise measurement data provided in the *Environmental Noise Study*; analytical modeling of project construction and operational noise contained in the *Environmental Noise and Vibration Impact Assessment*; and comparison of modeling results against applicable noise and vibration thresholds.

4.4.1 Environmental Setting

a. Overview of Sound Measurement

Sound is a vibratory disturbance created by a moving or vibrating source, which is capable of being detected by the hearing organs. Noise is defined as sound that is loud, unpleasant, unexpected, or undesired and may therefore be classified as a more specific group of sounds. The effects of noise on people can include general annoyance, interference with speech communication, sleep disturbance, and, in the extreme, hearing impairment (California Department of Transportation [Caltrans] 2013).

Noise levels are commonly measured in decibels (dB) using the A-weighted sound pressure level (dBA). The A-weighting scale is an adjustment to the actual sound pressure levels so that they are consistent with the human hearing response, which is most sensitive to frequencies around 4,000 Hertz (Hz) and less sensitive to frequencies around and below 100 Hz (Kinsler, et. al. 1999). Decibels are measured on a logarithmic scale that quantifies sound intensity in a manner similar to the Richter scale used to measure earthquake magnitudes. A doubling of the energy of a noise source, such as doubling of traffic volume, would increase the noise level by 3 dBA; reducing the energy in half would result in a 3 dBA decrease (Crocker 2007).

Human perception of noise has no simple correlation with sound energy: the perception of sound is not linear in terms of dBA or in terms of sound energy. Two sources do not “sound twice as loud” as one source. It is widely accepted that the average healthy ear can barely perceive changes of 3 dBA, increase or decrease (i.e., twice the sound energy); that a change of 5 dBA is readily perceptible; and that an increase (or decrease) of 10 dBA sounds twice (half) as loud (Crocker 2007).

Sound changes in both level and frequency spectrum as it travels from the source to the receiver. The most obvious change is the decrease in level as the distance from the source increases. The manner by which noise reduces with distance depends on factors such as the type of sources (e.g., point or line, the path the sound will travel, site conditions, and obstructions). Noise levels from a point source typically attenuate, or drop off, at a rate of 6 dBA per doubling of distance (e.g., construction, industrial machinery, ventilation units). Noise from a line source (e.g., roadway, pipeline, railroad) typically attenuates at about 3 dBA per doubling of distance (Caltrans 2013). The propagation of noise is also affected by the intervening ground, known as ground absorption. A hard site, such as a parking lot or smooth body of water, receives no additional ground attenuation and

the changes in noise levels with distance (drop-off rate) result from simply the geometric spreading of the source. Generally, an additional ground attenuation value of 1.5 dBA per doubling of distance applies to a soft site (e.g., soft dirt, grass, or scattered bushes and trees) (Caltrans 2013). Noise levels may also be reduced by intervening structures; the amount of attenuation provided by this “shielding” depends on the size of the object and the frequencies of the noise levels. Natural terrain features such as hills and dense woods, and man-made features such as buildings and walls, can substantially alter noise levels. Generally, any large structure blocking the line of sight will provide at least a 5-dBA reduction in source noise levels at the receiver (Federal Highway Administration [FHWA] 2011). Structures can substantially reduce exposure to noise as well. The FHWA’s guidelines indicate that modern building construction generally provides an exterior-to-interior noise level reduction of 20 to 35 dBA with closed windows.

The impact of noise is not a function of loudness alone. The time of day when noise occurs and the duration of the noise are also important factors of project noise impact. Most noise that lasts for more than a few seconds is variable in its intensity. Consequently, a variety of noise descriptors have been developed. One of the most frequently used noise metrics is the equivalent noise level (L_{eq}); it considers both duration and sound power level. Typically, L_{eq} is summed over a one-hour period. L_{max} is the highest sound pressure level within the sampling period, and L_{min} is the lowest sound pressure level within the measuring period (Crocker 2007).

Noise that occurs at night tends to be more disturbing than that occurring during the day. Community noise is usually measured using Day-Night Average Level (L_{dn}), which is the 24-hour average noise level with a +10 dBA penalty for noise occurring during nighttime (10:00 p.m. to 7:00 a.m.) hours; it is also measured using Community Noise Equivalent Level (CNEL), which is the 24-hour average noise level with a +5 dBA penalty for noise occurring from 7:00 p.m. to 10:00 p.m. and a +10 dBA penalty for noise occurring from 10:00 p.m. to 7:00 a.m. (Caltrans 2013). Noise levels described by L_{dn} and CNEL usually differ by about 1 dBA. The relationship between the peak-hour L_{eq} value and the L_{dn} /CNEL depends on the distribution of traffic during the day, evening, and night. Quiet suburban areas typically have CNEL noise levels in the range of 40 to 50 dBA, while areas near arterial streets are in the 50 to 60-plus CNEL range. Normal conversational levels are in the 60 to 65-dBA L_{eq} range; ambient noise levels greater than 65 dBA L_{eq} can interrupt conversations (Federal Transit Administration [FTA] 2018).

b. Vibration

Groundborne vibration of concern in environmental analysis consists of the oscillatory waves that move from a source through the ground to adjacent structures. The number of cycles per second of oscillation makes up the vibration frequency, described in terms of Hz. The frequency of a vibrating object describes how rapidly it oscillates. The normal frequency range of most groundborne vibration that can be felt by the human body starts from a low frequency of less than 1 Hz and goes to a high of about 200 Hz (Crocker 2007).

While people have varying sensitivities to vibrations at different frequencies, in general they are most sensitive to low-frequency vibration. Vibration in buildings, such as from nearby construction activities, may cause windows, items on shelves, and pictures on walls to rattle. Vibration of building components can also take the form of an audible low-frequency rumbling noise, referred to as groundborne noise. Groundborne noise is usually only a problem when the originating vibration spectrum is dominated by frequencies in the upper end of the range (60 to 200 Hz), or when foundations or utilities, such as sewer and water pipes, physically connect the structure and the vibration source (FTA 2018). Although groundborne vibration is sometimes noticeable in outdoor

environments, it is almost never annoying to people who are outdoors. The primary concern from vibration is that it can be intrusive and annoying to building occupants and vibration-sensitive land uses.

Vibration energy spreads out as it travels through the ground, causing the vibration level to diminish with distance away from the source. High-frequency vibrations diminish much more rapidly than low frequencies, so low frequencies tend to dominate the spectrum at large distances from the source. Discontinuities in the soil strata can also cause diffractions or channeling effects that affect the propagation of vibration over long distances (Caltrans 2020). When a building is impacted by vibration, a ground-to-foundation coupling loss will usually reduce the overall vibration level. However, under rare circumstances, the ground-to-foundation coupling may actually amplify the vibration level due to structural resonances of the floors and walls.

Vibration amplitudes are usually expressed in peak particle velocity (PPV). The PPV is normally described in inches per second (in/sec). PPV is defined as the maximum instantaneous positive or negative peak of a vibration signal. PPV is often used in monitoring of blasting vibration because it is related to the stresses that are experienced by buildings (Caltrans 2020).

c. Existing Noise Setting

Sensitive Receivers

Noise exposure goals for various types of land uses reflect the varying noise sensitivities associated with those uses. Sensitive receivers are defined as places where noise could interfere with regular activities such as sleeping, talking, and recreating, which include hospitals, residences, convalescent homes, schools, churches, libraries, and religious institutions. Noise sensitive receivers near the project site include multi-family residences, the Mahroom Apartments adjacent to the project site boundary to the north, multi-family and single-family residences to the north, multi-family residences to the northeast, and single-family residences to the west.

Vibration sensitive receivers are similar to noise sensitive receivers, such as residences, and institutional uses, such as schools, churches, and hospitals. However, vibration sensitive receivers also include buildings where vibrations may interfere with vibration-sensitive equipment, affected by levels that may be well below those associated with human annoyance. The closest vibration-sensitive receivers are the Mahroom Apartments adjacent to the project site boundary to the north.

Project Noise Setting

The most common source of noise in the project site vicinity is vehicular traffic from North Fremont Street and Casa Verde Way. To characterize ambient noise levels at and near the project site, two continuous long-term noise measurements and one short-term (15 minute) noise measurement were conducted between August 2 and 4, 2021 as part of the *Environmental Noise Study* (Salter 2021). Short-term noise measurement-1 (ST-1) was taken at the center of the project site in front of the existing on-site motel building, Long-term noise measurement-1 (LT-1) was taken along Casa Verde Way at the driveway entrance to the Mahroom Apartments, and LT-2 was taken along North Fremont Boulevard at the driveway entrance to the State Farm Insurance building east of the project site. Table 4.4-1 and Table 4.4-2 summarize the results of the noise measurements. Based on the results in Table 4.4-1 and Table 4.4-2, ambient noise levels at the project site range from 60 to 72 dBA CNEL.

Table 4.4-1 Project Site Noise Monitoring Results – Short Term

Measurement Location	Measurement Location	Approximate Distance to Primary Noise Source	L _{eq} (dBA)	CNEL (dBA)
ST 1	Center of the project site in front of the existing on-site motel building	Approximately 130 feet to centerline of North Fremont Boulevard	57	60

Source: Salter 2021 (Appendix D-1)

Table 4.4-2 Project Site Noise Monitoring Results – Long Term

Measurement Location	Measurement Location	Approximate Distance to Primary Noise Source	L _{eq} (dBA)	CNEL (dBA)
LT 1	Along Casa Verde Way at the driveway entrance to Mahroom Apartments	Approximately 20 feet from the centerline of Casa Verde Way	68	68
LT-2	Along North Fremont Boulevard at the driveway entrance to the State Farm Insurance building east of the project site	Approximately 50 feet from the centerline of North Fremont Street	69	72

Source: Salter 2021 (Appendix D-1)

4.4.2 Regulatory Setting

a. Federal Regulations

There are no applicable federal regulations related to noise or vibration.

b. State Regulations

California regulates freeway noise, sets standards for sound transmission, provides occupational noise control criteria, identifies noise standards, and provides guidance for local land use compatibility. California law requires each county and city to adopt a General Plan that includes a Noise Element prepared based on guidelines adopted by the Governor’s Office of Planning and Research. The purpose of the Noise Element is to limit the exposure of the community to excessive noise levels. CEQA requires known environmental effects of a project to be analyzed, including environmental noise impacts.

California Building Code

CCR Title 24, Building Standards Administrative Code, Part 2, and the California Building Code codify the state noise insulation standards. These noise standards apply to new construction in California to control interior noise levels as they are affected by exterior noise sources. The regulations specify that interior noise levels attributable to exterior sources shall not exceed 45 dB CNEL/Ldn in any habitable room ~~acoustical studies must be prepared when noise-sensitive structures, such as residential buildings, hotels, schools, or hospitals, are developed near major transportation noise sources, and where such sources create an exterior noise level of 60 dBA CNEL or higher.~~

~~The 2016 State of California’s Green Building Standards Code contains mandatory measures for non-residential building construction in Section 5.507 on Environmental Comfort. These noise standards are applied to new construction in California for controlling interior noise levels resulting from exterior noise sources. The regulations specify that acoustical studies must be prepared when non-~~

~~residential structures are developed in areas where the exterior noise levels exceed 65 dBA CNEL, such as within the noise contour of an airport, freeway, or railroad. Acoustical studies that accompany building plans for noise sensitive land uses must demonstrate that the structure has been designed to limit interior noise in habitable rooms to an acceptable level of 45 dBA CNEL.~~

The State of California's noise insulation standards for nonresidential uses are codified in the California Code of Regulations, Title 24, Building Standards Administrative Code, Part 11, California Green Building Standards (CALGreen) Code. The CALGreen Code noise standards are applied to new or renovation construction projects in California to control interior noise levels resulting from exterior noise sources. Proposed Projects may use either the prescriptive method (CALGreen Code Section 5.507.4.1) or the performance method (CALGreen Code Section 5.507.4.2) to show compliance. Under the prescriptive method, a project must demonstrate transmission loss ratings for the wall and roof-ceiling assemblies and exterior windows when located within a noise environment of 65 dBA CNEL or higher. Under the performance method, a project must demonstrate that interior noise levels do not exceed 50 dBA $L_{eq}(1hr)$.

California General Plan Guidelines

The California General Plan Guidelines, published by the Governor's Office of Planning and Research, indicate acceptable, specific land use types in areas with specific noise exposure. The guidelines also offer adjustment factors that may be used to arrive at noise acceptability standards that reflect the noise control goals of the community, the particular community's sensitivity to noise, and the community's assessment of the relative importance of noise pollution. These guidelines are advisory, and local jurisdictions have the responsibility to set specific noise standards based on local conditions. Please refer to the discussion below, under the City of Monterey General Plan, for the compatibility guidelines adopted by the City.

c. Local Regulations

City of Monterey General Plan

The City of Monterey General Plan Noise Element was adopted in January 2005. The goals and policies of the General Plan Noise Element are intended to provide information concerning noise that may be effectively considered in the land use planning process, develop strategies for abating excessive noise exposures to avoid incompatible land uses, and to protect the quality of life in neighborhoods by limiting intrusive noise. The General Plan Noise Element contains a noise exposure standards table (Table 4.4-3) and a land use and noise compatibility standards table adopted from 1998 State of California General Plan Guidelines for Noise Elements. The noise standards table specifies maximum noise exposures up to specified levels to be "normally acceptable" for various land uses, as shown in Table 4.4-3. The land use and noise compatibility table provides normally acceptable, conditionally unacceptable, normally unacceptable, and clearly unacceptable noise standards for land use categories. The following goal and policy are applicable to the proposed project and impacts related to noise:

GOAL d. Allow new construction only where existing or projected noise levels are acceptable or can [be] mitigated.

Policy d.12. Limit hours of noise generating construction activities. Include this requirement as a condition of project approval.

Table 4.4-3 Noise Exposure Standards

Noise Exposure	Land Use Standard
Above 75 CNEL	All land in this category should be under airport ownership and control.
CNEL 64-74	Soundproof (insulate) existing residences, schools, and other noise sensitive development to achieve interior noise levels of CNEL 45 or below. Require adequate sound insulation for all new residential and other noise sensitive development in areas exposed to noise levels from CNEL 65-69. Avoid areas exposed to noise levels above CNEL 70 for new residential or noise sensitive development unless abated.
CNEL 60-64	Require acoustical studies of proposed new residential and other noise sensitive development. Require sound insulation as necessary to achieve interior noise levels of CNEL 45 or below.
Source: Adopted from Table 8: Noise Exposure Standards, City of Monterey General Plan Noise Element.	

Monterey North Fremont Specific Plan

The North Fremont Specific Plan (Specific Plan) was adopted on April 1, 2014, and was last amended on August 17, 2016. The Specific Plan serves as a guide for future development along North Fremont Street. Chapter 4, Figure 3 of the Specific Plan identifies nearby residential land uses as noise-sensitive and specifies that these are to receive “special consideration during site and building designs for new development along North Fremont.” While the Specific Plan policies do not apply to VAF-zoned sites, the City continues to consider project-related noise for all projects within its jurisdiction.

City of Monterey Municipal Code

The City of Monterey Municipal Code provides the following noise, vibration, and construction standards that are relevant to the analysis:

Section 38-111. Performance Standards.

A. *Noise.* All uses and activities shall comply with the provisions of the Monterey Noise Regulations (Sections 22 17 and 22 18). Decibel levels shall be compatible with neighboring uses, and no use shall create ambient noise levels which exceed the following standards in Table 4.4-4:

Table 4.4-4 Maximum Noise Standards by Zoning District

Zone of Property Receiving Noise	Maximum Decibel Noise Level (dBA)
OS Open Space District	60
R Residential Districts	60
PS Public and Semi Public District	60
C Commercial District	65
I Industrial Districts	70
PD Planned Development	Study Required
Source: City of Monterey Municipal Code Section 38-111.	

1. *Duration and Timing.* The noise standards above shall be modified as follows to account for the effects of time and duration on the impact of noise levels:
 - a. In R districts, the noise standard shall be 5 dB lower between 10:00 p.m. and 7:00 a.m.
 - b. Noise that is produced for no more than a cumulative period of five minutes in any hour may exceed the standards above by 5 dB.
 - c. Noise that is produced for no more than a cumulative period of one minute in any hour may exceed the standards above by 10 dB.
2. *Director May Require Acoustic Study.* The Community Development Director may require an acoustic study for any proposed projects which could have, or create, a noise exposure greater than that deemed acceptable. (Ord. 3472 § 1, 2012).
3. *Noise Measurement.* Noise shall be measured at an appropriate distance from the source with a sound level meter, which meets the standards of the American National Standards Institute (ANSI Section S1.4 1979, Type 1 or Type 2). Noise levels shall be measured in decibels. The unit of measurement shall be designated as dB. A calibration check shall be made of the instrument at the time any noise measurement is made.
4. *Noise Attenuation Measures.* The Community Development Director may require the incorporation into a project of any noise attenuation measures deemed necessary to ensure that noise standards are not exceeded. (Ord. 3653 § 19, 2022; Ord. 3472 § 1, 2012).

B. *Vibration.* No use, activity, or process shall produce vibrations that are perceptible without instruments by a reasonable person at the property lines of a site.

For the purposes of CEQA, the City is using a vibration threshold of 0.25 in/sec PPV for continuous construction sources and 0.5 in/sec PPV for transient construction sources per Caltrans 2020 recommendations.

Section 38-112.2 Limitation on Construction Hours.

A. *Construction Hours.* The hours for all construction, alteration, remodeling, demolition and repair activities which are authorized by a valid City Building Permit, as well as the delivery and removal of materials and equipment associated with these activities, are limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday, 8:00 a.m. to 6:00 p.m. Saturday and 10:00 a.m. to 5:00 p.m. Sunday.

4.4.3 Impact Analysis

a. Methodology

Construction Noise

Construction noise was estimated using the FTA general assessment method and the Federal Highway Administration (FHWA) Roadway Construction Noise Model (RCNM). The FTA general assessment method assumes that all equipment is operating at the center of the project. The site is approximately 125 feet wide (north to south property lines). Therefore, 62.5 feet (125 divided by 2) was used as the distance to calculate noise transfer to the north property line (abutting the Mahroom Apartments).

Groundborne Vibration

The project does not include any substantial vibration sources associated with operation. Thus, construction activities have the greatest potential to generate ground-borne vibration affecting nearby receptors, especially during grading and paving of the project site. The greatest vibratory source during construction in the project vicinity would be a roller used during grading. Neither blasting nor pile driving would be required for construction of the project. Construction vibration estimates are based on vibration levels reported by the FTA (FTA 2018). Table 4.4-5 shows typical vibration levels for various pieces of construction equipment used in the assessment of construction vibration (FTA 2018).

Table 4.4-5 Vibration Levels Measured during Construction Activities

Equipment	PPV at 25 feet (in./sec)
Vibratory Roller	0.21
Hoe Ram	0.089
Large Bulldozer	0.089
Loaded Trucks	0.076
Small Bulldozer	0.003

PPV = peak particle velocity; in./sec. = inches per second
Source: FTA 2018

Operational Noise Sources

The noise sources on the project site after completion of construction are anticipated to be those that would be typical of hotel projects, such as heating, ventilation, and air condition (HVAC) equipment, landscape maintenance, and parking lot noise.

The primary on-site operational noise sources from the project would originate from HVAC units and parking lot noise. The hotel HVAC systems will include Packaged Terminal Air Conditioner (PTAC) units for the guestrooms, rooftop exhaust fans for the bathrooms, and split system rooftop condensing units for the public spaces. A typical HVAC system for a hotel project typically generates noise levels ranging up to 75 dBA at a distance of 5 feet (Salter 2023). The HVAC units would be rooftop-mounted units that would be screened by a parapet wall. Parking lot activity noise (e.g., car doors, driving vehicles, engine starting) could generate noise levels between approximately 55 dBA and 70 dBA at a distance of five feet (Salter 2023).

Traffic Noise

Existing noise affecting the project site is primarily from traffic on North Fremont Street and Casa Verde Way. Project traffic noise increases were estimated using the average daily traffic (ADT) data provided in the *Traffic Analysis* (see Appendix H) prepared by TJKM for the project (TJKM 2023) and CadnaA 3D noise modeling conducted as part of the *Environmental Noise and Vibration Impact Assessment* (Salter 2023). CadnaA noise modeling involved digitizing roadways, buildings, receivers, and the proposed wall along the northern property line. An existing model run was conducted based on the existing site layout without the proposed wall and existing traffic conditions. A future model run was conducted with future traffic volumes and the proposed project building layout which would reduce traffic noise shielding compared with existing conditions. The future model run also included the proposed stucco wall on top of the retaining wall along the north property line, as described in Section 2.5.5, *Retaining Walls*, in Chapter 2, *Project Description*. The estimated traffic

noise increase is the difference between the future model run and the existing model run at the modeled receiver points. See Appendix D-2 for additional details on CadnaA modeling methodology and Appendix B of the *Environmental Noise and Vibration Impact Assessment* (Salter 2023) for CadnaA modeling coordinates and inputs.

On-Site Land Use Compatibility

The results of ambient noise monitoring indicate that a portion of the project site is within an ambient noise environment requiring sound insulation according to the City noise and land use compatibility standards from the General Plan (City of Monterey 2005). The *Environmental Noise Study* (Salter 2021) makes noise insulation recommendations for the proposed project. However, as a result of the Supreme Court decision regarding the assessment of the environment's impacts on projects (*California Building Industry Association (CBIA) v. Bay Area Air Quality Management District (BAAQMD)*, 62 Cal. 4th 369 (No. S 213478) issued December 17, 2015), it is generally no longer the purview of the CEQA process to evaluate the impact of existing environmental conditions on any given project. Generally, no determination of significance is required except for certain school projects, projects affected by airport noise, and projects that would exacerbate existing conditions (i.e., projects that would have a significant operational noise impact). As a result, while the noise from existing sources (e.g., adjacent roadways) is considered as part of the baseline condition, the direct effects of exterior noise from nearby noise sources relative to land use compatibility of the proposed project is not considered a CEQA impact and is not included in the impact analysis below.

b. Significance Thresholds

Appendix G of the CEQA guidelines considers a project to have a significant noise impact if the project would result in:

1. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies;
2. Generation of excessive ground-borne vibration or ground-borne noise levels; and/or
3. For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels.

Construction Noise

Project construction noise is evaluated using the FTA's general assessment noise analysis threshold of 90 dBA L_{eq} over 1 hour ($L_{eq(h)}$).

Construction Vibration

Construction vibration is to be compared to the thresholds for potential building damage to historic and some old buildings, as shown in Table 4.4-6. To assess potential annoyance to sensitive receivers, the Caltrans-recommended limit of 0.04 in/sec PPV is used, which is the vibration level considered to be distinctly perceptible (Caltrans 2020).

Table 4.4-6 Vibration Thresholds for Potential Damage to Structures

Structure and Condition	Maximum PPV (inches/second)	
	Transient Sources	Continuous/Frequent Intermittent Sources
Extremely fragile historic buildings, ruins, ancient monuments	0.12	0.08
Fragile buildings	0.2	0.1
Historic and some old buildings	0.5	0.25
Older residential structures	0.5	0.3
New residential structures	1.0	0.5
Modern industrial/commercial buildings	2.0	0.5
Source: Caltrans 2020		

On-site Stationary Operational Noise

The City has adopted maximum noise levels by zoning district in the Municipal Code regulating operational noise sources in the City. The project would result in a significant impact if noise from project HVAC equipment and parking lot activities (primary project stationary operational noise source) exceeds the maximum noise levels shown in Table 4.4-4.

Traffic Noise

A project would have a significant effect on the environment related to traffic noise if it would substantially increase the ambient noise levels in the area around the project. Most people can detect changes in sound levels of approximately 3 dBA under normal, quiet conditions, and changes of 1 to 3 dBA are detectable under quiet, controlled conditions. Changes of less than 1 dBA are usually undetectable. A change of 5 dBA is readily discernible to most people in an exterior environment. The following thresholds of significance, similar to those recommended by the Federal Aviation Administration (FAA 2020), are used to assess traffic noise impacts at sensitive receptor locations. Increases in traffic noise would be significant if they exceed the following thresholds:

- ~~Greater than~~ 5 dBA CNEL or greater if existing ambient noise less than 60 dBA.
- ~~Greater than~~ 3 dBA CNEL or greater if existing ambient noise is between 60 and 64 dBA.
- ~~Greater than~~ 1.5 dBA CNEL or greater if existing ambient noise is greater than 65 dBA.

c. Project Impacts and Mitigation Measures

Threshold 1: Would the project result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

Impact NOI-1 CONSTRUCTION OF THE PROJECT WOULD TEMPORARILY INCREASE AMBIENT NOISE LEVELS, WHICH COULD EXCEED APPLICABLE STANDARDS. THIS IMPACT WOULD BE LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED.

Construction activities such as demolition, grading, utilities installation, foundation construction, and building construction on the project site would temporarily increase noise levels at noise-sensitive receivers in the project site vicinity. Exposure to construction noise would depend on the

type of construction equipment, the location and sensitivity of nearby land uses, and the timing and duration of the construction activities. Construction would involve the use of mobile equipment (e.g., backhoes and loaders) and stationary equipment (e.g., pumps). As described under Section 4.4.3a, *Methodology*, the FTA general assessment method assumes that all equipment is operating at the center of the project site and construction noise was calculated at a distance of 62.5 feet to the north property line (abutting the Mahroom Apartments). Table 4.4-7 identifies the expected noise levels measured from the center of the project site based on the two noisiest pieces of equipment during each phase of construction.

Table 4.4-7 Estimated Noise Levels by Construction Phase

Construction Phase	Equipment	1 hour L_{eq} at Project Center (62.5 feet) dBA
Demolition, Excavation, and Grading	Excavator, hoe ram, dump truck, saw cutter, loader, sheep's foot compactor, backhoe, 10-wheel truck, delivery truck	91
Utilities	Excavator, loader, sheep's foot compactor, backhoe, 10-wheel truck, concrete truck, delivery truck, boom pump, line pump, compactor	85
Foundation	Excavator, backhoe, loader, 10-wheel truck, concrete truck, boom pump, line pump, compactor, gradall forklift, truss crane, delivery truck	86
Building Exterior	Rooftop crane, boomlift, stucco pump, delivery truck	86
Building Interior	Gypcrete pump, gradall forklift, delivery truck	83
Hardscape and Landscape	Skid steer loader, 10-wheel truck, paving machine, roller, concrete truck, line pump, delivery truck	86

Source: Salter 2023 (Appendix D-2)

As shown in Table 4.4-7, construction noise could be as high as 91 dBA $L_{eq(h)}$ at the nearest sensitive receivers, the Mahroom Apartments to the north of the project site.

The project includes construction of a retaining wall and a 7-foot tall stucco wall on top of the retaining wall on the northern site boundary. The combined height of the stucco wall and retaining wall from grade of the adjacent property to the north would range from approximately 8 to 12 feet in height. The proposed retaining wall would provide some noise attenuation. However, the wall is unlikely to be installed prior to demolition and construction. Therefore, for the purpose of this analysis, it is assumed that the retaining wall and stucco wall would not be in place to provide construction-phase noise attenuation. Therefore, project construction activity would exceed the significance threshold of 90 dBA $L_{eq(h)}$ and construction noise impacts would be potentially significant and mitigation is required. Construction noise levels would be less at sensitive receivers further away.

Mitigation Measures

NOI-1 Construction Noise Reduction

The construction contractor shall prepare and submit a Construction Noise Control Plan to the City of Monterey Community Development Director or designee for review and approval prior to issuance of demolition and grading permits. The Construction Noise Control Plan shall specify the noise reduction measures to be implemented during project construction to ensure noise levels do

not exceed 90 dBA $L_{eq(h)}$ at nearby sensitive receivers to the north. The measures specified in the Construction Noise Control Plan shall be included on the demolition, grading, and building plans and shall be implemented by the construction contractor during construction. At a minimum, the Construction Noise Control Plan shall include the following measures:

- Erect a temporary sound barrier at the northern property line until the stucco wall on top of the retaining wall that would be constructed as part of the project has been built. The sound barrier shall be a solid fence constructed of minimum 7-foot-tall sheets of 5/8-inch thick plywood with appropriate supports. The plywood shall overlap at vertical joints by a few inches and be fastened together. Avoid any gaps at the ground level. Construction noise reduction blankets with a solid layer (e.g., 1-psf vinyl) shall also be used. If the sound barrier is calculated to reduce construction noise levels by 4 dBA (Salter 2023).
- Limit construction to 8 a.m. to 5 p.m. Monday through Friday, 9 a.m. to 4 p.m. Saturday, and no construction on Sunday or holidays.
- Require posted signs at the construction site that include permitted construction days and hours, a day and evening contact number for the job site, and a day and evening contact number for the City in the event of problems.
- Notify the City and neighbors within 100 feet in advance of the schedule for each major phase of construction and expected loud activities.
- When feasible, locate high noise generating stationary equipment (e.g., generators, pumps, compressors) and material unloading and staging areas away from the sensitive adjacent uses (residences).
- Require that all construction equipment be in good working order and that mufflers are inspected to be functioning properly. If feasible, impact tools shall be shrouded or shielded with intake and exhaust port mufflers when used near noise-sensitive receptors.
- Avoid unnecessary idling of equipment and engines and to a maximum of five minutes near noise-sensitive receivers.
- The general contractor shall designate a noise and vibration disturbance coordinator responsible for responding to any local complaints about construction noise or vibration. The disturbance coordinator shall determine the cause of any noise or vibration complaint (e.g., starting too early, bad muffler, equipment type/location) and shall ensure that reasonable measures be implemented to correct the problem.

Significance After Mitigation

Table 4.4-8 presents the mitigated construction noise levels. As shown in Table 4.4-8, mitigated construction noise could be as high as 87 dBA $L_{eq(h)}$ at the nearest sensitive receivers, the Mahroom Apartments to the north of the project site. Therefore, project construction activity would not exceed the significance threshold of 90 dBA $L_{eq(h)}$. Implementation of Mitigation Measure NOI-1 would reduce the potential impact from construction noise to less than significant. Operational noise impacts would be less than significant without mitigation.

Table 4.4-8 Mitigated Noise Levels by Construction Phase

Construction Phase	Equipment	1 hour L_{eq} at Project Center (62.5 feet) dBA ¹
Demolition, Excavation, and Grading	Excavator, hoe ram, dump truck, saw cutter, loader, sheep's foot compactor, backhoe, 10-wheel truck, delivery truck	87
Utilities	Excavator, loader, sheep's foot compactor, backhoe, 10-wheel truck, concrete truck, delivery truck, boom pump, line pump, compactor	81
Foundation	Excavator, backhoe, loader, 10-wheel truck, concrete truck, boom pump, line pump, compactor, gradall forklift, truss crane, delivery truck	82
Building Exterior	Rooftop crane, boomlift, stucco pump, delivery truck	82
Building Interior	Gypcrete pump, gradall forklift, delivery truck	79
Hardscape and Landscape	Skid steer loader, 10-wheel truck, paving machine, roller, concrete truck, line pump, delivery truck	82

¹ The 1 hour L_{eq} at the project center accounts for the 4 dBA reduction provided by the sound barrier that would be erected prior to project construction.

Source: Salter 2023 (Appendix D-2)

Threshold 1: Would the project result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

Impact NOI-2 **ALTHOUGH AMBIENT NOISE IN THE PROJECT VICINITY WOULD INCREASE FROM ON-SITE OPERATIONAL ACTIVITIES AND INCREASED TRAFFIC RESULTING FROM THE PROJECT, OPERATIONAL NOISE INCREASES WOULD NOT EXCEED APPLICABLE STANDARDS. THIS IMPACT WOULD BE LESS THAN SIGNIFICANT.**

Stationary Sources

Project operation would generate on-site noise compared to existing conditions, since the current on-site motel is vacant. On-site noise is anticipated to be generated from mechanical equipment and parking lot noise.

Mechanical Equipment

The orientation of the proposed hotel places it equal to or farther from adjacent property lines than the existing on-site motel. The proposed HVAC systems would generate noise levels of up to approximately 52 dBA at the north property line (Mahroom Apartments) and 56 dBA at the east property line (State Farm office). Furthermore, natural "shielding" of rooftop equipment by the edge of the roof and parapet would provide further noise reduction. HVAC noise levels would be less at sensitive receivers further away. Therefore, noise generated by mechanical equipment would not exceed the threshold of 60 dBA for residential districts and 65 dBA for commercial districts and operational noise impacts from mechanical equipment would be less than significant.

Parking Lot

Parking lot activity noise (e.g., car doors, driving vehicles, engine starting) would be intermittent, typically occurring for less than 1 to 5 minutes per occasion. Parking lot noise could generate noise

levels between approximately 55 dBA and 70 dBA at a distance of five feet (Salter 2023). At a distance of 15 feet, those noise levels would be reduced to approximately 45 dBA to 60 dBA. These levels are similar to existing noise levels in the project vicinity based on ambient noise monitoring (Salter 2021). Furthermore, parking activity noise levels are expected to be reduced even further by the proposed retaining wall at the property line to the north shared with the nearest residential receiver, the Mahroom Apartments. Parking lot noise levels would be less at sensitive receivers further away. Parking lot noise levels are below City Municipal Code standards of 60 dBA to 65 dBA for short-term activity noise (that occurs for less than 1 or 5 minutes, daytime and nighttime at residential receivers, see Table 4.4-4). Therefore, operational noise from parking lot activity would be less than significant.

Off-Site Traffic

The project would generate new vehicle trips that would increase noise levels on nearby roadways. The project is anticipated to generate 351 new daily vehicle trips (TJKM 2023).

The adjacent Mahroom Apartments are currently “shielded” from North Fremont Street traffic by the existing on-site motel building, as it is oriented directly in front of the Mahroom Apartments and blocks the Mahroom Apartments from having a direct line-of-sight to North Fremont Street. Removal of the existing motel would eliminate this existing noise attenuating feature, thereby potentially increasing traffic noise at the adjacent apartments. The proposed new hotel would have a different footprint and would be located in the southwestern corner of the project site, allowing the southeastern facade of the apartment building to be exposed to higher traffic noise levels. In this location, the proposed hotel would be 45 feet in height, approximately 25 feet taller than the existing motel. As such, in some locations along the Mahroom Apartments façade, the project would provide noise reductions compared to existing conditions due to the increased height of the noise-attenuating structure.

Figure 4.4-1 shows existing noise conditions (left figure) and future noise conditions at the first level of the Mahroom Apartments (right figure). As shown in Figure 4.4-1, with the addition of the proposed stucco barrier, traffic noise levels at the first floor facade of the Mahroom Apartments would be within 4 dBA CNEL of existing noise levels. Figure 4.4-2 shows existing noise conditions (left figure) and future noise conditions at the second level of the Mahroom Apartments (right figure). As shown in Figure 4.4-2, traffic noise levels at the second floor façade of the Mahroom Apartments would be within 2 dBA CNEL of existing noise levels, and in some locations noise would be reduced compared with existing conditions due to the height of the proposed structure.

Figure 4.4-1 Existing (Left) and Future (Right) Noise Levels at the First Level of the Mahroom Apartments



Source: Salter 2023 (Appendix D-2).

Note: Circled numbers represent modeled noise levels (dBA CNEL).

Figure 4.4-2 Existing (Left) and Future (Right) Noise Levels at the Second Level of the Mahroom Apartments



Source: Salter 2023 (Appendix D-2).

Note: Circled numbers represent modeled noise levels (dBA CNEL).

As shown in Figure 4.4-1 and Figure 4.4-2, existing ambient noise levels are between 49 and 63 dBA CNEL along the facades of the Mahroom Apartments. Therefore, the 3 dBA and 5 dBA significance thresholds for traffic noise are applicable depending on the existing ambient noise level (see Section 4.4.3.b, *Significance Thresholds*). Where existing ambient noise is between 60 and 64 dBA CNEL, traffic noise level increases are calculated to be less than the 3 dBA CNEL threshold. Where existing ambient noise is less than 60 dBA CNEL, traffic noise level increases are calculated to be less than the 5 dBA CNEL threshold. Therefore, traffic noise impacts at the Mahroom Apartments to the north would be less than significant. At other sensitive receptor locations that are not shielded by the existing on-site building or the proposed project building, traffic noise increases would be minimal. The existing average daily traffic (ADT) volume on North Fremont Street is 18,100 (TJKM 2023). The estimated increase in traffic noise levels is based on the following formula: $10 \times \text{LOG}(\text{future traffic volume}/\text{existing traffic volume})$. Using this formula, the addition of 351 new daily vehicle trips is estimated to increase traffic noise levels by approximately 0.08 dBA CNEL, which would not exceed the most stringent threshold of 1.5 dBA CNEL.

Mitigation Measures

No mitigation measures are required because impacts would be less than significant.

Threshold 2: Would the project result in generation of excessive groundborne vibration or groundborne noise levels?

Impact NOI-3 PROJECT CONSTRUCTION WOULD INTERMITTENTLY GENERATE GROUNDBORNE VIBRATION ON SITE, WHICH MAY AFFECT NEARBY SENSITIVE RECEIVERS THAT COULD CAUSE ARCHITECTURAL DAMAGE OR ANNOYANCE IF UNMITIGATED. HOWEVER, IMPACTS WOULD BE LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED.

Construction activities known to generate excessive ground-borne vibration, such as pile driving, would not be utilized to construct the project. Construction equipment such as vibratory rollers, hoe rams, and earthmoving equipment would temporarily increase vibration levels in the project vicinity. Based on Caltrans recommendations, limiting vibration levels to below 0.25 in/sec PPV for transient sources and below 0.5 in/sec PPV for continuous sources would prevent architectural damage regardless of building construction type. Table 4.4-9 presents typical vibration levels that would be generated by construction equipment at nearby property lines. Exact vibration levels will vary depending on soil conditions, construction methods, and equipment used at the site.

Table 4.4-9 Expected Construction Vibration Levels

Property Line	North & East (Mahroom Apartments and State Farm)	South (El Castell Motel)	West (Alliance Mart)
Equipment	PPV at 10 feet (in/sec)	PPV at 130 feet (in/sec)	PPV at 50 feet (in/sec)
Vibratory Roller	0.83	0.02	0.10
Hoe Ram	0.35	0.01	0.04
Large bulldozer	0.35	0.01	0.04
Loaded trucks	0.30	0.01	0.04
Jackhammer	0.14	0.00	0.02
Small bulldozer	0.01	0.00	0.00

Source: Salter 2023 (Appendix D-2)

As shown in Table 4.4-9, maximum construction vibration levels could reach 0.83 in/sec PPV, which would exceed the threshold of 0.25 in/sec PPV for continuous sources at older buildings. If uncontrolled, vibration levels could also exceed the Caltrans threshold of 0.04 in/sec PPV for distinctly perceptible vibration levels. Thus, some construction activities could be perceptible or exceed potential building damage thresholds when located close to neighboring receivers and construction vibration impacts would be potentially significant.

The project does not include substantial vibration sources associated with operation, such as rail or subway operation. Therefore, operational vibration impacts would be less than significant.

Mitigation Measures

NOI-3 Construction Vibration

The construction contractor shall prepare and submit a Construction Vibration Control Plan to the City of Monterey Community Development Director or designee for review and approval prior to issuance of demolition and grading permits. The Construction Vibration Control Plan shall specify the vibration reduction measures to be implemented during project construction to ensure vibration levels do not exceed 0.25 in/sec PPV at nearby sensitive receivers to the north. The measures specified in the Construction Vibration Control Plan shall be included on the demolition, grading, and building plans and shall be implemented by the construction contractor during construction. At a minimum, the Construction Vibration Control Plan shall include the following measures:

1. Earth-moving and ground-impacting operations shall be phased so as not to occur at the same time along the same property line to reduce cumulative vibration impacts.
2. Minimize discontinuities in roadway pavement where trucks will travel.
3. Avoid using vibratory rollers and tampers within 25 feet of adjacent structures. Non-vibratory sheepsfoot rollers or static rollers could be used instead.
4. Grading and earthwork activities within 15 feet of adjacent structures shall be conducted with off-road equipment that is limited to 100 horsepower or less.
5. Avoid use of a hoe ram within 15 feet of adjacent structures. Use of an excavator with reach arm could be used instead.
6. Avoid routing heavily loaded trucks through residential streets.
7. Notify adjacent properties of the construction schedule (in particular, prior to days of high-vibration activity, such as demolition) and provide the name and contact information of the project disturbance coordinator.

