

Appendix A

Notice of Preparation and Comment Letters

Notice of Preparation

Notice of Preparation

To: _____ From: _____

(Address) (Address)

Subject: Notice of Preparation of a Draft Environmental Impact Report

_____ will be the Lead Agency and will prepare an environmental impact report for the project identified below. We need to know the views of your agency as to the scope and content of the environmental information which is germane to your agency's statutory responsibilities in connection with the proposed project. Your agency will need to use the EIR prepared by our agency when considering your permit or other approval for the project.

The project description, location, and the potential environmental effects are contained in the attached materials. A copy of the Initial Study (is is not) attached.

Due to the time limits mandated by State law, your response must be sent at the earliest possible date but not later than 30 days after receipt of this notice.

Please send your response to _____ at the address shown above. We will need the name for a contact person in your agency.

Project Title: _____

Project Applicant, if any: _____

Date June 23, 2022

Signature *Chris Schmidt*

Title Senior Associate Planner

Telephone (831) 646-3910

Reference: California Code of Regulations, Title 14, (CEQA Guidelines) Sections 15082(a), 15103, 15375.

2101 North Fremont Hotel Project Description

Lead Agency Contact

Christopher Schmidt
City of Monterey
Community Development Department
570 Pacific Street
Monterey, CA 93940
schmidt@monterey.org
(831) 646-3910

Project Applicant

Lakshmi Hotel Partners
2113 North Fremont
Monterey, CA 93490

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. The project site is located within the North Fremont Specific Plan area and is zoned as Visitor Accommodation Facility (VAF). Surrounding uses include residential uses to the northeast, north, and northwest, and hotel and commercial uses to the east, south, and west. Figure 1 shows the regional location of the project site, while Figure 2 shows the project site and surrounding land uses.

Project Description

The project includes demolition of an existing one-story, 18-guest room hotel and 134-seat restaurant and the construction of a new four-story, 42 guest room branded hotel. The project requires approval of a conditional use permit, architectural review permit, and building permit from the City of Monterey and a water permit from the Monterey Peninsula Water Management District. The project requires a text amendment to the North Fremont Specific Plan clarifying that: (a) for VAF zoned properties, the VAF zone requirements apply as required by City Charter; and (b) the Specific Plan is consistent with, but not part of the General Plan. The project also includes an amendment to the City's off-street parking standards and loading zone requirement, and readoption of the parking calculation in Section 38-36(A) of the City Municipal Code.

