

LETTERS OF RESPONSE TO:

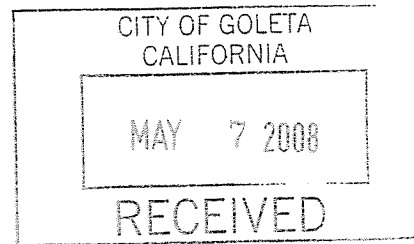
DRAFT MITIGATED NEGATIVE DECLARATION
for the
RINCON PALMS HOTEL AND RESTAURANT

NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364
 SACRAMENTO, CA 95814
 (916) 653-4082
 (916) 657-5390 - Fax



May 2, 2008



Laura Bridley/Patricia Miller
 City of Goleta
 130 Cremona Drive, Suite B
 Goleta, CA 93117

RE: SCH# 2008041165 Rincon Palms Hotel and Restaurant Project; Santa Barbara County.

Dear Ms. Bridley/Miller:

The Native American Heritage Commission (NAHC) has reviewed the Notice of Completion (NOC) referenced above. The California Environmental Quality Act (CEQA) states that any project that causes a substantial adverse change in the significance of an historical resource, which includes archeological resources, is a significant effect requiring the preparation of an EIR (CEQA Guidelines 15064(b)). To comply with this provision the lead agency is required to assess whether the project will have an adverse impact on historical resources within the area of project effect (APE), and if so to mitigate that effect. To adequately assess and mitigate project-related impacts to archaeological resources, the NAHC recommends the following actions:

- ✓ Contact the appropriate regional archaeological Information Center for a record search. The record search will determine:
 - If a part or all of the area of project effect (APE) has been previously surveyed for cultural resources.
 - If any known cultural resources have already been recorded on or adjacent to the APE.
 - If the probability is low, moderate, or high that cultural resources are located in the APE.
 - If a survey is required to determine whether previously unrecorded cultural resources are present
- ✓ 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.
 - 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.
 - The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological Information Center.
- ✓ Contact the Native American Heritage Commission for:
 - A Sacred Lands File Check. **USGS 7.5 minute quadrangle name, township, range and section required.**
 - A list of appropriate Native American contacts for consultation concerning the project site and to assist in the mitigation measures. **Native American Contacts List attached.**
- ✓ Lack of surface evidence of archeological resources does not preclude their subsurface existence.
 - Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) §15064.5(f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
 - Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.
 - Lead agencies should include provisions for discovery of Native American human remains in their mitigation plan. Health and Safety Code §7050.5, CEQA §15064.5(e), and Public Resources Code §5097.98 mandates the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

Sincerely,

Katy Sanchez
 Katy Sanchez
 Program Analyst

CC: State Clearinghouse

Native American Contacts
Santa Barbara County
May 2, 2008

Ernestine DeSoto
1027 Cacique Street, #A Chumash
Santa Barbara , CA 93103
(805) 962-3598

Diane Napoleone and Associates
Diane Napoleone
6997 Vista del Rincon Chumash
La Conchita , CA 93001
dnaassociates@sbcglobal.net

Owl Clan
Dr. Kote & Lin A-Lul'Koy Lotah
48825 Sapaque Road Chumash
Bradley , CA 93426
(805) 472-9536

Santa Ynez Tribal Elders Council
Adelina Alva-Padilla, Chair Woman
P.O. Box 365 Chumash
Santa Ynez , CA 93460
elders@santaynezchumash.org
(805) 688-8446
(805) 693-1768 FAX

Santa Ynez Band of Mission Indians
Vincent Armenta, Chairperson
P.O. Box 517 Chumash
Santa Ynez , CA 93460
varmenta@santaynezchumash.org
(805) 688-7997
(805) 686-9578 Fax

Coastal Band of the Chumash Nation
Janet Garcia, Chairperson
P.O. Box 4464 Chumash
Santa Barbara , CA 93140
805-964-3447

John Ruiz
1826 Stanwood Drive Chumash
Santa Barbara , CA 93103
(805) 965-8983

Santa Ynez Band of Mission Indians
Sam Cohen, Tribal Administrator
P.O. Box 517 Chumash
Santa Ynez , CA 93460
(805) 688-7997
(805) 686-9578 Fax

This list is current only as of the date of this document.

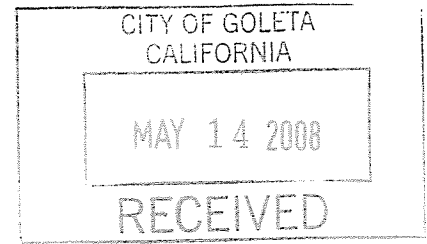
Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH# 2008041165 Rincon Palms Hotel and REstaurant Project; Santa Barbara County.

OWL CLAN CONSULTANTS



805-472-9536
48825 Sapague Rd. Bradley Ca. 93426
OWLCLANCONSULTANTS@gmail.com



May 7, 2008

Laura Bridley
Contract Planner/Planning Manager
Planning and Environmental Services
130 Cremona Drive, Suite B
Goleta, CA. 93117

Subject: Rincon Palms Hotel and Restaurant

Dear Laura Bridley,

This letter is in response to your letter regarding the notice of availability of draft Mitigated Negative Declaration.

Owl Clan Consultants are expressing concern for our Chumash Cultural sites, located in the proposed area and up to a 5 mile radius around the proposed project site. Our firm is also expressing concern for the lack of Native involvement during the preparation of the initial study.