Significance After Mitigation

Implementation of Mitigation Measures NOI-1 and NOI-3 would reduce the potential impact from construction vibration to less than significant. Specifically, use of a static roller through implementation of Mitigation Measure NOI-2 is predicted to generate vibration levels of approximately 0.20 in/sec PPV at a distance of 10 feet, which would not exceed the 0.25 in/sec PPV potential damage threshold. Use of a small bulldozer or other small earthmoving equipment is predicted to generate vibration levels of approximately 0.01 in/sec PPV at a distance of 10 feet, which would not exceed the 0.25 in/sec PPV potential damage threshold. Implementation of Mitigation Measure NOI-1 would include designation of a noise and vibration disturbance coordinator who would be responsible for responding to any local complaints about construction

vibration. The disturbance coordinator would determine the cause of any vibration and the construction contractor would be required to take reasonable measures to correct the problem. In combination, Mitigation Measures NOI-1 and NOI-3 would reduce vibration impacts to a less than significant level.

Threshold 3: For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

Impact NOI-4 THE PROJECT SITE IS LOCATED WITHIN THE MONTEREY REGIONAL AIRPORT SPHERE OF INFLUENCE BUT IS OUTSIDE THE 65, 70, AND 75 dBA CNEL NOISE CONTOURS FOR THE MONTEREY REGIONAL AIRPORT. THEREFORE, THE PROJECT WOULD NOT EXPOSE PEOPLE RESIDING OR WORKING IN THE PROJECT AREA TO EXCESSIVE NOISE LEVELS FROM AIRCRAFT OPERATIONS FROM THE MONTEREY REGIONAL AIRPORT, AND IMPACTS FROM AIRPORT NOISE WOULD BE LESS THAN SIGNIFICANT.

The closest airport is the Monterey Regional Airport, which is approximately 0.5 mile southeast of the project site. The project site is located within the Monterey Regional Airport Sphere of Influence but is not located within the 65, 70, or 75 CNEL dBA noise contours for the Monterey Regional Airport (Monterey County Airport Land Use Commission 2019). Therefore, the project would not expose people residing or working in the project area to excessive noise levels from aircraft operations from the Monterey Regional Airport. Impacts would be less than significant.

Mitigation Measures

No mitigation measures are required because impacts would be less than significant.

4.4.4 Cumulative Impacts

The cumulative noise assessment considers development of the project in combination with other planned and approved development projects within the vicinity of the project site (see Table 3-1 in Section 3.0, *Environmental Setting*). The other cumulative projects in the area could generate temporary noise and vibration impacts during construction, the nature of which would be similar to the proposed project (i.e., construction noise generated during site preparation and grading, hardscaping). Construction schedules for some of the cumulative projects may align with the proposed project's construction schedule. However, construction noise and vibration are localized impacts that rapidly attenuate as distance from the source increases, especially within an urban environment. There are no cumulative projects within 1,000 feet of the project site. Therefore, cumulative construction noise and vibration impacts would be less than significant and the proposed project's contribution to cumulative impacts would not be cumulatively considerable.

Cumulative development could also result in stationary (non-traffic) operational noise increases in the project vicinity. These sources may combine with other nearby cumulative projects to result in higher noise levels. However, operational noise from these sources is localized and rapidly attenuates within an urbanized setting due to the effects of intervening structures and topography that block the line of sight and due to other noise sources closer to receivers that obscure project-related noise. The closest cumulative project is a three-story mixed-use building with 40 apartment units and 6,000 square feet of commercial space that is currently awaiting building permits and would be located 1,100 feet east of the project. This cumulative project is not close enough to combine with stationary operational noise from the project to result in a cumulative impact.

Further, implementation of City Municipal Code noise standards would ensure that noise from new stationary sources as part of the cumulative projects would be within acceptable levels. Therefore, the cumulative impact related to operational stationary noise would be less than significant.

Cumulative development in the project area would increase noise levels along local roadways as a result of additional vehicular trips. Cumulative traffic noise impacts could be significant. However, the project's contribution to this cumulative impact of 351 new daily trips would be negligible. As discussed under Impact NOI-2, the addition of 351 new daily vehicle trips is estimated to increase traffic noise levels by approximately 0.08 dBA CNEL, which would not exceed the most stringent threshold of 1.5 dBA CNEL. Therefore, the proposed project's contribution to cumulative impacts would not be considerable.

4.5 Tribal Cultural Resources

This section analyzes the proposed project's potential impacts related to tribal cultural resources. Tribal cultural resources are those resources identified by California Native American tribes in consultation with lead agencies during tribal consultation [also referred to as Assembly Bill (AB) 52 consultation]. The analysis in this section is based on the results of the City's AB 52 consultation as well as the Cultural Resources Technical Report prepared for the project by Rincon Consultants, Inc. (Rincon) in July 2022. The full report is provided in Appendix C of this EIR.

4.5.1 Environmental Setting

The setting of the project site related to tribal cultural resources is summarized below. A complete discussion of the project site's environmental setting related to tribal cultural resources is included in the Cultural Resources Technical Report, included as Appendix C. Also refer to Section 4.5.1 in Section 4.5, *Cultural Resources*, for additional discussion of the pre-contact setting.

The project site lies in an area traditionally occupied by the Ohlone (or Costanoan) people. Ohlone territory extends along the California coast from the point where the San Joaquin and Sacramento rivers merge into the San Francisco Bay to Point Sur. Their inland boundary was limited to the interior Coast Ranges. The Ohlone language belongs to the Penutian family, with several distinct dialects throughout the region. It is divided into eight regional dialects: Karkin, Chochenyo, Ramaytush, Awaswas, Taymen, Mutsun, Rumsen, and Chalon.

The pre-contact Ohlone were semi-sedentary, with a settlement system characterized by base camps and seasonal reserve camps composed of tule reed houses with thatched roofs made of matted grass. Just outside base camps, large sweat houses were built into the ground near stream banks used for spiritual ceremonies and possibly hygiene. Villages were divided into small polities, each of which was governed by a chief responsible for settling disputes, acting as a war leader during times of conflict, and supervising economic and ceremonial activities. Social organization appeared flexible to ethnographers and any sort of social hierarchy was not apparent to mission priests.

Archaeological investigations inform Ohlone mortuary rituals. Cemeteries were set away from villages and visited during the annual Mourning Anniversary. Ceremonial human grave offerings might include *Olivella* beads, as well as tools like drills, mortars, pestles, hammerstones, bone awls, and utilized flakes. Ohlone mythology included animal characterization and animism, which was the basis for several creation narratives. Ritually burying animals, such as a wolf, squirrel, deer, mountain lion, gray fox, elk, badger, grizzly bear, blue goose, and bat ray, was commonly practiced. Similar to human burials, ceremonial offerings were added to ritual animal graves like shell beads, ornaments, and exotic goods.

Ohlone subsistence strategies were based on hunting, gathering, and fishing. Larger animals, like bears, might be avoided, but smaller game was hunted and snared on a regular basis. Like the rest of California, the acorn was an important staple and was prepared by leaching acorn meal in openwork baskets and in holes dug into the sand. The Ohlone also practiced controlled burning to facilitate plant growth. During specific seasons or in times of drought, the reserve camps would be utilized for gathering seasonal food and accessing food storage. Using nets and gorge hooks, the Ohlone fished from tule reed canoes. Mussels were a particularly important food resource. Sea mammals such as sea lions and seals were hunted, and beached whales were exploited.

Seven Franciscan missions were built in Ohlone territory in the late 1700s, and all members of the Ohlone group were eventually brought into the mission system. After the establishment of the missions, Ohlone population dwindled from roughly 10,000 people in 1770 to 1,300 by 1814. In 1973, the population of people with Ohlone descent was estimated at fewer than 300. The descendants of the Ohlone united in 1971 and have since arranged political and cultural organizations to revitalize aspects of their culture.

4.5.2 Regulatory Setting

a. Federal Regulations

There are no federal regulations applicable to tribal cultural resources.

b. State Regulations

California Senate Bill 18 of 2004

California Government Code Section 65352.3 (adopted pursuant to the requirements of Senate Bill [SB] 18) requires local governments to contact, refer plans to, and consult with tribal organizations prior to making a decision to adopt or amend a general or specific plan. The tribal organizations eligible to consult have traditional lands in a local government's jurisdiction and are identified, upon request, by the Native American Heritage Commission (NAHC). As noted in the California Office of Planning and Research's Tribal Consultation Guidelines (2005), "the intent of SB 18 is to provide California Native American tribes an opportunity to participate in local land use decisions at an early planning stage, for the purpose of protecting, or mitigating impacts to, cultural places." SB 18 refers to PRC Section 5097.9 and 5097.995 to define cultural places as:

- A Native American sanctified cemetery, place of worship, religious or ceremonial site, or sacred shrine (PRC Section 5097.9)
- A Native American historic, cultural, or sacred site, that is listed or may be eligible for listing in the California Register of Historical Resources pursuant to Section 5024.1, including any historic or prehistoric ruins, any burial ground, any archaeological or historic site (PRC Section 5097.995).

Assembly Bill 52 of 2014

AB 52 expanded CEQA by defining a new resource category, "tribal cultural resources." AB 52 establishes, "a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment" (Public Resources Code [PRC] Section 21084.2). It further states the CEQA lead agency shall establish measures to avoid impacts that would alter the significant characteristics of a tribal cultural resource, when feasible (PRC Section 21084.3).

PRC Section 21074 (a)(1)(A) and (B) define tribal cultural resources as "sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe" and that meets at least one of the following criteria, as summarized in *CEQA Guidelines* Appendix G:

- 1) Listed or eligible for listing in the CRHR, or in a local register of historical resources as defined in PRC Section 5020.1(k)

- 2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of PRC Section 5024.1. In applying these criteria, the lead agency shall consider the significance of the resource to a California Native American tribe.

AB 52 also establishes a formal consultation process with California Native American tribes that must be completed before a CEQA document can be certified. Under AB 52, lead agencies are required to “begin consultation with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project.” California Native American tribes to be included in the process are those that have requested notice of projects proposed within the jurisdiction of the lead agency.

California Health and Safety Code

Section 7050.5 of the California Health and Safety Code states that in the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the remains are discovered has determined if the remains are subject to the Coroner’s authority. If the human remains are of Native American origin, the coroner must notify the NAHC within 24 hours of this identification.

California Public Resources Code Section 5097.98

Section 5097.98 of the California PRC states that the NAHC, upon notification of the discovery of Native American human remains pursuant to Health and Safety Code §7050.5, shall immediately notify those persons (i.e., the Most Likely Descendant [MLD]) that it believes to be descended from the deceased. With permission of the landowner or a designated representative, the MLD may inspect the remains and any associated cultural materials and make recommendations for treatment or disposition of the remains and associated grave goods. The MLD shall provide recommendations or preferences for treatment of the remains and associated cultural materials within 48 hours of being granted access to the site.

c. Local Regulations

The City of Monterey does not have an existing regulatory process or local regulations pertaining to tribal cultural resources.

4.5.3 Impact Analysis

a. Methodology

Rincon cultural resource specialists contacted the NAHC on June 20, 2022, to request a search of the Sacred Lands File (SLF), as well as a contact list of Native Americans culturally affiliated with the project area. In accordance with AB 52, the City conducted consultation as the lead agency for the Initial Study-Mitigated Negative Declaration (IS-MND) for the 2101 North Fremont Street Hotel Project in 2020 to 2021. The City informed Ms. Louise J. Miranda Ramirez, Chairwoman of the Ohlone/Costanoan-Esselen Nation, via mail of the project as the NAHC designated Ms. Ramirez as the most likely descendent of the Ohlone/Costanoan-Esselen Nation tribe.

The City received a letter dated July 20, 2022 in response to the Notice of Preparation for this Environmental Impact Report (EIR) from the KaKoon Ta Ruk Band of Ohlone-Costanoan Indians. The

letter recommended cultural sensitivity training for pre-project personnel and including a cultural monitor during development and ground disturbing activities. The letter also requests that the Draft EIR be provided to the Tribe and that the Tribe's Treatment Protocols are incorporated into the project.

The City reinitiated AB 52 consultation and initiated SB 18 consultation in July 2022. On July 26, 2022, the City sent letters to ten Native American contacts in the area to request information on potential cultural resources in the project vicinity that may be impacted by the proposed project's development. Other than the aforementioned letter, an NOP response from the KaKoon Ta Ruk Band of Ohlone-Costanoan Indians, the City did not receive any responses from Tribes contacted for AB 52 and SB 18 consultation.

On July 25, 2022, the NAHC responded to Rincon's AB 52 and SB 18 request and SLF request, stating that the results of the SLF search were positive. See Appendix C for the NAHC response, including Tribal contacts list(s).

a. Significance Thresholds

Appendix G of the *CEQA Guidelines* indicates that a project's impacts to tribal cultural resources would be significant if the project would cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

1. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k); or
2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

b. Project Impacts and Mitigation Measures

Threshold 1:	Would the project cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code Section 21074 that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)?
Threshold 2:	Would the project cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code Section 21074 that is a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1?

Impact TCR-1 GRADING AND EXCAVATION REQUIRED FOR THE PROPOSED PROJECT WOULD HAVE THE POTENTIAL TO ADVERSELY IMPACT TRIBAL CULTURAL RESOURCES. IMPACTS WOULD BE LESS THAN SIGNIFICANT WITH MITIGATION.

The SLF search results were received from the NAHC on July 25, 2022; those results were positive for known sacred sites within the project vicinity. Additionally, as part of its tribal cultural resources identification process under AB 52, the City sent letters via certified mail to the Native American contacts that had previously requested to be informed through formal notification of proposed projects in the geographic area that is traditionally and culturally affiliated with the Tribes. As discussed in Section 4.5.3.a, *Methodology*, the City received one response from The KaKoon Ta Ruk Band of Ohlone-Costanoan Indians noting that the project could impact previously unknown cultural resources. The City followed up twice with the Tribe via email (on August 23 and September 2, 2022) regarding details on their Treatment Protocol, but they did not receive a response. As such, tribal consultation is closed.

Although the project site is currently developed and has been previously disturbed, it is possible that ground disturbance during project construction could encounter unknown tribal cultural resources. Therefore, the project has the potential to significantly impact tribal cultural resources through ground disturbance and subsequent damage. Impacts would be potentially significant, and Mitigation Measures CUL-2(a) and TCR-1 are required.

Mitigation Measures

TCR-1 Unanticipated Discovery of Tribal Cultural Resources

In the event that cultural resources of Native American origin are identified during implementation of the proposed project, all earth-disturbing work within 50 feet of the find shall be temporarily suspended or redirected until an archaeologist has evaluated the nature and significance of the find as a cultural resource and an appropriate local Native American representative is consulted. If the City, in consultation with local Native American tribes, determines that the resource is a tribal cultural resource and thus significant under CEQA, a mitigation plan shall be prepared and implemented in accordance with state guidelines and in consultation with local Native American group(s). The plan shall include avoidance of the resource or, if avoidance of the resource is infeasible, the plan shall outline the appropriate treatment of the resource in coordination with the appropriate local Native American tribal representative and, if applicable, a qualified archaeologist. The plan shall include measures to ensure the find is treated in a manner that respectfully retains, to

the degree feasible, the qualities that render the resource of significance to the local Native American group(s). Examples of appropriate mitigation for tribal cultural resources include, but are not limited to, protecting the cultural character and integrity of the resource, protecting traditional use of the resource, protecting the confidentiality of the resource, or heritage recovery.

Refer to Section 4.1.3 in Section 4.1, *Cultural Resources*, for Mitigation Measure CUL-2(a).

Significance After Mitigation

Implementation of Mitigation Measures CUL-2(a) and TCR-1 would reduce the potential impact to tribal cultural resources to less than significant.

4.5.4 Cumulative Impacts

The proposed project, in conjunction with other nearby past, present, and reasonably foreseeable probable future projects in the region as listed in Table 3-1 of Section 3.0, *Environmental Setting*, would have the potential result in significant cumulative impacts to tribal cultural resources. As described under Impact TCR-1, the proposed project would result in a significant impact without mitigation to unknown tribal cultural resources. Mitigation Measures CUL-2(a) and TCR-1 would reduce project-level impacts to less than significant. Cumulative development in the region would continue to disturb areas with the potential to contain tribal cultural resources. Cumulative projects are reviewed separately by the appropriate jurisdiction and undergo environmental review when it is determined that the potential for significant impacts exists. If future cumulative projects would result in impacts to known or unknown tribal cultural resources, impacts to such resources would be addressed on a case-by-case basis and would likely be subject to mitigation measures similar to those imposed for the proposed project as a result of the CEQA process. Cumulative impacts to tribal cultural resources would therefore be potentially significant but mitigable. After implementation of Mitigation Measures CUL-2(a) and TCR-1, the project's contribution to cumulative impacts to tribal cultural resources would not be cumulatively considerable.

4.6 Effects Found Not to be Significant

Section 15128 of the *CEQA Guidelines* requires an EIR to briefly describe any possible effects that were determined not to be significant and were therefore not discussed in detail in the EIR. The sections below include the checklist questions listed in Appendix G of the *CEQA Guidelines* and a brief discussion of environmental impacts that were determined to be less than significant. The project would not result in significant impacts to Aesthetics, Agriculture and Forestry Resources, Air Quality, Biological Resources, Energy, Geology and Soils, Greenhouse Gas Emissions, Hydrology and Water Quality, Mineral Resources, Population and Housing, Public Services, Recreation, Transportation, Utilities and Service Systems, and Wildfire. These topics are discussed below in this section.

Cultural Resources (including Paleontological Resources), Hazards and Hazardous Materials, Land Use and Planning, Noise, and Tribal Cultural Resources are addressed in Sections 4.1 through 4.5 of this EIR.

4.6.1 Aesthetics

Significance Thresholds

Impacts to aesthetics would be significant if implementation of the project would:

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

Impact Analysis

- 1) Would the project have a substantial adverse effect on a scenic vista?

A scenic vista is usually defined as a panoramic view from an elevated position or a long-range view from a public vantage point. The City of Monterey (City) is an urbanized community, and scenic vistas primarily include the Monterey Bay, the Pacific Ocean, and a central ridge of wooded hills. The General Plan Urban Design Element identifies “Special Places,” which are characterized by scenic resources and include wooded hills, canyons, lakes, the waterfront, and the Pacific Ocean (City of Monterey 2019).

The project site is developed with an existing motel, restaurant, and surface parking lot. The surrounding area is characterized as an urban setting, with land uses comprised of hotel, commercial, and residential uses. The nearest designated Special Places include Del Monte Lake (approximately 0.3 mile northwest of the project site), the waterfront area (approximately 0.5 mile north of the project site), and the wooded hill area (approximately 1.0 mile south of the project site). Given the distance and intervening land uses between the project site and these scenic

resources, the proposed project would not result in impacts to scenic quality, and there would be no impact to scenic vistas.

- 2) Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

According to the California Department of Transportation (Caltrans) Scenic Highway Program, officially designated State Scenic Highways near the project site include a segment of State Route (SR) 1 between the Carmel River and SR 68, and a segment of SR 68 between SR 1 and the Salinas River. A segment of SR 1 between SR 68 and Santa Cruz is an eligible scenic highway but is not officially designated (Caltrans 2022). The General Plan Urban Design Element also identifies these highways as “Designated Scenic Roads,” and North Fremont Street is identified as a “Proposed Scenic Road” (City of Monterey 2019).

The segments of SR 1 and SR 68 that are officially designated are located approximately 0.3 mile east of the project site. Due to distance and intervening land uses, the project site is not visible from SR 1 or SR 68. As such, the proposed project would not substantially damage scenic resources visible from SR 1 or SR 68. The project site is located along North Fremont Street, which is considered a Proposed Scenic Road in the General Plan Urban Design Element. However, the proposed project involves the redevelopment of an underutilized parcel, which would improve the visual character on the project site as compared to the existing condition. In the existing condition, the project site contains a motel and restaurant, both of which are closed for business. According to the Cultural Resources Technical Report (Appendix C), the existing motel and restaurant are recommended as ineligible for listing in the National Register of Historic Places, the California Register of Historical Resources, and as a local resource, and therefore, is not considered a historical resource for the purposes of CEQA. Due to substantial alteration since its construction, the existing motel and restaurant has diminished integrity of material and design. As such, demolition of the outdated, vacant existing motel and restaurant and redevelopment of the project site with a new hotel featuring high-quality building materials, contemporary architecture, and an enhanced site design would improve the project site as compared to the existing condition. Additionally, the proposed project is compatible with surrounding land uses, which include a mix of hotel, commercial, and residential uses, and would not substantially alter views along North Fremont Street. Further, North Fremont Street is not an officially designated scenic road. Therefore, the proposed project would not substantially damage scenic resources from within a state scenic highway, and there would be no impact.

- 3) In nonurbanized areas, would the project substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

The project site is in an urbanized area of the City and is surrounded by a mix of hotel, commercial, and residential uses. The project site has a General Plan land use designation of Commercial, is zoned as Visitor Accommodation Facility (VAF), and is located within the North Fremont Specific Plan area. As discussed further in Section 2.0, *Project Description*, the VAF zone requirements apply to VAF zoned properties as required by City of Monterey Charter, rather than the Specific Plan development objectives, standards, and guidelines. As shown in Table 4.6-1, the proposed project would be consistent with development standards for the VAF zone, as specified in Section 38-36 of the Monterey City Code, as well as applicable General Plan policies governing scenic quality.

Table 4.6-1 Scenic Quality Policy Consistency Analysis

Regulations/Policies	Consistency Determination
Visitor Accommodation Facility Development Standards	
Minimum Site Area: 600 square feet per guest room	Consistent. The proposed project would include 42 guest rooms, and as such, requires a minimum site area of 25,200 square feet. The 25,258-square-foot project site exceeds the minimum site area required. Therefore, the proposed project is consistent with this development standard.
Minimum Yards: <ul style="list-style-type: none"> Front: 10 feet Side: 10 feet Rear: 10 feet 	Consistent. Property line setbacks would be a minimum of 10 feet on all sides. Therefore, the proposed project is consistent with this development standard.
Maximum Lot Coverage: 30 percent	Consistent. The proposed lot coverage would be approximately 28 percent, which is below the maximum of 30 percent. Therefore, the proposed project is consistent with this development standard.
Urban Design Element	
Policy f.10. Encourage parking to be placed underground or away from the street to improve the pedestrian experience.	Consistent. The proposed project includes a surface parking lot with 42 spaces. The surface parking lot would be located behind the proposed hotel building and would be generally situated away from North Fremont Street and Casa Verde Way. Therefore, the proposed project is consistent with this policy.
Policy g.6. Improve the pedestrian environment along North Fremont Street.	Consistent. The proposed project involves the redevelopment of an underutilized parcel, which would improve the existing visual character of the project site as compared to the existing condition. Landscaping would be installed at several locations adjacent to the sidewalk along North Fremont Street and Casa Verde Way. The building design would feature entryways and columns and would be oriented toward North Fremont Street. In addition, as part of the proposed project, the applicant would provide an easement on the project site with hardscaping designed to provide improved pedestrian circulation. Therefore, the proposed project is consistent with this policy.
Policy g.7. Use landscaping to screen parking where appropriate.	Consistent. As part of the proposed project, landscaping would be installed along the perimeter of and planters within the surface parking lot, and at the corners of the project site, which would help to visually screen on-site parking. Additionally, the northern property boundary includes a 5-foot-wide easement which would be landscaped with ornamental grasses and shrubs. Therefore, the proposed project is consistent with this policy.
Policy g.8. Encourage planting of trees on public and private land throughout the City of Monterey.	Consistent. As part of the proposed project, several trees, including deodar cedar, western redbud, goldenchain, mayten, and olive, would be planted at the project site's corners. Therefore, the proposed project is consistent with this policy.
Source: City of Monterey 2019	

The proposed project involves the redevelopment of an underutilized parcel, which would improve the existing visual character of the project site as compared to the existing condition and would serve to provide increased visual cohesion between the project site and the surrounding area. Further, the proposed project is consistent with the General Plan land use designation and would

not conflict with General Plan policies governing scenic quality. Therefore, impacts would be less than significant, and no mitigation is required.

- 4) Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

In the current condition, the existing motel and restaurant provide sources of exterior lighting on the project site. Additionally, the project site is in an urbanized area and is surrounded by development with levels of existing lighting typical of an urbanized, commercial corridor. Streetlights are located along North Fremont Street, which provide exterior lighting along the frontage of the project site.

The proposed project would include a variety of exterior lighting fixtures, including wall-mounted light fixtures on the building's façade, two bollard light fixtures in landscaping along Casa Verde Way, recessed lights providing downlighting along walkways and at doorways, and five pole-mounted lights providing downlighting throughout the surface parking lot. The project would result in new lighting sources associated with the proposed hotel and surface parking lot. However, the proposed lighting would be similar to existing lighting on the project site due to the existing uses, as well as in the surrounding area due to adjacent development. Pursuant to Section 38-124 of the Monterey City Code, proposed exterior lighting would either be hooded or recessed and directed downward so that the light source would not be visible off-site. Further, the proposed project would not be constructed with reflective materials or substantially contribute to existing sources of glare. Compliance with lighting regulations in the Monterey City Code would ensure that impacts to daytime and nighttime views would be less than significant.

4.6.2 Agriculture and Forestry Resources

Significance Thresholds

Impacts to agriculture and forestry resources would be significant if implementation of the project would:

- 1) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use.
- 2) Conflict with existing zoning for agricultural use, or a Williamson Act contract.
- 3) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g)).
- 4) Result in the loss of forest land or conversion of forest land to non-forest use.
- 5) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use.

Impact Analysis

- 1) Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

According to the California Department of Conservation (DOC)'s California Important Farmland Finder, the project site is designated as Urban and Built-Up Land (DOC 2016a). The project site is in an urbanized and developed area, and there is no agricultural land on or adjacent to the project site. Therefore, the project would not convert Farmland to non-agricultural use, and there would be no impact.

- 2) Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract?

The City of Monterey General Plan, adopted in January 2005 and amended most recently in June 2019, does not designate any agricultural land uses within the city (City of Monterey 2011). Additionally, the City of Monterey Zoning Map shows that no lands within the city are zoned for agricultural use and the project site is zoned as VAF (City of Monterey 2022a). According to DOC's California Important Farmland Finder, the project site is not enrolled in a Williamson Act contract (DOC 2016b). Therefore, the project would not conflict with existing zoning for agricultural use or a Williamson Act contract, and there would be no impact.

- 3) Would the project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g)).

The City of Monterey General Plan does not designate forest land or timberland within the city (City of Monterey 2011). Further, the City of Monterey Zoning Map shows that no lands within the city are zoned as forest land, timberland, or timberland zoned for timberland production and the project site is zoned as VAF (City of Monterey 2022). Therefore, the project would not conflict with existing zoning for or cause rezoning of forest land, timberland, or timberland production zones, and there would be no impact.

- 4) Would the project result in the loss of forest land or conversion of forest land to non-forest use?

As stated above, there are not forest lands within the project site or the City of Monterey. Therefore, the project would not result in the loss of forest land or conversion of forest land to non-forest use, and there would be no impact.

- 5) Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?

The project would not involve off site modifications or other changes that could result in the conversion of farmland to non-agricultural use or forest land to non-forest use. There would be no impact.

4.6.3 Air Quality

Significance Thresholds

Impacts related to air quality would be significant if implementation of the project would:

- 1) Conflict with or obstruct implementation of the applicable air quality plan.
- 2) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard.

- 3) Expose sensitive receptors to substantial pollutant concentrations.
- 4) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.

Impact Analysis

Analysis in this section is based on an Air Quality Emissions Study prepared for the project by Rincon Consultants, Inc. in October 2020. The study is included as Appendix E-1. The Air Quality Emissions Study includes air quality modeling performed with the California Emissions Estimator Model (CalEEMod). In May 2023, Rincon updated the modeling to reflect the most current project design details for use in this EIR. The 2023 modeling output is included in Appendix E-2. The updated modeling results do not change the conclusions of the October 2020 Air Quality Emissions Study.

- 1) Would the project conflict with or obstruct implementation of the applicable air quality management plan?

The California Air Resources Board (CARB) coordinates and oversees both state and federal air quality control programs in California. CARB has established 14 air basins statewide and the project site is in the North Central Coast Air Basin, which is under the jurisdiction of the Monterey Bay Air Resources District (MBARD). The North Central Coast Air Basin is currently designated as nonattainment for the state PM₁₀ standard (particulate matter with a diameter of 10 microns or fewer) and nonattainment-transitional for the state one-hour and eight-hour ozone standards. The North Central Coast Air Basin is designated as attainment for all federal standards and other state standards (MBARD 2017). MBARD is responsible for enforcing the state and federal air quality standards and regulating stationary sources through the 2012-2015 Air Quality Management Plan (AQMP) for the Monterey Bay region, adopted on March 15, 2017.

The project would conflict with MBARD's AQMP if the project would cause an exceedance of the population growth projections included in the AQMP. The project would involve construction and operation of a hotel, and accordingly would not add permanent residential units or residents to the City of Monterey. However, the project would generate approximately 45 jobs, with 5 on-site positions and 40 remote positions. It is likely that most of the employees would be filled by individuals already residing within Monterey or other nearby cities. However, assuming a conservative, maximum growth scenario in which every on-site employee relocates to the City of Monterey, the project could add approximately 5 residents to the city.

MBARD's AQMP uses population projections produced by the Association of Monterey Bay Area Governments (AMBAG). As discussed further in Section 4.6.10, *Population and Housing*, AMBAG estimates an increase of 568 residents in the City of Monterey by 2030. Additionally, under AMBAG's Final 6th Cycle Regional Housing Needs Allocation Plan 2023-2031, the City has a regional housing needs allocation of 3,654 housing units, which would need to be realized by 2031 (AMBAG 2022). Under a conservative, maximum growth scenario, the project's 5 on-site employees would be well within AMBAG's population and housing projections; therefore, the project would not conflict with MBARD's AQMP, and impacts would be less than significant.

- 2) Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?

As discussed above, the North Central Coast Air Basin is currently designated as nonattainment for the state PM₁₀ standard and nonattainment-transitional for the state one-hour and eight-hour

ozone standards. MBARD has established a threshold of 82 pounds per day of PM₁₀ emissions for construction. MBARD has not established construction thresholds for any other air quality pollutant.

Project construction would involve demolition, site preparation, grading, building construction, paving, and architectural coating activities that have the potential to generate air pollutant emissions. Table 4.6-2 summarizes the estimated maximum daily criteria pollutant emissions during project construction.

Table 4.6-2 Project Construction Emissions

	Maximum Daily Emissions (pounds per day)					
	VOC	NO _x	CO	PM ₁₀ (exhaust)	PM _{2.5} (exhaust)	SO _x
Maximum Daily Emissions	1	9	12	<1	<1	<1
MBARD Thresholds	N/A	N/A	N/A	82	N/A	N/A
Threshold Exceeded?¹	N/A	N/A	N/A	No	N/A	N/A

VOC = volatile organic compounds; NO_x = oxides of nitrogen; CO = carbon monoxide; SO_x = oxides of sulfur; PM₁₀ = particulate matter with a diameter of 10 micrometers or less; PM_{2.5} = particulate matter with a diameter of 2.5 micrometers or less; N/A = not applicable

Notes: All numbers have been rounded up to the nearest whole number.

¹ MBARD has not adopted a threshold for evaluating construction VOC, NO_x, CO, PM_{2.5}, or SO_x emissions.

Source: Appendix E-2.

As shown in Table 4.6-2, construction of the project would generate maximum daily emissions of approximately 1 pound of PM₁₀ per day, which is 98.7 percent below the MBARD threshold of 82 pounds per day. Furthermore, MBARD guidelines state that ozone precursor emissions from construction projects using typical equipment were accounted for in the emission inventories of the 2015 AQMP. The proposed project would use typical construction equipment; thus, ozone precursor emissions from project construction were accounted for in the emission inventories and would not have a significant impact on the attainment and maintenance of state or federal ozone ambient air quality standards. Therefore, project construction would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under the applicable federal or state ambient air quality standard, and impacts would be less than significant. Required compliance with MBARD Rule 400 (Visible Emissions) and Rule 425 (Use of Cutback Asphalt) would further reduce emissions of dust particulates during project construction.

The project would result in long-term air pollutant emissions over the course of operation. Emissions include area sources, energy sources, and mobile emissions. Area sources include use of consumer products, use of gas-powered landscaping equipment, and re-application of architectural coating (re-painting). Energy sources include natural gas for uses such heating/air conditioning, appliances, lighting, and water heating. Mobile emissions include vehicle trips by residents, employees, and visitors. If a project's operational emissions do not exceed MBARD thresholds, the proposed project impacts to regional air quality are considered individually less than significant and less than cumulatively considerable.

Table 4.6-3 summarizes the total estimated emissions associated with operation of the proposed project by emission source. As shown therein, emissions of VOC, NO_x, CO, SO₂ and PM₁₀ are 92.7 to 99.7 percent below MBARD thresholds. Therefore, project operation would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under the applicable Federal or State ambient air quality standard, and impacts would be less than significant.

Table 4.6-3 Estimated Maximum Operational Emissions

Source	Emissions (pounds per day)					
	VOC	NO _x	CO	SO ₂	PM ₁₀	PM _{2.5}
Area Emissions	2	<1	<1	0	0	0
Energy Emissions	<1	<1	<1	<1	<1	<1
Mobile Emissions	<1	<1	7	<1	<1	<1
Project Emissions	3	1	7	<1	<1	<1
MBARD Threshold	137	137	550	150	82	N/A
Threshold Exceeded?	No	No	No	No	No	N/A ¹

N/A = not applicable

Notes: All source emissions have been rounded to the nearest tenth and all project emissions have been rounded up to the nearest whole number, to be conservative. Numbers may not add up due to rounding.

¹ MBARD does not have a significance threshold for operational PM_{2.5} emissions.

Source: Appendix E-2

Although construction and operational emissions of VOC, NO_x, and PM₁₀ would be less than significant, MBARD provided recommended measures which the project applicant will implement, which would further reduce impacts to air pollutant emissions:

- **MBARD Recommendation 1:** The applicant shall implement Dust Control Best Management Practices (BMPs) during all phases of construction. Dust Control BMPs include, but are not limited to:
 - Stabilize storage, vehicle movement, and parking areas by installing gravel over geotextile fabric.
 - Install or maintain vegetative or structural barriers.
 - Sweep or vacuum paved surfaces to remove tracked soil.
 - Apply mulch to exposed soil.
 - Use tarps to cover stockpiles.
 - Load trucks carrying excavated material so that the material does not extend above the walls or back of the truck bed. Wet the surface of each load and tightly cover before the haul truck leaves the loading area.

Continuous water spraying during dust generation activities. Commercial Stabilizers may also be considered.

- **MBARD Recommendation 2:** During construction, the applicant shall use cleaner construction equipment that conforms to CARB's Tier 3 and Tier 4 emission standards. Whenever feasible, construction equipment should use alternative fuels such as electricity, compressed natural gas or propane.
- **MBARD Recommendation 3:** The applicant shall register portable equipment when required by MBARD or CARB. Contact MBARD Engineering Division at (831) 647-9411 to discuss if an MBARD or CARB portable equipment registration is necessary for any portable equipment planned to be utilized for this project.

- **MBARD Recommendation 4:** The applicant shall ensure the buildings slotted for demolition are surveyed by a certified asbestos inspector. In addition, notification to MBARD is required 10 days in advance of any building demolition. During demolition/retrofitting, grading and/or trenching activities other MBARD rules may apply. Rule 424 contains the investigation and reporting requirements for asbestos which includes surveys and advanced notification on structures being renovated or demolished.

Regardless of implementation of MBARD recommendations, project impacts related to increases in criteria pollutants would be less than significant and mitigation is not required.

3) Would the project expose sensitive receptors to substantial pollutant concentrations?

For CEQA purposes, a sensitive receptor is defined as any residence, including private homes, condominiums, apartments, and living quarters; education resources such as preschools and kindergarten through grade twelve (k-12) schools; daycare centers; and health care facilities such as hospitals or retirement and nursing homes. The project site is bounded by residential uses to the north, northwest, and northeast. The sensitive receptor nearest to the project site is the apartment buildings 75 feet to the north of the project site. Localized air quality impacts on sensitive receptors typically result from CO hotspots and toxic air contaminants (TACs), which are discussed in the following subsections.

Carbon Monoxide Hotspots

CONSTRUCTION

Construction-generated emissions are temporary and short-term but could expose nearby sensitive receptors to construction-related pollutants, including CO. Construction activities such as demolition, grading, construction worker travel to and from the project site, delivery and hauling of construction supplies and debris to and from the project site, and fuel combustion by on-site construction equipment would generate CO. MBARD has not established a specific CO threshold for construction emissions; however, as shown in Table 4.6-2, the project would result in the emission of no more than 12 pounds of CO per day, an amount that would not substantially contribute to a CO hotspot. Therefore, the impact of localized CO emissions during construction would be less than significant.

OPERATION

Buildout of the proposed project would result redevelopment the vacant motel and restaurant with a new hotel on the project site that would generate additional vehicle trips on area roadways. Areas with high vehicle density, such as congested intersections, have the potential to create concentrations of carbon monoxide (CO or "CO hotspots") and could potentially expose sensitive receptors to harmful levels of pollution. The National Ambient Air Quality Standards for CO is 35.0 parts per million (ppm) and the California Ambient Air Quality Standards for CO is 20.0 ppm (CARB 2016). MBARD provides screening thresholds for CO hotspot impacts but does not have a standard for assessing whether a project's CO hotspot impacts would be significant. Therefore, the CO threshold from the Bay Area Air Quality Management District (BAAQMD), which is the air district immediately adjacent to MBARD to the north, is utilized in this analysis. BAAQMD established screening criteria to evaluate whether a project would result in the generation of CO concentrations that would substantially contribute to an exceedance of significance thresholds. According to BAAQMD, the project would result in a less than significant impact to localized CO concentrations if:

1. The project is consistent with an applicable congestion management program for designated roads or highways, regional transportation plan, and local congestion management agency plans
2. The project would not increase traffic volumes at affected intersections to more than 44,000 vehicles per hour
3. Project traffic would not increase traffic volumes at the affected intersections to more than 24,000 vehicles per hour where vertical and/or horizontal mixing is substantially limited (e.g., tunnel, parking garage).

The Traffic Analysis prepared by TJKM in 2023 (Appendix H-1) determined that the proposed project would generate approximately 351 daily trips with 20 weekday a.m. peak hour trips (12 inbound trips, 8 outbound trips) and 25 weekday p.m. peak hour trips (13 inbound trips, 12 outbound trips). The Transportation Agency of Monterey County (TAMC) monitors regional traffic counts on North Fremont Street. The most recent traffic counts were taken in 2019 at North Fremont Street between Palo Verde Avenue and Dela Rosa Avenue, approximately 560 feet west of the proposed project. These counts estimated peak average daily trips (ADT) of 19,085 and off-peak ADT of 18,858 (Appendix E-1). As a result, the proposed project's 351 daily trips would result in an approximately 1.8 percent increase in ADT, to 19,436 ADT. Considering the small size of the surrounding roadways in the project vicinity, this increase in project trip generation would not exceed the screening thresholds listed above. Therefore, the impact of localized CO emissions would be less than significant.

Toxic Air Contaminants

CONSTRUCTION

Typical sources of acutely and chronically hazardous toxic air contaminants (TACs) identified by CARB include distribution centers, rail yards, ports, refineries, chrome plating facilities, dry cleaners, and gasoline dispensing facilities. MBARD also identifies additional common sources of TACs including diesel-fueled internal combustion engines and parking areas for diesel-fueled heavy-duty trucks and buses (Appendix E-1). Construction-related activities would result in temporary project-generated diesel particulate matter (DPM) exhaust emissions from off-road, heavy-duty diesel equipment for site preparation, grading, building construction, and other construction activities. DPM was identified as a TAC by CARB in 1998.