Project History

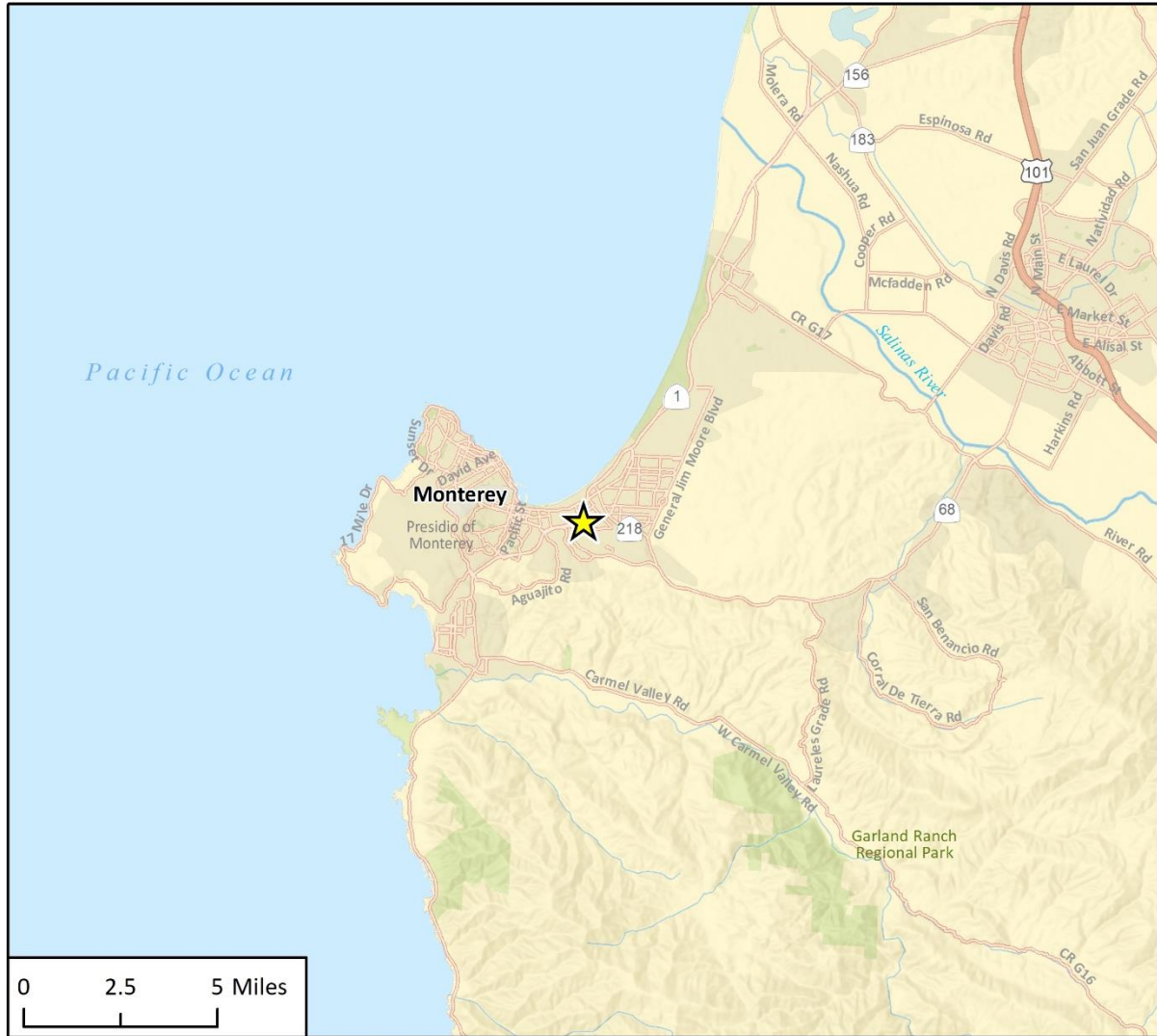
An Initial Study-Mitigated Negative Declaration (IS-MND) was prepared for the proposed project and was circulated for public review between March 17 and April 16, 2021. Comments received on the project were primarily related to building design (style, height, and massing), parking, noise, and water supply.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

Potential Environmental Effects

Based on the analysis in the IS-MND and issues raised by the public, the City determined that the EIR will analyze in detail potentially significant impacts related to cultural resources, hazards and hazardous materials, land use, noise, and tribal cultural resources.

In addition, the EIR will include a discussion of environmental topics found to have no impact or found not to be significant, including 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. The EIR will also include a discussion of other topics required by CEQA, including cumulative impacts, project alternatives, growth-inducing effects, and significant irreversible effects.

Figure 1 Regional Project Location



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★ Project Location

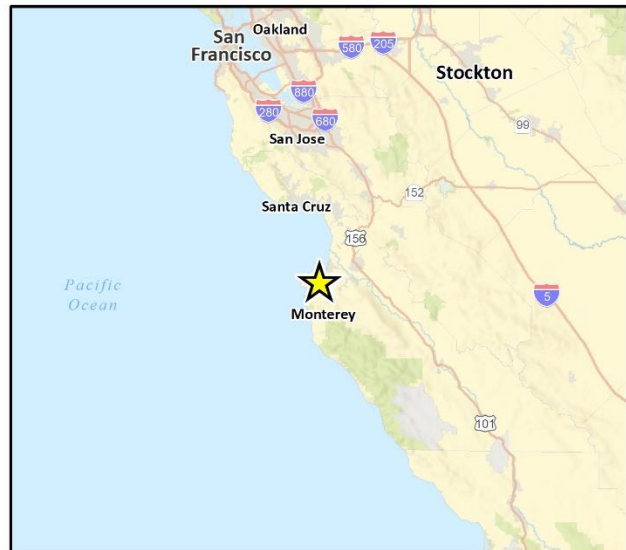


Fig 1 Regional Location

Figure 2 Project Site and Surrounding Land Uses



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Fig. 2 Project Location



KaKoon Ta Ruk Band of Ohlone-Costanoan Indians of the Big Sur Rancheria



July 20, 2022

Chris Schmidt
Senior Associate Planner
City of Monterey
570 Pacific Street
Monterey, CA 93940

RE: 2101 North Fremont Hotel Project

Dear Mr. Chris Schmidt,

Thank you for your project notification email/ letter dated June 24, 2022, regarding the proposed project site located at 2101 North Fremont Street, Monterey, CA. We appreciate your effort to contact us and wish to respond.