Please inform us of any meetings that occur in which we can formally discuss our concerns, or if no meetings are scheduled we can arrange to meet as soon as possible.

Thank you for your cooperation,

A handwritten signature in black ink, appearing to be "D. Peter Bell", written over a horizontal line. The signature is fluid and cursive.

Owl Clan Consultants



Fire Department

"Serving the community since 1926"

4410 Cathedral Oaks Road
Santa Barbara, CA 93110-1042
(805) 681-5500 FAX (805) 681-5563

John M. Scherrei
Fire Chief
County Fire Warden

May 8, 2008

Laura Bridley
Contract Planner, Planning Manager
City of Goleta
Planning and Environmental Services
130 Cremona Drive, Suite B
Goleta, CA 93117

Dear Ms. Bridley:

Subject: Draft Mitigated Negative Declaration
Rincon Palms Hotel and Restaurant Project

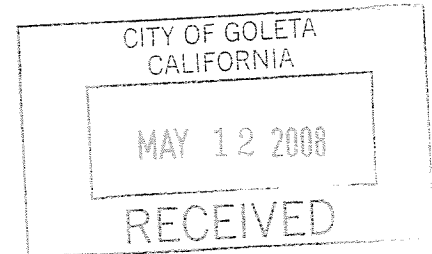
The Santa Barbara County Fire Department, Fire Prevention Division (FPD) appreciates the opportunity to comment on the Draft Mitigated Negative Declaration dated April 29, 2008, prepared for the Rincon Palms Hotel and Restaurant Project. FPD is satisfied with the proposed mitigation measures presented for the Hazardous and Hazardous Materials Section. FPD has the following general comments:

- All references referring to FPD in the Hazardous and Hazardous Materials Section shall be the Santa Barbara County Fire Department, Fire Prevention Division or FPD.
- Page 35, under Existing Setting: Change the 4th sentence to read "A *groundwater* monitoring well..." not "A *visual* monitoring well..."
- Page 37, first paragraph: The Unocal/Tosco gas station site is known as 6930 Hollister Avenue.
- Page 37, under Required Mitigation Measures: The site assessments are commonly referred to as *Phase I and Phase II Environmental Site Assessments*, not *Phase One and Phase Two Site Assessments*.
- Page 37, under Required Mitigation Measures: Previous investigations shall be submitted as part of the Phase I and Phase II Environmental Site Assessments, but not in lieu of the Phase I and Phase II Environmental Site Assessments.
- Page 38, second line: *too* shall be changed to *to*.

If you have any questions regarding this letter, please contact the undersigned at 805-686-8146. Submit all written correspondence concerning this site to me at the Fire Prevention Division, 195 West Highway 246, Buellton, California, 93427 or via Fax at 805-686-8183.

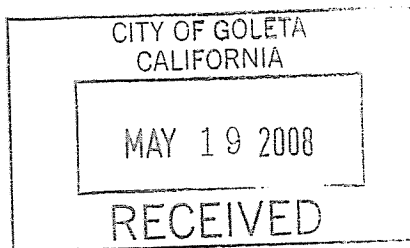
Sincerely,

Andrea S. Murphy, MESM, REA
Senior Hazardous Materials Specialist



DEPARTMENT OF TRANSPORTATION

50 HIGUERA STREET
SAN LUIS OBISPO, CA 93401-5415
PHONE (805) 549-3101
FAX (805) 549-3329
TDD (805) 549-3259
<http://www.dot.ca.gov/dist05/>



*Flex your power!
Be energy efficient!*

May 15, 2008

Laura Bridley
Goleta Planning Department
130 Cremona Dr #B
Goleta, CA 93117

05-SB-101-24.79
SCH 2008041165

Subject: Rincon Palms Hotel and Restaurant Negative Declaration

Dear Ms. Bridley:

Thank you for the opportunity to review the Rincon Palms Hotel and Restaurant Negative Declaration and the associated traffic study. Caltrans offers the following comments based on review:

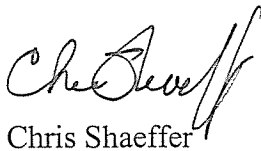
1. Trip Generation. Caltrans agrees with the conservative treatment regarding both pass-by and captured trips. The rationale is well presented.
2. Trip Distribution. The trip distribution to/from US 101 seems low. According to the Camino Real Hotel project traffic study, 30% of those trips were distributed to east US 101. That project is located further south on Storke Road. Given Rincon's proximity to US 101, it would seem that at least the same percentage, or more, would be appropriate. Caltrans recommends 35% distribution, which would access East US 101 from Storke Road and 10% (as recorded) or even 15% from the West.
 - a. Distribution along easterly Hollister Avenue, on the east side of Los Carneros Road, is presented as 26%. Zero trips are allocated to Los Carneros. Given the regional nature of this project type, this suggests that these trips will access US 101 from Fairview Road or access SR 217 directly; probably the latter, given the more direct route. A ramp intersection analysis should be conducted at the freeway access points that these trips will use. If these trips are not distributed to the regional facility easterly, we suggest that at least 50% of these trips be re-distributed to US 101 / Storke Road.
 - b. Approximately 25% of the trips appear to be distributed locally. This seems somewhat high. Please discuss why 25% of the hotel trips that are generated will be local residents on a consistent basis – unless these are particular to the restaurant.
3. The project will add more than 15 trips to the Storke Road / US 101 SB on ramp intersection. According to the stated thresholds (MND pages 61, 62), a facility or roadway component operating at LOS D with an addition of 15 or more trips, experiences a significant impact. Therefore, Table 10 (PM Peak Hour Cumulative Intersection Capacity Utilization) should reflect that this intersection in the Cumulative + Project will experience a significant project impact. By extension, this will require a discussion of mitigation.

