

LETTERS OF RESPONSE TO:

DRAFT MITIGATED NEGATIVE DECLARATION
for the
MARIOTT RESIDENCE INN PROJECT
December 14, 2007

Patricia Miller

From: byim@sbcag.org
Sent: Wednesday, December 19, 2007 3:42 PM
To: Patricia Miller
Cc: mpowers@sbcag.org
Subject: Marriott Residence Inn MND

Hi Pat,
Season's Greetings.

Staff have reviewed the Mitigated ND for the Marriott Residence Inn Project. We just want to call your attention to the following:

While the hotel is located right outside the Airport Clear Zone, the FAA Form 7460-1 is required to ensure the proposed structure is not in violation of the FAR Part 77 Transitional Surface of 7:1. Secondly, based on the Caltrans ALUP, the project is located within the Inner Turning Zone of Runway 15R. We have indicated at earlier meetings that a proposed hotel and potential residents at this location would inevitably be subject to possible general aviation overflights and potential risk of aircraft mishaps because of its proximity to the general aviation aircraft approach corridor for landing at Runway 15R from the north. In addition, the site is close to the 60 CNEL contour, and therefore some guests and tenants may be annoyed by occasional aircraft noise intrusion. The mitigation measures including notices of airport in vicinity and noise insulation are therefore recommended.

William F. Yim
Santa Barbara County Association of Governments
260 San Antonio Rd, Suite B
Santa Barbara, CA 93110
Tel: 961-8906, Fax 961-8901
Email: byim: byim@sbcag.org

Patricia Miller

From: byim@sbcag.org
Sent: Wednesday, December 19, 2007 4:06 PM
To: Patricia Miller
Subject: Rincon Palms Hotel

Hi Pat,

The proposed hotel is located on the northeast corner and Storke and Hollister Ave. This site is considered outside the future Approach Zone and the one-mile marker to Runway 7 of Santa Barbara Airport. We would recommend that notices of "Airport in Vicinity" be required for the project sponsor and potential tenants.

Thank you for the opportunity to comment.

William F. Yim
Santa Barbara County Association of Governments
260 San Antonio Rd, Suite B
Santa Barbara, CA 93110
Tel: 961-8906, Fax 961-8901
Email: byim: byim@sbcag.org

Patricia Miller

From: Cecilia Brown [brownknight1@cox.net]
Sent: Tuesday, December 25, 2007 4:00 PM
To: Patricia Miller
Subject: Marriott Residence Inn DMND

Patty: Hope that you have had a nice Christmas holiday.

Are SB 18 consultations needed with the Chumash on this project?

Why no global warming info/mitigations/discussions? County is starting to do it for projects. I think it should be included. Here is the county's take on global warming considerations from the SB Ranch RDEIR, for your info below is the link

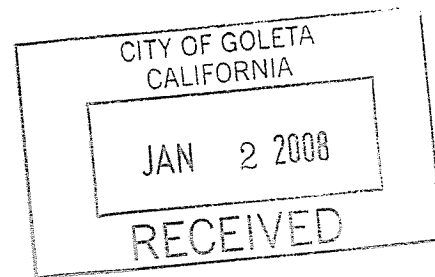
http://applications.sbcountyplanning.org/PDF/projects/03DVP-00041/November_Revised_Draft_EIR/Recirc/09%2016%20Global%20Climate%20Change%20Alt%201.pdf

Thx
Cecilia Brown

**NATIVE AMERICAN HERITAGE COMMISSION**

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

December 26, 2007



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

RE: SCH# 2007121058 Mariott Residence Inn; Santa Barbara County.