Generation of DPM from construction projects typically occurs in a single area for a short period. Construction of the proposed project would occur over approximately 24 months. The dose to which the receptors are exposed is the primary factor used to determine health risk. Dose is a function of the concentration of a substance or substances in the environment and the extent of exposure that person has with the substance. Dose is positively correlated with time, meaning that a longer exposure period would result in a higher exposure level for the Maximally Exposed Individual.¹ The risks estimated for a Maximally Exposed Individual are higher if a fixed exposure occurs over a longer period. According to the Office of Environmental Health Hazard Assessment, health risk assessments, which determine the exposure of sensitive receptors to toxic emissions, should be based on a 70-year exposure period; however, such assessments should be limited to the period/duration of activities associated with the project. Thus, the duration of proposed construction activities (i.e., 24 months) is approximately 2 percent of the total exposure period used

¹ The Maximally Exposed Individual is a hypothetical individual who, because of realistically assumed proximity, activities, and living habits, would receive the highest air pollution dose. (USEPA 2022)

for health risk calculation. Current models and methodologies for conducting health-risk assessments are associated with longer-term exposure periods of 9, 30, and 70 years, which do not correlate well with the temporary and highly variable nature of construction activities, resulting in difficulties in producing accurate estimates of health risk for short durations of exposure (Appendix E-1). Therefore, this analysis qualitatively discusses potential health risks associated with construction-related emissions of TACs, focusing on construction activities most likely to generate substantial TAC emissions and the duration of such activities relative to established, longer-term health risk exposure periods.

The maximum PM₁₀ and PM_{2.5} emissions would occur during site preparation and grading activities. These activities would last for approximately five months. DPM emissions would decrease for the remaining construction period because construction activities such as building construction and architectural coating would require less construction equipment. While the maximum DPM emissions associated with site preparation and grading activities would only occur for a portion of the overall construction period, these activities represent the maximum exposure condition for the total construction period. The duration of site preparation and grading activities would represent less than one percent of the total exposure period for a 70-year health risk calculation.² Therefore, DPM generated by project construction would not create conditions where the probability is greater than 10 in one million of contracting cancer for the Maximally Exposed Individual or to generate ground-level concentrations of non-carcinogenic TACs that exceed a Hazard Index greater than one for the Maximally Exposed Individual.³ This impact would be less than significant.

OPERATION

The proposed hotel would not include sources of substantial operational TAC emissions and would therefore not expose nearby sensitive residential uses to substantial TAC emissions. It is expected that quantities of hazardous TACs used on-site (e.g., cleaning solvents, paints, landscape pesticides, etc.) for the types of proposed land use (hotel) would be below thresholds warranting further study under the California Accidental Release Program, which regulates stationary sources of hazardous substances used annually in quantities ranging from 500 to 20,000 pounds (Appendix E-1). Because the project would not include stationary sources of TACs that would expose off-site receptors to substantial TAC concentrations and because the project is consistent with the CARB and MBARD guidelines, the project would not result in the exposure of sensitive receptors to significant amounts of carcinogenic or toxic air contaminants. Therefore, impacts related to TACs would be less than significant.

- 4) Would the project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

During construction activities, temporary odors from vehicle exhaust and construction equipment engines would occur. Construction-related odors would be short-term and would cease upon completion. Land uses typically producing objectionable odors include landfills, rendering plants, chemical plants, agricultural uses, wastewater treatment plants, and refineries (Appendix E-1). As a result, hotel uses are not typically associated with substantial numbers of odor complaints according to MBARD's guidance. In addition, MBARD Rule 402 prohibits the discharge of air contaminants or other materials which would cause a nuisance or detriment to a considerable number of persons or

² (5 months / [12 months x 70 years]) x 100 = 0.60 percent

³ MBARD Rule 1003 states the Hazard Index is an indicator of the potential health hazard of a substance with regard to its non-cancer effects. The underlying assumption is that there is a threshold for these effects and they will not occur if exposure remains below a reference exposure limit. An exposure equal to the reference exposure limit equates to a hazard index score of 1.

to the public, with the exception of odors from agricultural activities. Therefore, given the nature of proposed land use (hotel) and required compliance with MBARD Rule 402, the proposed project would not create objectionable odors that would adversely affect a substantial number of people during construction and operation, and impacts would be less than significant.

4.6.4 Biological Resources

Significance Thresholds

Impacts related to biological resources would be significant if implementation of the project would:

- 1) 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 regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.
- 2) 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 Game or US Fish and Wildlife Service.
- 3) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.
- 4) 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.
- 5) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.
- 6) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

Impact Analysis

- 1) Would the project 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 regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

The project site is currently occupied with a one-story, 18-guest room motel, a 134-seat restaurant, and a surface parking lot. The project site is entirely developed, with a small amount of ornamental vegetation in the form of small shrubs. Information contained in this section comes from background literature, biological resources databases, aerial imagery, and site map reviews conducted by Rincon Consultants, Inc.

The following sources were reviewed:

- California Department of Fish and Wildlife (CDFW) California Natural Diversity Data Base (CNDDB) (CDFW 2022a) and Biogeographic Information and Observation System (CDFW 2022b)
- California Native Plant Society (CNPS) Online Inventory of Rare and Endangered Plants of California (CNPS 2022)
- United States Fish and Wildlife Service (USFWS) Information for Planning and Consultation (USFWS 2022a)

- USFWS National Wetlands Inventory (USFWS 2022b)
- GoogleEarth Aerial Imagery (Google 2022)

Rincon biologists conducted a review of the CNDDDB (CDFW 2022a) for recorded occurrences of special-status plant and wildlife taxa in the region. For this review, the search included all occurrences within the United States Geological Survey (USGS) 7.5-minute topographic quadrangle encompassing the project site (*Seaside*) and two adjacent quadrangles (*Monterey* and *Marina*). Strictly marine, estuarine, and aquatic species were excluded from further analysis given the upland terrestrial nature of the project site.

A review of biological resources databases for known special-status plant occurrences within the three USGS quadrangles containing and surrounding the project site identified 69 special-status plant species (CDFW 2022a; CNPS 2022; USFWS 2022a). All of the reported species have specific habitat requirements (e.g., soil type, elevation, aspect) and the project site is completely developed without any terrestrial vegetation communities. Therefore, there is no potential for any special-status plants to occur on the project site and the project would not result in impacts to special-status plant species.

A review of the biological resources databases for known special-status wildlife occurrences within the three USGS quadrangles containing and surrounding the project site identified 31 special-status animal species (CDFW 2022a; USFWS 2022a). The project site is entirely developed and includes existing structures and parking areas. Vegetation on site is limited to a few ornamental plantings. The project site has no natural or native vegetation communities that could support special-status wildlife and is surrounded with urban residential and commercial development. Due to lack of habitat, the project site is not considered viable to support any federally or State listed species or other special-status wildlife. Special-status birds and bats may occur rarely or occasionally when foraging but are not expected to roost or nest at the project site. Project construction could disrupt the occasional foraging that could occur on the project site, but disruptions would be temporary. Therefore, impacts to special-status species would be less than significant.

- 2) Would the project 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 Game or US Fish and Wildlife Service?

The project site is developed and is in a highly urbanized area. Vegetation occurring in the project site and vicinity are primarily non-native, ornamental, and/or disturbed, and no riparian habitat or other sensitive natural communities are present. According to a search of the USFWS Information for Planning and Consultation database, the project site does not contain critical habitat (USFWS 2022a). Therefore, the project would not have a substantial adverse effect on riparian habitat or other sensitive natural communities, and there would be no impact.

- 3) Would the project have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

Rincon reviewed the National Wetlands Inventory (USFWS 2022b) for potential aquatic resources, including jurisdictional waters of the United States or waters of the State. No wetlands or drainages are mapped or occur on the project site. Therefore, the project would not result in a substantial adverse effect on protected wetlands, and there would be no impact.

- 4) Would the project 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?

As discussed in Threshold 1, above, vegetation occurring in the project site and vicinity are primarily non-native, ornamental, and/or disturbed and are not expected to support nesting of special-status wildlife species. However, the project site could be used by other migratory bird species that utilize ornamental shrubs and landscaping as nesting habitat. Given the level of disturbance from human presences and landscape maintenance, the potential for migratory birds to utilize the project site would be low. In addition, the project would be required to comply with the Migratory Bird Treaty Act and California Fish and Game code, both of which prohibit disturbance and take of protected migratory bird species or their nests. Therefore, impacts would be less than significant.

- 5) Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

Chapter 37 of Monterey City Code regulates protection of trees in the city. Protected trees are classified as trees located on a vacant parcel more than two inches in diameter and trees located on developed parcels more than six inches in diameter. The project site does not contain trees; therefore, the project would not conflict with the City's tree protection ordinance. There would be no impact.

- 6) Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

As discussed in Threshold 1, above, vegetation occurring in the project site and vicinity are primarily non-native, ornamental, and/or disturbed. The project site is not subject to any adopted Habitat Conservation Plans or Natural Community Conservation Plans. Per the City's General Plan Conservation Element, the project site is not located within a designated Habitat Management Area (City of Monterey 2019). Therefore, the project would not conflict with an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan, and there would be no impact.

4.6.5 Energy

Significance Thresholds

Impacts related to energy would be significant if implementation of the project would:

- 1) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation.
- 2) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

Impact Analysis

- 1) Would the project result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?

Construction of the proposed project would occur over approximately 24 months, and would include demolition, site preparation, grading, building construction, paving, and architectural coating. During project construction, energy would be consumed in the form of petroleum-based

fuels used to power off-road construction vehicles and equipment on the project site, construction worker travel to and from the project site, and vehicles used to deliver materials to the project site. However, energy use during construction would be temporary in nature, and construction equipment used would be typical of similar-sized construction projects in the area. In addition, construction contractors would be required to comply with the provisions of California Code of Regulations Title 13 Sections 2449 and 2485, which prohibit diesel-fueled commercial motor vehicles and off-road diesel vehicles from idling for more than five minutes and would minimize unnecessary fuel consumption. Construction equipment would be subject to the United States Environmental Protection Agency Construction Equipment Fuel Efficiency Standard, which would also minimize inefficient, wasteful, or unnecessary fuel consumption. Furthermore, pursuant to applicable regulatory requirements such as California Green Building Standards Code (CALGreen; California Code of Regulations Title 24, Part 11), the project would comply with construction waste management practices to divert a minimum of 65 percent of construction debris. These practices would result in efficient use of energy necessary to construct the project. In the interest of cost-efficiency, construction contractors would not be expected to utilize fuel in a manner that is wasteful or unnecessary. Therefore, the project would not involve the inefficient, wasteful, or unnecessary use of energy during construction, and construction impacts related to energy consumption would be less than significant.

Operation of the proposed project would contribute to regional energy demand by consuming electricity, natural gas, gasoline, and diesel fuels. Electricity would be used for hotel cooling systems, lighting, appliances, and water and wastewater conveyance, among other purposes. Natural gas would be used for heating systems, and gasoline and diesel consumption would be associated with vehicle trips generated by guests and employees. The project would be required to comply with all standards set in the latest iteration of the California Building Standards Code (California Code of Regulations Title 24), which would minimize the wasteful, inefficient, or unnecessary consumption of energy resources during operation. California's CALGreen standards require installation of energy-efficient light fixtures and building materials into the design of new construction projects. Further, the Building Energy Efficiency Standards (California Code of Regulations Title 24, Part 6) require newly constructed buildings to meet energy performance standards set by the California Energy Commission. These standards are specifically crafted for new buildings to result in energy efficient performance so that the buildings do not result in wasteful, inefficient, or unnecessary consumption of energy. Therefore, project operation would not result in potentially significant environmental effects due to the wasteful, inefficient, or unnecessary consumption of energy, and impacts would be less than significant.

- 2) Would the project conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

The City of Monterey has not adopted a specific renewable energy or energy efficiency plan. However, the Conservation Element of the City's General Plan contains the following applicable policies related to energy (City of Monterey 2019):

Goal e. Encourage the effective and efficient use of energy in all its critical forms by public and private users alike.

Policy e.1. Encourage energy sources, which provide part or all of the energy needed for buildings.

Program e.2.2. Encourage the hotel, motel, and restaurant associations to maintain an energy conservation program on a continual basis.

The project would meet the requirements of the latest iterations of the Building Energy Efficiency Standards and the California Energy Code. Therefore, the project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency, including the above policies from the City's General Plan. Impacts would be less than significant.

4.6.6 Geology and Soils

Significance Thresholds

Impacts to geology and soils would be significant if implementation of the project would:

- 1) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:
 - a. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault. Refer to Division of Mines and Geology Special Publication 42.
 - b. Strong seismic ground shaking.
 - c. Seismic-related ground failure, including liquefaction.
 - d. Landslides.
- 2) Result in substantial soil erosion or the loss of topsoil.
- 3) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction or collapse.
- 4) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property.
- 5) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water.

Impacts related to paleontological resource are addressed in Section 4.1, *Cultural Resources*.

Impact Analysis

This section is based in part on the Geotechnical and Infiltration Investigation prepared by Soil Surveys Group, Inc., in December 2020. The report is included as Appendix G.

- 1) Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:
 - a. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

According to maps prepared by the DOC, the City of Monterey is not located within an Alquist-Priolo Earthquake Fault Zone. The nearest potentially active fault in the Monterey Bay-Tularcitos Fault, which extends generally northwest-southeast from the coast of the City of Seaside approximately 0.4 mile west of the project site (Appendix G). Surface rupture of a known earthquake fault occurs when movement of a fault deep within the earth breaks through the surface (United States

Geological Survey 2022a). Therefore, the project site would not directly experience rupture of a known earthquake fault, and there would be no impact.

- 1) Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:

- b. Strong seismic ground shaking?

The project site is in a seismically active region of California and could be subject to strong seismic ground shaking. Significant earthquakes have occurred in the region, and strong seismic ground shaking at the project site would vary based on the magnitude of the earthquake, the distance of the causative fault from the project site, and the materials underlying the project site. While the project would not increase the risk of strong seismic shaking occurring, seismic ground shaking could cause damage to the proposed hotel structure, and collapse or partial collapse of the structure during seismic shaking could result in injury or death of occupants. Although nothing can ensure that the structure would not fail under seismic stress, proper engineering can minimize the risk to life and property. As such, building standards have been developed for construction in areas subject to seismic ground-shaking. The most recent California Building Code (CBC) requirements (2022) require that new habitable structures are engineered to withstand the expected ground acceleration at a given location. Compliance with the CBC would ensure that impacts related to strong seismic ground shaking would be minimized to the extent feasible. Impacts would be less than significant.

- 1) Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:

- c. Seismic-related ground failure, including liquefaction?

Seismic-related ground failure, including lateral spreading and liquefaction, occurs when loosely-packed sediments at or near the ground surface lose their strength in response to strong ground shaking (United States Geological Survey 2022b). Lateral spreading and liquefaction tend to occur in loose, saturated sands where liquefied soils can move toward a free face, such as a cliff or ravine (Appendix G). According to the Geotechnical and Infiltration Investigation prepared for the project, the deeper soils underlying the project site are typically dense to silty, fine to coarse grained sands. Groundwater was also encountered at the project site at depths between 12 to 13 feet. Due to the sands underlying the project site and the presence of shallow groundwater, the potential risk of lateral spreading and liquefaction is low to moderate during a strong seismic event (Appendix G). The geotechnical investigation includes design recommendations for subexcavation and recompaction of the loose upper soils that would reduce this potential risk. Pursuant to Monterey City Code Section 9-0.1, the City has adopted the 2022 CBC. Chapter 18 of the CBC states that the building department of each locality (in this case the City of Monterey Community Development Department) shall approve the soil investigation if it determines that the recommended action is likely to prevent structural damage. Further, as a condition of the building permit, the approved recommended action shall be incorporated in the construction of the building. Therefore, pursuant to Monterey City Code and the CBC, the recommendations from the Geotechnical and Infiltration Investigation for subexcavation and recompaction would be incorporated into the construction of the hotel structure. With implementation of these recommendations, the project would not cause substantial adverse effects involving seismic related ground failure, and impacts would be less than significant.

- 1) Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:

- d. Landslides?

According to maps prepared by the DOC, the project site is not located in an area known to contain landslide sources or deposits (DOC 2020). Although the project site has a slope of approximately 10 percent, the project site is not adjacent to hillsides or steep slopes that would be susceptible to landslides. Therefore, no impact related to landslides would occur.

- 2) Would the project result in substantial soil erosion or the loss of topsoil?

Construction of the proposed project would require grading and excavation. Grading and excavation activities would temporarily expose bare soils, which could be removed from the project site and transported through wind shearing or stormwater runoff. Pursuant to the Clean Water Act, individual projects that disturb more than one acre would be required to obtain National Pollutant Discharge Elimination System (NPDES) permit coverage under the California General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities (Construction General Permit). The project site is approximately 0.58 acre and would therefore not be subject to NPDES permit coverage. However, pursuant to Section 31.5-15 of Monterey City Code, construction activities of any size are required to incorporate BMPs that would reduce erosion and prevent pollutants from entering the storm drain system to the extent feasible. BMPs could include but are not limited straw wattles or barriers, storm drain inlet protection, or watering of exposed soils. Compliance with Monterey City Code and implementation of required BMPs would ensure that impacts related to soil erosion and the loss of topsoil during construction are less than significant. During operation, the project site would be almost entirely hardscaped and developed with the hotel structure and surface parking, which are not subject to erosion. The project would include approximately 2,652 square feet of landscaped areas, most of which would be graded to retain water flows and minimize erosion. Therefore, the project would not result in substantial soil erosion or loss of topsoil in operation, and overall impacts would be less than significant.

- 3) Would the project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

As discussed under Threshold 1d, above, although the project site is sloped, the project site is not adjacent to hillsides or steep slopes that would be susceptible to landslides. No impacts related to landslide would occur. Collapse and subsidence are types of ground failure that occur when the ground surface suddenly or gradually settles or sinks due to subsurface movement of earth materials (United States Geological Survey 2022c). Soil types encountered during geotechnical borings were loose, non-saturated, sandy soils that were identified to have low risk of ground failure from collapse or subsidence (Appendix G). As discussed in Threshold 1c, there is a low to moderate potential for lateral spreading or liquefaction to occur on the project site. However, impacts related to lateral spreading and liquefaction would be reduced to less than significant with compliance with the Monterey City Code and the CBC and the recommendations from the Geotechnical and Infiltration Investigation. Therefore, impacts related unstable soils would be less than significant.

- 4) Would the project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?

Expansive soils swell with increases in soil moisture and shrink as the soil moisture decreases. Shrinking and swelling of soils can cause damage to the foundation of the proposed hotel. As part of

the Geotechnical and Infiltration Investigation (Appendix G) prepared for the project, six plasticity tests were conducted at depths of two to nine feet to determine the expansiveness of soils on the project site. The tests indicated that the near surface, silty sandy soils of the project site are non-plastic and non-expansive. Therefore, the project would not be located on expansive soil, and there would be no impact.

- 5) Would the project have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

As described in Section 2.0, *Project Description*, the project would include a 6-inch sewer line to connect the project site to an existing 8-inch sanitary sewer main along Casa Verde Way. The project would not include the use of septic tanks or alternative wastewater disposal systems, and there would be no impact.

4.6.7 Greenhouse Gas Emissions

Significance Thresholds

Impacts to greenhouse gas emissions would be significant if implementation of the project would:

- 1) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.
- 2) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

Impact Analysis

GHG emissions from project construction and operation were estimated using CalEEMod, Version 2020.4.0. The model calculates emissions of the following GHGs: carbon dioxide (CO₂), nitrous oxide (N₂O), and methane (CH₄), reported as carbon dioxide equivalents (CO₂e). The calculation methodology and input data used in CalEEMod can be found in the CalEEMod User's Guide Appendices A, D, and E (California Air Pollution Control Officers Association 2021). CalEEMod output files for the project are included in Appendix E-2. The City of Monterey adopted its Climate Action Plan (CAP) in 2016, which establishes GHG emissions reduction targets of 15 percent below 2005 levels by 2020 and 25 percent below 2005 levels by 2030. The CAP establishes strategies to reduce GHG emissions, including retrofit projects, installation of electric vehicle charging stations, adopting a green building ordinance, and vehicle miles traveled reduction measures (City of Monterey 2016a). *CEQA Guidelines* Section 15183.5 outlines requirements for tiering and streamlining analysis of GHG emissions; because the City's CAP does not meet requirements established by Section 15183.5(b), the City's CAP cannot be used for GHG emissions analysis. Further, MBARD has not adopted a CEQA-compliant GHG reduction plan.

In the absence of a CEQA-qualified greenhouse gas reduction plan, the state recommends determining whether a proposed development would align with CARB's 2022 Scoping Plan by assessing if the project is consistent with all the key project attributes identified in Table 3 of Appendix D of the 2022 Scoping Plan. Attributes identified by Table 3 of Appendix D of the 2022 Scoping Plan and the project's consistency with these attributes are shown in Table 4.6-4. According to the 2022 Scoping Plan "Projects that have all the key project attributes should accommodate growth in a manner consistent with State GHG reduction and equity prioritization goals" (CARB 2022). The 2022 Scoping Plan states that "Lead agencies may determine, with adequate additional

supporting evidence, that projects that incorporate some, but not all, of the key project attributes are consistent with the State's climate goals" (CARB 2022). Therefore, the project's potential impacts related to GHG emissions will be determined by evaluating the project's consistency with plans and policies adopted for the purposes of reducing GHG emissions and mitigating the effects of climate change. GHG emissions associated with the proposed project are estimated below for informational purposes only.

- 1) Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

Substantial changes in global climate patterns have recently been associated with global warming, an average increase in the temperature of the atmosphere near the Earth's surface, attributed to accumulation of GHG emissions in the atmosphere. Greenhouse gases trap heat in the atmosphere, which in turn heats the surface of the Earth. Some GHGs occur naturally and are emitted to the atmosphere through natural processes, while others are created and emitted solely through human activities. Implementation of the project would result in the emission of GHGs associated with construction equipment, transportation of construction workers and future hotel employees and guests, and energy and natural gas consumed during operation of the project.

Project construction would generate temporary short-term GHG emissions through travel to and from the worksite and from the operation of construction equipment such as graders, backhoes, and generators. Excavation, grading, and trenching typically generate the most emissions due to the use of grading equipment and soil hauling. Construction of the project would generate approximately 194 MT CO₂e over the entire construction period. As there is no applicable construction GHG threshold, this calculation is included for informational purposes. As construction emissions occur for a limited period of a project's lifetime, as a standard practice, GHG emissions from construction are amortized over a presumed project lifetime (30 years). As shown in Table 4.6-4, the proposed project's amortized construction-related emissions would be 6 MT CO₂e.

Operation of the proposed project would generate GHG emissions associated with energy and water usage, vehicle trips, and wastewater and solid waste generation. Table 4.6-4 combines the estimated construction and operational GHG emissions associated with development of the project. As shown therein, the project would generate approximately 429 MT of CO₂e per year during operation.

Table 4.6-4 Combined Annual GHG Emissions

Emission Source	Annual Emissions (MT of CO ₂ e per year)
Construction Year	
2023	64
2024	86
2025	43
Total	194
Amortized over 30 years	6
Operational	
Total	429
Area	<1
Energy	186
Mobile	229
Solid Waste	12
Water	2
Total Emissions	623
MT = metric tons; CO ₂ e = carbon dioxide equivalent	
Notes: Emissions modeling was completed using CalEEMod. See Appendix E-2 for modeling results.	

Quantified project emissions are provided informational purposes only. As detailed under threshold (2) below, the project would not conflict with local and State GHG reduction plans, and therefore, impacts would be less than significant.

- 2) Would the project conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

The project's consistency with the 2022 Scoping Plan and the City's CAP is discussed in the subsections below.

2022 Scoping Plan

There are numerous State plans, policies, and regulations adopted for the purpose of reducing GHG emissions. The principal State plan and policy is AB 32, the California Global Warming Solutions Act of 2006, as well as SB 32. The quantitative goal of AB 32 is to reduce GHG emissions to 1990 levels by 2020 and the goal of SB 32 is to reduce GHG emissions to 40 percent below 1990 levels by 2030.

The 2022 Scoping Plan identifies plans and regulations and strategies that are to be implemented at the State and project level that will reduce GHG emissions consistent with State policies with a target of 85 percent below 1990 levels by 2045 which is the equivalent of carbon neutrality by 2045. As described above, the state recommends determining whether a proposed residential or mixed-use residential development would align with the 2022 Scoping Plan by assessing if the project is consistent with all the key project attributes identified in Table 3 of Appendix D of the 2022 Scoping Plan. The project's consistency with attributes identified in Table 3 of Appendix D of the 2022 Scoping Plan is shown below in Table 4.6-5. As discussed therein, the proposed project would be generally consistent with these attributes and accordingly would be consistent with the 2022 Scoping Plan.

Table 4.6-5 2022 Scoping Plan Consistency for GHG Emissions

Key Project Attribute	Consistency
Transportation Electrification	
Provides EV charging infrastructure that, at minimum, meets the most ambitious voluntary standard of the California Green Building Standards Code at the time of project approval.	Consistent. The proposed project would provide electric vehicle charging stations as required by the California Green Building Code. Therefore, the project would be consistent with this attribute.
VMT Reduction	
Is located on infill sites that are surrounded by existing urban uses and reuses or redevelops previously undeveloped or underutilized land that is presently serviced by existing utilities and essential public services (e.g., transit, streets, water, sewer)	Consistent. The project would involve demolition of the existing underutilized motel and restaurant structures and construction of a new hotel. The project is located in an urban area of Monterey and would be located on a site already served by transit, roadways, water, sewer, electricity, and other utilities. Therefore, the project would be consistent with this attribute.
Does not result in the loss or conversion of natural and working lands	Consistent. As discussed in Section 4.6.2, <i>Agriculture and Forestry Resources</i> , there are no agricultural or forestry uses within the project site and the project would not result in the loss or conversion of natural and working lands. Therefore, the project would be consistent with this attribute.
Consists of transit-supportive densities (minimum of 20 residential dwelling units per acre), or Is in proximity to existing transit stops (within a half mile,) or Satisfies more detailed and stringent criteria specified in the region's SCS	Consistent. The project would be located along North Fremont Street in Monterey and would be served by an existing Monterey-Salinas Transit bus stop directly in front of the project site. North Fremont Street includes bus rapid transit service by the JAZZ A and B lines. In combination, these lines achieve a 15-minute headway in the peak hour, and therefore North Fremont is considered a high-quality transit corridor. Therefore, the project would be consistent with this attribute.
Reduces parking requirements by: Eliminating parking requirements or including maximum allowable parking ratios (i.e., the ratio of parking spaces to residential units or square feet); or Providing residential parking supply at a ratio of less than one parking space per dwelling unit; or For multi-family development, requiring parking costs to be unbundled from costs to rent or own a residential unit	Not Applicable. This attribute pertains to residential parking supply, and the project would involve construction and operation of a new hotel.
At least 20 percent of units included are affordable to lower-income residents	Not Applicable. This attribute pertains to residential development, and the project would involve construction and operation of a new hotel.
Results in no net loss of existing affordable units	Consistent. As discussed further in Section 4.6.10, <i>Population and Housing</i> , there are no dwelling units currently located on the project site. Implementation of the project would not result in a loss of existing housing. Therefore, the project would be consistent with this attribute.

Key Project Attribute	Consistency
Building Decarbonization	
Uses all-electric appliances without any natural gas connections and does not use propane or other fossil fuels for space heating, water heating, or indoor cooking	Inconsistent. Although the project would meet the requirements of the California Energy Code and would incorporate green building features such as energy and water efficient appliances and fixtures, the project would use natural gas for heating.

As shown above, the project would be consistent with all but one attribute included in Appendix D, Table 3 of the 2022 Scoping Plan. As stated above, the 2022 Scoping Plan states that “Lead agencies may determine, with adequate additional supporting evidence, that projects that incorporate some, but not all, of the key project attributes are consistent with the State’s climate goals” (CARB 2022). The proposed project is consistent with nearly all of the key project attributes and is therefore considered consistent with the 2022 Scoping Plan.

City of Monterey Climate Action Plan

The City’s CAP provides reduction measures to achieve the emissions reduction targets established by SB 32. Reduction measures applicable to the project include maintaining an increasing efficiency of new development, implementing vehicle miles traveled (VMT) reduction measures, and implementing construction and demolition debris recycling and diversion (City of Monterey 2016a). The project would be required to comply with the standards established by CALGreen, which includes specific regulations pertaining to planning and design, energy efficiency, water efficiency and conservation, and recycling 65 percent of nonhazardous construction and demolition debris. As discussed under Threshold 1, above, the project includes several green building features that would help reduce operational GHG emissions. As discussed further in Section 4.6.13, *Transportation*, the project would not exceed applicable VMT thresholds. Therefore, the project would be consistent with the City’s CAP.

Based on the above analysis, the project would not conflict with applicable state plans, policies, or regulations intended to reduce GHG emissions, and this impact would be less than significant.

4.6.8 Hydrology and Water Quality

Significance Thresholds

Impacts to hydrology and water quality would be significant if implementation of the project would:

- 1) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality.
- 2) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin.
- 3) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:
 - a. result in substantial erosion or siltation on- or off-site.
 - b. substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite.
 - c. create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.

- d. impede or redirect flood flows.
- 4) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation.
- 5) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

Impact Analysis

Analysis in this section is based in part on the Stormwater Control Plan prepared for the project by Monterey Bay Engineers, Inc. The plan is included as Appendix F.

- 1) Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?

Construction activities associated with the project would involve the demolition of the existing motel and restaurant structures and construction of a new hotel. Construction activities could result in soil erosion due to earth-moving activities such as excavation, grading, soil compaction and moving, and soil stockpiling. The project site has a moderate upward slope (approximately 10 percent) to the south along Casa Verde Way, and runoff during storm events would follow the topography of the project site. In addition, chemicals, liquid products, petroleum products (e.g., paints, solvents, and fuels), and concrete-related waste may be spilled or leaked. The types of pollutants contained in runoff from construction sites in the project site may include sediment and other existing contaminants such as nutrients, pesticides, herbicides, trace metals, and hydrocarbons that can attach to sediment and be transported downstream through erosion via overland flow, contributing to degradation of water quality.

During construction, the project would be required to comply with State and local water quality regulations designed to control erosion and protect water quality during construction. As discussed under Section 4.6.6, *Geology and Soils*, pursuant to the Clean Water Act, individual projects that disturb more than one acre would be required to obtain NPDES permit coverage under the Construction General Permit. The project site is approximately 0.58 acre and would therefore not be subject to the requirements of the Construction General Permit. However, pursuant to Section 31.5-15 of Monterey City Code, construction activities of any size are required to incorporate BMPs that would reduce erosion and prevent pollutants from entering the storm drain system to the extent feasible. BMPs could include but are not limited straw wattles or barriers, storm drain inlet protection, or watering of exposed soils. Compliance with Monterey City Code and implementation of required BMPs would reduce the risk of water degradation from soil erosion and other pollutants related to construction activities. Because violations of water quality standards would be minimized through existing regulations, impacts would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality. Impacts from construction activities under the proposed project would be less than significant.

The California Department of Water Resources (DWR) identifies groundwater basins within California. DWR designated groundwater basins are alluvial aquifers with reasonably well-defined boundaries. Although the project site is not within a groundwater basin designated by DWR (Department of Water Resources 2018), groundwater is still present beneath the project site. According to the Geotechnical and Filtration Investigation performed for the project, groundwater was encountered during geotechnical borings at depths of 12 to 13 feet below the ground surface (Appendix G). Construction of the groundwater infiltration chamber would reach a depth of 14 to 15 feet; therefore, groundwater may be encountered during construction, and groundwater dewatering of the excavated portions of the project site may be necessary. Groundwater may

contain elevated levels of total dissolved solids, high or low pH, or other constituents that could affect surface water quality. Groundwater removed during construction dewatering is typically discharged into the municipal storm drain system or the sewer. If groundwater is discharged into the storm drain system, coverage under the State Water Resources Control Board's *Statewide General Waste Discharge Requirements for Discharges to Land with a Low Threat to Water Quality* (Low Threat Discharge Permit; Water Quality Order No. 2003-0003-DWQ) would be required. This order requires testing and treatment, as necessary, of groundwater encountered during groundwater dewatering prior to its release into surface waters to ensure that effluent limitations for constituents are not exceeded. If groundwater is discharged into the City's sewer system, no impacts to downstream surface water would occur as sewage would be treated prior to its discharge into the environment; however, a permit would be required from Monterey One Water, the City's sewer service provider, to ensure adequate conveyance and treatment capacity is available. Overall, compliance with the Low Threat Discharge Permit would ensure that groundwater dewatering during project construction would not introduce pollutants to receiving waters or violate water quality standards or waste discharge requirements. Impacts would be less than significant.

Pollutants of concern in stormwater runoff on the project site during operation of the proposed hotel would be similar to that of the existing motel and restaurant. After construction of the proposed hotel, the project site would contain impervious surfaces, which can increase stormwater runoff, transport of pollutants to receiving waters, and degrade water quality. According to the proposed site plan (see Figure 2.3 in Section 2.0, *Project Description*), the project would result in a slight decrease in impervious surface area on the project site by increasing landscaping by 635 square feet of on the project site, which would result in an overall decrease in stormwater runoff. However, impervious surfaces on the project site and the project site's slope would contribute to stormwater flows which can transport pollutants to downstream receiving waters, similar to existing conditions.

Stormwater discharges to the City of Monterey stormwater system are regulated by the Phase II MS4⁴ Permit (*Waste Discharge Requirements [WDRs] for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems [MS4s] General Permit*), Order No. 2013-0001-DWQ, NPDES No. CAS000004). The Central Coast Regional Water Quality Control Board (RWQCB) approved Resolution R3-2013-0032, which specifies the stormwater management requirements for development projects within the Central Coast, including the City of Monterey, to ensure compliance with the Statewide Phase II Municipal General Permit. The proposed project is subject to the requirements of these existing regulations because it would involve the removal and replacement of more than 2,500 square feet of impervious surface area. As such, the proposed project would be required to implement stormwater BMPs to reduce the discharge of pollutants and protect water quality.

The project would include several stormwater control measures to ensure that stormwater is conveyed, retained, and infiltrated on the project site. Stormwater from the impervious surfaces on the project site would flow to landscaped areas on the northern, downslope area of the project site (Appendix F). These areas would be graded to retain water flows and minimize erosion. Roof stormwater runoff would be collected by rain gutters and downspouts, then directed to an underground infiltration chamber. Other stormwater collected on the project site would flow to the

⁴ MS4 = municipal separate storm sewer systems. An MS4 is a conveyance or system of conveyances designed or used to collect or convey stormwater (e.g., storm drains, pipes, ditches) that are that owned by a state, city, town, or other public entity and discharge to waters of the United States.

underground infiltration chamber through a proposed four-inch trench drain located to the east of the hotel building, and a proposed concrete gutter which would traverse the northern portion of the parking lot in an east-west direction. Overflow from the infiltration chamber would surface flow to adjacent landscaping, and overflow from landscaping would be conveyed via a proposed four-inch storm drain overflow line to an existing curb drain along Casa Verde Way. The proposed landscape planters along North Fremont Street would be graded to retain water flows from portions of the adjacent sidewalk. Further, the project would include implementation of several source control BMPs such as inspecting and cleaning of storm drains, minimizing use of pesticides, and providing trash receptacles. All source control BMPs are listed in Appendix F. Additionally, underground infiltration chambers would provide approximately 965 cubic feet of water retention, which would treat stormwater and facilitate groundwater recharge. During large storm events, overflow from the infiltrators would flow to adjacent landscaping, and overflow from landscaping would flow to sidewalk underdrains on Casa Verde Way (Appendix F). The proposed treatment BMPs would ensure that stormwater flows on the project site would be properly conveyed, retained, and infiltrated on the project site during operation.

Implementation of BMPs in compliance with the existing regulations governing water quality, as described above, would minimize impacts related to water quality and ensure that construction and operation of the proposed project would not cause or contribute to the degradation of water quality in receiving waters. Operation of the proposed project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade water quality. Impacts would be less than significant.

- 2) Would the project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

Groundwater supplies could be directly impacted from pumping and use, or indirectly impacted from changes to infiltration patterns that impede groundwater recharge. The project would not directly pump groundwater, as all water would be obtained from the California-American Water Company (CalAm), which sources its water supply from several sources, including the Carmel River Aquifer, located approximately 3.5 miles south of the project site, and the Seaside Groundwater Basin, located northwest of the project site (CalAm 2021). The Seaside Groundwater Basin is adjudicated, and managed in accordance with an Adjudication Judgement to which CalAm is a party and therefore has legal rights to use water from the basin towards beneficial purposes, in amounts not exceeding the limits specified in the Adjudication Judgement. The Watermaster for the Seaside Groundwater Basin is responsible for overseeing compliance of all identified parties with the Adjudication Judgement, and consists of a nine-member Board of representatives from local jurisdictions. Due to this existing management structure, and oversight of the water supply provider by the Watermaster, direct impacts to groundwater supply would be less than significant.

Additionally, water demand during construction activities would be temporary and limited to the construction period, and water demand during operation would be less than previously assumed for the project site. Most temporary construction demand would result from dust suppression spraying, which would be required for exposed soil during certain construction activities and wind exposure conditions. As discussed in Threshold 1, above, groundwater dewatering may be required during construction. If necessary, groundwater dewatering would be conducted in accordance with permits and regulations as stated under Threshold 1. Overall, construction phase impacts to groundwater would be less than significant.

The Monterey Peninsula Water Management District (MPWMD) issued a water supply allocation for the project site in 2013 (Water Permit No. 32425; Appendix J), which was based on the existing 134-seat restaurant and the 18-room motel and included a water supply credit for removal of the previous swimming pool. The water supply allocation for the project site, based on the previous site uses and the pool credit, is 4.234 acre-feet per year (AFY) (City of Monterey 2021c). On May 17, 2021, a MPWMD Conservation Analyst documented that since the 2013 allocation was determined, the Water Use Factor for Hotels (“water demand factor”) changed from 0.1 AFY/room to 0.064 AFY/room; this changed the water supply allocation for the project site’s previous 18-room motel from 1.8 AFY to 1.152 AFY, while the project site’s total allocation for the restaurant, the motel, and the pool credit reduced to 3.676 AFY. In addition, the pool removal credit of 0.09 AFY expired 10 years after the 2013 permit issuance, which was in May 2023.

During operation, the project would require a water supply allocation of 2.688 AFY (City of Monterey 2021c), which would be supplied by CalAm from its existing supply sources. As described further in Section 4.6.14, *Utilities and Service Systems*, the proposed project’s required water supply allocation is nearly 1.0 AFY less than that the existing water supply allocation for the project site, which was based on the previous site uses (motel and restaurant). CalAm used the previous (higher) water supply allocation of 3.676 AFY to inform its Urban Water Management Plan (UWMP), which determined that existing water sources are sufficient to meet existing and foreseeable water demands within CalAm’s service territory. Therefore, the project would require less water than anticipated by CalAm, and would not result in an increase in demand for groundwater supplies beyond that planned for by CalAm. Accordingly, the project would not substantially decrease groundwater supplies during operation, and impacts would be less than significant.

As mentioned above, changes to infiltration patterns could indirectly impact groundwater supply. However, the project would result in a net increase of 635 square feet of pervious surface on the project site, thereby increasing the area available for infiltration and recharge to underlying groundwater. As described under Significance Threshold 1, stormwater on site would flow to landscaped areas on the northern, downslope area of the project site and an underground infiltration chamber, which would infiltrate stormwater to groundwater. Additionally, the groundwater beneath the project site is not part of a designated aquifer used for groundwater supplies or for recharge. Through implementation of stormwater measures, the project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge. Impacts would be less than significant.

- 3) Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:
 - a. result in substantial erosion or siltation on- or off-site?
 - b. substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite?
 - c. create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

As discussed above under Thresholds 1 and 2, the project would not result in substantial erosion or siltation on- or off-site during construction or operation. The project would involve demolition of the existing motel and restaurant and construction of a new hotel on the project site. On-site drainage patterns would be temporarily altered during construction and there would be an

increased risk of erosion. As discussed in Threshold 1 above, pursuant to Section 31.5-15 of Monterey City Code, construction activities of any size are required to incorporate BMPs that would convey stormwater runoff and reduce erosion during construction.