Laura Bridley
May 15, 2008
Page 2

4. The cumulative project list does not include the Camino Real Hotel project on Storke Road. Does the cumulative traffic analysis include that project's traffic generation numbers?
5. Page 71 of the MND discusses right of way dedication along Hollister Ave. The GTIP anticipates widening Storke Road north of Hollister Ave, as well as widening the Storke Rd / SB US 101 on-ramp. It appears these two projects will be or should be coordinated in both time and financing. Does the City have sufficient right of way along Storke Rd to accommodate the widening from Hollister to the on-ramp?
6. For purposes of analyzing Caltrans facilities, including signalized ramp nodes, the Highway Capacity Manual (HCM2000) methodology should be used. Re-evaluation using the modified trip distribution discussed above should be accomplished with HCM.
7. With respect to GTIP implementation, Caltrans makes the observation that numerous projects have been approved in past few years and more are pending currently for which traffic fees are assessed.. Caltrans staff encourages the City to begin Preliminary Study Reports (PSR) or combined PSR / Project Reports for projects such as the Storke Road / US 101 SB on-ramp. Staff is available for early consultation to facilitate these efforts and we are interested in learning the City's anticipated schedule. Perhaps we can coordinate an inter-departmental meeting to discuss further.

Thank you for considering these comments. If you have questions please contact me at (805) 549.3632. I will be available to coordinate an inter-departmental project meeting with you.

Sincerely,



Chris Shaeffer
D5 Development Review

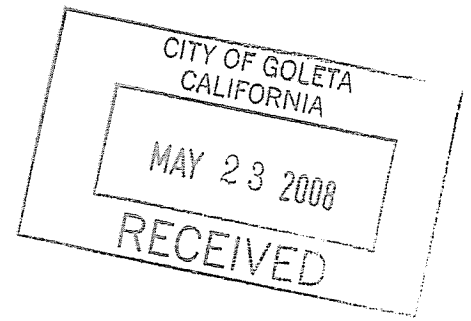
C: L Newland, D5
C. Espino, D5
P. McClintic, D5



**Santa Barbara County
Air Pollution Control District**

May 22, 2008

Laura Bridley, AICP
Contract Planner
City of Goleta Planning & Environmental Services
130 Cremona Drive, Suite B
Goleta, CA 93117



RE: Rincon Palms Hotel and Restaurant Project (07-020-GP; -OA, -RZ, -DP): Comments on the Draft MND (08-MND-001).

Dear Laura,

The Santa Barbara County Air Pollution Control District (APCD) has reviewed the Draft Mitigated Negative Declaration for the above mentioned project. In general, we concur with the City of Goleta that this 112-room hotel project with a free-standing restaurant is not expected to have significant air quality impacts with the implementation of the listed air pollution mitigation measures.

We have the following comments on the Draft MND:

1. **Page 20, Existing Setting:** Please use the latest attainment status that is available on the APCD website. Currently, Santa Barbara County is considered in attainment of the federal eight-hour ozone standard, and in attainment of the state one-hour ozone standard. The County does not meet the state eight-hour ozone standard or the state standard for particulate matter less than ten microns in diameter (PM10); and does not meet the federal PM10 standard. There is not yet enough data to determine the attainment status for either the federal standard for particulate matter less than 2.5 microns in diameter (PM2.5) or the state PM2.5 standard, although the County will likely be in attainment for the federal 2.5 standard.
2. **Page 21 and 22, regarding Carbon Monoxide:** Due to the relatively low background ambient CO levels in Santa Barbara County, localized CO impacts associated with traffic at congested intersections are not expected to exceed the CO health-related air quality standards. Therefore, CO "Hotspot" analyses are not required anymore.
3. **Page 21, Construction Impacts:** While neither the City nor the APCD have adopted thresholds of significance for emissions from construction activities, the mitigation measures listed in the MND are required, not for the reason stated in the MND (which refers to the 1993 Rate-of-Progress Plan) but for the following reasons:

- *Fugitive Dust Reduction:* In order to reduce fugitive dust standard dust control measures (as listed in the MND) are required for all discretionary projects involving earthmoving activities regardless of the project size or duration. This APCD requirement is based on the 1979 Air Quality Attainment Plan policies and because the County still does not meet the state standard for particulate matter.
 - *Construction Equipment Exhaust Emissions:* Fine particulate emissions from diesel equipment exhaust are classified as carcinogenic by the State of California. Therefore during project grading and construction and hauling, construction contracts must specify that construction contractors shall adhere to the requirements listed in the MND to reduce emissions of ozone precursors and particulate emissions from diesel exhaust.
4. **Page 21, Regarding Odors from Asphalt Concrete:** We concur that application of Asphalt Concrete could create temporary and localized, objectionable odors. Please also add that APCD Rule 339, a prohibitory Rule governing the application of cutback and emulsified asphalt paving materials in the County must be followed by the contractor.
 5. In addition, the project must also comply with **all APCD Rules and Regulations**, as applicable, including obtaining required permits for any emergency diesel generators or large boilers prior to land use clearance. Prior to handling or treating contaminated soil, APCD permits shall be obtained, if required.
 6. **Global climate change** is a growing concern and a cumulative impact; a project participates in this potential impact through its incremental contribution combined with the cumulative increase of all other sources of greenhouse gases. Therefore, we strongly recommend that this project reduce emissions of greenhouse gases from existing and new construction by incorporating green building technologies; increasing energy efficiency at least 20% beyond Title 24 requirements; encouraging the use of transit, bicycling and walking by hotel employees and residents and increased recycling.
 7. **Idling of heavy-duty diesel trucks** during loading and unloading shall be limited to five minutes; auxiliary power units should be used whenever possible. State law requires that drivers of diesel-fueled commercial vehicles weighing more than 10,000 pounds:
 - a. shall not idle the vehicle's primary diesel engine for greater than 5 minutes at any location
 - b. shall not idle a diesel-fueled auxiliary power system (APS) for more than 5 minutes to power a heater, air conditioner, or any ancillary equipment on the

vehicle if you have a sleeper berth and you're within 100 feet of a restricted area (residential uses and schools).

Please contact me by phone at 961-8893, or by e-mail: VLJ@sbcapcd.org if you have questions.

Sincerely,

A handwritten signature in black ink that reads "Vijaya Jammalamadaka". The signature is written in a cursive, flowing style.

Vijaya Jammalamadaka

Air Quality Specialist

Technology and Environmental Assessment Division

cc: TEA Chron File

Laura Bridley

From: Masseybarb@aol.com
Sent: Tuesday, May 27, 2008 8:42 AM
To: Laura Bridley; Patricia Miller
Subject: Rincon Palms MND comments
Attachments: New Rincon MND comments.doc

Laura and Patty,

Attached are my comments on the Rincon Palms Draft MND. I will drop off a signed hardcopy at City Hall.

Barbara

Get trade secrets for amazing burgers. [Watch "Cooking with Tyler Florence" on AOL Food.](#)

May 27, 2008

Laura Bridley
City of Goleta
Planning and Environmental Services
130 Cremona Drive, Suite B
Goleta, CA 93117

Dear Laura,

These are my comments on the Rincon Palms Hotel and Restaurant Draft Mitigated Negative Declaration.

At the back of this document it indicates that the Air Quality Analysis for this project was prepared on September 17, 2007, by Suzanne Elledge Planning and Permitting Services, Inc. This is a clear conflict of interest, since Elledge is the agent for the developers on this project. The air quality analysis must be redone by an impartial firm. The new environmental document will need to be recirculated.

It became clear during my reading of the MND that an Environmental Impact Report should have been written for the Rincon Palms project. All impacts of this project must be studied and discussed in this document. There are studies put off until after the approval of this MND. These studies should be done first with the information and required mitigation included in an EIR. Studies are not mitigation.

The site plan, Figure 1, should have been 11' by 17' so that the information written on it could be read. I went into the Planning Department to look at larger site plans and was told I had to contact Patty Miller or Laura Bridley to get them. It was not possible to contact either due to the lateness in the week and the long holiday weekend. The basic plans and file should be available at City Hall when contract planners are responsible for a project. This is the second time I have been unable to get information on a project when I was reviewing the MND.

There is discussion of the General Plan Amendment wanted for this project but no discussion of the General Plan consistency of this project. This should have been included.

There are additional issues with this document that are addressed in the appropriate section.

The impacts cannot be adequately assessed without all the relevant information. CEQA requirements have not been satisfied.

AESTHETICS

There are five photos of the site, Figures 3 thru 7, but the two photo simulations do not use the same photos as shown. The photo simulations are done from locations slightly different so that they give the impression of not blocking the view. The views north will be seriously impacted. Figure 9 seems to be mislabeled as it appears to be a misrepresentation of the Hollister/Cortona intersection.

The architecture of the project is not compatible with the surrounding development. The exaggerated "Streamline Moderne" towers may appeal to architects but they are out of place and far too tall for the location. These towers exceed the height limit and do not merit a modification.

p. 16 The waste should be picked up daily or there will be a problem with trash blowing into the intersection and surrounding properties. There is no discussion of the ugly appearance of the trash area as seen from Storke Road. The trash areas should be covered in order to approve the appearance.

AIR QUALITY

Threshold of Significance d. page 21 has not been adequately addressed. Sensitive receptors that use the pool, the patio, and the outdoor restaurant areas will be exposed to substantial pollution concentrations. The Storke/Hollister intersection with LOS D and the queuing of vehicles for the southbound Highway 101 on ramp will create a significant concentration of pollutants.

p. 22 There is no discussion of potential objectionable smoke and odors from the restaurant. Will smoke and odor filters be required?

Required dust control mitigations should include the following which has been used in other environmental documents. [Gravel pads shall be installed at all access points to minimize tracking of mud on to public roads. If visible track-out results on any public roadway despite use of such pads, the contractor shall cause the material to be removed by street cleaning within one hour of its occurrence and again at the end of the work-day.]

p. 23 The public needs access to the person monitoring the site so that when there are problems at night or on weekends and holidays, there is someone to contact. Under Plan Requirements & Timing, the following should be added. [The name and phone number of the responsible individual shall also be posted on a sign with the letters at least 4.5 inches near the primary site access point.]