The Cultural Specialist has reviewed the project and concluded that it is within the aboriginal territories of the KaKoon Ta Ruk Band of Ohlone-Costanoan Indians of the Big Sur Rancheria. Therefore, we have a cultural interest and authority in the proposed project area.

Based on the information provided, the Tribe has concerns that the project could impact previously unknown cultural resources. Please send us a copy of the draft environmental impact report for this project. The Tribe also recommends cultural sensitivity training for any pre-project personnel. We may also recommend including a cultural monitor during development and ground disturbance, including backhoe trenching and excavations throughout all phases of the project. In addition, we request that you incorporate KaKoon Ta Ruk Band of Ohlone-Costanoan Indians of the Big Sur Rancheria's Treatment Protocol into the measures for this project.

Should you have any questions, please contact the following individuals:

Isaac Bojorquez
Chairman
Cell: (530) 723-2380
Email: chairman@kakoontaruk.org

Lydia Bojorquez
Vice-Chairperson
Cell: (530) 650-5943
Email: vicechair@kakoontaruk.org

Please refer to identification number KKTR-06242022-01 in any correspondence concerning this project.

Thank you for providing us the opportunity to comment.

Shurruru,

Tribal Chairman

NATIVE AMERICAN HERITAGE COMMISSION

June 24, 2022

Governor's Office of Planning & Research

Jun 27 2022

STATE CLEARINGHOUSE

Chris Schmidt
City of Monterey
570 Pacific Street
Monterey, CA 93940

Re: 2022060567, 2101 North Fremont Street Hotel Project, Monterey County

Dear Mr. Schmidt:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, § 15064.5 (b) (CEQA Guidelines §15064.5 (b))). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines §15064 (a)(1))). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that 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. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.



CHAIRPERSON
Laura Miranda
Luiseño

VICE CHAIRPERSON
Reginald Pagaling
Chumash

PARLIAMENTARIAN
Russell Attebery
Karuk

SECRETARY
Sara Dutschke
Miwok

COMMISSIONER
William Mungary
Paiute/White Mountain
Apache

COMMISSIONER
Isaac Bojorquez
Ohlone-Costanoan

COMMISSIONER
Buffy McQuillen
Yokayo Pomo, Yuki,
Nomlaki

COMMISSIONER
Wayne Nelson
Luiseño

COMMISSIONER
Stanley Rodriguez
Kumeyaay

EXECUTIVE SECRETARY
Raymond C. Hitchcock
Miwok/Nisenan

NAHC HEADQUARTERS
1550 Harbor Boulevard
Suite 100
West Sacramento,
California 95691
(916) 373-3710
nahc@nahc.ca.gov
NAHC.ca.gov

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

- 1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project:** Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:

 - a.** A brief description of the project.
 - b.** The lead agency contact information.
 - c.** Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
 - d.** A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).
- 2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report:** A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subs. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1 (b)).

 - a.** For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).
- 3. Mandatory Topics of Consultation If Requested by a Tribe:** The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:

 - a.** Alternatives to the project.
 - b.** Recommended mitigation measures.
 - c.** Significant effects. (Pub. Resources Code §21080.3.2 (a)).
- 4. Discretionary Topics of Consultation:** The following topics are discretionary topics of consultation:

 - a.** Type of environmental review necessary.
 - b.** Significance of the tribal cultural resources.
 - c.** Significance of the project's impacts on tribal cultural resources.
 - d.** If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).
- 5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process:** With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).
- 6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document:** If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:

 - a.** Whether the proposed project has a significant impact on an identified tribal cultural resource.
 - b.** Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