Implementation of the project would not permanently affect the overall on-site runoff, which would continue to flow downslope to the north. However, development of the project site could alter localized on-site drainage patterns. As discussed under Threshold 1, stormwater discharges to the City of Monterey stormwater system are regulated by the Phase II MS4 permit. The Central Coast RWQCB approved Resolution R3-2013-0032, which specifies the stormwater management requirements for development projects within the Central Coast, including the City of Monterey, to ensure compliance with the Statewide Phase II Municipal General Permit. Further, the project would also be subject to the Central Coast RWQCB's Post Construction Requirements. In compliance with these existing stormwater regulations, the project would be required to implement permanent stormwater BMPs to convey stormwater runoff on the project site and reduce the discharge of pollutants, including those from erosion, in stormwater from the project site. Stormwater from the project would be detained in underground infiltration chambers and infiltrated on-site. During large storm events, overflow from the infiltration chambers would flow to on-site landscaping, and overflow from landscaping would flow to sidewalk underdrains on Casa Verde Way to discharge into the City's municipal storm drain system. Further, the project would result in a net decrease of 635 square feet of impervious surface area, which would reduce the amount of stormwater runoff generated by the project. The on-site infiltration of stormwater facilities would control off-site stormwater flows such that they do not exceed runoff rates compared existing conditions. Through implementation of the Central Coast RWQCB Post Construction Requirements, the project would not result in substantial erosion or siltation on- or off-site, substantially increase the rate or amount of surface runoff, or create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems of provide substantial additional sources of polluted runoff. Impacts would be less than significant.

- 3) Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:
 - d. Impede or redirect flood flows?
- 4) In flood hazard, tsunami, or seiche zones, would the project risk release of pollutants due to project inundation?

According to maps prepared by the Federal Emergency Management Agency (FEMA), the project site is not located within a FEMA designated flood zone (FEMA 2021). The nearest flood zone is approximately 0.3 mile northwest of the project site in the area surrounding Del Monte Lake. Accordingly, development of the project would not impede or redirect flood flows.

The project site is approximately 0.7 mile south of the Pacific Ocean. According to maps prepared by the DOC, the project site is not within a tsunami hazard area (DOC 2021). A seiche occurs when strong winds or changes in atmospheric pressure push water from one end of an enclosed water body to the other, after which the water body oscillates for hours or days (National Oceanic and Atmospheric Administration 2022). The nearest body of water in which a seiche could occur is Del Monte Lake, approximately 0.3 mile northwest of the project site. Therefore, the project site is not in a flood hazard, tsunami, or seiche zone. Further, hotels do not typically use or store large quantities of pollutants other than cleaning supplies and landscaping supplies. Therefore, the

project would not risk the release of pollutants due to project inundation, and no impacts would occur.

- 5) Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

The project site is within the jurisdiction of the Central Coast RWQCB, which maintains the Water Quality Control Plan for the Central Coast Basin (Basin Plan). The Basin Plan is to define beneficial uses, established water quality objectives, and establishes programs to ensure the quality of surface water and groundwater in the Central Coast Region is managed in to provide the highest water quality reasonably possible for the region (Central Coast RWQCB 2019).

As discussed under Threshold 1, compliance with existing water quality regulations, which require implementation of BMPs, would reduce the risk of water degradation from soil erosion and other pollutants related to project construction and operational activities. Further, most stormwater flowing on the project site would be infiltrated to prevent water quality impacts associated with stormwater runoff being discharged off-site to downstream receiving waters. Therefore, the proposed project would not result in water quality impacts to receiving waters protected by the Basin Plan and would not conflict with the Basin Plan during construction or operation. Impacts related to conflict with a Basin Plan would be less than significant.

As discussed further in Section 4.6.14, *Utilities and Service Systems*, water supply would be provided for the project by CalAm, which sources water for the City of Monterey from the Carmel River Aquifer and the Seaside Subbasin, both of which are closely managed by local agencies and stakeholders. Although CalAm owns the water supply infrastructure in the project area, it is subject to the management and oversight of the MPWMD, a special district responsible for water supply management and sustainability for residents of the Monterey Peninsula. There is no Groundwater Sustainability Plan (GSP) applicable to the project site, and the water supply provided by CalAm, under the oversight of MPWMD, would not interfere with implementation of any GSP, and the project would be consistent with the goals of the Sustainable Groundwater Management Act. The proposed project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. Potential impacts would be less than significant.

4.6.9 Mineral Resources

Significance Thresholds

Impacts to mineral resources would be significant if implementation of the project would:

- 1) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state.
- 2) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan.

Impact Analysis

- 1) Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

According to the City of Monterey General Plan, there are no mineral resources of economic value as classified under the Surface Mining and Geology Act within the city (City of Monterey 2019).

Therefore, the project would not result in the loss of availability of a regionally valuable mineral resource and there would be no impact.

- 2) Would the project result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

As stated above, there are no mineral resources within the city. Further, the City of Monterey General Plan and Zoning Ordinance do not designate or zone any area within the city as a mineral resource recovery site (City of Monterey 2011; 2022). Therefore, the project would not result in the loss of availability of a locally important mineral resource and there would be no impact.

4.6.10 Population and Housing

Significance Thresholds

Impacts to population and housing would be significant if implementation of the project would:

- 1) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure).
- 2) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere.

Impact Analysis

- 1) Would the project induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

The project would involve development of a 42-room hotel with a total floor area of approximately 25,000 square feet. Because the project would not involve development of permanent residential units, the project would not directly induce population growth. As described in Section 2.0, *Project Description*, the project would generate approximately 45 jobs, with 5 on-site positions and 40 remote positions. It is likely that most of the employees would be filled by individuals already residing within Monterey or other nearby cities. However, assuming a conservative, maximum growth scenario in which every on-site employee relocates to the City of Monterey, the project could add approximately 5 residents to the city.

AMBAG, the Metropolitan Planning Organization and Council of Governments for Monterey, Santa Cruz, and San Benito counties, adopted their most recent regional growth forecast in 2020. The Final 2022 Regional Growth Forecast projects that the City of Monterey will have a population of 28,650 by 2030 (AMBAG 2020). The DOF estimated that as of January 2022, the City of Monterey had a population of 28,082 (DOF 2022). Accordingly, AMBAG estimates an increase of 568 people over the next eight years. Under a conservative, maximum growth scenario, the project's 5 on-site employees would be well within AMBAG's population projections; therefore, the project would not induce substantial unplanned growth. Impacts would be less than significant.

- 2) Would the project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

The project site does not contain existing housing or permanent dwelling units. Therefore, the project would not displace existing people or housing, and there would be no impact.

4.6.11 Public Services

Significance Thresholds

Impacts related to public services would be significant if the project would result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

- 1) Fire protection.
- 2) Police protection.
- 3) Schools.
- 4) Parks.
- 5) Other public facilities.

Impact Analysis

- 1) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered fire protection facilities, need for new or physically altered fire protection facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives?

The project site would be served by the Monterey Fire Department, which operates three stations in the City of Monterey. The closest station to the project site is located at 401 Dela Vina Avenue, located approximately 1,000 feet northeast of the project site. The project was reviewed to ensure the project design complies with the California Fire Code, Monterey City Code, and the Monterey Fire Department conditions and recommendations, including but not limited to fire clearances and the provision of fire sprinkler systems. The site plans for the project were reviewed in accordance with applicable fire codes and recommendations and were approved (CSG Consultants 2023). Further, the project would not expand the service area of the Monterey Fire Department and would incrementally increase their service population by 5 residents and a varying number of hotel guests in a conservative, maximum growth scenario. Because vacant hotel rooms are currently available within the City (as discussed further in Section 4.6.13, *Transportation*), once the new hotel is constructed, guests would be anticipated to stay at the new hotel rather than a different hotel within the City. The new hotel would not attract additional visitors to the City, and would not substantially contribute to the Monterey Fire Department's service population. Because the project would not include a significant increase to the population of the City and would be required to comply with the Monterey Fire Department building conditions, it would not result in substantial increased demand for fire services. Additionally, the project site is an urban area of the City where there are already existing buildings of similar size and height, which would not require additional specialized equipment such as new fire engines with taller ladders. Therefore, the project would not result in the need for new or physically altered fire facilities, the construction of which could cause significant environmental impacts. Impacts would be less than significant.

- 2) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered police protection facilities, need for new or physically altered police protection facilities, the construction of which could cause significant

environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives?

The project site would be served by the Monterey Police Department. The Monterey Police Department station is located at 580 Pacific Street, approximately two miles west of the project site. The project would incrementally increase the Monterey Police Department's service population by 5 residents and a varying number of hotel guests in a conservative, maximum growth scenario; however, the project would not introduce development outside of Monterey Police Department's service area or substantially increase the Monterey Police Department's service population that would necessitate new police protection facilities. Therefore, the project would not create the need for new or expanded police protection facilities, the construction of which could cause environmental impacts. Impacts would be less than significant.

- 3) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered schools, need for new or physically altered schools, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives?

The project site would be within the area of the Monterey Peninsula Unified School District (MPUSD), which operates 10 elementary schools, four middle schools,⁵ four high schools, and one adult education school in the cities of Monterey, Sand City, Seaside, and Marina. The project would not introduce new, permanent residential units to the City of Monterey, and would therefore not directly result in an increase to MPUSD's student population. However, as discussed in Section 4.6.10, *Population and Housing*, the project could add 5 residents to the area in a conservative, maximum growth scenario, some of whom may have children that would attend MPUSD schools. The project would be required to pay MPUSD developer fees; pursuant to Government Code Section 65997, the payment of mandatory fees to the affected school districts would reduce potential school impacts to less than significant level under CEQA. Therefore, the project would not result in significant impacts, as the payment of impact fees is considered adequate mitigation for this impact.

- 4) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered parks, need for new or physically altered parks, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives?

The project would not involve the provision of new parks or public recreational facilities. The project would include an on-site fitness center, which would only be available to hotel guests. The City of Monterey Parks and Recreation Department maintains 37 parks, including 256 acres of parks, 37 acres of beaches, 21 acres of public grounds, and 289 acres of greenbelt (City of Monterey 2016b). While the City's General Plan does not establish a target ratio of parkland available per resident, the City's Parks and Recreation Master Plan determined that there are approximately seven acres of parkland per 1,000 residents in the City of Monterey and does not anticipate the need for additional parks in the near future (City of Monterey 2016). As discussed in Section 4.6.10, *Population and Housing*, the project could add 5 residents to the area in a conservative, maximum growth scenario. The potential 5 new residents and future hotel guests would negligibly increase use of existing parks in the city, and would not change the existing ratio of seven acres of parkland per 1,000 residents. As such, the project would not result in the need for new or physically altered parks. Impacts would be less than significant.

⁵ One middle school, Walter Colton, serves 8th grade students only and is slated to close after the 2022-2023 school year.

- 5) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered other public facilities, need for new or physically altered other public facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives?

In terms of other public facilities, the project site would be served by the Monterey Public Library, located at 625 Pacific Street approximately two miles west of the project site. The potential 5 new residents added to the City by the project in a conservative, maximum growth scenario would incrementally increase use of the Monterey Public Library, and future hotel guests associated with the project would be unlikely to use the library due to the temporary nature of staying at a hotel. Further, Monterey Public Library is funded through property tax and Transient Occupancy Taxes that are incorporated into the General Fund, which would offset costs associated with potential additional demand. Therefore, the project would not necessitate the expansion or construction of new library facilities and impacts would be less than significant.

4.6.12 Recreation

Significance Thresholds

Impacts related to recreation would be significant if the project would:

- 1) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.
- 2) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.

Impact Analysis

- 1) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?
- 2) Would the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

As discussed above in Threshold 4 in Section 4.6.11, *Public Services*, the project would not involve construction of public parks or recreational facilities. The project would include an on-site fitness center, which would only be available to hotel guests. Further, the City of Monterey currently maintains approximately seven acres of parkland per 1,000 residents and does not anticipate the need for additional parks in the near future (City of Monterey 2016b). As discussed above in Threshold 4 in Section 4.6.11, *Public Services*, the potential additional residents and future hotel guests associated with the project would negligibly increase use of parks and recreation facilities in the City of Monterey. Therefore, impacts to parks and recreational facilities would be less than significant.

4.6.13 Transportation

Significance Thresholds

Impacts to transportation would be significant if implementation of the project would:

- 1) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities.
- 2) Conflict or be inconsistent with *CEQA Guidelines* § 15064.3, subdivision (b).
- 3) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).
- 4) Result in inadequate emergency access.

Impact Analysis

- 1) Would the project conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?

The proposed project would result in minor changes to the existing circulation system on the project site. Vehicular access to the project site would be provided via two access points: an existing curb cut along North Fremont Street, which would be improved as part of the project, and a proposed curb cut along Casa Verde Way. Circulation through the parking lot would be possible in both directions. Pedestrian and bicycle access would also be provided via the access points on North Fremont Street and Casa Verde Way. As part of the proposed project, the applicant would provide an easement on the project site with hardscaping designed to provide improved pedestrian circulation. The project would also include eight bicycle parking spaces within the bicycle storage room for use by hotel guests and employees.

The City of Monterey has two policy documents governing transportation: the General Plan Circulation Element (City of Monterey 2019) and Move Monterey: Multimodal Plan for the City of Monterey (Multimodal Plan) (City of Monterey 2021a).

The following policies and programs from the General Plan Circulation Element are applicable to the proposed project:

Policy b.1. Use land-use policies to concentrate development within walking distance of the transit system to reduce the overall demand for travel and minimize the traffic impacts of development.

Policy d.4. Establish and maintain pedestrian-friendly environments in commercial areas.

Program d.8.1. Encourage bike lanes, bike racks, bike lockers, employee shower and changing facilities in new developments.

Policy e.5. Design attractive pedestrian ways through parking lots to enable pedestrians to reach their destinations in a safe manner.

Policy g.1. Provide pedestrian-friendly environments in the commercial business districts to extend the time spent in the commercial business districts and enhance the overall shopping experience.

Policy g.4. Improve pedestrian experience in commercial areas.

Policy g.6. Improve the pedestrian environment along North Fremont Street.

The proposed project would redevelop the project site with a hotel within walking distance of the transit system. North Fremont Street features Class IV separated bike lanes through the center median, and Casa Verde Way features Class II bike lanes. Eight bicycle parking spaces would be provided for use by hotel guests and employees, which would encourage active transportation to and from the project site. The project site is also served by Monterey-Salinas Transit, with bus stops directly in front of the project site at North Fremont Street (one in each direction). North Fremont Street includes bus rapid transit service by the JAZZ A and B lines. In combination, these lines achieve a 15-minute headway in the peak hour, and therefore North Fremont is considered a high-quality transit corridor.⁶ The project site is also walkable to nearby restaurants and the Monterey County Fairgrounds, which is an attraction to people visiting the area. The proposed project involves the redevelopment of an underutilized parcel, which would improve the pedestrian experience near the project site as compared to the existing condition. Landscaping would be installed at several locations adjacent to the sidewalk along North Fremont Street and Casa Verde Way. The building design would feature entryways and columns and would be oriented toward North Fremont Street. Walkways would be provided through the proposed surface parking lot, providing safe connections for pedestrians. The sidewalk along North Fremont Street would also be widened, which would enhance the overall pedestrian experience. As such, the proposed project would be consistent with applicable policies and programs in the General Plan Circulation Element.

The Multimodal Plan is a transportation plan with tools and guidance for implementing complete streets, pedestrian- and bicycle-friendly infrastructure and facilities, and safe routes to schools. The Multimodal Plan promotes Vision Zero, which is a road safety movement aimed at designing the transportation system to reduce traffic-related fatalities and injuries to zero. As stated previously, the project site is well-connected to multimodal forms of transit, including bicycle lanes, bus stops, and pedestrian infrastructure. The proposed project would improve the pedestrian experience along North Fremont Street and Casa Verde Way through expanded sidewalks, new walkways, and landscaping. The proposed project would not conflict with the intent of the Multimodal Plan, but instead would align with the plan's vision by redeveloping an underutilized property in an area well-served by multimodal transit.

For the reasons stated above, the proposed project would not conflict with any applicable programs, plans, ordinances, or policies addressing the circulation system, and would be compatible with the General Plan Circulation Element and the Multimodal Plan. Impacts would be less than significant, and no mitigation is required.

- 2) Would the project conflict or be inconsistent with *CEQA Guidelines* § 15064.3, subdivision (b)?

In December 2018, *CEQA Guidelines* Section 15064.3 was adopted, identifying VMT as the most appropriate metric for transportation impact analysis. VMT is a measure of total vehicular travel that accounts for the number of vehicle trips and the length of those trips. This represents a shift away from the delay and congestion-based level of service (LOS) metric that historically has been used for evaluating traffic impacts. Compared to LOS, VMT better promotes the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses (City of Monterey 2021a).

According to the City of Monterey's VMT Policy (City of Monterey 2021b), the project would have a less than significant impact if trip generation is less than 110 trips per day. The Traffic Analysis

⁶ Per California Public Resources Code Section 21155, a high-quality transit corridor is defined as a corridor with fixed route bus service that has service intervals of no more than 15 minutes during peak commute hours.

prepared by TJKM in 2023 (Appendix H-1) determined that the proposed project is expected to generate approximately 351 daily trips with 20 weekday a.m. peak hour trips (12 inbound trips, 8 outbound trips) and 25 weekday p.m. peak hour trips (13 inbound trips, 12 outbound trips). As such, the project would not meet the small project screening criteria of less than 110 trips per day. However, as stated previously, North Fremont Street is considered a high-quality transit corridor. As such, the project is assumed to have a less than significant VMT impact due to the project site location within a ½-mile of a high-quality transit corridor. Although a VMT analysis is not required, the below information is provided for informational purposes.

A primary trip to a hotel is expected to occur from travel to the City of Monterey for business or pleasure. However, it is the proximity of the hotel to local attractions that would influence the length of other trips during the stay at the hotel and the resulting impact to the overall transportation system. As such, the impact to the transportation system would be negligible or reduced by the introduction of a new hotel to an area where people are already traveling and planning overnight stays, unless that hotel would significantly affect the local supply, become a destination itself, or introduce a substantial new attraction. In this case, the proposed hotel would be not become a destination or be considered a new attraction, but rather would provide another lodging option near existing attractions for people traveling to the area. Further, the proposed 42-room hotel would not substantially affect local supply of available hotel rooms. Because vacant hotel rooms are currently available within the City (as discussed further below), once the new hotel is constructed, guests would be expected to stay at the new hotel rather than a different hotel within the City. The new hotel would not attract additional visitors to the City and would therefore not generate VMT as compared to existing conditions. Therefore, VMT generated by the project would be solely from employees.

Average hotel occupancy rates in City of Monterey vary by season and have varied over the last several years. Table 4.6-6 shows the average hotel occupancy rates by year for the time period from July 2018 to May 2022.

Table 4.6-6 Average Hotel Occupancy Rate by Year

Year ¹	Occupancy Rate
2018/2019	76.0%
2019/2020	57.6%
2020/2021	47.7%
2021/2022 ²	67.8%

¹ Refers to fiscal year from July to June.

² Data provided through May 2022.

Source: City of Monterey 2022b

According to Table 4.6-6 the occupancy rate of hotels and motels in the area has ranged from 47.7 percent to 76 percent since July 2018. The most recent Transient Occupancy Tax Report for the May 2022 Reporting Period (City of Monterey 2022b) assumed that approximately 4,782 hotel rooms were available for rent in the City of Monterey. In order to provide a conservative analysis, applying the highest average occupancy rate of 76 percent would suggest that a minimum of approximately 1,148 hotel rooms are unoccupied on a typical night. As such, it is unlikely that the proposed 42-room hotel would attract additional visitors to the City or result in an increase in VMT associated with hotel guests from the creation of surplus rooms for visitors. Based on this analysis, the proposed project is not anticipated to result in an increase in the number of visitors to the City of

Monterey. As such, the analysis of VMT impacts is based on employee VMT generated by the proposed hotel.

According to the City of Monterey's VMT Policy, the project would have a less than significant impact if VMT is 15 percent below the existing countywide average VMT per employee for similar land uses, or if the VMT attributable to hotel guests results in a net increase in total VMT. The analysis of net VMT takes into account that hotels attract guests already visiting Monterey County that would otherwise stay at another hotel, as well as "day trippers" already visiting the area that would otherwise not stay in the area overnight. The VMT Analysis prepared by TJKM in 2023 (Appendix H-2) includes the City's VMT impact thresholds. The impact threshold applicable to hotel employees (service type employment) is 6.6 miles per employee (round-trip). The VMT Analysis concluded that the proposed project would generate VMT at a rate of 5.7 miles per employee, which is less than the City's impact threshold of 6.6 miles per employee. As such, VMT generated by hotel employees would be below the City's threshold of 6.6 miles per employee. In addition to the above analysis showing a less than significant VMT impact, impacts would be considered less than significant due to the project site location within a ½-mile of a high-quality transit corridor. No mitigation is required.

- 3) Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

The proposed project would provide access to the surface parking lot from North Fremont Street and Casa Verde Way, which would comply with the City's design requirements. The proposed project would not result in changes to the existing roadway or multimodal circulation system and would not include hazardous design features. The proposed hotel use would be consistent with the existing hotel use on the project site and uses in the surrounding area, and thus, would not introduce an incompatible use to the surrounding transportation system. The proposed project includes a loading space which, according to current Monterey City Code requirements, is substandard in size. The project would involve a reduction in the required number of loading zone spaces from two standard-size (12-foot by 25-foot by 14-foot) loading zone spaces to one substandard-sized (9-foot, 4-inches by 23-foot by 8-foot, 6-inches) loading zone space. However, the proposed project includes an amendment to the City's off-street parking standards and loading zone requirement, which upon approval would clarify that a use permit can be approved for nonresidential uses, reducing the number of parking spaces or loading spaces to less than the number and size required in Section 38-115 of the City's Zoning Code ~~establish the City's loading space dimension requirement of 10 feet deep by 20 feet long by 10 feet in height.~~ As such, upon approval of a use permit, the proposed project would comply with these standards. Further, the proposed parking lot configuration was reviewed and approval by the City's traffic engineers to ensure compliance with applicable design requirements and ensure that the loading space and parking configuration does create a hazard for delivery trucks. Therefore, impacts would be less than significant, and no mitigation is required.

- 4) Would the project result in inadequate emergency access?

The proposed project would provide access to the surface parking lot from North Fremont Street and Casa Verde Way, which would comply with the City's design requirements and Monterey Fire Department access requirements. The site plans for the project were reviewed in accordance with applicable fire codes and recommendations and were approved (CGS Consultants 2023). The proposed project would not impede emergency access to or around the project site. Therefore, there would be no impact.

4.6.14 Utilities and Service Systems

Impacts to utilities and service systems would be significant if implementation of the project would:

- 1) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects.
- 2) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years.
- 3) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments.
- 4) Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals.
- 5) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste.

Impact Analysis

- 1) Would the project require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

The following utility providers serve the project site: the California-American Water Company (Cal-Am) provides water, the City's Public Works Department provides sanitary sewer and stormwater services, Central Coast Community Energy (3CE) provides electricity via Pacific Gas and Electric Company's (PG&E) electricity infrastructure, PG&E provides natural gas, and Monterey One Water provides wastewater services. Local phone, cable, and internet services are available through several providers, including AT&T, Xfinity, Spectrum, Verizon, among others. As part of the project, a proposed 3-inch water line and a 4-inch fire water line would connect the hotel to an existing water main along North Fremont Street, and a proposed 6-inch sanitary sewer line would connect the hotel to an existing 8-inch sanitary sewer main along Casa Verde Way.

The project site is within the Cal-Am service area. As discussed in Threshold 2, below, the proposed hotel would require a water allocation that is less than that allocated for the existing motel and restaurant. Therefore, the project would not require or result in the relocation or construction of new or expanded water supply facilities, beyond those associated with the proposed on-site water and fire water lines. Wastewater from the project site would be conveyed to the Regional Treatment Plant, which is located unincorporated Monterey County north of the City of Marina (Monterey One Water 2022). As further described under Threshold 3, below, the project would not exceed capacity of the Regional Treatment Plant and would not require new or expanded wastewater facilities. Connections to PG&E's electricity and natural gas infrastructure and telecommunications infrastructure would be installed during construction of the proposed project, with no facility upgrades required. Additionally, the project would include landscaped areas, most of which would be graded to retain stormwater flows, as well as an on-site infiltration chamber which would infiltrate stormwater flows. Stormwater flows would not exceed the rate or volume of existing stormwater flows on the project site, and no upgrade to off-site stormwater facilities would be required. Therefore, the proposed project would not require or result in the relocation or

construction of new or expanded water, stormwater, wastewater treatment, electric power, natural gas, or telecommunication facilities, and impacts would be less than significant.

- 2) Would the project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

As noted for Threshold 1, Cal-Am will provide water supply service to the project site, which is within the Monterey County District of CalAm's service territory. CalAm owns the supply and conveyance infrastructure in this area, and delivers water it obtains from local sources including the Carmel River Aquifer, the Seaside Groundwater Basin (adjudicated), existing Aquifer Storage and Recovery supply, recycled water supply (developed through Pure Water Monterey [PWM] and the PWM Expansion), and existing desalination (Sand City Desalination), as well as the Monterey Peninsula Water Supply Project and associated ocean desalination facilities that are currently under construction (CalAm 2021).

While CalAm has legal rights to local groundwater in this area, disputes over water supply have resulted in the groundwater being managed in accordance with land use-correlated allocations and court orders. CalAm is subject to the management and oversight of the MPWMD, a special district responsible for water supply management and sustainability for residents of the Monterey Peninsula. The MPWMD issued a water supply allocation for the project site in 2013 (Water Permit No. 32425; Appendix J), which was based on the existing 134-seat restaurant and the 18-room motel and included a water supply credit for removal of the previous swimming pool. The water supply allocation for the project site, based on the previous site uses and the pool credit, is 4.234 AFY (City of Monterey 2021c).

On May 17, 2021, a MPWMD Conservation Analyst documented that since the 2013 allocation was determined, the Water Use Factor for Hotels ("water demand factor") changed from 0.1 AFY/room to 0.064 AFY/room; this changed the water supply allocation for the project site's previous 18-room motel from 1.8 AFY to 1.152 AFY, while the project site's total allocation for the restaurant, the motel, and the pool credit reduced to 3.676 AFY. In addition, the pool removal credit of 0.09 AFY expired 10 years after the 2013 permit issuance, which was in May 2023. Using the adjusted water demand factor, and accounting for removal of the existing motel and restaurant uses, the proposed project's 42-room hotel would require a water allocation of 2.688 AFY. Overall, the proposed project's water supply allocation would be nearly 1.0 AFY less than the previous site uses.

The project site's previous allocation of 3.676 AFY is relevant to this discussion of supply availability for the proposed project's required allocation of 2.688 AFY, because the former, larger amount, is the amount that would have been used to inform the water supply and demand projections prepared by CalAm as part of its UWMP Update, which is required to occur every five years. CalAm's projections of water supply availability are informed by existing and anticipated water demands for land uses throughout its Monterey County District; in turn, land use analysis is informed by current zoning characteristics and coordination with local agencies including the Association of Monterey Bay Area Governments (AMBAG). As described in the UWMP under Section 3.5, *Summary of Proposed Changes Compared to Existing Use*, AMBAG developed its regional growth forecast in coordination with local land use jurisdictions to ensure that local land uses were considered (CalAm 2021). The proposed project would not change the land use zoning of the project site, and the zoning information and use characteristics provided by AMBAG for the previous site development would be consistent with the proposed site development.

CalAm projections indicate that the available water sources are sufficient to meet existing and anticipated water demands within the Monterey County District under normal-water years (non-

drought conditions), as well as under single-dry-year and multiple-dry-year (extended drought) conditions (CalAm 2021). The existing motel and restaurant on the project site had a higher water supply allocation than the required water allocation for the proposed hotel. Because CalAm projections are based on previous use on the project site, it therefore reasons that the supply availability calculations provided in the UWMP account for the amount of water that would be required for the proposed project. Therefore, although the proposed project would introduce new water uses to the project site, its overall water demands would be lower than for the previous site development, while CalAm's supply availability projections were informed by the more water-intensive previous site development. In addition, under both the previous and the proposed site development, CalAm would only deliver as much water to the project site as would be authorized by MPWMD, in its authority as a special district responsible for water supply sustainability management. Therefore, sufficient water supply is available to meet the needs of the project, including under varying drought conditions, and potential impacts would be less than significant.

- 3) Would the project result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

As discussed under Threshold 1, wastewater from the project site would be conveyed to the Regional Treatment Plant, which is operated by Monterey One Water. The Regional Treatment Plant has a daily capacity of 29.6 million gallons per day (Monterey One Water 2022). Wastewater generated by the project can be estimated as 90 percent of water demand. According to the City of Monterey Community Development Department, the required water allocation for the proposed project is 2.688 acre-feet (AF) per year (City of Monterey 2021d). Assuming conservatively that the proposed project would use the entire 2.688 AF per year of water allocated, the proposed project would generate approximately 2.42 AF per year of wastewater (approximately 788,600 gallons per year or 2,161 gallons per day).⁷ The 2,162 gallons of wastewater generated daily by the proposed project would represent less than 0.01 percent of the Regional Treatment Plant's maximum daily capacity.⁸ Therefore, the proposed project would not exceed the capacity of existing wastewater treatment facilities, and impacts would be less than significant.

- 4) Would the project generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?

Solid waste in Monterey is disposed of at the Monterey Peninsula Landfill, located in unincorporated Monterey County north of the City of Marina (ReGen 2022). The project involves demolition of the existing on-site motel and restaurant and construction of a new hotel, which would increase the generation of solid waste during construction. However, the increased generation of solid waste during construction would be short-term and temporary in nature and would cease upon project completion. Further, due to cost reduction, it is reasonable to assume that construction contractors would reuse or salvage materials where possible. Waste would be disposed of at the Monterey Peninsula Landfill, which has a remaining capacity of 48,560,000 (California Department of Resources Recycling and Recovery [CalRecycle] 2022a). Therefore, construction of the project would not result in the generation of solid waste in excess of the capacity of local solid waste infrastructure and would not impair solid waste reduction goals.

⁷ To convert acre-feet to gallons, multiple acre-feet by 325,900. 2.42 acre-feet x 325,900 = 788,559.3 gallons. 788,559.3 gallons per year / 365 days = 2,160.5 gallons per day.

⁸ 2,161 / 29,600,000 = 0.007 percent

CalRecycle estimates that hotels generate approximately 1.74 tons of solid waste per employee (full time and part time) per year (CalRecycle 2022b). The proposed 42-room hotel would generate an estimated 45 jobs (5 on-site positions and 40 remote positions). As such, the 5 on-site employees associated with the project would generate approximately 8.7 tons of solid waste per year, or approximately 0.02 tons per day.⁹ The remaining capacities and maximum daily throughputs of the Monterey Peninsula Landfill are shown below in Table 4.6-7.

Table 4.6-7 Solid Waste Facilities Serving the Project

Facility	Maximum Daily Throughput	Average Daily Throughput	Remaining Capacity	Estimated Closure Year
Monterey Peninsula Landfill	3,500 tons per day	1,300 tons per day	48,560,000 cubic yards	2107

Sources: CalRecycle 2022a, Monterey Regional Waste Management District 2016

The 0.02 tons of solid waste generated daily by the proposed project would represent less than 0.01 percent¹⁰ of the maximum daily throughput and approximately 0.02 percent¹¹ of the average daily throughput of the Monterey Peninsula Landfill. Therefore, operation of the project would not result in the generation of solid waste in excess of the capacity of local solid waste infrastructure and would not impair solid waste reduction goals. Impacts would be less than significant, and no mitigation is required.

- 5) Would the project comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

Pursuant to Section 9.0-1 of the Monterey Municipal Code, the City has adopted the most recent version of CALGreen, which contains construction waste recycling requirements. The project would also comply with Assembly Bill 939, which requires the City to divert 50 percent of solid waste from landfills (including construction and demolition debris), and Senate Bill 1383, which requires a 75 percent reduction in statewide disposal of organic waste from 2014 levels by 2025. Compliance with these regulations related to solid waste reduction would further reduce the amount of solid waste disposed of at Monterey Peninsula Landfill. Therefore, the project would comply with federal, state, and local management and reduction statutes and regulations related to solid waste, and there would be no impact.

4.6.15 Wildfire

Significance Thresholds

Impacts related to wildfire would be significant if the project is located in or near state responsibility areas or lands classified as very high fire hazard severity zones, and the project would:

- 1) Substantially impair an adopted emergency response plan or emergency evacuation plan.
- 2) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire.

⁹ 1.74 tons of solid waste per year x 5 employees = 8.7 tons of solid waste per year. 8.7 tons of solid waste per year / 365 days = 0.024.

¹⁰ 0.02 / 3,500 = 0.0006 percent

¹¹ 0.02 / 1,300 = 0.0015 percent

- 3) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment.
- 4) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.

Impact Analysis

- 1) Would the project substantially impair an adopted emergency response plan or emergency evacuation plan?

The City of Monterey General Plan Safety Element identifies goals and policies related to emergency response and emergency evacuation and identifies emergency evacuation routes throughout the city. Map 15 of the City's General Plan shows that North Fremont Street serves as access to major evacuation routes, including SR 1, SR 68, and Carmel Valley Road. Implementation of the project would involve demolition of the existing motel and restaurant structures and the construction of a new four-story, 42 guest room hotel. Demolition and construction may require temporary lane closures along westbound North Fremont Street. However, lane closures would be coordinated with the City prior to permit issuance, and lane closures would be temporary, lasting a few hours to a few days. Operationally, the project would not impair access to or alter North Fremont Street and would not impair implementation of the City's evacuation plan. Therefore, the project would not substantially impair an adopted emergency response or evacuation plan, and impacts would be less than significant.

- 2) Would the project, due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

As shown on maps prepared by the California Department of Forestry and Fire Protection (CAL FIRE), the project site is in a local responsibility area and is not within a Fire Hazard Severity Zone (FHSZ). The nearest FHSZ is located along Josselyn Canyon Road, approximately 0.7 mile southwest of the project site (CAL FIRE 2007).

The project site is surrounded by existing development, and large tracts of wildland fuels, such as forest or brushland, do not occur on or near the project site. Consistent with typical California wildfire behavior, wildfire would spread most rapidly on sloped terrace areas. Although the project site is located on a moderate slope, the slope would not substantially facilitate extreme wildfire activity. The nearest slope that would facilitate spread of a wildfire is located along Josselyn Canyon Road to the southwest. Prevailing winds in the City of Monterey typically blow west to east in the summer, and north to south in the winter (WeatherSpark 2022). Accordingly, prevailing winds would typically spread fire and smoke to the south and west, away from the project site. Therefore, the project would not exacerbate wildfire risk and expose project occupants to the uncontrolled spread of a wildfire. Impacts would be less than significant.

- 3) Would the project require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?

The project site is currently developed with a motel and restaurant. The project would connect to existing water, electricity, and other utility connections present on the project site, would not

require the installation of additional infrastructure. Accordingly, wildfire impacts related to the installation of new infrastructure on site would be less than significant.

- 4) Would the project expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

As described above, the project site is currently developed and there are no wildfire fuels on or near the project site. These current conditions would not be expected to experience extreme wildfire behavior. Further, although the project site is moderately sloped, the project would not increase the risk of flooding or landslides, as site topography and designated flood zones would not be modified substantially from existing conditions. In addition, the project site is not located within a FEMA designated flood area (FEMA 2021). Therefore, any changes to the risk of wildfire impacts facilitated by the project regarding post-fire slope instability or drainage changes would be very low. The project would not expose people or structures to a significant risk involving wildfires, flooding, or landslides, nor exacerbate the risk of wildfire. Impacts would be less than significant.

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5 Other CEQA Required Discussions

This section discusses other issues for which the California Environmental Quality Act (CEQA) requires analysis in addition to the specific issue areas discussed in Section 4.0, *Environmental Impact Analysis*, of this EIR. These additional issues include the potential to induce population growth and/or economic growth; removal of obstacles to growth; significant unavoidable effects; significant irreversible effects, and mandatory findings.

5.1 Growth Inducement

Section 15126(d) of the *CEQA Guidelines* requires a discussion of a proposed project's potential to foster economic or population growth, including ways in which a project could remove an obstacle to growth. Growth does not necessarily create significant physical changes to the environment. However, depending upon the type, magnitude, and location of growth, it can result in significant adverse environmental effects. The proposed project's growth inducing potential is therefore considered significant if project-induced growth could result in significant physical effects in one or more environmental issue areas.

5.1.1 Population Growth

As discussed in Section 4.6.10, *Population and Housing*, the proposed project would not directly generate population growth because it does not include residential uses. However, as described in Section 2.0, *Project Description*, the project would generate 45 jobs, with 5 on-site positions and 40 remote positions. It is likely that most of the employees would be filled by individuals already residing within Monterey or other nearby cities. However, the proposed hotel may indirectly increase the population if all new employees relocated to the City of Monterey. Assuming a conservative, maximum growth scenario in which every on-site employee relocates to Monterey, the project could add approximately 5 residents to the City of Monterey.

The California Department of Finance (DOF) estimated that as of January 2022, the City of Monterey had a population of 28,082 (DOF 2022). The Association of Monterey Bay Area Governments (AMBAG) projects that the City of Monterey will have a population of 28,650 by 2030, or an increase of 568 people over the next eight years (AMBAG 2020). Under a conservative, maximum growth scenario, the project's predicted 5 on-site employees would represent less than 1 percent of population growth by 2030 and would therefore be accommodated within the City's growth projections.

5.1.2 Economic Growth

The proposed project would generate temporary employment opportunities during construction. Because construction workers would be expected to be drawn from the existing regional work force, construction of the project would not be growth-inducing from a temporary employment standpoint. However, the proposed project would also add long-term employment opportunities associated with operation of an office building. As stated above, the project would generate 45 jobs, with 5 on-site positions and 40 remote positions.

AMBAG forecasts that there will be 42,506 jobs in City of Monterey by 2030, an increase of 1,517 jobs from 2020 (AMBAG 2020). The 5 on-site positions and 40 remote positions (45 jobs total)

anticipated by the proposed project would represent 3 percent of job growth by 2030 and, therefore, would be well within AMBAG employment forecasts.

The proposed project would not be expected to induce substantial economic expansion to the extent that direct physical environmental effects would result.

5.1.3 Removal of Obstacles to Growth

The proposed project is in a fully urbanized area that is well served by existing infrastructure. As discussed in Section 4.6.13, *Transportation*, and Section 4.6.14, *Utilities and Service Systems*, existing infrastructure in the City of Monterey would be adequate to serve the project. The project would involve minor improvements to on-site water and sewer connection infrastructure, but these improvements would be sized specifically to serve the project and would connect to existing City infrastructure. The project would not require expansion of any off-site utilities. The project would not result in a significant change to existing circulation and would be intended to accommodate expected traffic volumes and project site access needs. No new roads would be required. Because the project would constitute redevelopment within an urbanized area and would not require the extension of new infrastructure through undeveloped areas, project implementation would not remove an obstacle to growth.

5.2 Significant Unavoidable Effects

CEQA Guidelines Section 15126(b) requires that an EIR identify those significant impacts that cannot be reduced to a less than significant level with the application of mitigation measures. The implications and reasons why the project is being proposed, notwithstanding, must be described.

As discussed throughout Sections 4.1 through 4.6 of this EIR, implementation of the project would not result in significant, unavoidable environmental effects.

5.3 Irreversible Environmental Effects

CEQA Guidelines Section 15126.2(c) require that EIRs contain a discussion of significant irreversible environmental changes which would be caused by the project should it be implemented. Such significant irreversible environmental changes may include the following:

- Use of non-renewable resources during the initial and continued phases of the project which would be irreversible because a large commitment of such resources makes removal or non-use unlikely.
- Primary impacts and, particularly secondary impacts (such as highway improvement which provides access to a previously inaccessible area) which generally commit future generations to similar uses.
- Irreversible damage which may result from environmental accidents associated with the project.

This section addresses non-renewable resources, the commitment of future generations to the proposed uses, and irreversible impacts associated with the proposed project.

The proposed project would involve redevelopment of a currently developed lot in the City of Monterey. Construction and operation of the project would involve an irreversible commitment of construction materials and non-renewable energy resources. Construction of the hotel would require the use of building materials and energy, some of which are non-renewable resources, to

construct the proposed hotel. During project construction, energy would also be consumed in the form of petroleum-based fuels used to power construction vehicles and equipment.

Project operation would also irreversibly increase local demand for non-renewable energy resources such as petroleum products and natural gas. However, increasingly efficient building design would offset this demand to some degree by reducing energy demands of the project. As discussed in Section 2.0, *Project Description*, the proposed project's design features would include energy efficient appliances and lighting; water efficient appliances, fixtures, and irrigation; and electric vehicle charging stations. In addition, the project would be subject to the energy conservation requirements of the California Energy Code (Title 24, Part 6, of the California Code of Regulations, *California's Energy Efficiency Standards for Residential and Nonresidential Buildings*) and the California Green Building Standards Code (CALGreen; Title 24, Part 11 of the California Code of Regulations). The California Energy Code provides energy conservation standards for all new and renovated commercial buildings constructed in California, and the Green Building Standards Code requires installation of energy-efficient light fixtures and building materials into the design of new construction projects to reduce energy consumption. As discussed in Section 4.6.5, *Energy*, energy use for project construction and operation would not be inefficient, wasteful, or unnecessary. Although project construction and operation would involve the use of energy, energy usage would be negligible and would not result in irreversible environmental effects. In addition, consumption of these resources would occur with any development in the region and would not be unique to the proposed project.