HAZARDS & HAZARDOUS MATERIALS

p. 36 d) It states that regular analysis of the groundwater has been suspended with RWQCB's approval. Has any groundwater monitoring been done for this document and if not, why not?

p. 37 Determination of the hazard associated with soil gas vapors on the project site should be part of this document. This section fails to adequately determine and discuss the impact of exposure to hazardous vapor and contact with contaminated soils. The existence of these must be determined and if necessary mitigated for this document to be an adequate assessment of

environmental impacts of this project. The City of Goleta, not the County Fire Department should decide these issues.

There is also no mention of radon.

The 1. Site Assessments is not adequate as it is an after the fact survey of potential problems at the site, not mitigation.

LAND USE & PLANNING

There is no indication that the existing grade is the finished grade. Without drawings that clearly show the finished grade, the true appearance of the buildings cannot be adequately determined. If there is an increased elevation above the existing elevation, that change will impact the appearance and view obstruction.

p. 44 I don't understand how it can be claimed that the height limit modification is acceptable due to "liberal building setback from Hollister". The hotel may be set back from Hollister but along Hollister, the restaurant encroaches into the setback. There is no real setback on the Storke side of the hotel. The towers add nothing to the appearance and exceeding the height limit cannot be justified.

p. 47 The Storke/Hollister intersection has the other buildings setback for an open, unobstructed view. This project gives the intersection a crowded, constricted appearance.

There should be two loading areas, one for the hotel and one for the restaurant. Suppliers will not park at the hotel loading area and carry supplies to the restaurant and the reverse is also true. Without the two loading areas, the suppliers will park in the driveways and block traffic. This is what happens at every other poorly designed location.

There is no reason that the restaurant should be granted a five foot encroachment into the setback. Removal of the encroaching canopy would improve the appearance of the building.

NOISE

A noise study should have been done for this document. The noise issues must be addressed and mitigated. An acoustical study is not mitigation, it is the study required to identify needed mitigation.

PUBLIC SERVICES

P. 56 The primary responding County fire station for the project should be Station 11 on Storke, not Station 14 on Los Carneros.

TRANSPORTATION/TRAFFIC

The addition of a northbound travel lane on Storke Road would reduce the significant impact. The lane needs to be constructed at the same time as the additional traffic generators are being developed. Until the completion of this improvement, there will be serious traffic impacts.

p. 68 The traffic impacts are not solved by paying GTIP fees. Only when the improvements are constructed is the impact mitigated. How much will the necessary CMP improvements cost? How much money is available and when will the improvements be finished?

p. 69 The shared parking spaces appear to be configured for use only by the Rincon Palms project. There does not appear to be access to these parking spaces from the R&D property. If the R&D employees have to drive into the Rincon Palms property to access these spaces, then it is not true shared parking. Shared parking should be easily accessed from both properties.

p. 70, Table 12 It would seem that the hotel would have different peak parking demand hours than the restaurant. I question the hours indicated.

p. 71 Bicycling from the nearby homes, businesses, and the University should be encouraged. I see no indication of bicycle parking or storage for the hotel or the restaurant.

There is currently a problem with vehicles and people not using the Storke Road signal but instead crossing Hollister in the middle of the block. The hotel and restaurant will encourage more people to cross Hollister. A planted center median should be installed along Hollister from Storke to Coromar for public safety and as traffic mitigation. Vehicles will need to be prohibited from making left turns across Hollister and this would improve the appearance of the Hollister corridor.

This project should not have been processed until there is a decision on the General Plan changes to the height limit and the FAR's. A project that doesn't conform to the General Plan should not be moving forward.

Thank you for this opportunity to comment on the MND.

Barbara S. Massey
7912 Winchester Circle
Goleta, CA 93117
(805) 685-5968
masseybarb@aol.com

Tuesday, May 28, 2008

Patricia Miller Planning Manager

Laura M. Bridley Project planner

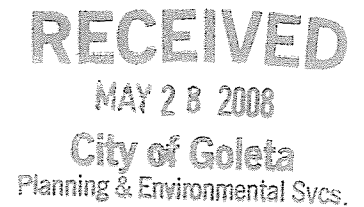
Planning and Environmental Services

City of Goleta

130 Cremona Drive

Goleta, Ca 93117

Subject: Draft MND For the Rincon Palms Hotel and Restaurant Project



Good evening, first I would like to thank you all for allowing me to comment here today. My name is Frank Arredondo, I am Chumash, descending from the prehistoric village of Tipu. I am here speaking on behalf of my ancestors, the Chumash people.

My reason for commenting is to argue the merits of the Draft Mitigated Negative Declaration (MND). As well bring out the best results from cohesive planning, active collaboration and to take the CEQA process to a new stage where it is not just thought of as a check list. I hope that good faith efforts will come from all sides of the project.

The Guidelines for implementation of CEQA (Adopted by the Board of supervisors of the County of SB which the City of Goleta has adopted states :

Article VI Negative Declarations (Pg 16)

- A. Responsibility for preparation. 2. P& D shall determine whether the proposed ND is Complex or Non-complex project. The MND does not make this Claim either way.