- 7. Conclusion of Consultation:** Consultation with a tribe shall be considered concluded when either of the following occurs:
- a.** The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
 - b.** A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).
- 8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document:** Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).
- 9. Required Consideration of Feasible Mitigation:** If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).
- 10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:**
- a.** Avoidance and preservation of the resources in place, including, but not limited to:
 - i.** Planning and construction to avoid the resources and protect the cultural and natural context.
 - ii.** Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
 - b.** Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - i.** Protecting the cultural character and integrity of the resource.
 - ii.** Protecting the traditional use of the resource.
 - iii.** Protecting the confidentiality of the resource.
 - c.** Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
 - d.** Protecting the resource. (Pub. Resource Code §21084.3 (b)).
 - e.** Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
 - f.** Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).
- 11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource:** An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
- a.** The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
 - b.** The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
 - c.** The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf

SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf.

Some of SB 18's provisions include:

1. **Tribal Consultation**: If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).
2. **No Statutory Time Limit on SB 18 Tribal Consultation**. There is no statutory time limit on SB 18 tribal consultation.
3. **Confidentiality**: Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
4. **Conclusion of SB 18 Tribal Consultation**: Consultation should be concluded at the point in which:
 - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
 - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>.

NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (https://ohp.parks.ca.gov/?page_id=30331) for an archaeological records search. The records search will determine:
 - a. If part or all of the APE has been previously surveyed for cultural resources.
 - b. If any known cultural resources have already been recorded on or adjacent to the APE.
 - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
 - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
 - b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

3. Contact the NAHC for:
 - a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
 - b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.

4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
 - a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, §15064.5(f) (CEQA Guidelines §15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
 - b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
 - c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code §7050.5, Public Resources Code §5097.98, and Cal. Code Regs., tit. 14, §15064.5, subdivisions (d) and (e) (CEQA Guidelines §15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address:
Cody.Campagne@nahc.ca.gov.

Sincerely,

Cody Campagne

Cody Campagne
Cultural Resources Analyst

cc: State Clearinghouse

RE: Notice of Preparation of EIR for 2101 North Fremont Street Hotel Project

Jensen, Fiona <JensenF1@co.monterey.ca.us>

Thu 7/14/2022 11:57 AM

To: Christopher Schmidt <schmidt@monterey.org>

[**NOTICE:** This message originated outside of the City of Monterey mail system -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Chris,

The Monterey County Airport Land Use Commission has no comments. This project was previously considered by the ALUC on September 28, 2020, at which the Commission voted 5-1 to find the proposed development consistent with the 2019 MRY ALUCP. Please let me know if you would like a copy of the ALUC resolution for your records.

Thank you,

Fionna Jensen*Associate Planner*

Monterey County Housing and Community Development (HCD)

1441 Schilling Place, 2nd Floor, Salinas CA 93901

Main Line: [(831)%20755-5025](831) 755-5025

Direct Line: [(831)-796-6407](831) 796-6407



From: Christopher Schmidt <schmidt@monterey.org>**Sent:** Friday, June 24, 2022 3:08 PM**Subject:** Notice of Preparation of EIR for 2101 North Fremont Street Hotel Project

[CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

NOTICE IS HEREBY GIVEN that the City of Monterey intends to prepare an Environmental Impact Report, pursuant to the requirements of CEQA, for the 2101 North Fremont Street Hotel Project. The Notice of Preparation is available for review on the City website at: <https://www.monterey.org/Planning> and at the City of Monterey, Planning Office, Colton Hall, 1st Floor, 570 Pacific Street, Monterey, CA 93940.

In accordance with time limits mandated by State law, responses to the Notice of Preparation will be accepted from **June 24, 2022 through July 25, 2022.**

For more information, please contact Senior Associate Planner Chris Schmidt at (831) 646-3910 or schmidt@monterey.org.