Additional vehicle trips associated with the proposed project would incrementally increase local traffic and regional air pollutant and GHG emissions. However, as discussed in Section 4.6.3, *Air Quality*, and Section 4.6.7, *Greenhouse Gas Emissions*, development and operation of the project would not generate air quality or GHG emissions that would result in a significant impact. Additionally, Section 4.6.13, *Transportation*, concludes that transportation impacts associated with the proposed project would be less than significant based on City and regional thresholds.

The project would also require a commitment of law enforcement, fire protection, water supply, wastewater treatment, and solid waste disposal services. However, as discussed in Section 4.6.11, *Public Services*, and Section 4.6.14, *Utilities and Service Systems*, impacts to these service systems would not be significant.

CEQA requires decision makers to balance the benefits of a proposed project against its unavoidable environmental risks in determining whether to approve a project. The analysis contained in this EIR concludes that the proposed project would not result in significant and unavoidable environmental impacts.

5.4 Mandatory Findings

CEQA Guidelines Section 15065 requires the following specific Mandatory Findings of Significance be addressed as part of the environmental review for the project:

- The potential for the project to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory;

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- Project impacts that are individually limited, but cumulatively considerable. (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects); and
- Environmental effects of the project which will cause substantial adverse effects on human beings, either directly or indirectly.

Section 4.6.4, *Biological Resources*, describes the project’s potential effects on plant and animal species populations, habitats, communities, and migratory patterns and concluded that impacts to biological resources would be less than significant. Section 4.1, *Cultural Resources*, and Section 4.5, *Tribal Cultural Resources*, describe the project’s potential effects on important historical and prehistorical cultural and tribal cultural resources and concluded that impacts to cultural and tribal cultural resources would be less than significant after implementation of mitigation. Potential adverse environmental effects to human beings are discussed in Section 4.6.3, *Air Quality*, Section 4.6.6, *Geology and Soils*, Section 4.2, *Hazards and Hazardous Materials*, and Section 4.4, *Noise*. Impacts related to air quality and geology and soils would be less than significant. Impacts related to hazards and hazardous materials and noise would be less than significant with mitigation. Furthermore, each environmental analysis section in Sections 4.1 through 4.5 of the EIR concludes with a discussion of the project’s contribution to cumulative effects. Additionally, cumulative net increases of criterial pollutants are discussed in Section 4.6.3, *Air Quality*. As discussed in Sections 4.1 and 4.5 through 4.5 and Section 4.6.3, the project would result in a considerable contribution to cumulative impacts to cultural and tribal cultural resources. ~~the~~ The project would not result in any other considerable contributions to cumulative impacts.

6 Alternatives

As required by Section 15126.6 of the *CEQA Guidelines*, this EIR examines a range of reasonable alternatives to the proposed project that would attain most of the basic project objectives but would avoid or substantially lessen the significant adverse impacts. As discussed in Section 2.6, *Project Objectives*, the objectives for the proposed project are as follows:

1. Revitalize the project site with a modern, high-quality designed hotel to attract new customers.
2. Remove urban decay and construct a new, economically viable hotel. Modernize the project site layout to be more functional and improve visual character for the existing and planned North Fremont Street commercial corridor.
3. Improve energy and utility efficiency relative to the existing motel.
4. Complement the City's efforts to invest in the North Fremont Business District and adjacent public infrastructure (which includes new sidewalks, dedicated bicycle lanes, center medians, reconstruction of the street, and upgrades to transportation systems) with quality private investment resulting in redevelopment of the project site.
5. Support local businesses and economy by providing additional lodging to accommodate more visitors than the existing motel.
6. Catalyze investment by other surrounding properties by increasing the number of visitors to North Fremont Street, thereby creating other community benefits including increasing consumer demand for goods and services to the direct vicinity.
7. Create new employment opportunities.
8. Increased Transient Occupancy Tax revenue for the City to fund public infrastructure and services.

As discussed in Section 4.0, *Environmental Impact Analysis*, the proposed project would not have any significant and unavoidable impacts. The proposed project would require mitigation to reduce potentially significant impacts to less than significant levels with respect to cultural resources (including archaeological and paleontological resources), hazards and hazardous materials (hazardous building materials removal), noise (construction noise and vibration) and tribal cultural resources.

6.1 Alternatives Development and Screening Process

The identification of alternatives to the proposed project focuses on changes to the project that are intended to reduce or avoid significant and unavoidable impacts, where the potential for impact reduction is feasible, while still attaining most of the objectives. This EIR also evaluates a No Project Alternative, consistent with the *CEQA Guidelines* (Section 15126.6[e]). The no project analysis discusses the existing conditions, as well as what would be reasonably expected to occur in the foreseeable future if the proposed project is not approved.

6.1.1 Alternatives Considered But Rejected

Section 15126.6(c) of the *CEQA Guidelines* requires that an EIR identify alternatives that were considered but rejected as infeasible and provide a brief explanation as to why such alternatives

were not fully considered in the EIR. As required by the *CEQA Guidelines*, the selection of alternatives for this EIR included a screening process to determine a reasonable range of alternatives, which could reduce significant effects but also feasibly meet project objectives. Alternatives that do not clearly provide any environmental advantages compared to the project, do not meet basic project objectives, or do not achieve overall lead agency policy goals, have been eliminated from further consideration. The factors that may be considered when addressing the feasibility of alternatives include site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries, and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site (*CEQA Guidelines*, Section 15126.6[f][1]).

CEQA Guidelines Section 15126.6(a) also states that “an EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation.” The alternatives shall be limited to those that would avoid or substantially lessen any of the significant effects of the project. Of those alternatives, the EIR need examine in detail only the ones that the lead agency determines could feasibly attain most of the basic objectives of the project. Other alternatives may be considered but are not required to satisfy the requirements of CEQA.

For the project, characteristics used to reject alternatives from further consideration include:

- Failure to meet basic project objectives;
- Limited effectiveness in reducing project environmental impacts;
- Inconsistency with City policies;
- Potential for inconsistency with adopted agency plans and policies; and
- Reasonableness of the alternative when compared to other alternatives under consideration.

The following alternative was considered but eliminated from further analysis by the City due to one or more of these factors.

Alternative Project Site Location

The first step in considering an off-site alternative is whether any of the significant impacts of the project would be avoided or substantially lessened by the relocation. Only locations that would avoid or substantially lessen any of the significant impacts of the project need be considered for inclusion in the EIR (*CEQA Guidelines*, Section 15126.6[f][2][A]). If it is determined that no feasible alternative locations exist, the EIR must disclose the reasons for this conclusion (*CEQA Guidelines*, Section 15126.6[f][2][B]).

No alternative properties to undertake the proposed project are analyzed in this EIR. The proposed project involves development of a hotel on the subject property. Although there are other properties in the City that could support a development similar to the proposed project, the project applicant does not own or control any other property within the City or in the vicinity of the project site that would be suitable for development of the project. Moreover, the applicant cannot reasonably acquire or control an alternative property in a timely fashion that would allow for the implementation of a project with similar uses and square footage. There are currently eight commercial properties for sale within the City; however, only one is of sufficient size to accommodate the proposed hotel and would require demolition of a currently occupied office building with an office park (Loopnet 2022). In addition, the City’s Charter would require a charter amendment to rezone an alternative site to a Visitor Accommodation Facility (VAF) district; charter

amendments require voter approval under State law (California Constitution Article XI, Section 3). None of the properties are within the North Fremont Street commercial corridor, and would therefore not meet the project objectives to support the City's efforts to invest in the North Fremont business district and increase the number of visitors to North Fremont Street. As a result of these considerations, alternative project site locations were considered and rejected, consistent with *CEQA Guidelines* Section 15126.6(c).

6.1.2 Project Alternatives

Included in this analysis are three alternatives, including the CEQA-required "no project" alternative, that involve changes to the project that may reduce the project-related environmental impacts as identified in this EIR. Alternatives have been developed to provide a reasonable range of options to consider that would help decision makers and the public understand the general implications of revising or eliminating certain components of the proposed project.

The following alternatives are evaluated in this EIR:

- Alternative 1: No Project/Existing Motel and Restaurant to Remain
- Alternative 2: Three Story Hotel
- Alternative 3: Different Location on Project Site

Table 6-1 provides a summary comparison of the development characteristics of the proposed project and each of the alternatives considered. Detailed descriptions of the alternatives are included in the impact analysis for each alternative. The potential environmental impacts of each alternative are analyzed in Sections 6.2 through 6.4, below.

Table 6-1 Comparison of Project Alternatives' Buildout Characteristics

Feature	Proposed Project	Alternative 1: No Project	Alternative 2: Three Story Hotel	Alternative 3: Different Location on Project Site
Site Use	Hotel	Motel Restaurant	Hotel	Hotel
Number of Guest Rooms	42	18	28	42
Number of Parking Spaces	42	32	42	42
Number of Bicycle Spaces	8	0	8	8
Height	45 ft (35 ft above grade)	20 ft (12 ft above grade)	36 ft (26 ft above grade)	45 feet (35 ft above grade)
Total Stories	4	1	3	4
Stories Above Grade	3	1	1	3
Stories Below Grade	1	0	2	1
Building Footprint	7,076 sf	8,366 sf	7,076 sf	7,076 sf
Total Hotel Floor Area	25,000 sf	4,866 sf	17,200 sf	25,000 sf
Total Commercial Floor Area	None	3,500 sf (restaurant)	None	None
ft = feet				
sf = square feet				

6.2 Alternative 1: No Project Alternative

6.2.1 Description

The purpose of describing and analyzing a no project alternative is to allow decision-makers to compare the impacts of approving the proposed project with the impacts of not approving the project. According to *CEQA* Guidelines Section 15126.6(e)(3)(C), the lead agency should analyze the impacts of the no project alternative by projecting what would reasonably be expected to occur in the foreseeable future if the project were not approved. This alternative assumes the project is not approved and none of the proposed components are implemented. This alternative assumes the existing one-story, 18-guest room motel and 134-seat restaurant are not demolished and the 42-guest room hotel is not developed on the project site. This alternative assumes that the existing motel and restaurant would not remain vacant. Rather, the site would once again operate as a motel and restaurant utilizing the existing on-site structures. Under this alternative, the existing vacant motel and restaurant could foreseeably be renovated prior to new occupancy; however, any future use would be limited to an 18-guest room motel and 134-seat restaurant. The project site would continue to be accessible from North Fremont Street. The available on-site parking would remain 32 spaces, with no available bicycle parking. No utility upgrades would occur as part of the No Project Alternative. Table 6-1 provides a summary of the characteristics of Alternative 1.

6.2.2 Impact Analysis

a. Cultural Resources

As discussed in Section 4.1, *Cultural Resources*, the project site is recommended ineligible for listing in the National Register of Historic Places (NRHP), California Register of Historical Resources (CRHR), and as local historical resource. While there are no known archaeological or paleontological resources present on the project site, there is a potential for unknown archaeological or paleontological resources or human remains to be present. Under the No Project Alternative, the existing motel and restaurant would not be demolished and replaced with a new hotel. However, the No Project Alternative could include remodeling of the existing motel and restaurant. The remodeling of the existing building on the project site would not result in impacts to historical resources because the project site is recommended ineligible for listing as a historical resource. Although the existing motel may be renovated prior to future occupancy, no ground disturbing activities would occur as part of the No Project Alternative. Therefore, no impacts to unknown archaeological or paleontological resources or human remains would occur, and mitigation measures identified for the proposed project would not be required or implemented. The No Project Alternative would result in reduced potential impacts to cultural and paleontological resources when compared to the proposed project, as there is a potential for unknown archeological or paleontological resources or human remains to be encountered during ground disturbing activities associated with construction of the proposed project and the No Project Alternative would not impact these resources.

b. Hazards and Hazardous Materials

As discussed in Section 4.2, *Hazards and Hazardous Materials*, the existing on-site building may contain hazardous materials, including asbestos, lead, mercury, and polychlorinated biphenyl (PCB) caulk. Under the No Project Alternative, the existing motel and restaurant would not be demolished and replaced with a new hotel. However, the No Project Alternative could include remodeling of the

existing motel and restaurant. Remodeling activities would be subject to all applicable local, State, and federal regulations related to hazardous materials. However, the remodeling of the existing building on the project site could result in the release of these hazardous materials into the environment, and therefore, impacts during remodeling of the existing motel would be similar or less as compared to construction of the proposed project.

Renovation activities under the No Project Alternative would temporarily increase the local transport, use, and disposal of construction-related hazardous materials and petroleum products (e.g., diesel fuel, lubricants, paints and solvents, and cement products containing strong basic or acidic chemicals). The transport, use, and storage of hazardous materials could potentially cause harm to construction workers or others in the area during an accidental release or mishandling. The transport, use, and storage of hazardous materials during renovation would be subject to all applicable local, State, and federal regulations, including the Hazardous Materials Transportation Act, Resource Conservation and Recovery Act, the California Hazardous Material Management Act, and the California Code of Regulations, Title 22. These regulations prescribe measures for the safe transport, use, storage, and disposal of hazardous materials to reduce risk of accidental spills. Renovation would likely require less use of hazardous materials compared to construction of the proposed project. However, similar to the proposed project, impacts related to the transport, use, and storage of these hazardous materials would be less than significant under the No Project Alternative.

Similar to the proposed project, operation of the No Project Alternative would involve transport, use, and disposal of nominal amounts of hazardous materials or wastes associated with motel uses, but impacts would be less than significant because these products are not considered acutely hazardous and are not generally considered unsafe. Further, these operational impacts under the No Project Alternative would be slightly reduced as compared to the proposed project relative to the smaller size of the motel. Similar to the proposed project, transport, use, and disposal of hazardous materials during operation of the No Project Alternative would comply with all existing federal, State, and local regulations, including the General Plan Safety Element and requirements imposed by the County of Monterey Environmental Health Department and impacts would be less than significant.

According to the Monterey Airport Land Use Compatibility Plan, the project site is located within the Airport Influence Area, and specifically within Zone 3 - Inner Turning Zone (ITZ). Under the No Project Alternative, building height and configuration would remain the same as current conditions. Because no new construction would occur, there would be no potential for the No Project Alternative to conflict with Monterey Airport Land Use Commission (ALUC) policies, which are aimed at new development. Exterior lighting could be altered as part of future renovation activities, but it would likely remain in the same general locations as currently configured and would be required to comply with the City's lighting regulations. Therefore, no impacts related to safety hazards in proximity to the Monterey Regional Airport would occur under the No Project Alternative.

The project site is not located within 0.25 mile of an existing or planned school and is not included on a list of hazardous material sites compiled pursuant to Government Code Section 65962.5. Consequently, similar to the proposed project, the No Project Alternative would not result in hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of a school and would have no impact with respect to hazardous material sites compiled pursuant to Government Code Section 65962.5. Further, because the No Project Alternative would not result in any physical changes to the layout of the project site, this alternative would not impair implementation of or physically interfere with an adopted emergency response

plan or emergency evacuation plan, and would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires. These impacts under the No Project Alternative would be less than significant, and therefore, the same as the proposed project.

For the reasons stated above, the No Project Alternative would result in reduced impacts to hazards and hazardous materials when compared to the proposed project. Overall, impacts related to hazards and hazardous materials for this alternative would be less than significant.

c. Land Use and Planning

As discussed in Section 4.3, *Land Use and Planning*, the project site has a General Plan land use designation of Commercial, is zoned Visitor Accommodation Facility (VAF), and is located within the North Fremont Specific Plan area, which are consistent with existing uses on the project site. Under the No Project Alternative, the existing motel and restaurant would not be demolished and replaced with a new hotel. Additionally, the proposed text amendments to the North Fremont Specific Plan and amendment to the City's off-street parking standards and loading zone requirement would not be approved under the No Project Alternative. Although the existing motel may be renovated prior to future occupancy, on- and off-site circulation and access to the project site and surrounding area would not change as part of the No Project Alternative. As such, similar to the proposed project, the No Project Alternative would not physically divide an established community. Further, because the existing uses on the project site are considered legal conforming uses, the No Project Alternative would have no impact related to conflicts with the Monterey General Plan, the Zoning Ordinance, or the North Fremont Specific Plan. As a VAF-zoned property, the project site would be subject to development standards established by the VAF zone as opposed to development objectives, standards, and guidelines in the North Fremont Specific Plan; however, the No Project Alternative would represent a continuation of existing uses which, once legally established, are not typically required to demonstrate conformity with land use plans, policies, or regulations. The No Project Alternative would not result in impacts related to land use, and impacts to land use and planning would be slightly reduced when compared to the proposed project.

d. Noise

It is assumed that the project site would once again operate as a motel and restaurant utilizing the existing on-site structures under the No Project Alternative. Because the motel and restaurant within the project site are currently non-operational, noise levels would increase compared to existing conditions under this alternative. Assuming the project site would again operate as a motel and a restaurant, noise from renovations or minor construction prior to new occupancy could occur, which would increase noise levels compared to existing conditions. Additionally, operation of a motel and restaurant under this alternative would result in greater noise levels than the existing vacant buildings. However, because excavation, grading, and substantial construction would not occur under this alternative, Mitigation Measures NOI-1 and NOI-2 would not be required. Operation of the No Project Alternative would generate noise, but noise levels would be consistent with the former site use and would not exceed applicable City thresholds. Noise impacts would be reduced compared to the proposed project and would be less than significant.

e. Tribal Cultural Resources

As discussed in Section 4.5, *Tribal Cultural Resources*, there are no known tribal cultural resources on the project site. However, there is a potential for unknown tribal cultural resources to be

present. Under the No Project Alternative, the existing motel and restaurant would not be demolished and replaced with a new hotel. Although the existing motel may be renovated prior to future occupancy, no ground disturbing activities would occur as part of the No Project Alternative. Therefore, no impacts to tribal cultural resources would occur and mitigation identified for the proposed project would not be required or implemented. The No Project Alternative would result in reduced potential impacts to tribal cultural resources when compared to the proposed project, as there is a potential for unknown tribal cultural resources to be encountered during ground disturbing activities associated with construction of the proposed project and the No Project Alternative would not impact these resources.

6.3 Alternative 2: Three-Story Hotel

6.3.1 Description

Alternative 2 includes demolition of the existing one-story 18-guest room motel and 134-seat restaurant and construction of a three-story, 28-guest room branded hotel and a surface parking lot with 42 parking spaces. Alternative 2 would include construction of the hotel envisioned under the proposed project, but with the fourth floor (which contains 21 rooms) removed. Alternative 2 would include a total of 21 rooms on the third floor and 7 rooms on the second floor. On the second floor, the square footage of the lounge area, pantry, and fitness center would be reduced in size compared to the proposed project to accommodate seven guest rooms. Alternative 2 would be a maximum of 36 feet in height (26 feet above grade) and three stories, including a partial basement and two above grade stories, and would have a total floor area of 17,200 sf.

The basement (or first floor) would include the lower lobby, bicycle storage room, laundry room, storage, trash, and electrical and utilities rooms. The second floor would include the upper lobby and check-in area, housekeeping area, offices, employee breakrooms, restrooms, and various amenities for guests including a lounge area, pantry, fitness center, and guest rooms. The third floor would include guest rooms and housekeeping areas. Guest rooms would be comprised of 12 double queen rooms and 9 king rooms on the third floor and 7 queen rooms on the second floor. Rooftop mechanical equipment would be installed in two areas and would not exceed five feet in height. Alternative 2 would provide 8 bicycle parking spaces within the bicycle storage room.

Vehicular access to the project site would be provided via two access points: an existing curb cut along North Fremont Street, which would be improved as part of the project, and a proposed curb cut along Casa Verde Way. A proposed 3-inch water line and a 4-inch fire water line would connect the project to an existing water main along North Fremont Street. A proposed 6-inch sanitary sewer line would connect the project to an existing 8-inch sanitary sewer main along Casa Verde Way. Table 6-1 provides a summary of the characteristics of Alternative 2.

6.3.2 Impact Analysis

a. Cultural Resources

As discussed in Section 4.1, *Cultural Resources*, the project site is recommended ineligible for listing in the NRHP, CRHR, and as local historical resource. While there are no known archaeological or paleontological resources present on the project site, there is a potential for unknown archaeological or paleontological resources or human remains to be present. Alternative 2 would include the demolition of the existing motel and restaurant and construction of a new three-story

hotel in the same footprint as the proposed project. The demolition of the existing motel and restaurant on the project site would not result in impacts to historical resources because the project site is recommended ineligible for listing as a historical resource. Although the project site is currently developed and has been previously disturbed, it is possible that ground disturbance during construction of Alternative 2 could encounter unknown archaeological resources. Therefore, Alternative 2 has the potential to significantly impact archaeological resources through ground disturbance and subsequent damage. Similar to the proposed project, Mitigation Measures CUL-2(a) and 2(b) would be implemented during construction of Alternative 2. CUL-2(a) requires the project applicant to retain a qualified archaeologist to conduct Worker Environmental Awareness Program (WEAP) training for archaeological sensitivity for all construction personnel prior to the commencement of ground disturbing activities. If unknown archeological resources are encountered, CUL-2(b) requires ground disturbance activities to halt within 50 feet of the find, as well as evaluation by a qualified archaeologist and implementation of a data recovery plan if necessary. Further, due to the depth of excavation required for groundwater infiltration tanks (15 feet below the surface), Alternative 2 has the potential to significantly impact paleontological resources. Similar to the proposed project, Mitigation Measure CUL-4(a) and 4(b) would be implemented during construction of Alternative 2. CUL-4(a) requires the project applicant to retain a qualified paleontologist to conduct WEAP training for paleontological resources for all construction personnel prior to the commencement of ground disturbing activities. If unknown paleontological resources are encountered, CUL-4(b) requires ground disturbance activities to halt within 50 feet of the find, as well as evaluation by a qualified paleontologist and implementation of a data recovery plan if necessary. Mitigation Measures CUL-2(a) and 2(b) and CUL-4(a) and 4(b) would reduce impacts associated with Alternative 2 to a less than significant level, similar to the proposed project.

Alternative 2 would result in the similar ground disturbing activities on the same site as the proposed project. Therefore, Alternative 2 would result in similar impacts to cultural and paleontological resources as the proposed project. Like the proposed project, impacts would be less than significant with mitigation.

b. Hazards and Hazardous Materials

As discussed in Section 4.2, *Hazards and Hazardous Materials*, the existing on-site building may contain hazardous materials, including asbestos, lead, mercury, and PCB caulk. Alternative 2 would include the demolition of the existing motel and restaurant and construction of a new three-story hotel. Similar to the proposed project, demolition of the existing building could result in the release of these hazardous materials into the environment and construction impacts would be potentially significant. However, similar to the proposed project, Alternative 2 would be required to implement Mitigation Measure HAZ-1, which would reduce construction impacts related to the transport, use, disposal, or release of hazardous materials that could be found in the existing building to a less than significant level.

Similar to the proposed project, construction of Alternative 2 would temporarily increase the local transport, use, and disposal of construction-related hazardous materials and petroleum products (e.g., diesel fuel, lubricants, paints and solvents, and cement products containing strong basic or acidic chemicals). The transport, use, and storage of hazardous materials could potentially cause harm to construction workers or others in the area during an accidental release or mishandling. The transport, use, and storage of hazardous materials during construction of Alternative 2 would be subject to all applicable local, State, and federal regulations, including the Hazardous Materials

Transportation Act, Resource Conservation and Recovery Act, the California Hazardous Material Management Act, and the California Code of Regulations, Title 22. These regulations prescribe measures for the safe transport, use, storage, and disposal of hazardous materials to reduce risk of accidental spills. In addition, Alternative 2 would comply with the Construction General Permit, which requires implementation of good housekeeping BMPs to reduce risk of spills or leaks of hazardous materials used during construction (refer to Section 4.6.8, *Hydrology and Water Quality*). Impacts related to the transport, use, and storage of these hazardous materials would be similar to the proposed project and would be less than significant.

Similar to the proposed project, operation of Alternative 2 would involve transport, use, and disposal of nominal amounts of hazardous materials or wastes associated with hotel uses, but impacts would be less than significant because these products are not considered acutely hazardous and are not generally considered unsafe. Similar to the proposed project, Alternative 2 would comply with all existing federal, State, and local regulations, including the General Plan Safety Element and requirements imposed by the County of Monterey Environmental Health Department. Therefore, these impacts under Alternative 2 would be similar as compared to the proposed project and would be less than significant.

According to the Monterey Airport Land Use Compatibility Plan, the project site is located within the Airport Influence Area, and specifically within Zone 3 - ITZ. Similar to the proposed project, Alternative 2 would require review by the ALUC, which would have the opportunity to provide recommendations based on the design of the project. Because building height is a major consideration of ALUC review, and Alternative 2 includes a reduced building height compared to the proposed project, impacts under Alternative 2 are expected to be slightly reduced compared to the proposed project. Exterior lighting design would not change under Alternative 2 as compared to the proposed project and would be required to comply with City and ALUC lighting requirements. Similar to the proposed project, the project site would not be designated as a Noise Sensitive Institution and is not within Noise Contours in the Monterey Airport Land Use Compatibility Plan, and therefore, the project would not result excessive noise for people residing or working in the project area. Therefore, impacts related to safety hazards in proximity to the Monterey Regional Airport would be less than the proposed project and would be less than significant.

The project site is not located within 0.25 mile of an existing or planned school and is not included on a list of hazardous material sites compiled pursuant to Government Code Section 65962.5. Consequently, similar to the proposed project, Alternative 2 would not result in hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.5-mile of a school and would have no impact with respect to hazardous material sites compiled pursuant to Government Code Section 65962.5. Construction of Alternative 2 may require temporary lane closures along westbound North Fremont Street. However, as with the proposed project, lane closures would be coordinated with the City, the Monterey Fire Department, and the Monterey Police Department prior to permit issuance, and lane closures would be temporary, lasting a few hours to a few days. Further, because there would be no difference in the layout of the project site between Alternative 2 and the proposed project, impacts would be the same as the proposed project and this alternative would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. Because the project site is surrounded by existing development, and large tracts of wildland fuels, such as forest or brushland, do not occur on or near the project site, Alternative 2 would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires. These impacts under Alternative 2 would be the same as the proposed project.

c. Land Use and Planning

As discussed in Section 4.3, *Land Use and Planning*, the project site has a General Plan land use designation of Commercial, is zoned VAF, and is located within the North Fremont Specific Plan area, which are consistent with existing uses on the project site. Alternative 2 would include the demolition of the existing motel and restaurant and construction of a new three-story hotel. Under Alternative 2, on- and off-site circulation and access to the project site and surrounding area would be the same as the proposed project. Therefore, similar to the proposed project, Alternative 2 would not physically divide an established community. As a VAF-zoned property, the project site under Alternative 2 would be subject to development standards established by the VAF zone as opposed to development objectives, standards, and guidelines in the North Fremont Specific Plan. Alternative 2 would conform to development standards established by the VAF zone, including adherence to minimum site area, minimum yard, and maximum lot coverage requirements. Additionally, similar to the proposed project, Alternative 2 would include text amendments to the North Fremont Specific Plan, which would clarify existing language and would not result in a change in application of the specific plan by the City as compared to current practices. Because the proposed hotel use under Alternative 2 is similar, but scaled down, as compared the proposed project, Alternative 2 would have similar, less-than-significant impacts related to conflicts with the Monterey General Plan, the Zoning Ordinance, and the North Fremont Specific Plan. Therefore, Alternative 2 would result in similar impacts to land use and planning as the proposed project. Like the proposed project, impacts would be less than significant.

d. Noise

As discussed in Section 4.4, *Noise*, the proposed project would result in an increase in ambient noise levels due to the operation of heating, ventilation, and air conditioning (HVAC) and mechanical equipment, increase in off-site traffic, and use of the on-site parking lot. This increase would not exceed applicable City noise standards. Because Alternative 2 would involve 14 fewer hotel rooms than the proposed project, increases in ambient noise associated with the operation of HVAC and mechanical equipment, off-site traffic, and parking lot use would be lower than the proposed project. However, Alternative 2 would be one story shorter than the proposed project. As a result, Alternative 2 would provide less screening of the adjacent apartments north of the project site from traffic noise originating from North Fremont Street. Therefore, weighing the reduced operational stationary noise against the increased roadway noise resulting from the reduced building height, operational noise impacts would be generally similar compared to the proposed project, and would remain less than significant, as they are for the project. Alternative 2 would involve construction of a smaller hotel than the proposed project, with one less floor and 14 fewer hotel rooms, which would involve a shorter construction period. However, construction of Alternative 2 would involve similar construction equipment as the proposed project. As discussed in Section 4.4, *Noise*, construction noise could be as high as 91 dBA $L_{eq(h)}$ at the nearest sensitive receivers. Construction noise would exceed the significance threshold of 90 dBA $L_{eq(h)}$ and construction noise impacts would be potentially significant under Alternative 2. Similarly, construction activities generating vibration could exceed potential building damage thresholds or be perceptible at nearest sensitive receivers and construction vibration impacts would be potentially significant. Similar to the proposed project, Alternative 2 would require implementation of Mitigation Measure NOI-1, Construction Noise Reduction, and Mitigation Measure NOI-2, Construction Vibration. Construction noise impacts would be less than significant and slightly reduced compared to the proposed project due to the shorter construction period.

As discussed in Section 4.4, *Noise*, the project site is outside the 65, 70, or 75 CNEL dBA noise contours for the Monterey Regional Airport and the project would not expose people residing or working in the project area to excessive noise levels from aircraft operations from the Monterey Regional Airport. Because Alternative 2 is on the same site as the proposed project, airport noise impacts would be similar and less than significant.

Overall, Noise impacts associated with Alternative 2 would be slightly reduced compared to the proposed project.

e. Tribal Cultural Resources

As discussed in Section 4.5, *Tribal Cultural Resources*, there are no known tribal cultural resources on the project site. However, there is a potential for unknown tribal cultural resources to be present. Alternative 2 would include the demolition of the existing motel and restaurant and construction of a new three-story hotel, which would involve ground disturbance on the project site. Although the project site is currently developed and has been previously disturbed, it is possible that ground disturbance during construction of Alternative 2 could encounter unknown tribal cultural resources. Therefore, Alternative 2 has the potential to significantly impact tribal cultural resources through ground disturbance and subsequent damage. Similar to the proposed project, Mitigation Measure TCR-1 would be implemented during construction of Alternative 2. TCR-1 requires ground disturbance activities to halt in the event that unknown tribal cultural resources are encountered until the local Native American Tribe(s) can be consulted and a mitigation plan prepared and implemented.

Alternative 2 would result in the similar ground disturbing activities on the same site as the proposed project. Therefore, Alternative 2 would result in similar impacts to tribal cultural resources as the proposed project. Like the proposed project, impacts would be less than significant with mitigation.

6.4 Alternative 3: Different Location on Project Site

6.4.1 Description

Alternative 3 includes demolition of the existing one-story 18-guest room motel and 134-seat restaurant and construction of a four-story, 42 guest room branded hotel within the northeastern portion of the project site and a surface parking lot with 42 parking spaces along the southern and western portion of the project site. For comparison, the proposed project included the hotel at the southwestern portion of the project site with the surface parking lot along the northern and eastern portions of the project site. Alternative 3 includes construction of the same hotel uses in the same configuration as the proposed project, but in a different location in the northwestern portion of the project site. Under Alternative 3, the proposed hotel would be positioned closer to the existing residential uses to the north, providing screening between the apartments and North Fremont Street. Similar to the proposed project, Alternative 3 would be a maximum of 45 feet in height (35 feet above grade) and four stories, including a partial basement and three above grade stories, and would have a total floor area of 25,000 sf.

The basement (first floor) would include the lower lobby, bicycle storage room, laundry room, storage, trash, and electrical and utilities rooms. The second floor would include the upper lobby and check-in area, housekeeping area, offices, employee breakrooms, restrooms, and various amenities for guests including a lounge area, pantry, and fitness center. The third and fourth floors

would include guest rooms and housekeeping areas. Guest rooms would be comprised of 24 double queen rooms and 18 king rooms. Alternative 3 would provide 8 bicycle parking spaces within the bicycle storage room. Rooftop mechanical equipment would be installed in two areas and would not exceed five feet in height.

Vehicular access to the project site would be provided via two access points: an existing curb cut along North Fremont Street, which would be improved as part of the project, and a proposed curb cut along Casa Verde Way. A proposed 3-inch water line and a 4-inch fire water line would connect the project to an existing water main along North Fremont Street. A proposed 6-inch sanitary sewer line would connect the project to an existing 8-inch sanitary sewer main along Casa Verde Way. Table 6-1 provides a summary of the characteristics of Alternative 3.

6.4.2 Impact Analysis

a. Cultural Resources

As discussed in Section 4.1, *Cultural Resources*, the project site is recommended ineligible for listing in the NRHP, CRHR, and as local historical resource. While there are no known archaeological or paleontological resources present on the project site, there is a potential for unknown archaeological or paleontological resources or human remains to be present. Alternative 3 includes construction of the same hotel uses in the same configuration as the proposed project, but in a different location in the northwestern portion of the project site. Alternative 3 would include the demolition of the existing motel and restaurant and construction of a new four-story hotel, which would involve ground disturbance on the project site. The demolition of the existing motel and restaurant on the project site would not result in impacts to historical resources because the project site is recommended ineligible for listing as a historical resource. Although the project site is currently developed and has been previously disturbed, it is possible that ground disturbance during construction of Alternative 3 could encounter unknown archaeological resources. Therefore, Alternative 3 has the potential to significantly impact archaeological resources through ground disturbance and subsequent damage. Similar to the proposed project, Mitigation Measures CUL-2(a) and 2(b) would be implemented during construction of Alternative 3. CUL-2(a) requires the project applicant to retain a qualified archaeologist to conduct WEAP training for archaeological sensitivity for all construction personnel prior to the commencement of ground disturbing activities. If unknown archeological resources are encountered, CUL-2(b) require ground disturbance activities to halt within 50 feet of the find, as well as evaluation by a qualified archaeologist and implementation of a data recovery plan if necessary. Further, due to the depth of excavation required for groundwater infiltration tanks (15 feet below the surface), Alternative 3 has the potential to significantly impact paleontological resources. Similar to the proposed project, Mitigation Measure CUL-4(a) and 4(b) would be implemented during construction of Alternative 3. CUL-4(a) requires the project applicant to retain a qualified paleontologist to conduct WEAP training for paleontological resources for all construction personnel prior to the commencement of ground disturbing activities. If unknown paleontological resources are encountered, CUL-4(b) requires ground disturbance activities to halt within 50 feet of the find, as well as evaluation by a qualified paleontologist and implementation of a data recovery plan if necessary. Mitigation Measures CUL-2(a) and 2(b) and CUL-4(a) and 4(b) would reduce impacts associated with Alternative 3 to a less than significant level, similar to the proposed project.

Alternative 3 would result in similar ground disturbing activities on the same site as the proposed project. However, the hotel would be constructed on a different location of the project site under

Alternative 3 than for the proposed project. Although varying depths of excavation may be required at different portions of the project site under Alternative 3 as compared to the proposed project, grading limits and quantities would be approximately the same. Therefore, Alternative 3 would result in similar impacts to cultural and paleontological resources as the proposed project. Like the proposed project, impacts would be less than significant with mitigation.

b. Hazards and Hazardous Materials

As discussed in Section 4.2, *Hazards and Hazardous Materials*, the existing on-site building may contain hazardous materials, including asbestos, lead, mercury, and PCB caulk. Alternative 3 includes construction of the same hotel uses in the same configuration as the proposed project, but in a different location in the northwestern portion of the project site. Similar to the proposed project, demolition of the existing building could result in the release of these hazardous materials into the environment and construction impacts would be potentially significant. However, similar to the proposed project, Alternative 3 would be required to implement Mitigation Measure HAZ-1, which would reduce construction impacts related to the transport, use, disposal, or release of hazardous materials that could be found in the existing building to a less-than-significant level.

Similar to the proposed project, construction of Alternative 3 would temporarily increase the local transport, use, and disposal of construction-related hazardous materials and petroleum products (e.g., diesel fuel, lubricants, paints and solvents, and cement products containing strong basic or acidic chemicals). The transport, use, and storage of hazardous materials could potentially cause harm to construction workers or others in the area during an accidental release or mishandling. The transport, use, and storage of hazardous materials during construction of Alternative 3 would be subject to all applicable local, State, and federal regulations, including the Hazardous Materials Transportation Act, Resource Conservation and Recovery Act, the California Hazardous Material Management Act, and the California Code of Regulations, Title 22. These regulations prescribe measures for the safe transport, use, storage, and disposal of hazardous materials to reduce risk of accidental spills. In addition, Alternative 3 would comply with the Construction General Permit, which requires implementation of good housekeeping BMPs to reduce risk of spills or leaks of hazardous materials used during construction (refer to Section 4.6.8, Hydrology and Water Quality). Impacts related to the transport, use, and storage of these hazardous materials would be similar to the proposed project and would be less than significant.

Similar to the proposed project, operation of Alternative 3 would involve transport, use, and disposal of nominal amounts of hazardous materials or wastes associated with hotel uses, but impacts would be less than significant because these products are not considered acutely hazardous and are not generally considered unsafe. Similar to the proposed project, Alternative 3 would comply with all existing federal, State, and local regulations, including the General Plan Safety Element and requirements imposed by the County of Monterey Environmental Health Department. Therefore, these impacts under Alternative 3 would be similar as compared to the proposed project and would be less than significant.

According to the Monterey Airport Land Use Compatibility Plan, the project site is located within the Airport Influence Area, and specifically within Zone 3 - ITZ. Similar to the proposed project, Alternative 3 would require review by the ALUC, which would have the opportunity to provide recommendations based on the design of the project. Because proposed building height and lighting design would be the same, impacts under Alternative 3 are expected to be similar to the proposed project. Exterior lighting design would not change under Alternative 3 as compared to the proposed project and would be required to comply with City and ALUC lighting requirements. Similar to the

proposed project, the project site would not be designated as a Noise Sensitive Institution and is not within Noise Contours in the Monterey Airport Land Use Compatibility Plan, and therefore, the project would not result excessive noise for people residing or working in the project area. Therefore, impacts related to safety hazards in proximity to the Monterey Regional Airport would be similar under Alternative 3 and would be less than significant.

The project site is not located within 0.25 mile of an existing or planned school and is not included on a list of hazardous material sites compiled pursuant to Government Code Section 65962.5. Consequently, similar to the proposed project, Alternative 3 would not result in hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25-mile of a school and would have no impact with respect to hazardous material sites compiled pursuant to Government Code Section 65962.5. Construction of Alternative 3 may require temporary lane closures along westbound North Fremont Street. However, as with the proposed project, lane closures would be coordinated with the City, the Monterey Fire Department, and the Monterey Police Department prior to permit issuance, and lane closures would be temporary, lasting a few hours to a few days. Although Alternative 3 would alter the site layout as compared to the proposed project, operation of Alternative 3 would not impair access to or alter North Fremont Street, and therefore, would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. Because the project site is surrounded by existing development, and large tracts of wildland fuels, such as forest or brushland, do not occur on or near the project site, Alternative 3 would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires. These impacts under Alternative 3 would be the same as the proposed project.

c. Land Use and Planning

As discussed in Section 4.3, *Land Use and Planning*, the project site has a General Plan land use designation of Commercial, is zoned VAF, and is located within the North Fremont Specific Plan area, which are consistent with existing uses on the project site. Alternative 3 includes construction of the same hotel uses in the same configuration as the proposed project, but in a different location in the northwestern portion of the project site. Under Alternative 3, off-site circulation would not change, and therefore, would be the same as compared to the proposed project. On-site circulation and access to the project site would be shifted to the southeast to accommodate the surface parking lot along North Fremont Street and Casa Verde Way. Similar to the proposed project, Alternative 3 would not physically divide an established community. However, the proposed parking lot location under Alternative 3 would conflict with General Plan Land Use Element policy b.1, which encourages hiding parking from street view. Although this would represent an inconsistency with policy b.1, situating the parking lot along North Fremont Street and Casa Verde Way would not result in any additional, significant environmental impacts that were not previously analyzed throughout this EIR. As such, compared to the proposed project, Alternative 3 would have slightly increased, albeit less-than-significant impacts related to conflicts with the Monterey General Plan.