Per the Environmental Thresholds and Guidelines manual, Chapter 8 Cultural Resources guidelines archaeological, Historical, and Ethnic elements section E. Ethnic Impacts #1. Ethnic Impact Assessment Appendix G, significant Effects of CEQA defines the need for evaluating the impacts of a project may have on a community, ethnic, or social group. In order to evaluate these potential impacts, the County requires that appropriate representatives of affected community groups be contacted to assess their concerns and view points concerning measures to mitigate these impacts.

If the affected community does not consider to mitigation measures proposed by consulting archaeologist and incorporated in the project description by the applicant, the project maybe considered to result in a significant impact and a EIR may be prepared.

There is no documentation that this effort has been done prior to or during any Initial study stage or scoping meetings or in Initial evaluation of the project.

If assessment with the appropriate community had been done, there might be changes that have substantial evidence to show a material error or incorrect conclusion in the Initial Study. As I have seen in recent projects this is a growing issue that I am very concerned about.

The P&D may offer consideration of the information submitted, the Director of the P&D shall Affirm, Reverse, or Modify the conclusions of the Initial Study and this determination is not appealable. (Pg15 Guidelines for the Implement of CEQA)

Under the Environmental Thresholds & Guidelines manual Ethnic Impacts E. #3, Native Americans are retained during all subsurface investigations and disturbances of archaeological sites to insure compliance with appendix K section VIII. They may be involved in a Phase 1 field work investigation as well.

No where in the MND, Phase 1 or extended Phase 1 study indicate that any Native American was ever consulted with. There is no documentation that a Native American was present for any subsurface investigations. There are no documentations and this is not a sensitive issue that would prevent a listing of contacts used.

Pg 28 of the MND the width of the 9 backhoe trenches is listed as "measuring 3' wide by 2' to 3' deep and 6' to 8' long." The Extended phase 1 archaeological investigation page 4 states "measured 2feet wide, between 2 and 3 feet deep and between 6 and 8 feet long"

The inconsistency of the width is in question.

Pg 9 of the extended Phase 1 states that the ability of a site to yield information is framed in terms of data retrieval. Specifying criteria "d" as what the norm is devaluates the other criteria and should not be done.

Also on pg 9 of the same study compare remains from site to neighboring sites to determine if they can help explain patterns of behavior over a large area. But under pg 29 of the MND Cumulative Impacts section the MND fails to identify what the Cumulative impacts are, rather gives a declaration definition of what a Cumulative Impact is.

When reviewing site location in relation to Goleta Slough (adopted from Harrison and Harrison 1966) the range of villages run along the ancient slough boundaries with CA-SBa53-54 between the project site. It is a fair argument that any project with in the Goleta Area should be treated as if there is a high probability of Impact and monitors should be retained & Native Communities be consulted with.

A statement that "the remains are not considered culturally significant" on pg 9 of Extended Phase 1 is faulty because this determination should be made by the ethnic and social community as the Environmental Thresholds & Guidelines require.

County qualified archaeologist and City certified ethnologist along with local Chumash representatives should be retained to evaluate the projects scope and Initial studies.

It is my recommendation that all currently open projects be listed and sent to Natives for consultation purposes. Every project should have a records search and documented and reviewed like this Rincon Palms project. Evaluations been done like this extended phase 1 list and as well as using the background listings found on pg 12 of that document.

If the Native Community is not consulted on matters of cultural relevance is that grounds for discrimination?

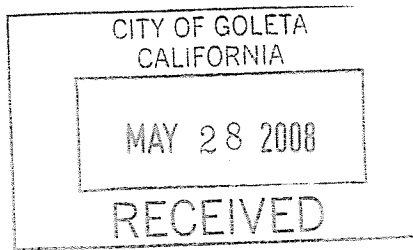
In previous hearings it was said that when it comes to a Mitigated Negative Declaration, the commission and the community are required to have faith in the staff that all the work has been done and that the Impacts have been mitigated to a level of less significance. Policies and Guidelines have been created to assist P&D to achieve theses goals. But if P&D does not follow the guidelines as they should are we truly doing our best?

My review was only a short review of the material, and only of the cultural resource section of the MND. I am unsure of the whole of the document if I have found theses issues with this small section alone.

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FAX

To Laura Bridley From James weighill

Company City of Goleta CA. Phone number _____

Fax number (805) 966 7256 (07) 685-2635 Fax number _____

Date 5/28/2008 Total pages 3

Job number Rincon Palms Hotel and Restaurant
07-020-GIP; -OA; -R; DP
08-MND-001

Message: Please accep this public comment letter
for The Rincon Palms hotel project
Thank you.
James weighill, vice chair, Coastal Band of the Chumash
Nation

Date: May 28, 2008

To: Laura Bridley, City of Goleta, Planning Consultant

RE: Public Comment Rincon Palms Hotel and Restaurant Project
Case Nos. 07-020=GP; -OA; -RZ; -DP 08-MND-001

Thank you for the opportunity to address the issue at hand, we hope to positively address environmental issues within the draft Mitigated Negative declaration (DMND) prepared for the Rincon Palms Hotel and Restaurant Project.