Dear Ms. 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
Program Analyst

CC: State Clearinghouse

Native American Contacts

Santa Barbara County

December 26, 2007

Ernestine DeSoto 1027 Cacique Street, #A Santa Barbara , CA 93103 (805) 962-3598	Chumash	John Ruiz 1826 Stanwood Drive Santa Barbara , CA 93103 (805) 965-8983	Chumash
Owl Clan Dr. Kote & Lin A-Lul'Koy Lotah 48825 Sapaque Road Bradley , CA 93426 (805) 472-9536	Chumash	John Sespe P.O. Box 303 Pala , CA 92059 (760) 742-2274	Chumash
Julie Lynn Tumamait 365 North Poli Ave Ojai , CA 93023 jtumamait@sbcglobal.net (805) 646-6214	Chumash	Diane Napoleone and Associates Diane Napoleone 6997 Vista del Rincon La Conchita , CA 93001 dnaassociates@sbcglobal.net 805-643-7492	Chumash
Patrick Tumamait 992 El Camino Corto Ojai , CA 93023 yanahea2@aol.com (805) 640-0481 (805) 216-1253 Cell	Chumash	Stephen William Miller 189 Cartagena Camarillo , CA 93010 (805) 484-2439	Chumash

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#2007121058 Marriott Residence Inn Project; Santa Barbara County.

Native American Contacts

Santa Barbara County

December 26, 2007

Coastal Band of the Chumash Nation

Roberta Cordero

4454 La Paloma Road Chumash

Santa Barbara , CA 93105

roberta.cordero@gmail.com

805-681-9133

Charles S. Parra

P.O. Box 6612 Chumash

Oxnard , CA 93031

(805) 340-3134 (Cell)

(805) 488-0481 (Home)

Carol A. Pulido

165 Mountainview Street Chumash

Oak View , CA 93022

805-649-2743 (Home)

Melissa M. Para-Hernandez

119 North Balsam Street Chumash

Oxnard , CA 93030

805-988-9171

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.

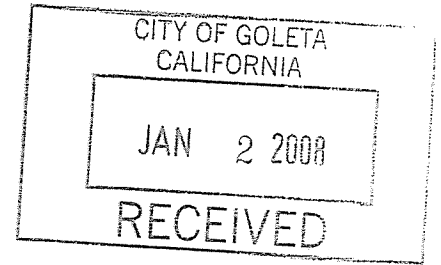
This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2007121058 Marriott Residence Inn Project; Santa Barbara County.



**Santa Barbara County
Air Pollution Control District**

December 31, 2007

Ms. Patricia Miller, Planning Manager
City of Goleta Planning & Environmental Services
130 Cremona Drive, Suite B
Goleta, CA 93117



RE: Marriott Residence Inn Project

Dear Patty,

The Santa Barbara County Air Pollution Control District (APCD) has reviewed the Mitigated Negative Declaration for the above mentioned project. We concur with the City of Goleta that this 140-room extended-stay hotel project is not expected to have significant air quality impacts with the implementation of standard dust control measures and diesel equipment exhaust control measures during construction.

The project must also comply with all APCD Rules and Regulations, 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.

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.

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:

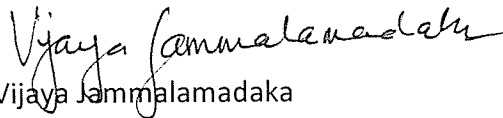
- o shall not idle the vehicle's primary diesel engine for greater than 5 minutes at any location
- o shall not idle a diesel-fueled auxiliary power system (APS) for more than 5 minutes to power a heater, air conditioner, or any ancillary equipment on the vehicle if you have a sleeper berth and you're within 100 feet of a restricted area (residential uses and schools).

The SBCAPCD recommends that any type of fireplace be prohibited in the hotel rooms. This is the best alternative for reducing energy usage and greenhouse gas emissions. If fireplaces are part of the project then gas fireplaces (means a fireplace or any other listed gas appliance as defined in the Uniform Mechanical Code designed to burn natural gas in a manner that simulates the appearance of a wood burning fireplace and does not burn anything other than natural gas) are recommended. Wood-burning fireplaces should be prohibited in the hotel rooms to reduce public nuisance and health concerns.