As a VAF-zoned property, the project site under Alternative 3 would be subject to development standards established by the VAF zone as opposed to development objectives, standards, and guidelines in the North Fremont Specific Plan. Alternative 3 would conform to development standards established by the VAF zone, including adherence to minimum site area, minimum yard, and maximum lot coverage requirements. Additionally, similar to the proposed project, Alternative 3 would include text amendments to the North Fremont Specific Plan, which would clarify existing language and would not result in a change in application of the specific plan by the City as compared

to current practices. Therefore, similar to the proposed project, Alternative 3 would result in less-than-significant impacts related to conflicts with the Zoning Ordinance and the North Fremont Specific Plan.

For the reasons stated above, Alternative 3 would result in greater impacts to land use and planning compared to the proposed project. Like the proposed project, impacts would be less than significant.

d. Noise

As discussed in Section 4.4, *Noise*, the proposed project would result in an increase in ambient noise levels due to the operation of HVAC and mechanical equipment, increase in off-site traffic, and use of the on-site parking lot. This increase would not exceed applicable City noise standards. Under Alternative 3, similar increases in noise levels associated with HVAC and mechanical equipment and use of the on-site parking lot would occur. However, under this alternative, the hotel would be located adjacent to the apartments north of the project site. The hotel in this location would help screen off-site traffic noise from these nearby sensitive receivers, but would also locate HVAC and mechanical equipment closer to sensitive receivers. Overall, operational noise impacts of Alternative 3 would be similar to the proposed project would remain less than significant.

Under Alternative 3, the proposed hotel would be constructed in the northeastern portion of the project site rather than the southwestern portion. As discussed in Section 4.4, *Noise*, construction noise was estimated using the FTA general assessment method which assumes construction equipment is operating at the center of the project site, or 62.5 feet from the nearest sensitive receivers. Because the hotel would be constructed in the northeastern portion of the project site, construction noise would be slightly higher at the nearest sensitive receivers during some construction periods under Alternative 3. However, construction equipment would still generally operate at the center of the site, and with implementation of Mitigation Measure NOI-1, would not exceed applicable City noise thresholds. Impacts related to construction noise under Alternative 3 would be slightly greater than the proposed project, but would remain less than significant with mitigation.

As discussed in Section 4.4, *Noise*, the project site is outside the 65, 70, or 75 CNEL dBA noise contours for the Monterey Regional Airport and the project would not expose people residing or working in the project area to excessive noise levels from aircraft operations from the Monterey Regional Airport. Because Alternative 3 is on the same site as the proposed project, airport noise impacts would be similar and less than significant.

For reasons listed above, noise impacts associated with Alternative 3 would be less than significant with mitigation and greater than the proposed project.

e. Tribal Cultural Resources

As discussed in Section 4.5, *Tribal Cultural Resources*, there are no known tribal cultural resources on the project site. However, there is a potential for unknown tribal cultural resources to be present. Alternative 3 includes construction of the same hotel uses in the same configuration as the proposed project, but in a different location in the northwestern portion of the project site. Alternative 3 would include the demolition of the existing motel and restaurant and construction of a new four-story hotel, which would involve ground disturbance on the project site. Although the project site is currently developed and has been previously disturbed, it is possible that ground disturbance during construction of Alternative 3 could encounter unknown tribal cultural resources.

Therefore, Alternative has the potential to significantly impact tribal cultural resources through ground disturbance and subsequent damage. Similar to the proposed project, Mitigation Measure TCR-1 would be implemented during construction of Alternative 3. TCR-1 requires ground disturbance activities to halt in the event that unknown tribal cultural resources are encountered until the local Native American Tribe(s) can be consulted and a mitigation plan prepared and implemented.

Alternative 3 would result in the similar ground disturbing activities on the same site as the proposed project. However, the hotel would be constructed on a different location of the project site under Alternative than for the proposed project. Although varying depths of excavation may be required at different portions of the project site under Alternative 3 as compared to the proposed project, grading limits and quantities would be approximately the same. Therefore, Alternative 3 would result in similar impacts to tribal cultural resources as the proposed project. Like the proposed project, impacts would be less than significant with mitigation.

6.5 Environmentally Superior Alternative

CEQA requires the identification of an environmentally superior alternative among the alternatives evaluated in an EIR. CEQA Guidelines Section 15126.6(e)(2) provides that, if the No Project Alternative is the environmentally superior alternative, then the EIR shall also identify an environmentally superior alternative among the other alternatives.

This discussion identifies the environmentally superior alternative by assessing the degree to which each alternative avoids significant and unavoidable environmental impacts. In some cases, an alternative will avoid one or more significant and/or unavoidable impacts identified for the proposed project but then introduce one or more new significant impacts. Therefore, selection of the environmentally superior alternative requires an overall assessment of the changes in the number and type of significant impacts.

The *CEQA Guidelines* do not define a specific methodology for determining the environmentally superior alternative. For the purposes of this analysis, the project alternatives have been compared within each issue area to the proposed project, and a determination has been made as to whether the potential environmental effects of each alternative would be reduced, increased, or are similar in comparison to the proposed project (refer to Table 6-2). For this EIR, each impact is equally weighted. Decision makers and the community in general may choose to emphasize one issue or another, which could lead to differing conclusions regarding environmental superiority.

The No Project Alternative (Alternative 1) would result in the fewest adverse environmental effects, and therefore, would be considered environmentally superior. However, since this is the No Project Alternative, CEQA requires that a separate alternative also be identified as the environmentally superior alternative.

Alternative 2 would result in slightly reduced environmental impacts compared to the proposed project and Alternative 3, which is attributed to reduced impacts to airport safety hazards due to the reduced height. Additionally, while Alternative 2 would meet all of the project objectives, it would be to a lesser extent than the proposed project because of the reduced size of the proposed hotel with fewer guest rooms. Accordingly, this evaluation concludes that Alternative 2 is the environmentally superior alternative because it would result in reduced environmental impacts compared to the proposed project.

Table 6-2 Impact Comparison of Alternatives

Impact	Proposed Project Impact Classification	Alternative 1: No Project Alternative	Alternative 2: Three Story Hotel	Alternative 3: Different Location on Project Site
Cultural Resources				
Impact CR-1: Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5	NI	< (NI)	= (NI)	= (NI)
Impact CR-2: Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5	LTSM	< (NI)	= (LTSM)	= (LTSM)
Impact CR-3: Disturb any human remains, including those interred outside of formal cemeteries	LTS	< (NI)	= (LTS)	= (LTS)
Impact CR-4: Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature	LTSM	< (NI)	= (LTSM)	= (LTSM)
Hazards and Hazardous Materials				
Impact HAZ-1: Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials; and Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment	LTSM	< (LTS)	= (LTSM)	= (LTSM)
Impact HAZ-2: Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school	NI	= (NI)	= (NI)	= (NI)
Impact HAZ-3: Be located on a site that is included on a list of hazardous material sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment	NI	= (NI)	= (NI)	= (NI)
Impact HAZ-4: Result in a safety hazard or excessive noise for people residing or working in the project area for a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport	LTS	< (LTS)	< (LTS)	= (LTS)
Impact HAZ-5: Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan	LTS	= (LTS)	= (LTS)	= (LTS)
Impact HAZ-6: Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires	LTS	= (LTS)	= (LTS)	= (LTS)

Impact	Proposed Project Impact Classification	Alternative 1: No Project Alternative	Alternative 2: Three Story Hotel	Alternative 3: Different Location on Project Site
Land Use and Planning				
Impact LU-1: Physically divide an established community	NI	= (NI)	= (NI)	= (NI)
Impact LU-2: Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect	LTS	< (NI)	= (LTS)	> (LTS)
Noise				
Impact NOI-1: Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies	LTSM	< (LTS)	< (LTSM)	> (LTSM)
Impact NOI-2: Generation of excessive ground-borne vibration or ground-borne noise levels	LTSM	< (LTS)	< (LTSM)	> (LTSM)
Impact NOI-3: For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels	LTS	= (LTS)	= (LTS)	= (LTS)
Tribal Cultural Resources				
Impact TCR-1: Cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code Section 21074 that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k); and Cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code Section 21074 that is a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1	LTSM	< (NI)	= (LTSM)	= (LTSM)
Overall		10 < 0 > 6 =	3 < 0 > 13 =	0 < 3 > 13 =
> Impacts are greater than the proposed project < Impacts are less than the proposed project = Similar level of impact to the proposed project		LTS = Less than Significant Impact LTSM = Less than Significant Impact After Mitigation SU = Significant and Unavoidable Impact NI = No Impact		

7 Responses to Comments

The Draft Environmental Impact Report (Draft EIR) for the 2101 North Fremont Street Hotel Project (proposed project, State Clearinghouse [SCH] No. 2022060567) was circulated for a 45-day public review period that began on July 7, 2023 and ended on August 21, 2023. In accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15088, the City of Monterey (City) reviewed the comments received on the Draft EIR, and prepared written responses to the comments received. This section includes responses to comments received during the circulation of the Draft EIR.

The City received two written comment letters on the Draft EIR, which are included in this Response to Comments section. Responses to these comment letters were prepared to address the environmental concerns raised by the commenters and to indicate where and how the Draft EIR was revised to address pertinent environmental issues.

Any changes made to the text of the Draft EIR correcting information, other than minor typographical corrections or minor working changes, are noted in the Final EIR as changes from the Draft EIR. The changes that occurred between the Draft EIR and Final EIR are shown in underline for text additions and ~~striketrough~~ for text deletions in the response to comments in this section and in applicable sections of the Final EIR.

The focus of the responses to comments is the disposition of environmental issues that are raised in the comments, as specified by *CEQA Guidelines* Section 15088(c). Detailed responses are not provided to comments on the merits of the proposed project. However, when a comment is not directed to an environmental issue, the response indicates that the comment has been noted and forwarded to the appropriate decision-makers for review and consideration.

7.1 Written Comments and Responses

The City received two comment letters on the Draft EIR. The commenters and the page numbers on which each commenter's letter appear are listed in Table 7-1.

Table 7-1 Comment Letters Received

Letter No. and Commenter	Date Received	Page Number
1 Derric G. Oliver, Fenton & Keller	August 21, 2023	7-2
2 Julie A. Vance, California Department of Fish and Wildlife	August 25, 2023	7-42

7.2 Responses to Public Comments

The comment letters and responses follow. The comment letters have been numbered sequentially and each separate issue raised by the commenter has been assigned a number. The responses to each comment identify first the number of the comment letter, and then the number assigned to each issue (Response 1-2, for example, indicates that the response is for the second issue raised in comment Letter 1).

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

CHRISTOPHER E. PANETTA
SARA B. BOYNS
BRIAN D. CALL
TROY A. KINGSHAVEN
JOHN E. KESECKER
ELIZABETH R. LEITZINGER
ANDREW B. KREEFT
KENNETH S. KLEINKOPF
ALEX J. LORCA
DERRIC G. OLIVER

CAROL S. HILBURN
MARCO A. LUCIDO
GLADYS RODRIGUEZ-MORALES
BRADLEY J. LEVANG
ASHLEY E. CAMERON
CHRISTOPHER M. LONG
CHRISTOPHER J. NANNINI
TARA L. CLEMENS
MATTHEW D. FERRY
EMMANUEL PEREA JIMENEZ

DERRIC G. OLIVER

August 21, 2023

DOliver@fentonkeller.com
ext. 207

VIA EMAIL ONLY (SCHMIDT@MONTEREY.ORG)

Christopher Schmidt
City of Monterey
Community Development Department
570 Pacific Street
Monterey, CA 93940

Re: Comments on Draft EIR (SCH No. 2022060567)
Avid Hotel (2101 N. Fremont St.)
Our File: 32436.33400

Dear Mr. Schmidt:

As you know, this office represents the Mahroom family, the owners of the residential apartment buildings (“Apartments”) and real property located at 445 Casa Verde Way (“Mahroom Property”), immediately adjacent to and north of the proposed massive 42-guest room Avid Hotel (“Project”) at 2101 N. Fremont Street in the City of Monterey (“City”). The following comments on the Draft Environmental Impact Report (SCH No. 2022060567) (“DEIR”) prepared for the Project are submitted on behalf of the Mahroom family.

1-1

Background

The Mahroom family has consistently and publicly expressed numerous objections to the Project and its potential impacts on the Apartments’ residents and the surrounding neighborhood, including objections relating to building height, noise, parking and traffic, safety and security, the Mahroom Property’s landscaping easement, insufficient public notice, and the Project’s overall lack of “sensitivity” required by the City’s North Fremont Specific Plan (“NFSP”). Those objections were expressed during public hearings and in writing, include the following correspondence, all of which is part of the City’s administrative record for the Project, and is incorporated herein by this reference, as these objections directly relate to the Mahroom family’s comments on the DEIR:

1-2

1. Fenton & Keller letter to City of Monterey Planning Commission, May 28, 2021, re: Use Permit UP-20-0227, Planning Commission hearing June 8, 2021;
2. Fenton & Keller letter to City of Monterey Planning Commission, July 26, 2021, re: Use Permit UP-20-0227, Planning Commission hearing June 8, 2021;
3. Wald Ruhnke & Dost Architects LLP letter to City of Monterey Planning Commission, July 27, 2021, re: Building Height and Landscape Easement;
4. Fenton & Keller letter to City of Monterey Planning Commission, August 10, 2021, re: Use Permit UP-20-0227, Planning Commission hearing August 24, 2021;
5. Fenton & Keller letter to Kim Cole, AICP, Community Development Director, City of Monterey, August 26, 2021, re: Use Permit UP-20-0227, Planning Commission hearing August 24, 2021;
6. Fenton & Keller letter to Christopher Schmidt, Senior Associate Planner, City of Monterey, September 20, 2021, re: Story poles;
7. Fenton & Keller letter to Monterey City Council, October 22, 2021, re: Appeal of Planning Commission final actions on October 12, 2021;
8. Edward L. Pack Associates, Inc. letter to Derric Oliver, Esq., Fenton & Keller, December 13, 2021, re: Comments on the City of Monterey Planning Commission Resolution No. P21-023, Approval of the Use Permit UP-20-0227 and Resolution No. P21-022 Adopting a Mitigated Negative Declaration;
9. Fenton & Keller letter to Monterey City Council, December 17, 2021, re: Appeal of Planning Commission final actions on October 12, 2021 (re: Public notice; story poles);
10. Wald Ruhnke & Dost Architects LLP letter to Mayor and City Council Members, December 17, 2021, Parking Lot Screening (the City's off-street parking and loading regulations); and
11. Fenton & Keller letter to Monterey City Council, December 17, 2021, re: Appeal of Planning Commission final actions on October 12, 2021 (re: Off-street parking and loading zone requirements).

1-2
Cont'd

COMMENTS ON THE DEIR

The DEIR does not analyze, insufficiently analyses, and/or erroneously analyzes the Project's potential significant impacts that continue to drive the Mahroom family's concerns and objections. Numerous analytical deficiencies in the DEIR are summarized as follows.

1-3

Noise Impacts

Comments on the Noise chapter of the DEIR are found in the enclosed comment letter from acoustical consultant, Jeffrey K. Pack (Edward L. Pack Associates, Inc.), dated August 16, 2023. In summary, the DEIR Noise chapter contains incomplete information and inaccurate and misleading statements. For example, as Mr. Pack explains in his letter (on page 1):

1-4

Note that the technical appendices D-1 and D-2 were not included. Thus, review of the noise studies prepared by the project acoustical consultant (Salter) could not be reviewed and compared to the noise chapter. ...

This [Noise] section discusses the project's potential noise impacts, but limits the analyses to temporary construction noise impacts and long term impacts associated with project operations. Construction and operational noise are not the only noise effects. There is no mention of the noise impacts to neighboring properties upon removal of the existing Casa Verde Inn, which is part of the project. The project will result in a change in the noise environment at noise sensitive receivers outside of the project site.

1-5

On page 11 of his comment letter, Mr. Pack further explains:

Our conclusion is that the Noise Chapter of the DEIR is significantly flawed in both technical aspects and presentation. There is too much incorrect or misleading information and pertinent and important aspects of the project's effects on the noise environment have been omitted.

The Noise Chapter should be re-written by a qualified acoustician who can provide actual technical information, proper citations and present analyses and evaluations that are germane to the project, whether the document is designed to be CEQA based only or if the document shall include all noise standards applicable to the project. As it sits, the Noise Chapter is confusing, erroneous and misleading.

1-6

The Noise Chapter should also be reviewed by Salter to ensure that the information contained in the DEIR complies with the analyses, evaluations and recommendations prepared by the acoustician of record.

Landscaping Easement

The discussion in the DEIR regarding the 5-foot landscaping easement ("Landscaping Easement") erroneously implies that the Landscaping Easement is for the use and benefit of the Project site owner/operator, explaining, in part, "The northern property boundary includes a 5-foot-wide easement, which would be landscaped with ornamental grasses and shrubs" "and would provide screening and a transition between uses." (See DEIR pg. ES-4, Figure 2-3 (Site Plan), section 2.5.4, pgs. 4.3-9, 4.6-3.) As explained in the above referenced letters dated May

1-7

28, 2021 and July 27, 2021, the Landscaping Easement area (located within the northern-most portion of the Project site) is for the use and benefit of the *Mahroom family*, not the Project site owner/operator. As such, the DEIR's analysis and proposed mitigations based upon the Project's purported future use of the Landscape Easement is fundamentally flawed.

1-7
Cont'd

Off-Street Parking and Loading

The DEIR acknowledges that parking is among the "Areas of Known Controversy" relating to the Project. (DEIR, ES-6.) Despite that, oddly, the DEIR contains no analysis of the potential significant impacts resulting from the Project's proposed insufficient off-street parking and loading zone spaces—a "known controversy." Instead, the DEIR contains only a cursory explanation and misplaced legal conclusion that the Project's proposed off-street parking and loading is "consistent with the City's parking regulations established by the Zoning Code." (DEIR, ES-3.) Significantly, as explained in the DEIR, that purported consistency relies upon various *proposed amendments* to the City's "parking regulations." (DEIR, ES-5.) In sum, the legal conclusions contained in the DEIR regarding off-street parking and loading for the Project are inaccurate and do not and cannot replace CEQA's required environmental analysis.

The DEIR also contains no analysis of the Project's potential significant impacts on traffic and/or off-street parking resulting from Project construction traffic.

1-8

The DEIR should be revised to include a thorough analysis of the potential significant impacts on parking and traffic (during construction and after) in the North Fremont neighborhood resulting from the Project's proposed off-street parking and loading, without and with the proposed amendments to the City's parking regulations. The North Fremont neighborhood already suffers badly from heavy traffic exacerbated by insufficient parking, which will undoubtedly worsen with insufficient provision of Project-related parking, whether under the current or putatively amended City code.

Building Height and Mass

The DEIR also acknowledges that the Project's "Areas of Known Controversy" includes the Project's proposed building height. (DEIR, ES-6.) Again, despite that acknowledgment, and that the Project "would represent an increase in height, number of guest rooms, and parking spaces compared to existing conditions" (DEIR, 2-11) and "would be built at a height that is taller than existing development in the area" (DEIR 4.2-12), the DEIR contains no analysis of the Project's potential significant impacts, including those directly affecting the Apartments' residents, resulting from the construction and use of the tallest and biggest building in the area... that would be located adjacent to, and would dwarf, the Apartments. Instead, the DEIR contains only a limited discussion of the potential safety impacts to aircraft and purported legal conclusions regarding what building height maximums, if any, apply to the Project site. (DEIR, 4.2-12.) To be clear, under CEQA, the purpose of the DEIR is to provide *environmental impacts* analysis, not *legal* conclusions.

1-9

The DEIR should be revised to include a thorough analysis of the potential significant impacts resulting from the Project's proposed building height and mass, including as to the resulting loss of privacy and sunlight with respect to the Apartments and the residents thereof, especially in light of the fact that the Project's proposed building height, as defined in City code section 38-11, would exceed the permissible height limit by approximately 10 feet.

1-9
Cont'd

Narrow and Unsafe Sidewalk

The DEIR contains numerous representations regarding the Project's purported improvements to pedestrian safety, access, and circulation. (See, e.g., DEIR, pgs. 2-4, 4.3-9, 4.6-35.) However, neither the representations in the DEIR, nor the Project plans (e.g., DEIR, Figure 2-3, Site Plan) appear to address the safety issues relating to the narrow sidewalk starting at the northeast corner of North Fremont Street and Casa Verde Way, and running north down Casa Verde Way. That area of sidewalk is narrow and contains additional hazards created by PG&E power poles and lines running nearly in the middle of the sidewalk, thereby further limiting the obstruction-free area for pedestrian usage. The DEIR should be revised to include an analysis of the Project's increased pedestrian usage of this dangerous section of sidewalk, and the Project should be redesigned to provide for at least a 48" wide sidewalk free from obstructions, such as by undergrounding the PG&E power poles, etc.

1-10

Water

The DEIR's Hydrology and Water Quality discussion contains no qualified technical analysis or relevant evidence regarding the Project's potential impacts on water supply, groundwater or otherwise. Neither the Stormwater Control Plan prepared by Monterey Bay Engineers, Inc. (DEIR, Appendix F) nor the Geotechnical and Infiltration Investigation prepared by Soil Surveys Group, Inc. (DEIR, Appendix G)—the sole technical reports referenced in this section of the DEIR—address any water supply issues. Those reports relate only to the suitability of the Project site and on potential impacts to groundwater resulting from Project *construction*, not water consumption/usage.

1-11

Alternative 2: Three-Story Hotel

The DEIR concludes that Project "Alternative 2," described as a three-story, 36-foot high, 28-guest room hotel with a 42-space parking lot, "is the environmentally superior alternative because it would result in reduced environmental impacts compared to the proposed project." (DEIR, section 6.5, Environmentally Superior Alternative, pg. 6-16.) The Mahroom family agrees that Alternative 2 is an environmentally superior alternative to the Project.

1-12

Ultimately, the Project should be redesigned to conform to the currently applicable rules (which, presumably, the City adopted to protect public health, safety, and welfare), not the other way around.

1-13

* * * * *

Mr. Christopher Schmidt
August 21, 2023
Page 6

Thank you for the opportunity to review and comment on the DEIR. Based on the foregoing, the DEIR must be revised accordingly and recirculated for further public comment.

Very truly yours,

FENTON & KELLER
A Professional Corporation



Derric G. Oliver

Enclosure
cc: The Mahroom family

1-14



EDWARD L. PACK ASSOCIATES. INC.

1975 HAMILTON AVENUE
SUITE 26
SAN JOSE, CA 95125

Acoustical Consultants

TEL: 408-371-1195
MOB: 408-921-4886
www.packassociates.com

August 16, 2023
Project No. 53-032-4

Derric Oliver, Esq.
Fenton and Keller
P.O. Box 791
Monterey, CA 93942

Subject: Review of the Noise Chapter of the Draft Environmental Impact Report,
2101 North Fremont Street Hotel Project, State Clearinghouse Number
2022060567, 2101 North Fremont Street, Monterey

Dear Mr. Oliver:

This report will provide you with our review of the noise chapter of the Draft Environmental Impact Report for the proposed 2101 North Fremont Street Hotel Project at 2101 North Fremont Street in Monterey. The noise chapter, Chapter 4.4 of the DEIR in on pages 104-123 of the document. Note that the technical appendices D-1 and D-2 were not included. Thus, review of the noise studies prepared by the project acoustical consultant (Salter) could not be reviewed and compared to the noise chapter. However, we have reviewed several documents previously, including the Salter noise study and have had a conversation with a Salter engineer regarding noise mitigation. These previous reviews are contained in Edward L. Pack Associates, Inc. reports dated, June 17, 2021, September 23, 2021, October 12, 2021, November 19, 2021 and December 13, 2021.

1-15

Statements taken directly from the noise chapter are shown in italics.

Noise Chapter Review

4.4 Noise

This section discusses the project's potential noise impacts, but limits the analyses to temporary construction noise impacts and long term impacts associated with project operations. Construction and operational noise are not the only noise effects. There is no mention of the noise impacts to neighboring properties upon removal of the existing Casa Verde Inn, which is part of the project. The project will result in a change in the noise environment at noise sensitive receivers outside of the project site.

1-16

4.4.1 Environmental Setting

The A-weighting scale is an adjustment to the actual sound pressure levels so that they are consistent with the human hearing response, which is most sensitive to frequencies around 4,000 Hertz (Hz) and less sensitive to frequencies around and below 100 Hz (Kinsler, et. al. 1999).

This statement is not true. The human ear is most sensitive at 2,500 Hz (1/3 octave band), we have “perfect” hearing at 1,000 Hz, deficiencies begin at 800 Hz and increase with decreasing frequency to 3 dB at 500 Hz, 11 dB at 200 Hz, 19 dB at 100 Hz and 51 dB at 20 Hz. Human ears also have increasing deficiencies with increasing frequency beginning at 6,300 Hz.

1-17

Decibels are measured on a logarithmic scale that quantifies sound intensity in a manner similar to the Richter scale used to measure earthquake magnitudes.

This statement is not true and is misleading. Sound intensity is its own descriptor, which is sound pressure over a given surface area.

1-18

Noise from a line source (e.g., roadway, pipeline, railroad) typically attenuates at about 3 dBA per doubling of distance (Caltrans 2013).

There are no true line sources. Vehicular traffic is considered “moving point sources” and typically attenuates at 4.5 dB/doubling of the distance or $15\log_{10}(r_1/r_2)$. Railroads are very similar to vehicular traffic where the attenuation rate is commonly $16\log_{10}(r_1/r_2)$. A pipeline would need to be exactly straight, level and close to infinitely long in order to be considered a line source.

1-19

The propagation of noise is also affected by the intervening ground, known as ground absorption. A hard site, such as a parking lot or smooth body of water, receives no additional ground attenuation and the changes in noise levels with distance (drop-off rate) result from simply the geometric spreading of the source. An additional ground attenuation value of 1.5 dBA per doubling of distance applies to a soft site (e.g., soft dirt, grass, or scattered bushes and trees) (Caltrans 2013).

1-20

Excess ground absorption rarely comes into play for project sites in close proximity to a ground based source such as vehicular traffic. The surface impedance of sound waves traveling over the ground at a low grazing incidence is low in comparison to sound waves that impinge the surface at steep angles. Thus, the portion of the sound that is just above the ground that does get absorbed is negligible in relation to the sound waves farther above the ground (>1 meter high). Excess ground absorption can be considered for receivers that are closer than 1 meter to the ground or for sources that are elevated, such as trailer truck exhaust stacks. The effect of ground absorption is very complicated so just stating a simplicity of an additional 1.5 dB/D.D. of attenuation would be mostly untrue.

1-20
Cont'd

4.4.2 Regulatory Setting

California Building Code

CCR Title 24, Building Standards Administrative Code, Part 2, and the California Building Code codify the state noise insulation standards. These noise standards apply to new construction in California to control interior noise levels as they are affected by exterior noise sources. The regulations specify that acoustical studies must be prepared when noise-sensitive structures, such as residential buildings, schools, or hospitals, are developed near major transportation noise sources, and where such sources create an exterior noise level of 60 dBA CNEL or higher.

1-21

Title 24 of the California Code of Regulations (Vol. 1, Part 2, Section 1206.4) applies only to multi-family housing, such as apartments, condominiums, hotels/motels and dormitories, and includes remodels and conversions. The Code does not apply to schools or hospitals. Even attached housing where a property line separates the units and the units are no higher than 3 stories are no longer considered multi-family. Instead, this type of housing is now considered single-family attached and is under the regulations of the California Residential Code. The Building Code, as of 2013, also no longer requires an acoustical study when the project site is exposed to 60 dB DNL/CNEL or greater. For multi-family housing, the Building Code requires an interior noise exposure of 45 dB DNL/CNEL or lower in living spaces.

The 2016 State of California's Green Building Standards Code contains mandatory measures for non-residential building construction in Section 5.507 on Environmental Comfort. These noise standards are applied to new construction in California for controlling interior noise levels resulting from exterior noise sources. The regulations specify that acoustical studies must be prepared when non-residential structures are developed in areas where the exterior noise levels exceed 65 dBA CNEL, such as within the noise contour of an airport, freeway, or railroad. Acoustical studies that accompany building plans for noise-sensitive land uses must demonstrate that the structure has been designed to limit interior noise in habitable rooms to an acceptable level of 45 dBA CNEL.

1-22

The California Non-Residential Mandatory Measures (CalGreen), Section 5.507 does not require acoustical studies. Rather, this standard states that certain building material specifications must be met or under certain conditions, an interior noise level standard shall be met. The 65 dB CNEL criterion applies only to sites affected by aircraft noise. For all other projects, if the Performance Method of the Code is used, it requires an interior hourly average noise level of 50 dBA L_{eq} during the hours of operation. The 45 dB DNL/CNEL limit is applicable only to multi-family housing. This latter sentence occurs in the same paragraph as the CalGreen Non-Residential Mandatory Measures information. Thus, the DEIR is mixing up different Code sections and applications.

4.4.3 Impact Analysis

Traffic Noise

This section begins to discuss project traffic noise increases and the quantitative methodologies. A fairly detailed discussion of the use of the CadnaA model is provided. However, the Salter reports, including the CadnaA model parameters and inputs, have not been provided. Thus, we cannot confirm the accuracy of the inputs and the results of the modeling.

1-23

On-Site Land Use Compatibility

The results of ambient noise monitoring indicate that a portion of the project site is within an ambient noise environment requiring sound insulation according to the City noise and land use compatibility standards from the General Plan (City of Monterey 2005). The Environmental Noise Study (Salter 2021) makes noise insulation recommendations for the proposed project. However, as a result of the Supreme Court decision regarding the assessment of the environment's impacts on projects (California Building Industry Association (CBIA) v. Bay Area Air Quality Management District (BAAQMD), 62 Cal. 4th 369 (No. S 213478) issued December 17, 2015), it is generally no longer the purview of the CEQA process to evaluate the impact of existing environmental conditions on any given project. Generally, no determination of significance is required except for certain school projects, projects affected by airport noise, and projects that would exacerbate existing conditions (i.e., projects that would have a significant operational noise impact). As a result, while the noise from existing sources (e.g., adjacent roadways) is considered as part of the baseline condition, the direct effects of exterior noise from nearby noise sources relative to land use compatibility of the proposed project is not considered a CEQA impact and is not included in the impact analysis below.

1-24

The above paragraph is extremely important. Throughout the Noise Chapter of the DEIR, State and local standards are identified and discussed, whether they are part of the State Building Code, the City of Monterey General Plan or the City of Monterey Municipal Code. The document clearly indicates that all of these standards are applicable to the project in some form. The purposes of environmental noise analyses are to determine the existing and future noise environments not only for the project, but for receivers that could be affected by the project. The Salter reports quantified the noise environments for impacts to the project and for project-generated impacts to sensitive neighbors. They made recommendations for the project for compliance with Title 24 and the City of Monterey standards. The above paragraph admits this, however, it then goes on to disregard the Building Code and City standards claiming that only CEQA policy applies.

We disagree with this stance on noise evaluation. If the DEIR is only for evaluating an environment per CEQA policy, that should be made clear at the beginning and any other standards should be left out to avoid confusion. We do not believe that that type of evaluation is reasonable. Many projects are not bound by CEQA but still need to conform to local and State standards. The DEIR should include not only analyses that fall under the purview of CEQA, but also analyses that are regulated by City and other State standards. When noise excesses occur, they must be identified and whether they are termed “Mitigation Measures” for CEQA purposes or “Noise Reduction Measures” for non-CEQA documents, they are still measures that need to be incorporated into the project to ensure noise excesses will be reduced to whatever noise goals are being applied.

1-24
Cont'd

This section should include the noise standards of the City of Monterey General Plan Noise Element and Title 24, as analyzed in the Salter Noise Assessment Study. The noise impacts to the project, per the City and State standards, identified earlier in the document, should be quantified and evaluated. Rather, this section omits the City and State standards and merely suggests that only CEQA policy is applicable to the project. If this is indeed the case, why does this documents go into extreme detail regarding the Noise Element and Title 24?

It is in this regard that the Noise Chapter of the DEIR is significantly flawed and misleading.

Significance Thresholds - Traffic Noise

The traffic noise section under the Significance Thresholds provides three various thresholds for noise impacts. These are listed as:

- Greater than 5 dBA CNEL if existing ambient noise less than 60 dBA.
- Greater than 3 dBA CNEL if existing ambient noise is between 60 and 64 dBA.
- Greater than 1.5 dBA CNEL if existing ambient noise is greater than 65 dBA.

1-25

These thresholds need to be cited, particularly as the DNL or CNEL is to be reported only in whole decibels. Thus, it is inappropriate to use 1.5 dB in the context of the DNL or CNEL.

In addition, the document states later on that 5 dB is a threshold of significance while the above indicates that greater than 5 dB (6 dB) is a threshold of significance. The DEIR noise chapter is confusing.

1-25
Cont'd

Project Impacts and Mitigation Measures

The second impact part (NOI-2) discusses on-site operational noise and increased traffic resulting from the project. This heading does not discuss increased traffic noise resulting from the project. This is a critical omission as the project will cause increased traffic noise at the Mahroom Apartments from the removal of the existing Casa Verde Inn. The increased traffic noise from the removal of the Casa Verde Inn will be at least 5 decibels as current blocked lines-of-sight will become visible. And, as stated in the DEIR when a noise source's view is blocked, a minimum of 5 decibels is reduced. The converse holds true such that if a blocked view becomes unblocked, the increase in noise will be at least 5 dB. This results in a significant noise impact regardless of the existing noise environment. The new hotel building and proposed barrier will not re-block all of the newly un-blocked lines-of-sight to the sensitive receiver locations.

1-26

Off-Site Traffic

The adjacent Mahroom Apartments are currently "shielded" from North Fremont Street traffic by the existing on-site motel building, as it is oriented directly in front of the Mahroom Apartments and blocks the Mahroom Apartments from having a direct line-of-sight to North Fremont Street. Removal of the existing motel would eliminate this existing noise attenuating feature, thereby potentially increasing traffic noise at the adjacent apartments. The proposed new hotel would have a different footprint and would be located in the southwestern corner of the project site, allowing the southeastern facade of the apartment building to be exposed to higher traffic noise levels. In this location, the proposed hotel would be 45 feet in height, approximately 25 feet taller than the existing motel. As such, in some locations along the Mahroom Apartments façade, the project

1-27

would provide noise reductions compared to existing conditions due to the increased height of the noise-attenuating structure.

This statement admits that the southeastern façade of the apartment will be exposed to higher noise levels with the removal of the Casa Verde Inn. Rather than expanding on this part of the project-generated noise impacts, the analysis changes direction to discuss increased noise shielding at a different façade of the apartments with the construction of the new hotel. The analysis then goes on to say that with the new hotel some areas of the apartments will be exposed to noise levels at or lower than the existing condition. This is a deflection of the real issue and there is no quantitative basis for this assertion. The new hotel building is narrow in width so only a few apartment units would be affected by the increase in structure height compared to the existing condition. The narrowness of the new building will result in increased flanking noise around the sides of the building thereby exposing more apartment units to increased noise.

There is an increased line-of-sight with the removal of the Casa Verde Inn at a large portion of the Mahroom Apartments. Thus, a 7 ft. high barrier on top of a 5 ft. high retaining wall has been proposed. However, there is no discussion of the top of the barrier elevation in relation to the apartment building pad and if a 12 high barrier is tall enough to shield the second floor of the apartment building. CEQA policy governs noise impacts to noise sensitive receivers. It does not limit the policy to first floor receivers only. People reside at the second floor of the apartments and they shall have the same treatment as first floor residents.

The proposed barrier extends only along the northern boundary of the site. With the removal of the Casa Verde Inn, a somewhat wide section of property line will remain to be exposed to increased traffic noise that will transmit between the easterly end of the wall and the State Farm Insurance building. Detailed discussions of the barrier effects of both the existing Casa Verde Inn building and the new hotel building have been left out of the DEIR.

1-27
Cont'd

This issue was brought up previously and discussions between Edward L. Pack Associates, Inc. and the Salter engineer ensued. It was agreed that the barrier should continue along the easterly property line to terminate past the rear façade of the State Farm building. The barrier that was discussed was also stipulated to be 15 ft. high in reference to the nearest Mahroom Apartments building pad.

The noise control barrier behind the proposed hotel to provide acoustical shielding for the Mahroom Apartments shall also extend down the easterly property line to terminate at the southerly edge of the parking space immediately to the south of the landscape area. The barrier shall, at minimum, extend past the rear façade of the adjacent two-story commercial building (State Farm office). The purpose of this barrier extension is to shield apartment units from significant noise increase (actually from a lack of noise reduction) caused by the gap between the stipulated 15 ft. high barrier and the adjacent commercial building.

If the barrier does not extend down the easterly property line, an opening between the northerly barrier and the office building will result in significant noise increases to remain resulting in the project not being able to mitigate this significant adverse impact. Table I, below provides the noise exposures at the most noise impacted apartment building façade (western tip of south wing) under existing and various barrier proposal scenarios. Also shown are the changes in the noise exposures compared to existing conditions.

TABLE I				
Existing and Future Noise Exposures at the Mahroom Apartment				
Floor El.	Existing	7 ft. N P _L (on ret. wall)	15 ft. N P _L	15 ft. N&E P _L
2	59 dB CNEL	64 dB CNEL (+5)	61 dB CNEL (+2)	57 dB CNEL (-2)
1	50 dB CNEL	62 dB CNEL (+12)	61 dB CNEL (+11)	50 dB CNEL (+0)

1-27
Cont'd

1-28

Figure 4.4-2 of the Noise Chapter (existing and future 2nd floor apartment noise levels) shows that the existing noise levels at westerly facing apartments have noise levels 62-63 dB CNEL. However, the future noise levels for the same apartments will have noise levels of 52-61 dB CNEL. Note the colored dots on the graphic. Either the graphic was not completed correctly or the removal of the Casa Verde Inn and greater exposure of Fremont Street traffic will cause a noise reduction. The latter does not appear to be reasonable.

1-28
Cont'd

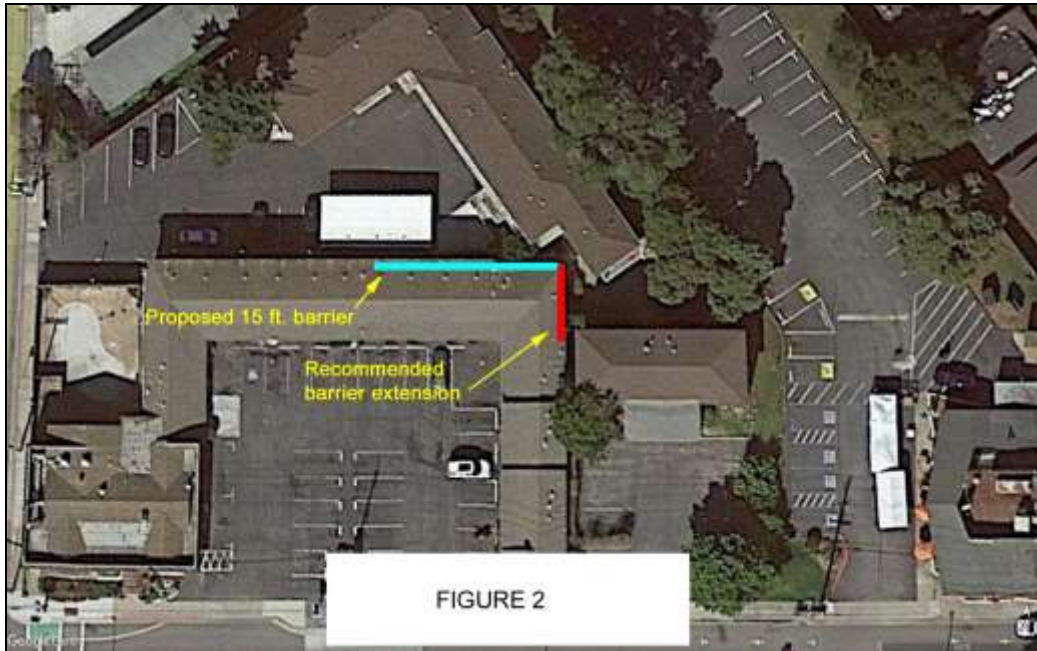
Our previous comment letter from December 13, 2021 provided graphics of the barrier proposed previously and the needed east property line extension. These graphics are included herein.