-

Chris Schmidt (*he/him*)

Senior Associate Planner | City of Monterey

570 Pacific Street | Monterey, CA 93940

831-646-3885 (main) | 831-646-3910 (desk)

schmidt@monterey.org | [have your say](#) | [city website](#)

Useful links:

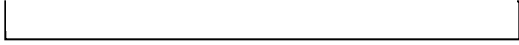
[How to Apply for Planning Permits](#)

[Land Use and Regulations](#)

[Historic Preservation](#)

[GIS Maps and Data](#)

[Building and Encroachment Permits](#)



www.monterey.org



Jared Blumenfeld
Secretary for
Environmental Protection



Department of Toxic Substances Control

Meredith Williams, Ph.D., Director
8800 Cal Center Drive
Sacramento, California 95826-3200



Gavin Newsom
Governor

SENT VIA ELECTRONIC MAIL

July 21, 2022

Governor's Office of Planning & Research

Mr. Christopher Schmidt
Senior Associate Planner
Community Development Department, City of Monterey
570 Pacific Street
Monterey, CA 93940
Schmidt@monterey.org

Jul 21 2022

STATE CLEARINGHOUSE

NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT FOR
THE 2101 NORTH FREMONT STREET HOTEL PROJECT – DATED JUNE 2022
(STATE CLEARINGHOUSE NUMBER: 2022060567)

Dear Mr. Schmidt:

The Department of Toxic Substances Control (DTSC) received a Notice of Preparation of a Draft Environmental Impact Report (DEIR) for the 2101 North Fremont Street Hotel Project (Project). The Lead Agency is receiving this notice from DTSC because the Project includes one or more of the following: groundbreaking activities, presence of site buildings that may require demolition or modifications, and/or importation of backfill soil.

DTSC recommends that the following issues be evaluated in the Hazards and Hazardous Materials section of the DEIR:

1. The DEIR should acknowledge the potential for historic or future activities on or near the Project site to result in the release of hazardous wastes/substances on the Project site. In instances in which releases have occurred or may occur, further studies should be carried out to delineate the nature and extent of the contamination, and the potential threat to public health and/or the environment should be evaluated. The DEIR should also identify the mechanism(s) to initiate any required investigation and/or remediation and the government agency who will be responsible for providing appropriate regulatory oversight.
2. If buildings or other structures are to be demolished on any project sites included in the proposed project, surveys should be conducted for the presence of

lead-based paints or products, mercury, asbestos containing materials, and polychlorinated biphenyl caulk. Removal, demolition, and disposal of any of the above-mentioned chemicals should be conducted in compliance with California environmental regulations and policies. In addition, sampling near current and/or former buildings should be conducted in accordance with [DTSC's 2006 Interim Guidance Evaluation of School Sites with Potential Contamination from Lead Based Paint, Termiticides, and Electrical Transformers](#).

3. If any projects initiated as part of the proposed Project require the importation of soil to backfill any excavated areas, proper sampling should be conducted to ensure that the imported soil is free of contamination. DTSC recommends the imported materials be characterized according to [DTSC's 2001 Information Advisory Clean Imported Fill Material](#).

DTSC appreciates the opportunity to comment on the DEIR. Should you need any assistance with an environmental investigation, please visit DTSC's [Site Mitigation and Restoration Program](#) page to apply for lead agency oversight. Additional information regarding voluntary agreements with DTSC can be found at [DTSC's Brownfield website](#).

If you have any questions, please contact me at (916) 255-3582 or via email at Brian.McAloon@dtsc.ca.gov.

Sincerely,



Brian McAloon
Project Manager
Site Evaluation and Remediation Unit
Site Mitigation and Restoration Program
Department of Toxic Substances Control

cc: (via email)

Governor's Office of Planning and Research
State Clearinghouse
State.Clearinghouse@opr.ca.gov

Mr. Dave Kereazis
Office of Planning & Environmental Analysis
Department of Toxic Substances Control
Dave.Kereazis@dtsc.ca.gov

July 21, 2022

City of Monterey Community Development Department
Attn: Christopher Schmidt, Senior Associate Planner
570 Pacific Street
Monterey, CA 93940

Via email: schmidt@monterey.org

**SUBJECT: Comments on Notice of Preparation of a Draft Environmental Impact Report
 for the 2101 North Fremont Hotel Project**

Dear Mr. Schmidt:

The Transportation Agency for Monterey County (TAMC) is the Regional Transportation Planning and Congestion Management Agency for Monterey County. Agency staff reviewed the Notice of Preparation for the 2101 North Fremont Hotel Project's Draft Environmental Impact Report.