Please ensure that all the above recommended measures are made conditions of approval and enforced by the City of Goleta.

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

Sincerely,



Vijaya Jammalamadaka
Air Quality Specialist

Technology and Environmental Assessment Division

cc: TEA Chron File



City of Santa Barbara
Community Development Department

www.SantaBarbaraCA.gov

January 10, 2008

Directors Office

Tel: 805.564.5502

Fax: 805.564.5506

Housing &

Redevelopment

Tel: 805.564.5461

Fax: 805.564.5477

Planning

Tel: 805.564.5470

Fax: 805.897.1904

Building & Safety

Tel: 805.564.5465

Fax: 805.564.5476

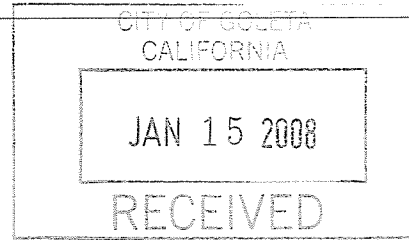
630 Garden St.

PO Box 1990

Santa Barbara, CA

93102-1990

Patricia Miller, Planning Manager
Planning and Environmental Services
City of Goleta
130 Cremona Drive
Goleta, CA 93117



SUBJECT: DRAFT MND FOR THE MARRIOTT RESIDENCE INN PROJECT

Dear Ms. Miller:

The City of Santa Barbara appreciates the opportunity to review the Draft Mitigated Negative Declaration for the Marriott Residence Inn Project. The City is particularly interested in this project due to its proximate location to the Airport and its location within the City's Sphere of Influence.

City staff has reviewed the Draft MND and offer the following comments:

Global: Mitigation Monitoring section should define minimum frequency and duration of all identified monitoring measures.

P. 26: d-f - The analysis does not consider the Goleta Slough Ecosystem Management Plan. Additionally the proposed project site drains into Los Carneros Creek via the Firestone Drainage - an area known to provide habitat to the federally endangered tidewater goby. The second to last line references a "proposed commercial center" which is not discussed in "6. Project Description." Finally, "[d]ue to surrounding urban development" is an incomplete explanation for the determination of no impact to native or migratory fish species.

P. 37, 66: Discussion of Form 7460-1 is confusing. Form 7460 does not "ensure" there is no hazard to aviation nor that "regulations will not impact the hotel's designed height." It should read something like, "The FAA will analyze the proposed project in response to the filing of Form 7460-1 and will determine if the project height would pose a hazard to aviation."

P 44: Existing setting - the project site "borders" the Santa Barbara Airport (no "a").

Pp. 44-48: Both the Santa Barbara County Airport Land Use Plan and the Goleta Slough Ecosystem Management Plan were adopted for the purpose of avoiding and mitigating environmental effects and should be considered under "b". The proposed project site is within the ALUP-defined Airport Influence Area and the southern border of the parcel marks the edge of the Goleta Slough Ecosystem Management Area. Mitigation measures proposed in the ALUP and policies in the Slough Management Plan should be reviewed for incorporation and consistency determination.

P 48: The analysis under "c" is incorrect. The Goleta Slough Management Plan Area abuts the project site. This Plan should be considered for consistency and a determination other than "No Impact" should be reached.

P 52: Cumulative Impact - The proposed project site is within the Santa Barbara Airport 14 CFR Part 150 Noise Compatibility Study defined "Marginal Impact Area". While this itself does not constitute a significant impact, the proposed project site may be cumulatively impacted with noise from Hollister Avenue and the Union Pacific Rail Road. As such, ALUP proposed noise attenuation mitigation measures should be incorporated to reduce risk of exposure to cumulative noise impacts.

P 66: Form 7460-1 will not ensure anything. The Part 77 study will simply conclude whether or not the project would pose a threat to aviation.