Figure 1 shows the locations of the proposed noise barrier, which was supposed to be 15 ft. high, and the apartment building façades that will remain to be significantly noise impacted due to the opening between the barrier and the commercial building.

Figure 2 provides the location of the recommended noise barrier extension necessary to adequately shield the noise impacted apartments. The minimum length of the extension is approximately 25 ft.



1-29



1-29
Cont'd

Our conclusions are that the Noise Chapter of the DEIR is significantly flawed in both technical aspects and presentation. There is too much incorrect or misleading information and pertinent and important aspects of the project's effects on the noise environment have been omitted. The significance of the noise impacts to the Mahroom Apartments from the removal of the Casa Verde Inn is not adequately addressed. A significant noise impact remains with the mitigation proposed in the DEIR.

The Noise Chapter should be re-written by a qualified acoustician who can provide actual technical information, proper citations and present analyses and evaluations that are germane to the project, whether the document is designed to be CEQA based only or if the document shall include all noise standards applicable to the project. As it sits, the Noise Chapter is confusing, erroneous and misleading.

1-30

The Noise Chapter should also be reviewed by Salter to ensure that the information contained in the DEIR complies with the analyses, evaluations and recommendations prepared by the acoustician of record.

This report presents our review of the noise chapter of the Draft Environmental Impact Report for the proposed 2101 North Fremont Street Hotel Project at 2101 North Fremont Street in Monterey. If you have any questions, please contact me.

Sincerely,

EDWARD L. PACK ASSOC., INC.

A handwritten signature in blue ink, reading "Jeffrey K. Pack", is written over a horizontal line.

Jeffrey K. Pack
President

Letter 1

COMMENTER: Derric G. Oliver, Fenton & Keller

DATE: August 21, 2023

Response 1-1

The commenter notes that the letter is submitted on behalf of the Mahroom family, owners of the residential apartment buildings adjacent to the project site. This comment is introductory and does not contain a substantive comment on the Draft EIR. No further response is required.

Response 1-2

This commenter expresses opposition to the proposed project, and summarizes past comments submitted during public hearings and in written comment letters on the Initial Study-Mitigated Negative Declaration previously prepared for the project. The City acknowledges the commenter's opposition to the proposed project. The purpose of the response to comments is to address significant environmental issues raised on the analysis contained in the Draft EIR (CEQA Guidelines Section 15088[a]). Because the prior comments incorporated by reference in the comment letter are not comments on the Draft EIR, these comments are not addressed in this response to comments. The comment does not contain a substantive comment on the Draft EIR, and no further response is required. This comment will be provided to the decision-makers for their consideration. Refer to Responses 1-5 through 1-30, below, for responses to the concerns raised in the comment letter.

Response 1-3

This commenter states the opinion that the Draft EIR analysis is deficient. The comment does not contain a substantive comment on the Draft EIR, and no further response is required. Refer to Responses 1-5 through 1-30, below, for responses to the specific concerns raised in the comment letter. As described in Responses 1-5 through 1-30, the analysis contained in the Draft EIR is not deficient, as suggested by the commenter, but adequately meets the requirements of CEQA.

Response 1-4

The comment states that the noise chapter of the EIR contains incomplete, inaccurate, and misleading information. The comment also states that technical appendices D-1 and D-2 were not included in the Draft EIR and could not be reviewed or compared against the noise chapter of the Draft EIR.

Appendices D-1 and D-2, comprised of the noise and vibration technical reports, were circulated with the Draft EIR for public review between July 7 and August 21, 2023. Specifically, the EIR and appendices were available during the public review period on the City's website at the City of Monterey Planning Office and Monterey Public Library, on the City's Website at www.monterey.org/planning as well as the State Office of Planning and Research's CEQAnet website at <https://ceqanet.opr.ca.gov/2022060567>.

Regarding the comment that the Noise chapter is incomplete and inaccurate, refer to Responses 1-5, 1-6, and 1-15 through 1-30, below, for responses to the specific concerns on Section 4.4, *Noise*, raised in the comment letter.

Response 1-5

The commenter states that noise impacts to neighboring properties associated with removal of the existing Casa Verde Inn was not considered.

The commenter's statement is incorrect. As discussed in Impact NOI-1 under the "*Off-Site Traffic*" subheading in Section 4.4.3.c, of the Draft EIR, "the adjacent Mahroom Apartments are currently 'shielded' from North Fremont Street traffic by the existing on-site motel building, as it is oriented directly in front of the Mahroom Apartments and blocks the Mahroom Apartments from having a direct line-of-sight to North Fremont Street. Removal of the existing motel would eliminate this existing noise attenuating feature, thereby potentially increasing traffic noise at the adjacent apartments. The proposed new hotel would have a different footprint and would be located in the southwestern corner of the project site, allowing the southeastern façade of the apartment building to be exposed to higher traffic noise levels. In this location, the proposed hotel would be 45 feet in height, approximately 25 feet taller than the existing motel. As such, in some locations along the Mahroom Apartments façade, the project would provide noise reductions compared to existing conditions due to the increased height of the noise-attenuating structure." This potential impact was directly addressed through the detailed traffic noise modeling conducted based on existing and future project conditions in the CadnaA 3D noise modeling program, as described in the Draft EIR.

Response 1-6

The commenter expresses the opinion that that the noise chapter of the Draft EIR is flawed and should be rewritten by a qualified acoustician.

The analysis presented in Section 4.4, *Noise*, of the Draft EIR is based, in part, on the *Environmental Noise Study* prepared by Salter in August 2021 and the *Environmental Noise and Vibration Impact Assessment* prepared by Salter in April 2023. The analysis is based on noise measurement data provided in the *Environmental Noise Study*; analytical modeling of project construction and operational noise contained in the *Environmental Noise and Vibration Impact Assessment*; and comparison of modeling results against applicable noise and vibration thresholds. Although the commenter claims the section contains incorrect or misleading information and lacks proper citations or analysis germane to the project, these comments are broad and unsupported by evidence or specifics. The analysis presented in Section 4.4, *Noise*, is a thorough and technical consideration of project impacts in light of applicable thresholds, supported by modeling and accurate citations and references. Because the comment does not provide more specifics to explain how the analysis is flawed, a more detailed response is not possible. Refer to Responses 1-15 through 1-31 for specific responses to comments contained in the enclosed letter from Edward L. Pack Associates, Inc., dated August 16, 2023, including specifically Response 1-24 for a more detailed response on the reasons why the noise analysis is not flawed.

Regarding whom should prepare the analysis, as listed in Section 7.2, *List of Preparers*, of the Draft EIR (Section 8.2 of the Final EIR), Josh Carman prepared the noise section of the Draft EIR. Mr. Carman is a Noise Director with Rincon Consultants, Inc. and has over 20 years of experience in the field of acoustics and environmental noise and has participated in the environmental review and monitoring process for a wide variety of projects in California, Washington, Nevada, and New York. Mr. Carman prepares noise and vibration assessments for environmental impact studies and technical studies in compliance with the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA) using federal, state, and local guidelines and methodology. His experience includes complex project- and program- level analyses of general plan

updates; specific plans; mixed-use development; traffic, transit and rail; vibration-sensitive; industrial; infrastructure, utilities, and telecommunications; long-term and remote construction noise and vibration monitoring; and underwater construction (e.g., pile driving) projects. Mr. Carman is a member of the Institute of Noise Control Engineering and has participated in numerous third-party peer reviews of noise and acoustical studies over the years.

Response 1-7

The comment states that the Draft EIR erroneously states that the 5-foot landscaping easement along the northern property boundary is for the benefit of the owner/operator instead of the benefit of the apartments to the north. The Draft EIR states that the proposed project would include a five-foot-wide landscaped easement along the northern project site boundary, which is adjacent to existing residential uses and would provide screening and a transition between uses. The Draft EIR does not indicate that the easement is for the benefit of the owner/operator. The analysis throughout the Draft EIR is based on the project plans, which includes the provision of the five-foot-wide landscaped easement. The individuals using or benefiting from the landscaped easement is not relevant to the analysis of the environmental impacts of the proposed project disclosed in the Draft EIR. No changes to the Draft EIR are required in response to this comment.

Response 1-8

The comment states that the Draft EIR does not analyze parking, even though it is included under "Areas of Known Controversy" in the Draft EIR. The comment also states that the Draft EIR does not analyze traffic and off-street parking resulting from project construction and asserts that this should be included due to the existing condition of the North Fremont area. Finally, the comment states that the Draft EIR should analyze impacts with and without the proposed amendments to the City's parking regulations. To provide an organized response to these comments, Response 1-8 is divided into three subheadings: *Parking*, *Traffic*, and *Alternate Project Scenario*.

Parking

As detailed below, the project includes the number of required parking spaces, but would involve a reduction in the required number of loading zone spaces from two to one and a reduction in the size of the loading zone space. Pursuant to Section 38-115, Off-Street Parking and Loading Spaces Required, of the City's Zoning Code, the proposed project would require 42 parking spaces (1 parking space per guest room) and two loading zone spaces. The proposed project would include 42 parking spaces, including 2 Americans with Disabilities (ADA) compliant spaces, which is consistent with the City's parking regulations established by the Zoning Code. The project also includes a request for a reduction in the required loading zone spaces. Specifically, the project includes one loading zone space, which would be a sub-standard size. To allow for the smaller loading zone space, a use permit is required. This information has been clarified in Section 2.5.3, *Parking and Site Access*, in Section 2.0, *Project Description*, as shown below. The amendments to Section 38-117 included as part of the project do not change the required number of parking or loading zone spaces; instead, these amendments clarify that the required *number and size* of parking and loading zone spaces can be reduced with approval of a use permit, as long as specific findings¹ are made by the City. Therefore, as allowed by Section 38-117, the project would involve a reduction in the

¹ Findings required for approval of a user permit include the following: (1) parking demand will be less than required; (2) the probable long-term occupancy of the building or structure, based on its design, will not generate additional parking demand; or (3) there is significant public parking within a reasonable distance that has been provided or will be provided within a reasonable time.

required number of loading zone spaces from two standard-size (12-foot by 25-foot by 14-foot) loading zone spaces to one substandard-sized (9-foot, 4-inches by 23-foot by 8-foot, 6-inches) loading zone space. Upon approval of the use permit, the project would comply with the City's parking regulations.

The following revisions were made to Section 2.5.3, *Parking and Site Access*, in Section 2.0, *Project Description*, and Section 4.6.3, *Transportation*, to clarify that the project involves a reduction in the number and size of required loading zone spaces.

2.5.3 *Parking and Site Access*

Per Section 38-115, Off-Street Parking and Loading Spaces Required, of the City's Zoning Code, the proposed project would require 42 parking spaces (1 parking space per guest room). The proposed project would include 42 parking spaces, including 2 Americans with Disabilities (ADA) compliant spaces, which is consistent with the City's parking regulations. The lower lobby off Casa Verde Way would be ADA accessible. A covered loading space and ramp, which would be utilized for deliveries, is proposed on the eastern side of the building. As allowed by Section 38-117, upon approval of a use permit, the project would involve a reduction in the required number of loading zone spaces from two standard-size (12-foot by 25-foot by 14-foot) loading zone spaces to one substandard-sized (9-foot, 4-inches by 23-foot by 8-foot, 6-inches) loading zone space. The loading zone space included as part of the project is intended for infrequent, short-term deliveries to the project site, and does not constitute a long-term or overnight parking space.

4.6.13 *Transportation*

- 3) Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

The proposed project would provide access to the surface parking lot from North Fremont Street and Casa Verde Way, which would comply with the City's design requirements. The proposed project would not result in changes to the existing roadway or multimodal circulation system and would not include hazardous design features. The proposed hotel use would be consistent with the existing hotel use on the project site and uses in the surrounding area, and thus, would not introduce an incompatible use to the surrounding transportation system. The proposed project includes a loading space which, according to current Monterey City Code requirements, is substandard in size. The project would involve a reduction in the required number of loading zone spaces from two standard-size (12-foot by 25-foot by 14-foot) loading zone spaces to one substandard-sized (9-foot, 4-inches by 23-foot by 8-foot, 6-inches) loading zone space. However, the proposed project includes an amendment to the City's off-street parking standards and loading zone requirement, which upon approval would clarify that a use permit can be approved for nonresidential uses, reducing the number of parking spaces or loading spaces to less than the number and size required in Section 38-115 of the City's Zoning Code. establish the City's loading space dimension requirement of 10 feet deep by 20 feet long by 10 feet in height. As such, upon approval of a use permit, the proposed project would comply with these standards. Further, the proposed parking lot configuration was reviewed and approval by the City's traffic engineers to ensure compliance with applicable design requirements and ensure that the loading space and parking configuration does create a hazard for delivery trucks. Therefore, impacts would be less than significant, and no mitigation is required.

The above revisions to the Draft EIR do not constitute “significant new information” because they do not result in a new avoidable significant effect, do not substantially increase the severity of any environmental impacts, do not identify a feasible project alternative considerably different from others previously analyzed, and do not involve new mitigation measures or substantial revisions to mitigation measures that were proposed in the Draft EIR. As such, recirculation of the EIR is not required pursuant to *State CEQA Guidelines*, Section 15088.5.

It is important to note that parking impacts, such as whether a project provides adequate parking, are exempt from CEQA review. As stated in *San Franciscans Upholding the Downtown Plan v. City & County of San Francisco* (2002) 102 Cal.App. 656 at 697, “The social inconvenience of having to hunt for scarce parking spaces is not an environmental impact; the secondary effect of scarce parking on traffic and air quality is. Under CEQA, a project's social impacts need not be treated as significant impacts on the environment. An EIR need only address the secondary physical impacts that could be triggered by a social impact.” As such, parking scarcity alone does not constitute a significant impact on the environment. Instead, projects must be looked at on a case-by-case basis to determine whether there are secondary impacts related to scarcity of parking (*See, Save Our Access-San Gabriel Mountains v. Watershed Conservation Authority* (2021) 68 Cal.App.5th 8). Secondary impacts were considered in Section 4.6.3, *Air Quality*, and the transportation impact analysis, as discussed further below under “Traffic”.

Regardless, the project includes the required number of on-site parking spaces. In addition, one loading zone space is sufficient for the proposed hotel and would not result in the loss of off-street parking. Service hotels do not typically require any off-street loading zone spaces because they do not include accessory uses, such as a restaurant, bar, events venue, or retail store, that would necessitate frequent loading and unloading of supplies and materials. Large or frequent deliveries are not anticipated to be required for the proposed project, based on standard hotel development and operational plans. Typical deliveries would include prepacked food/snacks and sundries, delivered by UPS and/or FedEx size trucks, not semi-trucks. Deliveries are anticipated to have a typical short-term duration of 15 minutes maximum time to deliver packages. The proposed hotel would not create demand for full sized loading zones, and the loading zone demands would be sufficiently accommodated by the one substandard loading zone space. Because delivery trucks would utilize the one on-site loading zone, the project would not result in the loss of off-site parking or result in secondary impacts.

Traffic

Regarding analysis of traffic impacts, because the commenter does not reference trip lengths but does mention “heavy traffic” in the North Fremont neighborhood, it is assumed that the commenter is referring to traffic congestion. CEQA requires analysis of impacts related to vehicle miles traveled (VMT) and does not require analysis of traffic congestion. Specifically, *CEQA Guidelines* Section 15064.3 (adopted December 2018) identifies VMT as the most appropriate metric for transportation impact analysis. VMT is a measure of total vehicular travel that accounts for the number of vehicle trips and the length of those trips. This represents a shift away from the delay and congestion-based level of service (LOS) metric that historically has been used for evaluating traffic impacts. As specified in *CEQA Guidelines* Section 15064.3 (a) “a project’s effect on automobile delay shall not constitute a significant environmental impact.” As such, an LOS analysis is not required under CEQA and therefore was not included in the Draft EIR.

While not required for CEQA, the Traffic Analysis prepared by TJKM in 2023 (Appendix H-1 of the Draft EIR) includes an LOS analysis that evaluates operational traffic impacts at the North Fremont

Street/Project Driveway intersection and the North Fremont Street/Casa Verde Way intersection. As described therein, the proposed project would not have an adverse effect at the study intersections during operation. Since LOS analysis is not required by CEQA, this information is being provided for informational purposes only, and no changes to the Draft EIR are required in response to this comment.

Regarding the need to address construction-phase traffic impacts, the required VMT analysis did not quantify the project's construction impacts. Construction phase transportation impacts were discussed qualitatively in Section 4.6.13, *Transportation*, of the Draft EIR, with a focus on emergency access, increasing hazards due to a geometric design feature or inconsistent use, or conflicts with a program, plan, ordinance, or policy addressing the circulation system. As discussed in Section 4.6.13 of the Draft EIR and the VMT Analysis prepared by TJKM in 2023 (Appendix H-2 of the Draft EIR), the project's operational impacts with respect to VMT were determined to be less than significant.

A quantitative VMT analysis for construction is not required by CEQA. Senate Bill (SB) 743 is focused on reducing long-term VMT to help achieve the State's greenhouse gas reduction targets. Even though one particular project may generate a large number of construction trips, the number of construction-generated VMT for an individual project is incidental and temporary when compared to the total VMT in a jurisdiction generated by residential, commercial, and office uses. The Technical Advisory on Evaluating Transportation Impacts in CEQA from the California Office of Planning and Research (OPR), which is intended to provide guidance on addressing VMT in CEQA documents pursuant to SB 743, does not mention construction-phase VMT analysis (OPR 2018). Although not expressly required under CEQA or SB 743, CEQA Guidelines Section 15064.3(3) acknowledges that "a qualitative analysis of construction traffic may be appropriate." Further, as discussed in *Transportation Analysis Under CEQA, First Edition* by the California Department of Transportation (Caltrans), "Impacts associated with construction of a project may also require VMT analysis, particularly for large projects or projects located a considerable distance from urbanized areas. Generally, a qualitative analysis of VMT impacts associated from the construction of the project would be appropriate" (Caltrans 2020; p. 20). Although the project site is located in an urbanized area, a qualitative analysis is provided below for informational purposes.

Section 15064.3(a) of the State CEQA Guidelines define VMT as the "amount and distance of automobile travel attributable to a project." The OPR guidelines further state, "Here, the term 'automobile' refers to on-road passenger vehicles, specifically cars and light trucks" (OPR 2018). Therefore, truck trips are generally excluded from the requirements of CEQA as they pertain to transportation impacts and VMT. Analysis of temporary, construction related VMT from transporting of construction materials, which would occur via large truck, is therefore not required. VMT from construction worker vehicles would be limited. As discussed in Section 5.1.2, *Economic Growth*, construction workers would be expected to be drawn from the existing regional workforce. Because construction jobs would be filled by local workers, it is not anticipated that workers would be travelling long distances to get to and from the job site. Further, these trips would not be "new," but rather a redistribution of existing trips. Depending on the route of redistribution, trip lengths could be reduced for some local construction workers. Any VMT generated during the construction phase would be temporary and cease upon construction completion. This is consistent with Caltrans' *Transportation Analysis Under CEQA, First Edition*, which states that "[v]ehicle trips used for construction purposes would be temporary, and any generated VMT would generally be minor and limited to construction equipment and personnel and would not result in long-term trip generation" (Caltrans 2020; p. 20).

The LOS analysis provided in Appendix H-2 similarly did not assess the project's construction-phase impacts. However, similar to the above, construction impacts would be temporary and cease upon construction completion. Further, LOS analysis is not required by CEQA.

As noted above under "*Parking*," parking impacts are exempt from CEQA review. Therefore, the Draft EIR was not required to include an assessment of off-street parking impacts during project construction. However, off-street parking impacts are anticipated to be minimal because construction equipment would be staged on-site and would not impact off-street parking spaces. Although temporary lane closures may be required during construction along westbound North Fremont Street and northbound Casa Verde Way, which could temporarily reduce off-street parking along short segments of these roadways, lane closures would range in duration from hours to a few days. As discussed above under "*Parking*," parking impacts are exempt from CEQA review, and any secondary impacts resulting from project construction would be temporary and cease upon construction completion.

Alternate Project Scenario

The comment suggests that the Draft EIR should analyze impacts in two scenarios – with and without the proposed amendments to the City's parking regulations. However, the proposed project includes the amendment to the City's parking regulations, and the intent of the Draft EIR is to analyze the project as proposed. Since the applicant is proposing to include the amendment to the City's parking regulations as part of the project, the Draft EIR is not required to analyze the alternate project scenario suggested by the commenter.

As discussed above, only minor revisions were made to the Draft EIR in response to Comment 1-8. The revisions to the Draft EIR do not constitute "significant new information" because they do not result in a new avoidable significant effect, do not substantially increase the severity of any environmental impacts, do not identify a feasible project alternative considerably different from others previously analyzed, and do not involve new mitigation measures or substantial revisions to mitigation measures that were proposed in the Draft EIR. As such, recirculation of the EIR is not required pursuant to *State CEQA Guidelines*, Section 15088.5.

Response 1-9

The comment states that the Draft EIR does not analyze impacts related to building height, including loss of privacy and sunlight at the adjacent apartments. The comment also states that the project's proposed building height would exceed the City's allowable height limit (35 feet for the North Fremont Specific Plan) by approximately 10 feet.

Loss of privacy and shade/shadow, by themselves, are not considered environmental impacts under CEQA. Further, the City does not have any adopted regulations requiring analysis of these topics. The aesthetics analysis in Section 4.6.1, *Aesthetics*, of the Draft EIR assessed impacts based on the checklist questions listed in Appendix G of the *CEQA Guidelines*, which state that project impacts would be significant if the project would:

- 1) Have a substantial adverse effect on a scenic vista.
- 2) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway.
- 3) In nonurbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from

publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality.

- 4) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

As demonstrated by the absence of a significance threshold for loss of privacy or shade/shadow, CEQA does not address how a change in lighting or privacy may affect individual persons. Instead, under CEQA, the question is whether a project will affect the environment of persons in general, and whether there is the possibility of significant adverse environmental impact. Such an impact is not raised simply from a desire for a different aesthetic (*See, Taxpayers for Accountable School Bond Spending v. San Diego Unified School Dist.* (2013) 215 Cal.App.4th 1013, 1042, addressing whether the increase of light in a neighborhood was a significant environmental impact). CEQA does not protect private views or the right to sunlight. Instead, it is presumed that most buildings in an urban setting will have some shadow effects on the surrounding environment (*See, Bowman v. City of Berkeley* (2004) 122 Cal.App.4th 572, 586). There are no physical impacts that the commenter has identified which might create a secondary significant impact that would require additional study as a result of the shadows, nor are any likely based upon the surrounding area, which is characterized as an urban community. As discussed in Section 4.6.1, *Aesthetics*, the proposed project is compatible with surrounding land uses, which include a mix of hotel, commercial, and residential uses, and would not substantially alter views along North Fremont Street. Further, the proposed project would be consistent with applicable General Plan policies governing scenic quality. These analyses and conclusions considered the proposed building height, among other project features.

Regarding height limits, the project site is zoned as Visitor Accommodation Facility (VAF), as defined by the City's Zoning Map. The proposed project includes text amendments to the North Fremont Specific Plan clarifying that VAF zone requirements for VAF zoned properties apply as required by City of Monterey Charter, rather than the Specific Plan development objectives, standards, and guidelines. As such, the City's Zoning Code, rather than the Specific Plan, establishes height limits applicable to the project. Section 38-36 of the City's Zoning Code includes development standards for VAF zoned properties, including the project site; however, these standards do not specify a maximum allowable height. As such, VAF zoned properties do not have a maximum height limit. Therefore, the project would not exceed allowable height limits as purported by the commenter. While the Specific Plan standards and guidelines cannot be explicitly required due to the VAF zoning, the applicant has designed the project to be consistent with many of the plan requirements and recommendations, including height: the applicant has limited the building height to 35-feet on the North Fremont Street side, thus meeting the Specific Plan height standard as measured from the roadway. Overall, shade/shadow analysis is not required by CEQA, the project's proposed building height would not exceed the City's allowable height limit, and the proposed project would be consistent with development standards for the VAF zone. As such, no changes to the Draft EIR are required in response to this comment.

Although shade/shadow analysis is not required by CEQA, an exhibit was prepared by Arris Studio Architects (dated May 10, 2021) demonstrating shadows caused by the existing condition and the proposed project during the spring/fall, summer, and winter solstices, respectively. This exhibit is provided in this Final EIR for informational purposes only (see Attachment 1 immediately following Response 1-31). This exhibit was also previously included in Exhibit A of the Planning Commission Meeting Agenda dated October 12, 2021, which is a part of the public record for the project.

Response 1-10

This commenter expresses disagreement with statements in the Draft EIR that the project would improve pedestrian safety, access, and circulation, and describes existing hazards associated with the sidewalk adjacent to the project site. The comment further recommends that the project should be redesigned to provide for at least a 48-inch-wide sidewalk free from obstructions and suggests undergrounding the power poles.

The commenter's description of safety issues along Casa Verde Way, starting from the corner of North Fremont Street, are noted. These are existing conditions, and are not an anticipated impact of the proposed project. The proposed project would be oriented toward North Fremont Street, with a main pedestrian entrance lobby facing the project frontage. A second entrance lobby would be provided from the rear of the building, with direct access from the parking lot to the north, as shown in the rear (north) elevation in Figure 2-5 in Section 2.0, *Project Description*. Given primary pedestrian access would be via North Fremont Street or from the surface parking lot at the rear of the building, it is not anticipated that hotel guests or employees would regularly utilize the sidewalk along Casa Verde Way. The sidewalk along the North Fremont Street frontage, which would be utilized by project patrons, would be widened as part of the project. In addition, the sidewalk at the corner of North Fremont Street and Casa Verde Way, adjacent to the project, is not currently ADA compliant and the underlying topography of the intersection makes compliance infeasible. As part of the proposed project, the applicant would provide an easement on the project site with hardscaping designed to provide an ADA-compliant slope, thus allowing wheelchair access from the sidewalk along the project's Casa Verde Way frontage to the crosswalk at North Fremont Street. As such, as concluded in Section 4.6.13, *Transportation*, the project would enhance the overall pedestrian experience.

The following revisions were made to Section 2.5.1, *Proposed Site Plan*, in Section 2.0, *Project Description*, to clarify the two locations that pedestrians would use to access the proposed building.

2.5.1 *Proposed Site Plan*

The proposed hotel would include two main entrance lobbies: one on the south side of the hotel off-adjacent to North Fremont Street, accessible from the public sidewalk, and the other on the north side of the hotel adjacent to the on-site parking lot, off Casa Verde Way, accessible from walkways leading from the parking lot and Casa Verde Way.

The above revision to the Draft EIR does not constitute "significant new information" because it does not result in a new avoidable significant effect, does not substantially increase the severity of any environmental impacts, does not identify a feasible project alternative considerably different from others previously analyzed, and does not involve new mitigation measures or substantial revisions to mitigation measures that were proposed in the Draft EIR. As such, recirculation of the EIR is not required pursuant to *State CEQA Guidelines*, Section 15088.5.

Expanding sidewalk widths to 48 inches and undergrounding of power lines on North Fremont Street and Casa Verde Way are outside the scope of the proposed project. The power poles are owned by PG&E, are not located on the project site, and are not the responsibility of the project applicant to underground. Per *CEQA Guidelines* Section 15126.4, subsections (a)(4)(A)–(B), all lead agencies must ensure there is a "nexus" and "rough proportionality" between mitigation measures and the significant impacts of the project. The City has determined that there is no nexus between the project's impacts and these suggested design features since implementation of the project would not result in significant impacts to pedestrian circulation or utilities. In addition, the project's

impact on pedestrian traffic would not necessitate the extensive sidewalk improvements and power line undergrounding requested by the commenter, as the increase would not be significant enough to warrant such measures in proportion to the project's scope.

It is worth noting that the proposed project would not preclude future improvements to the sidewalks on North Fremont Street and Casa Verde Way, nor preclude the undergrounding of power lines. The City intends to utilize the State Rule 20 Undergrounding Program to convert overhead electric facilities to underground facilities citywide. This requires further coordination with utility providers to identify undergrounding projects that qualify for utility funding.

Response 1-11

The comment states that the Draft EIR does not include a “qualified” technical analysis or relevant evidence regarding water supply.

Water supply is addressed in Section 4.6.9, *Hydrology and Water Quality*, and Section 4.6.14, *Utilities and Service Systems*, of the Draft EIR. As described in these sections, the Monterey Peninsula Water Management District (MPWMD) issued a water supply allocation for the project site in 2013 (Water Permit No. 32425; Appendix J), which was based on the existing 134-seat restaurant and the 18-room motel and included a water supply credit for removal of the previous swimming pool. The water supply allocation for the project site, based on the previous site uses and the pool credit, is 4.234 acre-feet per year (AFY). On May 17, 2021, a MPWMD Conservation Analyst documented that since the 2013 allocation was determined, the Water Use Factor for Hotels changed from 0.1 AFY/room to 0.064 AFY/room; this changed the water supply allocation for the project site's previous 18-room motel from 1.8 AFY to 1.152 AFY, while the project site's total allocation for the restaurant, the motel, and the pool credit reduced to 3.676 AFY. In addition, the pool removal credit of 0.09 AFY expired 10 years after the 2013 permit issuance, which was in May 2023. Using the adjusted water demand factor, and accounting for removal of the existing motel and restaurant uses, the proposed project's 42-room hotel would result in a water demand of 2.688 AFY, which is nearly 1.0 AFY less than the project site's previous allocation of 3.676 AFY. In addition, the water supply analysis in Section 4.6.9 concluded that the water supply availability calculations included in the Urban Water Management Plan (California-American Water Company 2021) account for the amount of water that would be required for the proposed project. For these reasons, sufficient water supply would be available to meet the needs of the project, including under varying drought conditions, and water supply impacts would be less than significant.

A standalone technical study is not mandated to support any particular analysis under CEQA, including the assessment of water supply. Given the preceding summary, substantial evidence has been presented to support the Draft EIR analysis. As the commenter has not presented any evidence indicating deficiencies in this analysis, there is no basis for further response.

No changes to the Draft EIR are required in response to this comment.

Response 1-12

This commenter expresses agreement that Alternative 2 (Three-Story Hotel) is the environmentally superior alternative. The City acknowledges the commenter's agreement. The comment does not contain a substantive comment on the Draft EIR and no further response is required. This comment will be provided to the decision-makers for their consideration.

Response 1-13

The comment states that the proposed project should be redesigned to conform with current applicable rules. It is unclear what rules the commenter is referring to. The proposed project is designed to comply with all applicable standards. As discussed in Section 4.6.1, *Aesthetics*, the proposed project would be consistent with applicable General Plan policies governing scenic quality and development standards for the VAF zone. As discussed in Section 4.3, *Land Use and Planning*, the proposed project would be consistent with the applicable goals and policies of the General Plan Land Use Element. Although the project site is located within the North Fremont Specific Plan area, the specific plan development objectives, standards, and guidelines do not apply to the project. The proposed project includes text amendments to the North Fremont Specific Plan clarifying that: (a) VAF zone requirements for VAF zoned properties apply as required by City of Monterey Charter, rather than the Specific Plan development objectives, standards, and guidelines; and (b) the Specific Plan is a tool to implement, but not a part of, the General Plan. The proposed text amendments are intended to clarify existing language in the North Fremont Specific Plan. Because the City currently applies VAF zone development standards to properties zoned VAF (as opposed to the specific plan standards), the text amendments would not result in a change in implementation of the specific plan by the City. Therefore, the proposed project, including the text amendments, would not conflict with the North Fremont Specific Plan. Further, the City Community Development Department reviews project plans and design to ensure compliance with all applicable laws and regulations. No changes to the Draft EIR are required in response to this comment.

Response 1-14

The commenter concludes their comment letter by stating that, based on their comments, the Draft EIR must be revised and recirculated.

As described in Responses 1-5 through 1-30, the analysis contained in the Draft EIR is not deficient, as suggested by the commenter, but adequately meets the requirements of CEQA. Minor changes to the EIR have been made in response to comments 1-8 and 1-10, as shown above and in Sections 2.5.1, *Proposed Site Plan*, 2.5.3, *Parking and Site Access*, and 4.6.13, *Transportation*, of this Final EIR. These changes do not constitute “significant new information” because they do not result in a new avoidable significant effect, do not substantially increase the severity of any environmental impacts, do not identify a feasible project alternative considerably different from others previously analyzed, and do not involve new mitigation measures or substantial revisions to mitigation measures that were proposed in the Draft EIR. As such, recirculation of the EIR is not required pursuant to *CEQA Guidelines* Section 15088.5.

Response 1-15

The commenter introduces their letter and states that technical appendices D-1 and D-2 were not included in the Draft EIR and could not be reviewed or compared against the noise chapter of the Draft EIR.

Refer to Response 1-4. As discussed therein, Appendices D-1 and D-2, comprised of the noise and vibration technical reports, were available for the public to review during public circulation of the Draft EIR between July 7 and August 21, 2023.

Response 1-16

The commenter states that noise impacts to neighboring properties associated with removal of the existing Casa Verde Inn was not considered.

Refer to Response 1-5. As discussed in Response 1-5, changes in existing noise levels, including off-site traffic noise, resulting from the removal of Casa Verde Inn were considered in the noise analysis in Section 4.4, *Noise*, of the Draft EIR.

Response 1-17

This commenter states that the level of human hearing response noted in Section 4.4, *Noise*, of the Draft EIR is not accurate.

Different references may cite slightly different human hearing sensitivity ranges and there is some variability between individuals as well. The comment about sensitivities to different frequencies is noted. The cited text in Section 4.4, *Noise*, provides a general overview of sound measurement for context. Any slight difference in human hearing sensitivity ranges is not material to the noise impact assessment and does not affect the finding and conclusions of the Draft EIR. No changes were made in response to this comment.

Response 1-18

The commenter states that the definition of decibels in Section 4.4, *Noise*, is misleading and that sound intensity is sound pressure over a given *surface area*.

The comment is acknowledged that sound intensity is a specific type of sound descriptor. The EIR has been revised in Section 4.4.1.a as follows to clarify the definition of decibels:

Decibels are measured on a logarithmic scale that quantifies sound ~~intensity~~ in a manner similar to the Richter scale used to measure earthquake magnitudes.

This change is for clarification purposes and does not affect the findings or conclusion of the noise analysis in Section 4.4, *Noise*, of the Draft EIR. The above revision to the Draft EIR does not constitute “significant new information” because it does not result in a new avoidable significant effect, does not substantially increase the severity of any environmental impacts, does not identify a feasible project alternative considerably different from others previously analyzed, and does not involve new mitigation measures or substantial revisions to mitigation measures that were proposed in the Draft EIR. As such, recirculation of the EIR is not required pursuant to *State CEQA Guidelines*, Section 15088.5.

Response 1-19

This commenter cites text from Section 4.4, *Noise*, of the Draft EIR and states that there are no true line sources. The commenter also states that line sources or “moving point sources” typically attenuate at 4.5 dB per doubling of distance.

The comment about there being no true line sources is noted. However, the quoted text provided by the commenter is incomplete. The full text from Section 4.4.4.a of the Draft EIR is provided below, for context:

Noise from a line source (e.g., roadway, pipeline, railroad) typically attenuates at about 3 dBA per doubling of distance (Caltrans 2013). The propagation of noise is also affected by the

intervening ground, known as ground absorption. A hard site, such as a parking lot or smooth body of water, receives no additional ground attenuation and the changes in noise levels with distance (drop-off rate) result from simply the geometric spreading of the source. *An additional ground attenuation value of 1.5 dBA per doubling of distance applies to a soft site* (e.g., soft dirt, grass, or scattered bushes and trees) (Caltrans 2013). (emphasis added)

The statement about an additional ground attenuation of 1.5 dBA per doubling of distance which would equal the 4.5 dB cited in the comment. Refer also to Response 1-20, below.

Response 1-20

The commenter states that ground absorption is complicated and therefore the statement that additional ground attenuation of 1.5 dBA per doubling of distance applies to a soft surface is mostly untrue.

The text referenced in the comment is from Section 4.4.1.a (Overview of Sound Measurement) in Section 4.4, *Noise*, of the Draft EIR, and is supported by a Caltrans reference. As indicated in the title and by its very nature, this section is general to give the reader a basic overview of acoustical properties. Complicated nuances of ground absorption need not be divulged in this general overview as they are not material to the analysis nor affect the finding and conclusions of the Draft EIR. Further, pursuant to *CEQA Guidelines* Section 15410, the EIR must be written in plain language so that decision makers and the public can rapidly understand the documents. However, to provide clarity, the text in Section 4.4.1.a of the Final EIR has been revised as follows to explain that this is a general statement:

Generally, an additional ground attenuation value of 1.5 dBA per doubling of distance applies to a soft site (e.g., soft dirt, grass, or scattered bushes and trees) (Caltrans 2013)

The above revision to the Draft EIR does not constitute “significant new information” because it does not result in a new avoidable significant effect, does not substantially increase the severity of any environmental impacts, does not identify a feasible project alternative considerably different from others previously analyzed, and does not involve new mitigation measures or substantial revisions to mitigation measures that were proposed in the Draft EIR. As such, recirculation of the EIR is not required pursuant to *State CEQA Guidelines*, Section 15088.5.

Response 1-21

This commenter references the first paragraph of the California Building Code discussion in Section 4.4.2, *Regulatory Setting*, and states that Title 24 of the California Code of Regulations (CCR), Vol. 1, Part 2, Section 1206.4 applies only to multi-family housing and does not apply to schools or hospitals. The commenter further states that attached housing where a property line separates the units and the units are no higher than three stories are considered single-family attached, not multi-family, and are regulated under the California Residential Code. Finally, the commenter states that the California Building Code no longer requires an acoustical study when the site is exposed to 60 dB DNL/CNEL or greater.

The Title 24 Vol. 1, Part 2, Section 1206.4 requirement applies to habitable rooms, which could include hospitals if they are inpatient care. The commenter is correct that these standards would not apply to schools, and Section 4.4.2.b of the Final EIR has been revised as follows:

CCR Title 24, Building Standards Administrative Code, Part 2, and the California Building Code codify the state noise insulation standards. These noise standards apply to new construction in California to control interior noise levels as they are affected by exterior noise sources. The regulations specify that interior noise levels attributable to exterior sources shall not exceed 45 dB CNEL/Ldn in any habitable room ~~acoustical studies must be prepared when noise-sensitive structures, such as residential buildings, hotels, schools, or hospitals, are developed near major transportation noise sources, and where such sources create an exterior noise level of 60 dBA CNEL or higher.~~

This change is for clarification purposes and does not affect the findings or conclusion of the noise analysis in Section 4.4, *Noise*, of the Draft EIR. The above revision to the Draft EIR does not constitute “significant new information” because it does not result in a new avoidable significant effect, does not substantially increase the severity of any environmental impacts, does not identify a feasible project alternative considerably different from others previously analyzed, and does not involve new mitigation measures or substantial revisions to mitigation measures that were proposed in the Draft EIR. As such, recirculation of the EIR is not required pursuant to *State CEQA Guidelines*, Section 15088.5.

It is noted that there are additional requirements for single-family housing regulated under the California Residential Code.

Response 1-22

The commenter references the second paragraph of the California Building Code discussion in Section 4.4.2, *Regulatory Setting*, and states that CALGreen Section 5.507 does not require acoustical studies but requires compliance with building material specifications and interior noise level standards. The CALGreen regulatory discussion has been updated in Section 4.4.2.b of the Final EIR, as follows:

~~The 2016 State of California’s Green Building Standards Code contains mandatory measures for non-residential building construction in Section 5.507 on Environmental Comfort. These noise standards are applied to new construction in California for controlling interior noise levels resulting from exterior noise sources. The regulations specify that acoustical studies must be prepared when non-residential structures are developed in areas where the exterior noise levels exceed 65 dBA CNEL, such as within the noise contour of an airport, freeway, or railroad. Acoustical studies that accompany building plans for noise sensitive land uses must demonstrate that the structure has been designed to limit interior noise in habitable rooms to an acceptable level of 45 dBA CNEL.~~

The State of California’s noise insulation standards for nonresidential uses are codified in the California Code of Regulations, Title 24, Building Standards Administrative Code, Part 11, California Green Building Standards (CALGreen) Code. The CALGreen Code noise standards are applied to new or renovation construction projects in California to control interior noise levels resulting from exterior noise sources. Proposed Projects may use either the prescriptive method (CALGreen Code Section 5.507.4.1) or the performance method (CALGreen Code Section 5.507.4.2) to show compliance. Under the prescriptive method, a project must demonstrate transmission loss ratings for the wall and roof-ceiling assemblies and exterior windows when located within a noise environment of 65 dBA CNEL or higher. Under the performance method, a project must demonstrate that interior noise levels do not exceed 50 dBA $L_{eq}(1hr)$.