Of specific concern are the areas pertaining to Native American Chumash culturally affiliated resources which in one instance they are referred to as "archaeological artifacts" (pg.29) we think this desensitizes and or removes our connection to them. The wording needs to remain consistent throughout the document when referring to cultural resources, we do not think this was intentional but would like to bring it to your attention. We understand that the proposed project footprint is located adjacent to and in the vicinity of known previously recorded Native American Chumash culturally affiliated sites referred to in the (DMND) (pg.28) as archaeological sites CA-SBA-52, CA-SBA-53, CA-SBA-54, and CA-SBA-142.

Phase 1 archaeological investigations in 2006 did note the recovery of 16 shellfish fragments dispersed evenly throughout the project site, in a report prepared by WPA. Extended Phase 1 excavations in early 2007 by Science Applications International Corporation in which nine (9) backhoe trenches were excavated measuring 6 to 8 feet long by 3 foot in width and 2 to 3 feet in depth which did recover limited prehistoric Cultural materials consisting of shellfish fragments.

It has been through my experience in dealing with cultural resources over the last 27 years that given the location of the project footprint in proximity to the previously mentioned recorded archaeological sites tell me that the area is an extended habitation footprint by prehistoric Chumash daily activity. During the time period since occupation stopped there have been many weather related events which have altered the original state of the project footprint ground surface. Storms may have deposited large deposits of flood related soils on top of cultural resources creating deep subsurface deposits of cultural resources. We know that such a storm occurred in 1860 or 1861 in which a flood deposited 4 to 5 meters of sediment in areas of Goleta, such an instance would cause the subsurface excavations to interpret the impact of a sterile soil mistakenly.

In the "Thresholds of Significance" section of the (DMND) pg.29 addresses what a significant impact on cultural resources would be if it occurred. The cities adopted thresholds indicate that a project would result in a significant impact on a cultural resource if it results in the physical demolition, destruction, relocation or alteration of the resource or its immediate surroundings such that the significance of such a resource would be materially impaired. This area is the old Goleta Slough and part of the Mescalliton Island occupation site daily activity area and one which we consider a sensitive area and cultural place.

Sensitive Areas Sacred and Cultural Places: The cultural footprints of Chumash people whether prehistoric or historic represent a traditional cultural landscape and is a district, consisting of the places used and inhabited by a traditional culture. A traditional cultural landscape defined as a district could include a village site, related milling features, stone quarries and lithic tool process areas, ceremonial locations and landmarks, and temporary or seasonal camps. Together, these represent a traditional cultural landscape, a sacred district. If an area has multiple sites within a short distance of each other, the land between the sites should be also considered sensitive, a village district.

In the "Required Mitigation Measures" 1. Construction Monitoring:

In the event "archaeological artifacts" are encountered during grading or ground breaking activities, work shall be stopped immediately or redirected until a City approved archaeologist and Native American representative are retained by the applicant (at his cost) to evaluate the significance of the find pursuant to Phase 2 investigations. If remains are found to be significant they shall be subject to phase 3 Mitigation funded by the applicant.

Note: the cultural resource items of prehistoric Chumash is stated above to be an "archaeological artifact"

In the event Chumash cultural resources are encountered during grading or ground breaking activities is addressing the issue after the fact that disturbance has occurred. Who on the project site is an expert in the field of Native American Chumash culturally affiliated ancestral footprints. Certainly not an archaeologist or any one else outside of the field of the Native American culturally affiliated Chumash representative. I would not be comfortable with that being the standard and would like to be insured that preventive Mitigation Measures are incorporated into the (DNMD) to insure on site presence of a Native American Chumash representative monitoring staff to make the determination of cultural significance. Along with an archaeologist to record data of any subsurface Chumash Artifacts are encountered during any and all grading or ground breaking activities of the proposed project referenced in the draft Mitigated Negative Declaration for the Rincon Palms Hotel and Restaurant.

Thank you very much for the opportunity to provide comments.

Sincerely

James Weighill, Vice Chair, Coastal Band of the Chumash Nation.



May 27, 2008

Laura Bridley
City of Goleta
Planning and Environmental Services
130 Cremona Drive, Suite B
Goleta, CA 93117

Dear Laura,

These are my comments on the Rincon Palms Hotel and Restaurant Draft Mitigated Negative Declaration.

At the back of this document it indicates that the Air Quality Analysis for this project was prepared on September 17, 2007, by Suzanne Elledge Planning and Permitting Services, Inc. This is a clear conflict of interest, since Elledge is the agent for the developers on this project. The air quality analysis must be redone by an impartial firm. The new environmental document will need to be recirculated.

It became clear during my reading of the MND that an Environmental Impact Report should have been written for the Rincon Palms project. All impacts of this project must be studied and discussed in this document. There are studies put off until after the approval of this MND. These studies should be done first with the information and required mitigation included in an EIR. Studies are not mitigation.

The site plan, Figure 1, should have been 11' by 17' so that the information written on it could be read. I went into the Planning Department to look at larger site plans and was told I had to contact Patty Miller or Laura Bridley to get them. It was not possible to contact either due to the lateness in the week and the long holiday weekend. The basic plans and file should be available at City Hall when contract planners are responsible for a project. This is the second time I have been unable to get information on a project when I was reviewing the MND.

There is discussion of the General Plan Amendment wanted for this project but no discussion of the General Plan consistency of this project. This should have been included.

There are additional issues with this document that are addressed in the appropriate section.

The impacts cannot be adequately assessed without all the relevant information. CEQA requirements have not been satisfied.