Pp. 69-70: Mitigation Measure 1-- Street Design Modifications

The first item needs to change to the following in order to be consistent with the submittal drawings and the City of Santa Barbara requirement (i)...prohibiting left in and left out while allowing right in and right out.

Item iii--Should dual directional ramps be provided at Robin Hill Rd./Hollister Ave. if no crosswalk is proposed across Hollister Ave.?

Last word on page 69 should be "at" not "a"

Plan Requirements & Timing (page 70)--the last sentence is confusing and should read, "...street improvements shall be installed by the applicant and approved by the City of Santa Barbara..."

P 70: Mitigation Measure 3—Transit Improvements

Plan Requirements & Timing: Include the City of Santa Barbara for review and approval for required street improvements.

Again, thank you for providing the City with the opportunity to review the DEIR and considering our comments.

Sincerely,



Debra Andalaro
Senior Planner II

cc: Bettie Weiss, City Planner
Karen Ramsdell, Airport Director
Andrew Bermond, Assistant Planner (Airport)
Steve Foley, Supervising Transportation Planner
Planning File

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!*

January 14, 2008

Ms. Patricia Miller
City of Goleta Planning and Environmental Services
130 Cremona Dr #B
Goleta, CA 93117

05-SB-101-various
SCH 2007121058

Subject: Marriott Residence Inn Draft Mitigated Negative Declaration

Dear Ms. Miller:

Thank you for the opportunity to review the mitigated negative declaration for the proposed Marriott Residence Inn project. Caltrans is not able to provide complete review or comment as the traffic impact study for this project was not available. Caltrans staff offers the following comments:

1. Pages 62 - 64, Project specific impacts. The text indicates the traffic evaluation was accomplished on June 18, 2007. Table 1 indicates that traffic counts were obtained from May 2003 and February 2005. Traffic count data should be no older than two years. Beyond that time, data should be refreshed otherwise "baseline" or existing conditions from which project impacts are analyzed and judged, may not be accurately depicted.

Trip Generation, Distribution, Assignment. On page 62, reference is made to using ITE trip generation estimates, but there is no discussion about those results. There should be discussion (narrative or graphical or both) that describes and justifies the analysis' trip distribution and assignment. There is no indication as to the percentage of trips using interchange ramp intersections in any of the scenarios. According to Table 1, the Fairview segment between Hollister and the US 101 SB ramps will experience a daily increase of 441 project trips. How many of these will use US 101 mainline and which ramps? There should be discussion about this project's impacts on US 101 mainline as well.

2. Methodology: For purposes of analyzing impacts upon State highways such as ramp intersections and mainline, Caltrans requests that the Highway Capacity Manual 2000 methodology be used.
3. Tables 1, 2 and 3; Pages 63-66. In addition to the need for adding clarity about trip distribution and increased quantities at intersections, the Table presentation appears incomplete and /or mislabeled. Table 2 is the critical intersection AM peak analysis. Is the first columnar heading describing existing AM conditions? Table 3 is labeled as the critical intersection PM peak analysis. However, Table 3 on page 65 columnar headings, as well as the data presented, is identical to the AM peak analysis for the 7 intersections that are listed, as in Table 2. Table 3 (PM Peak) on page 66 columnar headings are labeled 2030 AM. Please refine or reformat the Tables to represent the correct time periods being discussed. In

Ms. Patricia Miller
January 14, 2008
Page 2

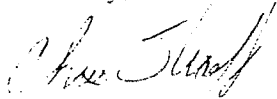
conjunction with that effort, please encourage the applicant to obtain more recent traffic counts. Intersection analysis should include a depiction and discussion of turning movements as well.