Agency staff offer the following comments for your consideration:

1. The Agency supports the development of a detailed Traffic Impact Analysis to inform the EIR about the impacts to local and regional road networks.
2. The Agency supports the use of Intersections Control Evaluations (ICE) analysis when major modifications to intersections are considered.
3. Monterey Salinas Transit currently provides bus service to the area. Please consider how the project might support MST transit service.
4. Please consider including traffic demand management programs to reduce vehicle trips and support alternative transportation. Examples of potential programs are shuttles to and from the airport and local points of interest, bike sharing and bicycle parking, transit passes, and employee rideshare programs.
5. Consideration should be given to the installation of electric vehicle charging stations, as new construction provides an opportunity to install this needed infrastructure.
6. Our Agency looks forward to providing comments on the draft environmental impact report, please include our Agency in notifications regarding the preparation of the report.

Christopher Schmidt, City of Monterey

July 21, 2022

Page 2 of 2

Thank you for the opportunity to comment on the proposed project. If you have any questions, please contact Aaron Hernandez of my staff at aaron@tamcmonterey.org or 831-775-4412.

Sincerely,

Christina Watson

Christina Watson, Director of Planning, for and on behalf of
Todd A. Muck, Executive Director



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Central Region
1234 East Shaw Avenue
Fresno, California 93710
(559) 243-4005
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



July 25, 2022

Chris Schmidt, Senior Associate Planner
City of Monterey Community Development Department
570 Pacific Street
Monterey, California 93940
schmidt@monterey.org

Subject: Notice of Preparation of a Draft Environmental Impact Report for the 2101 North Fremont Hotel Project (Project)
SCH No.: 2022060567

Dear Mr. Schmidt:

The California Department of Fish and Wildlife (CDFW) received a Notice of Preparation 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.

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)). CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (*Id.*, § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts,

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.

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focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

Nesting Birds: CDFW has jurisdiction over actions with potential to result in the disturbance or destruction of active nest sites or the unauthorized take of birds. Fish and Game Code sections that protect birds, eggs and nests include, sections 3503 (regarding unlawful take, possession or needless destruction of the nest or eggs of any bird), 3503.5 (regarding the take, possession or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful take of any migratory nongame bird).

PROJECT DESCRIPTION SUMMARY

Proponent: Lakshmi Hotel Partners

Objective: The Project includes demolition of an existing one-story, 18-guest room hotel and 134-seat restaurant and the construction of a new four-story, 42 guest room branded hotel. The Project also includes a text amendment to the North Fremont Specific Plan and amendment to the City's off-street parking standards and load zone requirement, and readoption of the parking calculation of the City Municipal Code.

Location: The 0.58-acre Project site is located at 2101 North Fremont Street in the City of Monterey, California.

Timeframe: N/A

COMMENTS AND RECOMMENDATIONS

Nesting Birds: CDFW encourages implementation of Project construction activities during the bird non-nesting season. However, if ground-disturbing activities must occur during the breeding season (i.e., February through mid-September), CDFW recommends pre-construction surveys for nesting birds and an appropriate no-disturbance buffer be implemented around active nests. The Project's applicant is responsible for ensuring that implementation of the Project does not result in violation of the Migratory Bird Treaty Act or relevant Fish and Game Codes as referenced above.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database that may be used to make subsequent or supplemental environmental determinations (Pub. Resources Code, § 21003, subd. (e)). Accordingly, please report any special-status species and natural communities detected during Project surveys to the 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 emailed 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>.

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FILING FEES

If it is determined that the Project will impact fish and/or wildlife, an 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, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089). With this cursory review, CDFW anticipates that the Project will require the payment of fees.

CDFW appreciates the opportunity to comment on the Project to assist the County in identifying and mitigating the Project's impacts on biological resources. If you have any questions, please contact Jim Vang, Environmental Scientist, at the address provided on this letterhead, by telephone at (559) 580-3203, or by electronic mail at Jim.Vang@wildlife.ca.gov.

Sincerely,

DocuSigned by:

Bob Stafford

5343A684FF02469

Bob Stafford For Julie A. Vance
Regional Manager

ec: Jeff Cann; Jeff.Cann@wildlife.ca.gov
CDFW