AESTHETICS

There are five photos of the site, Figures 3 thru 7, but the two photo simulations do not use the same photos as shown. The photo simulations are done from locations slightly different so that they give the impression of not blocking the view. The views north will be seriously impacted. Figure 9 seems to be mislabeled as it appears to be a misrepresentation of the Hollister/Cortona intersection.

The architecture of the project is not compatible with the surrounding development. The exaggerated "Streamline Moderne" towers may appeal to architects but they are out of place and far too tall for the location. These towers exceed the height limit and do not merit a modification.

p. 16 The waste should be picked up daily or there will be a problem with trash blowing into the intersection and surrounding properties. There is no discussion of the ugly appearance of the trash area as seen from Storke Road. The trash areas should be covered in order to approve the appearance.

AIR QUALITY

Threshold of Significance d. page 21 has not been adequately addressed. Sensitive receptors that use the pool, the patio, and the outdoor restaurant areas will be exposed to substantial pollution concentrations. The Storke/Hollister intersection with LOS D and the queuing of vehicles for the southbound Highway 101 on ramp will create a significant concentration of pollutants.

p. 22 There is no discussion of potential objectionable smoke and odors from the restaurant. Will smoke and odor filters be required?

Required dust control mitigations should include the following which has been used in other environmental documents. [Gravel pads shall be installed at all access points to minimize tracking of mud on to public roads. If visible track-out results on any public roadway despite use of such pads, the contractor shall cause the material to be removed by street cleaning within one hour of its occurrence and again at the end of the work-day.]

p. 23 The public needs access to the person monitoring the site so that when there are problems at night or on weekends and holidays, there is someone to contact. Under Plan Requirements & Timing, the following should be added. [The name and phone number of the responsible individual shall also be posted on a sign with the letters at least 4.5 inches near the primary site access point.]

HAZARDS & HAZARDOUS MATERIALS

p. 36 d) It states that regular analysis of the groundwater has been suspended with RWQCB's approval. Has any groundwater monitoring been done for this document and if not, why not?

p. 37 Determination of the hazard associated with soil gas vapors on the project site should be part of this document. This section fails to adequately determine and discuss the impact of exposure to hazardous vapor and contact with contaminated soils. The City of Goleta, not the County Fire Department should decide these issues.

The existence of these must be determined and if necessary mitigated for this document to be an adequate assessment of environmental impacts of this project.

There is also no mention of radon.

The I. Site Assessments is not adequate as it is an after the fact survey of potential problems at the site, not mitigation.

LAND USE & PLANNING

There is no indication that the existing grade is the finished grade. Without drawings that clearly show the finished grade, the true appearance of the buildings cannot be adequately determined. If there is an increased elevation above the existing elevation, that change will impact the appearance and view obstruction.

p. 44 I don't understand how it can be claimed that the height limit modification is acceptable due to "liberal building setback from Hollister". The hotel may be set back from Hollister but there no real setback on the Storke side of the hotel. Along Hollister, the restaurant encroaches into the setback. The towers add nothing to the appearance and exceeding the height limit cannot be justified.

p. 47 The Storke/Hollister intersection has the other buildings setback for an open, unobstructed view. This project gives the intersection a crowded, constricted appearance.

There should be two loading areas, one for the hotel and one for the restaurant. Suppliers will not park at the hotel loading area and carry supplies to the restaurant and the reverse is also true. Without the two loading areas, the suppliers will park in the driveways and block traffic. This is what happens at every other poorly designed location.

There is no reason that the restaurant should be granted a five foot encroachment into the setback. Removal of the encroaching canopy would improve the appearance of the building.

NOISE

A noise study should have been done for this document. The noise issues must be addressed and mitigated. An acoustical study is not mitigation, it is the study required to identify needed mitigation.

PUBLIC SERVICES

P. 56 The primary responding County fire station for the project should be Station 11 on Storke, not Station 14 on Los Carneros.

TRANSPORTATION/TRAFFIC

The addition of a northbound travel lane on Storke Road would reduce the significant impact. The lane needs to be constructed at the same time as the additional traffic generators are being developed. Until the completion of this improvement there will be serious traffic impacts.

p. 68 The traffic impacts are not solved by paying GTIP fees. Only when the improvements are constructed is the impact mitigated. How much will the necessary CMP improvements cost? How much money is available and when will the improvements be finished?

p. 69 The shared parking spaces appear to be configured for use only by the Rincon Palms project. There does not appear to be access to these parking spaces from the R&D property. If the R&D employees have to drive into the Rincon Palms property to access these spaces, then it is not true shared parking. Shared parking should be easily accessed from both properties.

p. 70, Table 12 It would seem that the hotel would have different peak parking demand hours than the restaurant. I question the hours indicated.

p. 71 Bicycling from the nearby homes, businesses, and the University should be encouraged. I see no indication of bicycle parking or storage for the hotel or the restaurant.

There is currently a problem with vehicles and people not using the Storke Road signal but instead crossing Hollister in the middle of the block. The hotel and restaurant will encourage more people to cross Hollister. A planted center median should be installed along Hollister from Storke to Coromar for public safety and as traffic mitigation. Vehicles will need to be prohibited from making left turns across Hollister and this would improve the appearance of the Hollister corridor.

This project should not have been processed until there is a decision on the General Plan changes to the height limit and the FAR's. A project that doesn't conform to the General Plan should not be moving forward.

Thank you for this opportunity to comment on the MND.



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