4. A Table and narrative discussion should be included that discusses US 101 mainline.
5. Cumulative Impacts: traffic. On page 66 the table appears to indicate that year 2030 is the cumulative condition being analyzed. Cumulative is typically inclusive of other projects, which are approved yet not built; pending or under review; and others, which are reasonably foreseeable. Is year 2030 more likely General Plan build-out? Please have the applicant describe more fully these concepts.
6. Transportation/Traffic analysis generally. The discussion about project or cumulative impacts with respect to build scenarios appears incomplete. The cumulative discussion on page 69 concludes that payment of traffic impact mitigation fees reduces impacts to something less than significant. While that may be accurate, the narrative record should discuss the intersections or road segments relevant to the project in terms of existing, existing plus project, cumulative conditions. Then, if the data indicates impacts within these scenarios, what improvement projects will mitigate those impacts, and how the subject project undergoing analysis fits into that scheme. At this time, the narrative does not capture entirely that discussion.
7. Roadway segment 5 on page 61 should be changed to agree with Table 1.

I hope these comments provide your agency a better understanding of Caltrans' concerns with respect to this proposed project. We are very interested in the updated analysis that will discuss the Los Carneros and Fairview Interchanges. On the basis of the data presented in the subject MND, it does not appear that CEQA disclosure is satisfied.

If you have questions about this letter please contact me at (805) 549.3632.

Sincerely,



Chris Shaeffer
D5 Development Review

c: D. Murray (D5)

COUNTY OF SANTA BARBARA

Michael F. Brown
County Executive Officer



105 East Anapamu Street, Suite 406
Santa Barbara, California 93101
805/568-3400 • Fax 805/568-3414
www.co.santa-barbara.ca.us

January 14, 2008

EXECUTIVE OFFICE

Patricia Miller, Planning Manager
City of Goleta, Planning and Environmental Services
130 Cremona Drive, Suite B
Goleta, CA 93117

VIA FAX to (805) 685-2635

RE: *Notice of Availability Draft Mitigated Negative Declaration-City of Goleta Marriot Residences Inn, Case #07-007-GP,-OA,-DP,-TPM; 07-167-DP AM*

Dear Ms. Miller,

Thank you for the opportunity to comment on the *Notice of Availability Draft Mitigated Negative Declaration-City of Goleta Marriot Residences Inn*. Attached you will find a response to the proposed project from the County Public Works Department (Flood Control Water Agency). The Office of Long Range Planning has the following comments regarding transportation/traffic:

Transportation/Traffic Section

There appears to be a typing error in the heading for Table 3 of the PM peak hour analysis.

Again, thank you for the opportunity to submit comments on the *Draft Mitigated Negative Declaration*. The County looks forward to maintaining a continued active dialogue with the City of Goleta regarding this proposed project. Please contact David Matson, Deputy Director in the Office of Long Range Planning (805) 568-2068 with any questions or comments.

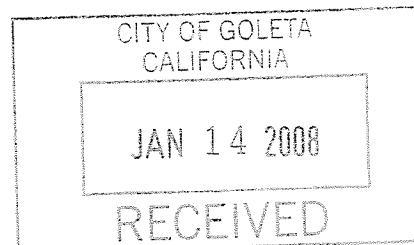
Sincerely,

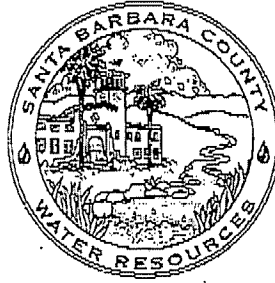
Ronald S. Cortez, Deputy CEO
County Executive Office

cc: John McInnes, Director of Long Range Planning
David Matson, Deputy Director, Long Range Planning
Derek Johnson, Deputy Director, Long Range Planning
Jonathan Frye, Engineering Manager—Flood Control & Water Conservation District

Attachments

1. Flood Control District letter dated December 26, 2007





Santa Barbara County Public Works Department
Flood Control & Water Agency

December 26, 2007

Planning and Environmental Services
130 Cremona Drive, Suite B
Goleta, CA 93117
Attn: Patricia Miller, Planning Manager

Project: Marriott Residence Inn
Case No. 07-007-GP, -OA, -DP, -TPM; 07-167-DP AM; 07-MND-003
AP No. 073-050-020

Dear Madam or Sir,

Thank you for the opportunity to comment on the subject project.