This change is for clarification purposes and does not affect the findings or conclusion of the noise analysis in Section 4.4, *Noise*, of the Draft EIR. The above revision to the Draft EIR does not constitute “significant new information” because it does not result in a new avoidable significant effect, does not substantially increase the severity of any environmental impacts, does not identify a feasible project alternative considerably different from others previously analyzed, and does not involve new mitigation measures or substantial revisions to mitigation measures that were proposed in the Draft EIR. As such, recirculation of the EIR is not required pursuant to *State CEQA Guidelines*, Section 15088.5.

Response 1-23

This commenter states that the noise technical reports and CadnaA model outputs were not available for public review.

Refer to Response 1-4. As discussed therein, Appendices D-1 and D-2, comprised of the noise and vibration technical reports, were available for the public to review during public circulation of the Draft EIR between July 7 and August 21, 2023. The CadnaA model outputs were included as Appendix B to the *Environmental Noise and Vibration Impact Assessment*, which was included in Appendix D-1 of the Draft EIR.

Response 1-24

The commenter references the *On-Site Land Use Compatibility* discussion in Section 4.4.3.a (Methodology) and questions the lack of an environmental analysis of noise impacts from existing noise sources on future users of the project in Section 4.4, *Noise*, of the Draft EIR. The commenter further states that the Draft EIR is “flawed and misleading” because the Draft EIR performs an environmental analysis of the proposed project’s impacts on noise, but does not similarly conduct an environmental impact analysis of noise on the proposed project itself.

As a CEQA document, the CBIA v. BAAQMD ruling (*California Building Industry Association (CBIA) v. Bay Area Air Quality Management District (BAAQMD)*, 62 Cal. 4th 369 (No. S 213478) issued December 17, 2015) confirmed that, for CEQA analyses, it is appropriate for the lead agency to examine the impacts of a project on the environment, but not appropriate for the lead agency to examine the effects the existing environment may have on a project. The Draft EIR does include an analysis of the impacts of the proposed project on noise. However, as discussed in Section 4.4.3.a of the Draft EIR, and in compliance with CEQA, “while the noise from existing sources (e.g., adjacent roadways) is considered as part of the baseline condition, the direct effects of exterior noise from nearby noise sources relative to land use compatibility of the proposed project is not considered a CEQA impact and is not included in the impact analysis...”

As with other areas of the EIR, the City may choose to include further analysis or details for informational purposes. Thus, the City included a discussion of the Title 24 interior noise standards that are applicable to the proposed project, though the proposed project’s compliance with Title 24 interior noise standards is not a CEQA impact because Title 24 interior noise standards concern only the impacts of the existing environment on future users of the proposed hotel. Nevertheless, during design review and plan check the City of Monterey Building and Safety Division will review project plans to ensure that pertinent Title 24 standards are met. Likewise, if approved, the City will require the proposed project to comply with the mandatory policies of the General Plan Noise Element.

In summary, the Draft EIR’s discussion of the Title 24 interior requirement of 45 dB CNEL/Ldn is included for background and informational purposes. While the standards are relevant to the

proposed project, again, the potential impacts of the environment on the project are not considered under the purview of CEQA. Therefore, the noise analysis in the Draft EIR is not flawed, and no revisions are warranted.

Response 1-25

The commenter references the significance thresholds for traffic noise and requests that a source for the thresholds be provided. The commenter further notes that DNEL and CNEL can be reported only in whole decibels, suggesting a threshold of 1.5 dB is inappropriate. The commenter further questions whether one of the thresholds is 5 dB or “greater than” 5 dB (i.e., 6 dB).

The source of the traffic noise thresholds is cited in Section 4.4.3.b (Significance Thresholds), where, immediately prior to the list of three listed thresholds, it is explained that the thresholds are similar to those recommended by the Federal Aviation Administration (FAA). The full citation for this reference is FAA 2020. 1050.1F Desk Reference). For clarification, the citation was added to Section 4.4.3.b as follows:

The following thresholds of significance, similar to those recommended by the Federal Aviation Administration (FAA 2020), are used to assess traffic noise impacts at sensitive receptor locations.

In addition, the following reference was added to Section 8.0 of the Final EIR:

Federal Aviation Administration (FAA). 2020. 1050.1F Desk Reference.

The document states that for DNL/L_{dn} environments of 65 dB and higher, a change of 1.5 dB would be significant. As discussed in Section 4.4.4.a of the Draft EIR, “noise levels described by L_{dn} and CNEL usually differ by about 1 dBA” and are considered interchangeable.

Regarding the question about 5 dB or “greater than” 5 dB, the threshold list in Section 4.4.3.b of the Final EIR has been revised as follows:

The following thresholds of significance, similar to those recommended by the Federal Aviation Administration (FAA 2020), are used to assess traffic noise impacts at sensitive receptor locations. Increases in traffic noise would be significant if they exceed the following thresholds:

- ~~Greater than~~ 5 dBA CNEL or greater if existing ambient noise less than 60 dBA.
- ~~Greater than~~ 3 dBA CNEL or greater if existing ambient noise is between 60 and 64 dBA.
- ~~Greater than~~ 1.5 dBA CNEL or greater if existing ambient noise is greater than 65 dBA.

This change is for clarification purposes and does not affect the findings or conclusion of the noise analysis in Section 4.4, *Noise*, of the Draft EIR since project traffic noise increases did not equal or exceed the thresholds (i.e., 1.5 dBA CNEL, 3 dBA CNEL, or 5 dBA CNEL depending on existing ambient). The commenter states that it is inappropriate to use 1.5 dB in the context of DNL or CNEL and states that DNL and CNEL can only be reported in whole numbers. This is the commenter’s opinion. However, the FAA employs the 1.5 dB DNL threshold in the context of transportation noise and it is reasonable to apply the threshold here. In addition, it should be noted that applying a threshold of 1.5 CNEL or greater when existing ambient noise is greater than 65 dBA is conservative, since often 3 dBA is used as a significance threshold in EIRs and 1.5 dBA provides for a more conservative assessment of project impacts.

The above revisions to the Draft EIR do not constitute “significant new information” because they do not result in a new avoidable significant effect, do not substantially increase the severity of any

environmental impacts, do not identify a feasible project alternative considerably different from others previously analyzed, and do not involve new mitigation measures or substantial revisions to mitigation measures that were proposed in the Draft EIR. As such, recirculation of the EIR is not required pursuant to *State CEQA Guidelines*, Section 15088.5.

Response 1-26

The commenter states that traffic noise impacts to neighboring properties with removal of the existing Casa Verde Inn was not considered. The comment also states that the increased noise at the Mahroom Apartments would be 5 dBA from removal of the Casa Verde Inn.

As discussed in Response 1-5, changes in existing noise levels resulting from the removal of Casa Verde Inn were considered in the noise analysis in Section 4.4, *Noise*, of the Draft EIR. Where existing ambient noise is between 60 and 64 dBA CNEL at the Mahroom Apartments, traffic noise level increases are calculated to be less than the 3 dBA CNEL threshold. Where existing ambient noise is less than 60 dBA CNEL at the Mahroom Apartments, traffic noise level increases are calculated to be less than the 5 dBA CNEL threshold. Traffic noise from implementation of the proposed project would not be at least 5 dBA as the commenter claims. The commenter's statement that removal of the existing motel would increase noise at the Mahroom Apartments by 5 dBA is the opinion of the commenter and is not based on any calculations or modeling. Refer also to Response 1-27, below.

Response 1-27

The commenter references the *On-Site Traffic* discussion under Impact NOI-2 in Section 4.4, *Noise*, and states that there is no quantitative basis for the traffic noise modeling results, including the removal of the existing Casa Verde Inn. The comment states that the Mahroom Apartments would be exposed to increased "flanking" noise because the proposed hotel is narrower than the existing motel and there would be increased line-of-sight due to the removal of the existing motel. The comment also states that the Draft EIR does not discuss elevation of the top of the proposed noise barrier in relation to the second floor of the apartment building. The comment states that that a wide section of the property line would be exposed to increased traffic noise that would transmit between the eastly end of the soundwall and the State Farm Insurance building. Finally, the comment states that a significant noise increase would occur if the noise barrier does not extend to the easterly property line.

As discussed below, the noise analysis is supported by quantitative noise modeling, contrary to the commenter's assertions. The *On-Site Traffic* discussion under Impact NOI-2 in Section 4.4, *Noise*, of the Draft EIR states, "the adjacent Mahroom Apartments are currently 'shielded' from North Fremont Street traffic by the existing on-site motel building, as it is oriented directly in front of the Mahroom Apartments and blocks the Mahroom Apartments from having a direct line-of-sight to North Fremont Street. Removal of the existing motel would eliminate this existing noise attenuating feature, thereby potentially increasing traffic noise at the adjacent apartments. The proposed new hotel would have a different footprint and would be located in the southwestern corner of the project site, allowing the southeastern facade of the apartment building to be exposed to higher traffic noise levels. In this location, the proposed hotel would be 45 feet in height, approximately 25 feet taller than the existing motel. As such, in some locations along the Mahroom Apartments façade, the project would provide noise reductions compared to existing conditions due to the increased height of the noise-attenuating structure." This potential impact was directly addressed

through the detailed traffic noise modeling conducted based on existing and future project conditions in the CadnaA 3D noise modeling program, as described in the Draft EIR.

The Cadna/A Model Inputs/Outputs attachment (Appendix B) of Appendix D-2 to the Draft EIR includes the modeled retaining wall coordinates and heights up to 7 feet along with the coordinates of all other modeled features. As shown in Figures 4.4-1 and 4.4-2 of the Draft EIR existing and future traffic noise levels were modeled at both first level and second level receptors of the Mahroom Apartments. The comment makes assertions without providing any substantial evidence or noise modeling; whereas, the findings of the Draft EIR are based on detailed 3D noise modeling of existing and future project conditions including the proposed retaining wall and barrier and first and second level receptors at the Mahroom Apartments.

The commenter states that a 15-foot noise barrier was required. The project includes construction of a retaining wall and a 7-foot tall stucco wall on top of the retaining wall on the northern site boundary. The combined height of the stucco wall and retaining wall from grade of the adjacent property to the north would range from approximately 8 to 12 feet in height. Based on the detailed 3D noise modeling of existing and future project conditions, it was determined that with the proposed retaining wall and barrier, project traffic noise impacts would be less than significant. Therefore, a taller (i.e., 15-foot) noise barrier is not required.

Response 1-28

The commenter provides a summary of the modeled existing and future noise levels at the Mahroom Apartments to the north and states that Figure 4.4-2 of the Draft EIR shows the future noise levels at the apartments would range from 52 – 61 CNEL. The commenter then implies that the graphic was incorrect. However, the commenter has misinterpreted Figure 4.4-2. The range of future noise levels shown on Figure 4.4-2 of the Draft EIR is from 54 – 62 CNEL, not 52 – 61 CNEL. Figure 4.4-2 in the Draft EIR accurately depicts the predicted future noise levels, and no revisions are warranted.

Response 1-29

The commenter references a previous comment letter dated December 13, 2021 and provides graphics showing the location of the proposed and recommended (by the commenter) noise barriers. The comment states that the proposed noise barrier was supposed to be 15-feet high and that the adjacent apartment buildings would be significantly impacted due to the opening between the barrier and the commercial building (easterly adjacent to the project site). The comment also states that the noise analysis is flawed because noise impacts from the removal of the Casa Verde Inn were not adequately addressed and that a significant noise impact remains after mitigation.

The purpose of the response to comments is to address significant environmental issues raised on the analysis contained in the Draft EIR (CEQA Guidelines Section 15088[a]). Because the prior comment letter cited in the comment letter (dated December 13, 2021) is not a comment on the Draft EIR, this letter was not addressed in this response to comments. However, the comment letter is part of the administrative record for the project and will be provided to decision makers for their consideration.

Please refer to Response 1-27. As detailed in Impact NOI-2 in Section 4.4, *Noise*, of the Draft EIR, based on the detailed 3D noise modeling of existing and future project conditions, project operational noise and traffic noise impacts would be less than significant with the proposed retaining wall and 7-foot tall stucco wall on top of the retaining wall on the northern site boundary.

The combined height of the stucco wall and retaining wall from grade of the adjacent property to the north would range from approximately 8 to 12 feet in height. Therefore, a taller (i.e., 15-foot) noise barrier is not required. Contrary to the statement made by the commenter, no significant unavoidable impacts would occur at the existing apartments to the north of the project site. Where existing ambient noise is between 60 and 64 dBA CNEL, traffic noise level increases are calculated to be less than the 3 dBA CNEL threshold. Where existing ambient noise is less than 60 dBA CNEL, traffic noise level increases are calculated to be less than the 5 dBA CNEL threshold. Therefore, traffic noise impacts at the Mahroom Apartments to the north would be less than significant.

Regarding the commenter's recommended extension of the property line barrier along the eastern property boundary, the commenter provides no substantial basis (quantified or otherwise) for this recommendation to support the claim that an extension of the proposed sound barrier is needed. The findings and conclusions of the noise analysis in the Draft EIR are supported by detailed 3D noise modeling of existing and future project conditions including the proposed retaining wall and barrier and first and second level receptors at the Mahroom Apartments. No revisions in response to this comment are required.

Response 1-30

The commenter states that the noise chapter of the Draft EIR is confusing, erroneous, and misleading and should be rewritten by a qualified acoustician. The commenter also suggests that Section 4.4, *Noise*, should be reviewed by Salter to ensure that the Draft EIR complies with the analyses, evaluations, and recommendations prepared by the acoustician of record.

Refer to Response 1-6. As discussed therein, a qualified noise specialist prepared Section 4.4, *Noise*, of the Draft EIR based on noise measurement data provided in the *Environmental Noise Study* (Salter 2021); analytical modeling of project construction and operational noise contained in the *Environmental Noise and Vibration Impact Assessment* (Salter 2023); and comparison of modeling results against applicable noise and vibration thresholds. Salter has reviewed Section 4.4, *Noise*, of the Draft EIR and confirmed that the noise analysis in the EIR is consistent with these reports. The comment does not contain a substantive comment on the Draft EIR, and no further response is required.

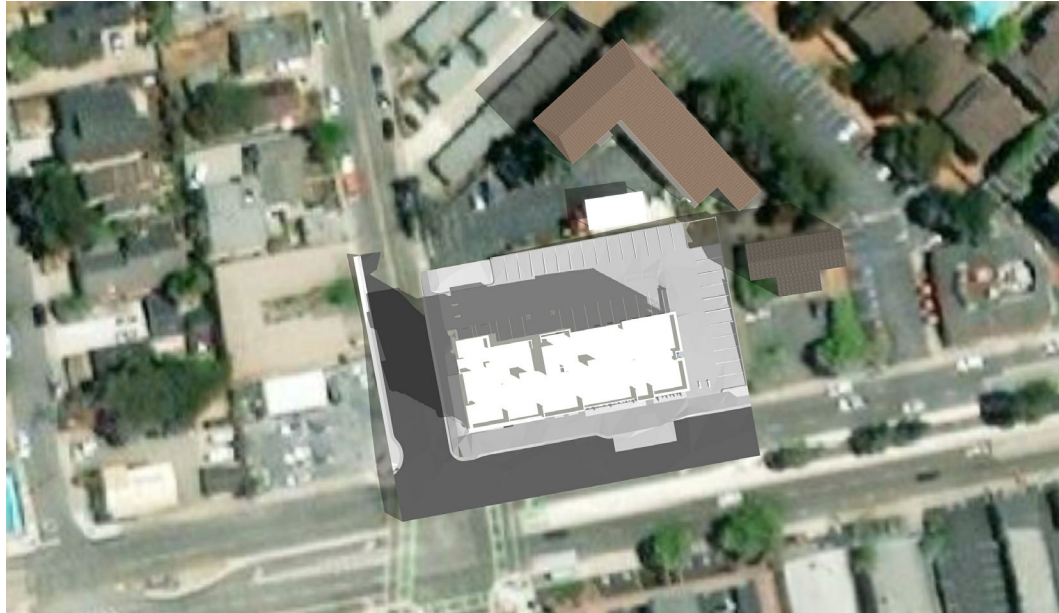
Response 1-31

This commenter concludes the comment letter. The comment does not contain a substantive comment on the Draft EIR, and no further response is required.

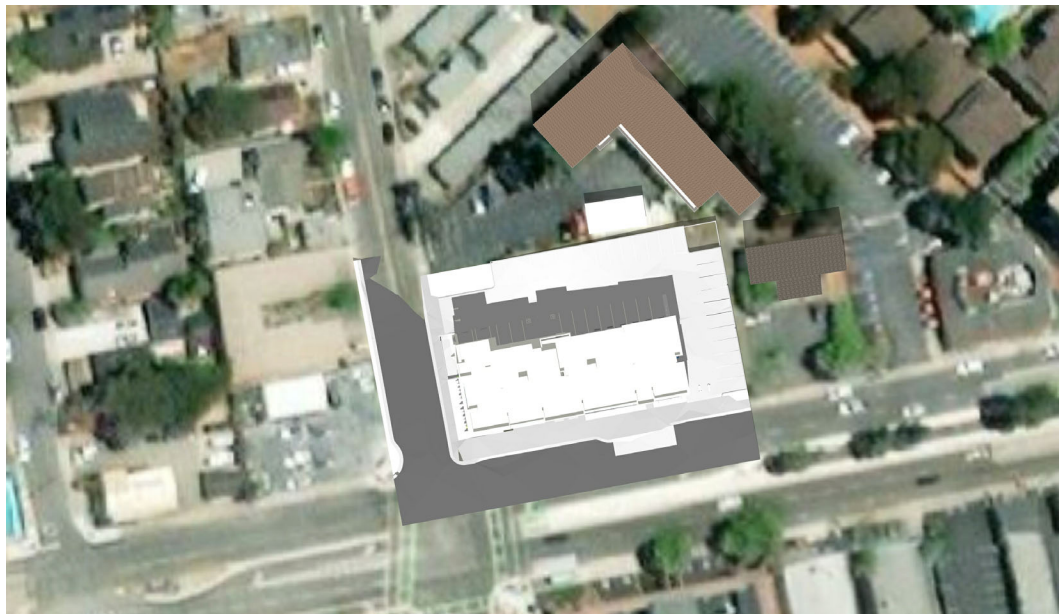
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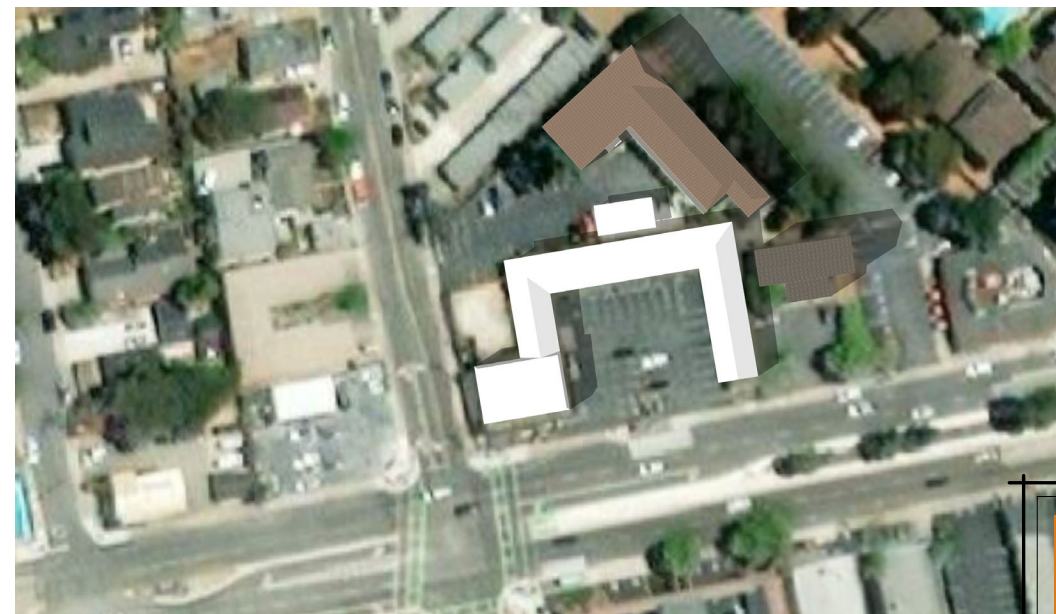
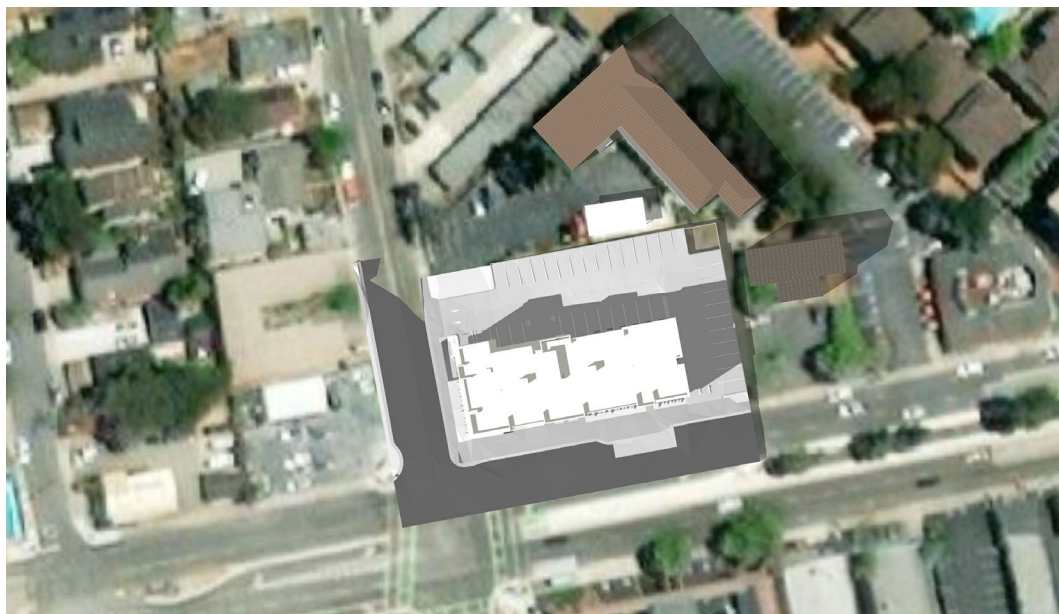
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MARCH 21 AT NOON



MARCH 21 AT 3 PM

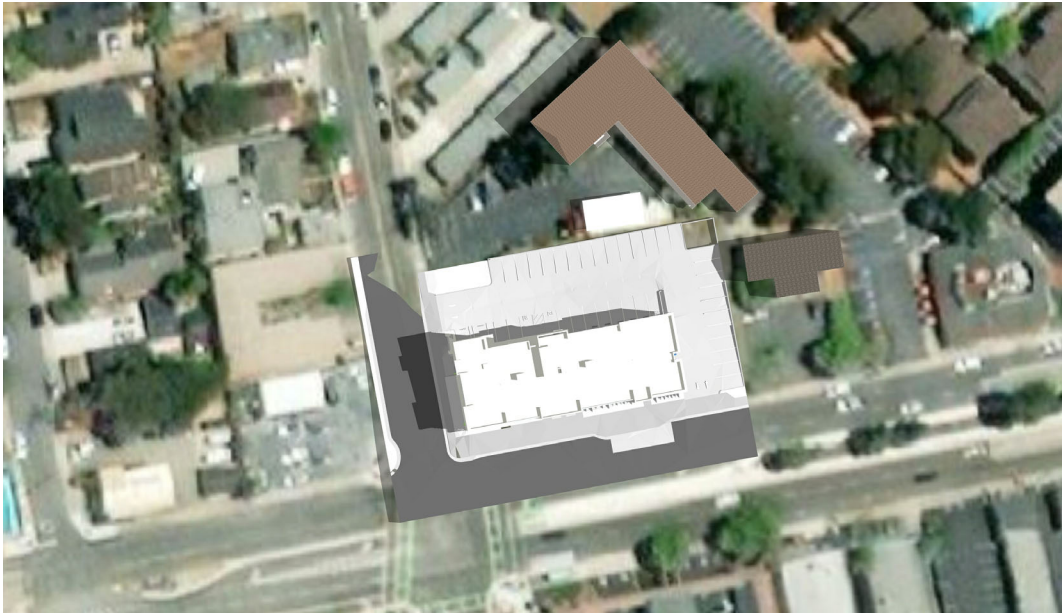


ADDRESS
1327 ARCHER STREET, STE. 220
SAN LUIS OBISPO, CA 93401
CONTACT
805.547.2240
ARRIS-STUDIO.COM
THOMAS E. JESS
ARCHITECT (CA) #C27068
STEPHEN A. RIGOR
ARCHITECT (CA) #C33672

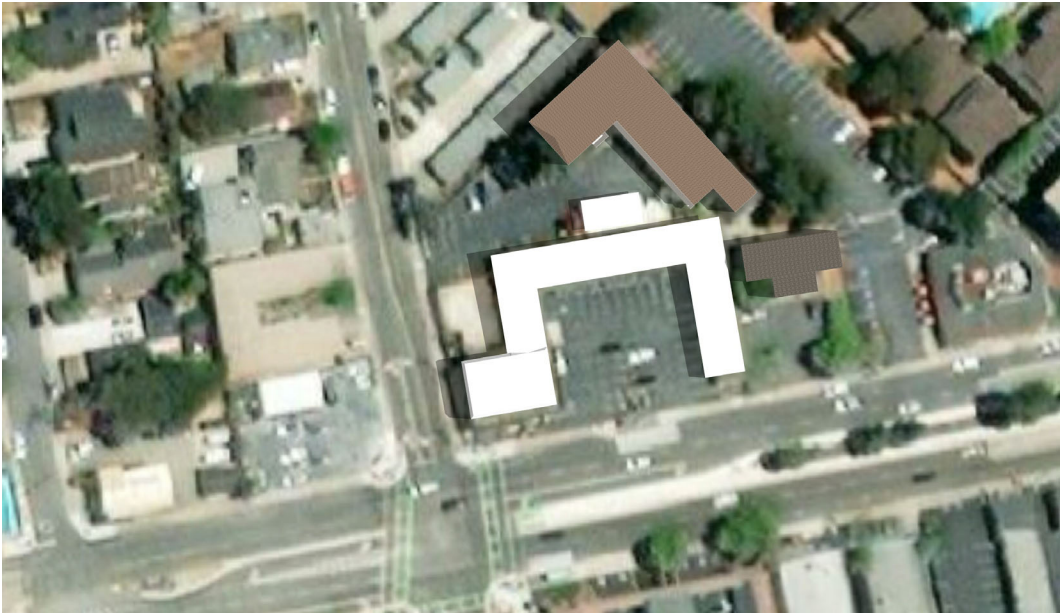
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SHADING STUDY -
SPRING/FALL SOLSTICE

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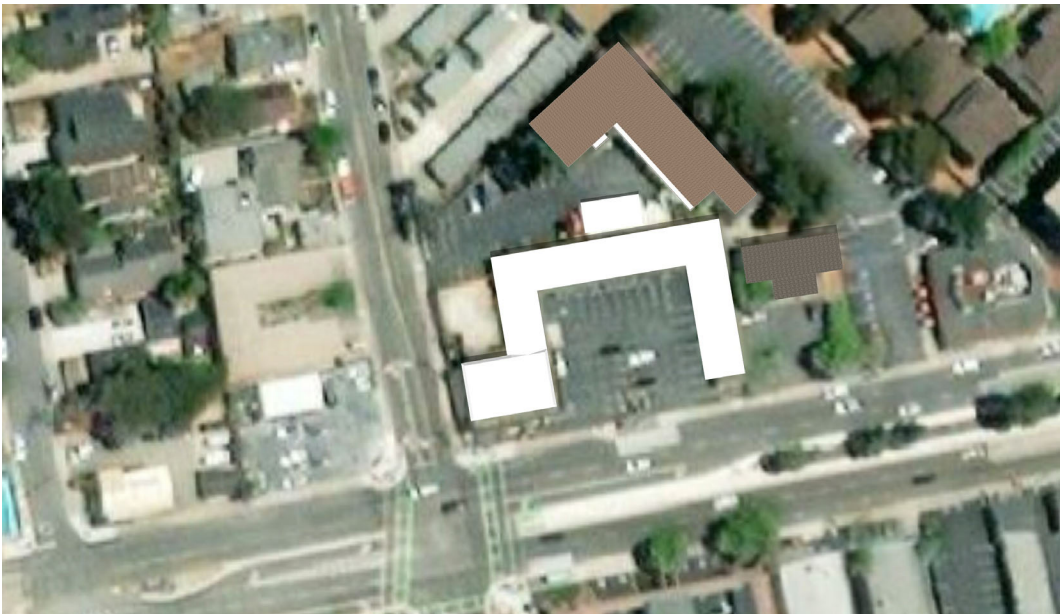
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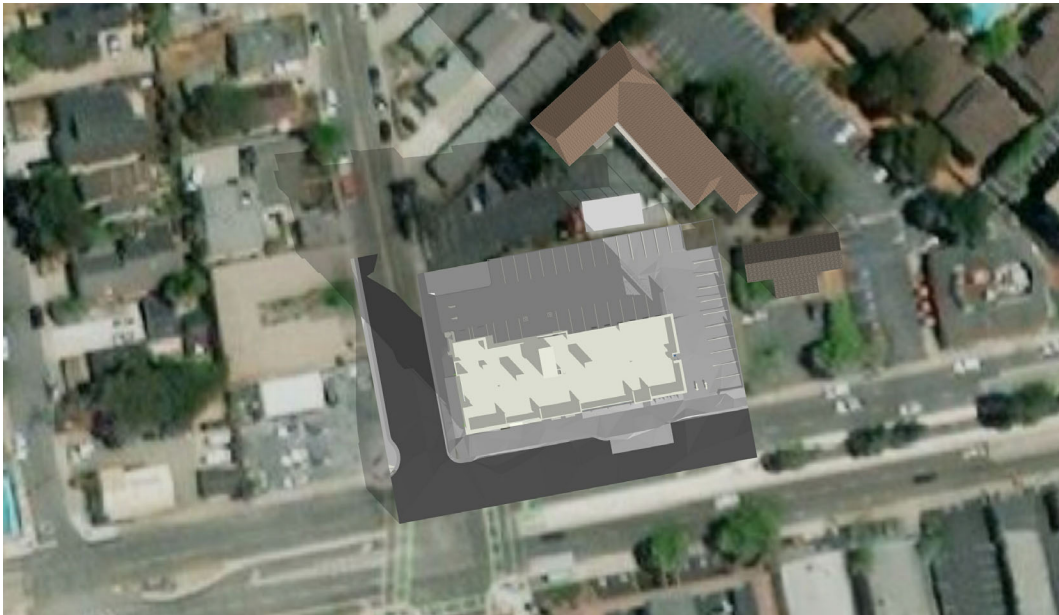


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1327 ARCHER STREET, STE. 220
SAN LUIS OBISPO, CA 93401
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ARCHITECT (CA) #C27068
STEPHEN A. RIGOR
ARCHITECT (CA) #C33672

2101 N FREMONT
MONTEREY, CA
**SHADING STUDY -
SUMMER SOLSTICE**

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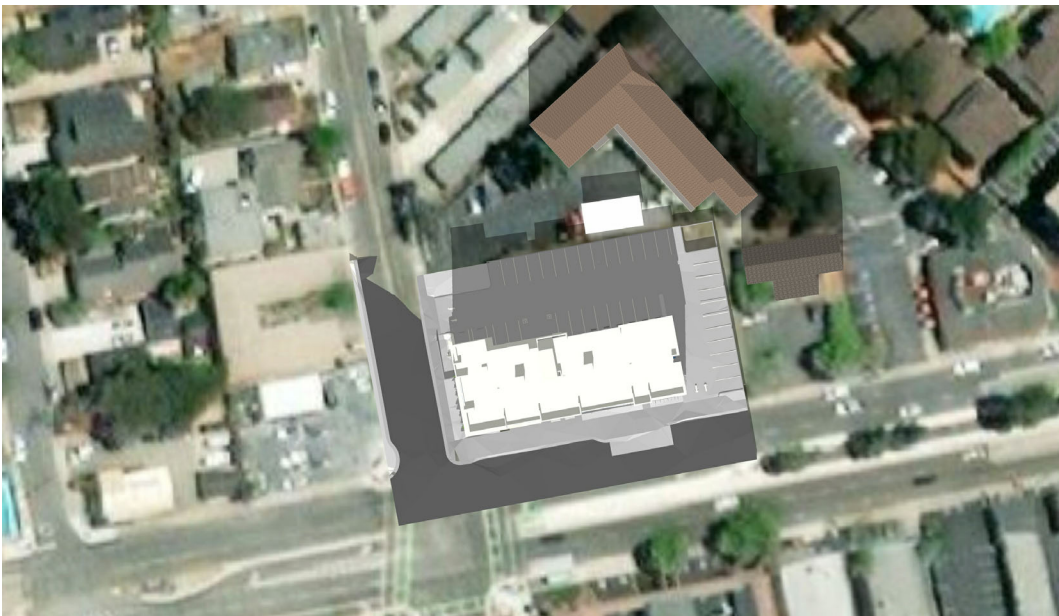
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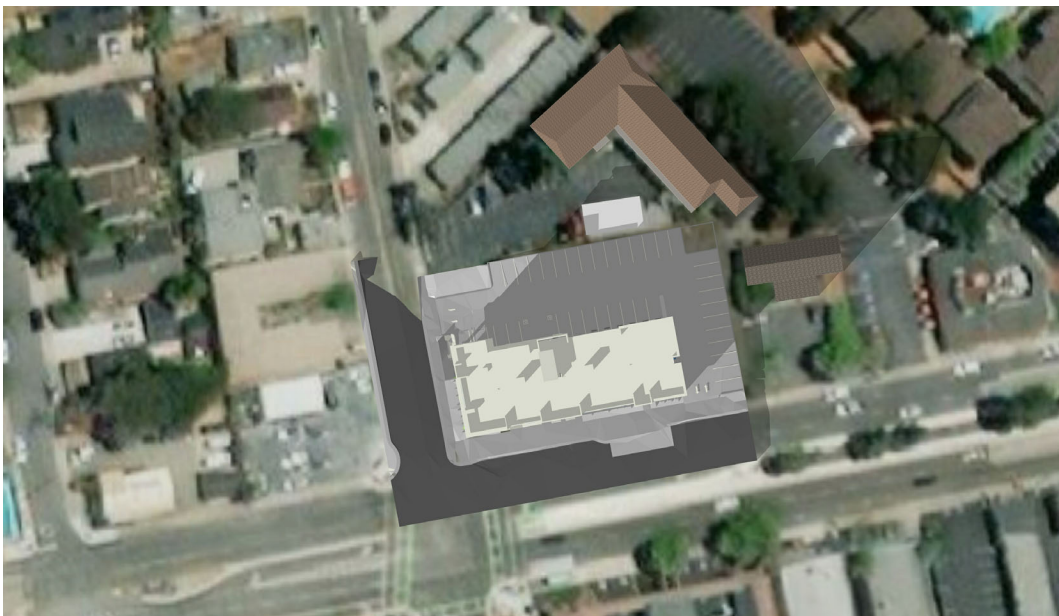
EXISTING SITE



DECEMBER 21 AT 9 AM



DECEMBER 21 AT NOON



DECEMBER 21 AT 3 PM



ADDRESS
1327 ARCHER STREET, STE. 220
SAN LUIS OBISPO, CA 93401
CONTACT
805.547.2240
ARRIS-STUDIO.COM
THOMAS E. JESS
ARCHITECT (CA) #C27068
STEPHEN A. RIGOR
ARCHITECT (CA) #C33672

2101 N FREMONT
MONTEREY, CA
**SHADING STUDY - WINTER
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**STATE OF CALIFORNIA • NATURAL RESOURCES AGENCY**

Gavin Newsom, Governor

DEPARTMENT OF FISH AND WILDLIFE

Charlton H. Bonham, Director

Central Region

1234 East Shaw Avenue | Fresno, California 93710 | (559) 243-4005

August 25, 2023

Chris Schmidt, Senior Associate Planner
City of Monterey Community Development Department
570 Pacific Street
Monterey, California 93940
schmidt@monterey.org

**Subject: Draft Environmental Impact Report (DEIR) for the 2101
North Fremont Hotel Project (Project)
SCH No.: 2022060567**

Dear Chris Schmidt:

The California Department of Fish and Wildlife (CDFW) received a Draft Environmental Impact Report from the City of Monterey Community Development Department for the above referenced Project pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, CDFW appreciates the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under Fish and Game Code. While the comment period may have ended, CDFW would appreciate if you will still consider our comments.

After reviewing the provided CEQA document CDFW has determined that the mitigation measures as currently documented in the DEIR are sufficient for mitigation of impacts to biological resources.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a data base which may be used to

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

Chris Schmidt, Senior Associate Planner
City of Monterey Community Development Department
Page 2

make subsequent or supplemental environmental determinations. (Pub. Resources Code, section 21003, subd. (e).) Accordingly, please report any special-status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be found at the following link:

<https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The completed form can be mailed electronically to CNDDDB at the following email address: CNDDDB@wildlife.ca.gov. The types of information reported to CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

2-2
Cont'd

FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying Project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, section 753.5; Fish & G. Code, section 711.4; Pub. Resources Code, section 21089.)

2-3

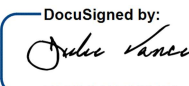
CONCLUSION

CDFW appreciates the opportunity to comment on the DEIR to assist the City of Monterey Community Development Department in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Evelyn Barajas-Perez, Environmental Scientist, at (805) 503-5738 or evelyn.barajas-perez@wildlife.ca.gov.

2-4

Sincerely,

DocuSigned by:

FA83F09FE08945A...
Julie A. Vance
Regional Manager

cc: State Clearinghouse
Governor's office of Planning and Research
State.clearinghouse@opr.ca.gov

Letter 2

COMMENTER: Julie A. Vance, California Department of Fish and Wildlife

DATE: August 25, 2023

Response 2-1

This comment is introductory and does not contain a substantive comment on the Draft EIR. Further, the commenter states that the California Department of Fish and Wildlife (CDFW) has determined that the mitigation measures included in the Draft EIR are sufficient for mitigation of impacts to biological resources. This comment is noted and will be provided to the decision-makers for their consideration. No further response is required.

Response 2-2

This comment requests that special status species and natural communities detected during project surveys be submitted to the California Natural Diversity Database. As discussed in Section 4.6.4, *Biological Resources*, of the Draft EIR, the project site is entirely developed and includes existing structures and parking areas. Vegetation on site is limited to a few ornamental plantings. The project site has no natural or native vegetation communities that could support special-status wildlife and is surrounded with urban residential and commercial development. Due to lack of habitat, the project site is not considered viable to support any federally or State listed species or other special-status wildlife. Special-status birds and bats may occur rarely or occasionally when foraging but are not expected to roost or nest at the project site. Due to the developed nature of the project site, biological surveys were not conducted and therefore no submittal to the California Natural Diversity Database is required.

Response 2-3

This comment states that payment of CDFW fees is required. If the project is approved, the City will pay the required CDFW fees at the time the Notice of Determination for the Final EIR is filed with the Monterey County Clerk.

Response 2-4

The comment provides a conclusion to the letter and includes contact information and does not contain a substantive comment on the Draft EIR. No further response is required.

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8.2 List of Preparers

This EIR was prepared by the City of Monterey, with the assistance of Rincon Consultants, Inc. Consultant staff involved in the preparation of the EIR are listed below.

RINCON CONSULTANTS, INC.

Megan Jones, Principal-in-Charge
Nicole West, Supervising Environmental Planner, Project Manager
Shelby Cramton, Environmental Planner, Assistant Project Manager
Kayleigh Limbach, Environmental Planner
Josh Carman, Noise Director
Hayley Rundle, Noise Specialist
JulieAnn Murphy, Architectural Historian
Jesse Voremberg, Environmental Planner
Samantha Kehr, Biologist
Andrew McGrath, Paleontologist
Aubrey Mescher, Water Supply Specialist
Yaritza Ramirez, Publishing Specialist