Floodplain management responsibility at this location rests with the City of Goleta, so Santa Barbara County Flood Control has no comment on the suggested development review conditions of approval.

Santa Barbara County Flood Control further notes that the existing Project location does not interface with existing Santa Barbara County Flood Control District facilities.

Therefore, Santa Barbara County Flood Control has no issues on this project.

Sincerely,

SANTA BARBARA COUNTY FLOOD CONTROL & WATER CONSERVATION
DISTRICT

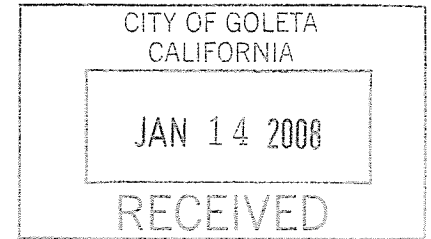
By: Jonathan S. Frye
Jonathan S. Frye
Engineering Manager

RARC:CityofGoletaMarriott



January 14, 2008

City of Goleta
130 Cremona Dr., Ste. B
Goleta, CA 93117



Attention: Patricia Miller

Subject: Draft Mitigated Negative Declaration for Marriott Residence Inn

Dear Ms. Miller:

I have read and reread several times the subject draft for the Marriott Residence Inn Project, and putting it mildly am not only disappointed but shocked at the procedural machinations proposed. I conclude that someone in city government really believes that this is a worthwhile project; that another hotel is needed in preference to research and development industrial facilities, and that it will be "good" for the city - not just for the developer.

Mrs. Bartlett and I own three properties in the close vicinity to the proposed project. They are approximately one block north of the proposed project. We are opposed to the project, its concept, and the tactics being used by the city to accommodate it. Also as the President and Chief Executive Officer of a company that occupies two of the aforementioned facilities, I have some experience with the need for hotels in the area. The Bardex business activities are worldwide, and we often are requested to obtain reservations for visitors. We have never, ever been unable to locate a hotel room to satisfy such customer requests.

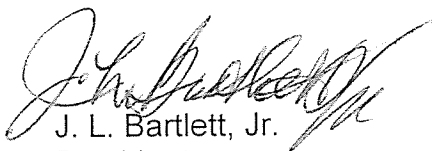
The Draft Mitigated Negative Declaration should document a number of facts that exist around the location of the proposed project. Its location is in approximately the middle of the historical Goleta harbor, and the ground water level is very near to the surface. As a matter of fact, several of the properties adjacent to the project, including one that we own, have recently experienced well and ground water levels that show an artesian effect.

It is clear that the proposed project includes a building that is three stories high, and it is located directly in the approach zone to the Airport 15R. The north/south runways are maintained principally for the use of private aircraft as well as some multi-engine business activities. In contrast, the east/west runways are mostly used by commercial and passenger aircraft. I believe that records will show the number of events on the north/south runway is multiple times greater than the similar events on the east/west runway - possibly five to ten times as many takeoffs and landings.

I believe that your procedure to deal with a proposed general plan change and a zoning ordinance change should not be included as a part of a development plan. The change in zoning and general plan change should logically occur ahead of a detailed consideration of a non-conforming project. If there is going to be a sound basis for a general plan change and a zoning ordinance change, the matter should be increased to cover any and all such presently zoned parcels. We believe that there is nothing unique about the parcel's proposed location that accords its owners the right to special treatment. If this is correct, then it would follow that notice should be given to all owners of similarly zoned properties in the City of Goleta - not just the owners adjacent to the project.

Mrs. Bartlett and I have the opinion that the existing zoning is appropriate for the city's needs, and that the introduction of a commercial motor hotel (motel) in the middle of the well-developed MRP zone is a tragedy that should not be permitted to occur.

Yours very truly,



J. L. Bartlett, Jr.
President

JLB/jas



STATE OF CALIFORNIA
GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT

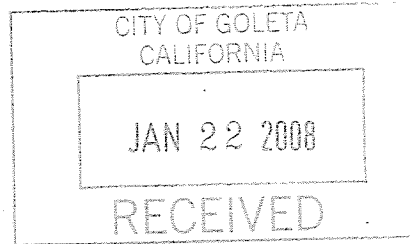


ARNOLD SCHWARZENEGGER
GOVERNOR

CYNTHIA BRYANT
DIRECTOR

January 15, 2008

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



Subject: Mariott Residence Inn Project
SCH#: 2007121058

Dear Patricia Miller:

The State Clearinghouse submitted the above named Negative Declaration to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on January 11, 2008, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Terry Roberts
Director, State Clearinghouse

Enclosures
cc: Resources Agency

**Document Details Report
State Clearinghouse Data Base**

SCH# 2007121058
Project Title Marriott Residence Inn Project
Lead Agency Goleta, City of

Type Neg Negative Declaration
Description The application includes Development Plan for a 140-room extended stay hotel (with Marriott Residence Inn identified as the operator) on a vacant parcel located at the northeast corner of Hollister Avenue and Robin Hill Road. The hotel site occupies the westerly 3.79 acres of a larger 10.95-acre parcel. A lot split is proposed to create a smaller, separate parcel for the hotel development, while providing for reciprocal access and parking with the adjacent research-manufacturing facility. The project also includes a General Plan Amendment to change Land Use Element Policy LU 4.2, Land Use Element Table 2-3, and Conservation Element Policy CE 10.3; an Ordinance Amendment to create a Hotel Overlay; and a Development Plan Amendment to update the permit for the existing building on the site. The property has a Business Park land use designation with Hotel Overlay and is presently zone M-RP (Industrial Research Park).

Lead Agency Contact

Name Patricia Miller
Agency City of Goleta
Phone 805-961-7542 **Fax**
email
Address 130 Cremona Drive, Suite B
City Goleta **State** CA **Zip** 93117

Project Location

County Santa Barbara
City Goleta
Region
Cross Streets Robin Hill Road and La Patera Lane
Parcel No. 073-050-020
Township **Range** **Section** **Base**

Proximity to:

Highways 101
Airports Santa Barbara Municipal
Railways Southern Pacific Railroad
Waterways Los Carneros Creek and San Pedro Creek
Schools
Land Use Business Park land use designation
M-RP; Industrial Research Park zoning designation

Project Issues Aesthetic/Visual; Air Quality; Archaeologic-Historic; Biological Resources; Coastal Zone; Drainage/Absorption; Flood Plain/Flooding; Geologic/Seismic; Noise; Public Services; Sewer Capacity; Soil Erosion/Compaction/Grading; Toxic/Hazardous; Traffic/Circulation; Water Quality; Landuse; Cumulative Effects

Reviewing Agencies Resources Agency; California Coastal Commission; Department of Conservation; Department of Fish and Game, Region 5; Office of Historic Preservation; Department of Parks and Recreation; Reclamation Board; Department of Water Resources; Caltrans, Division of Aeronautics; California Highway Patrol; Caltrans, District 5; Regional Water Quality Control Board, Region 3; Department of Toxic Substances Control; Native American Heritage Commission; Public Utilities Commission

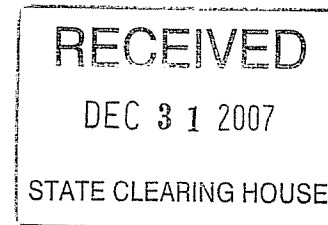
Date Received 12/13/2007 **Start of Review** 12/13/2007 **End of Review** 01/11/2008

NATIVE AMERICAN HERITAGE COMMISSION

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



December 26, 2007



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

RE: SCH# 2007121058 Marriott Residence Inn; Santa Barbara County.

Dear Ms. 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 archeological 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
 Program Analyst

CC: State Clearinghouse

Transmittal Via E-Mail

Date: 23 January, 2008

To: Patricia Miller, Planning Manager, City of Goleta
E-mail: pmiller@cityofgoleta.org

From: Ann Munns, M.A., RPA
E-mail: aeannie@earthlink.net

RE: Draft MND for the Marriott Residence Inn Project

Dear Ms. Miller:

I understand that the comment period for the draft Mitigated Negative Declaration (DMND) for the Marriott Residence Inn project in Goleta closed on 14 January. However, I did not learn of the document's existence until after that date and I request that the City consider the comments and questions provided here regarding the cultural resources section of the document. I am a registered professional archaeologist with 20 years' experience in the Santa Barbara County region. I reside in Lompoc, CA.

1. The cultural resources checklist (page 28) incorrectly states that no historical resources (as defined in §15064.5) would be substantially adversely affected by the proposed project. Similarly, the discussion on page 29 of Project Specific Impacts (a) incorrectly equates "historic resources" with "historical resources." These errors should be corrected.

The term "historical resource" is specifically defined by the cited state regulation in reference to the **significance**, or importance of a cultural resource, and not according to the resource's association with historic versus prehistoric time periods.

Title 14 CCR Section 15064.5 defines an "historical resource" as any object, building, structure, site, area, place, record, or manuscript that is considered historically significant—in other words, resources listed or eligible for listing on the California Register of Historical Resources (CRHR). Prehistoric archaeological sites (and other cultural resources) evaluated as "significant" are those that meet one or more of four CRHR criteria [Title 14 CCR Section 4852]. The criterion most commonly applied to archaeological sites is the resource's potential to contain information important to our understanding of prehistory or history. Other CRHR criteria can also apply in specific situations.

In their report of site significance testing at CA-SBA-58 for the proposed Burroughs development (prepared in support of the 1980 Earth Metrics EIR cited by the DMND), Bixler et al. (1979:52-56) concluded that portions of the site are "extremely significant" (ibid.: 53) because of their data potential and noted that they represent the only known remaining intact CA-SBA-58 site deposits. The site's importance is also supported by results of radiocarbon analyses completed after submittal of the Bixler et al. report, which show site occupation during the Early Period of prehistory—an era for which comparatively fewer sites have been identified.

The evaluation of CA-SBA-58 as significant, and therefore eligible for the CRHR, qualifies the site as an "historical resource" under Title 14 CCR Section 15064.5. Project implementation would destroy remaining site deposits, resulting in a substantial adverse change in resource significance. The cultural resources checklist and related text discussion should be corrected to reflect this.

2. The DMND does not include any discussion or explanation of impacts to human remains, paleontological resources, or geological features.

The DMND cultural resources checklist indicates that impacts to each of these resource types would be “less than significant with mitigation incorporated.” As noted on page 8, item (b) of the DMND, explanation for each of these items is therefore required in the document. The document should be revised to include these required explanations.

[Comment to be redacted from any public release of this comment letter: As noted by Bixler et al. (1979:26-30) previous archaeological investigations documented the presence of human remains at CA-SBA-58. The potential exists for human remains to be present within the Marriott Residence Inn project area. The project environmental documents must adequately explain how implementation of mitigation measures would reduce impacts to human remains to a level of less than significance.]

3. The DMND does not demonstrate completion of a good faith effort to identify the full range of cultural resources on the project parcel. Specifically, there is no evidence that Native American sacred lands and traditional cultural properties were considered.

Current professional best practices (good faith efforts) for projects regulated under CEQA include requesting a sacred lands search from the Native American Heritage Commission (NAHC). The NAHC documents the results of this search in a letter and provides a list of groups and individuals who should be contacted to solicit their input regarding sacred or traditional values embodied within or near the project area. These group and individual communications are normally initiated by mail or fax (in writing), with follow-up by telephone and documentation of all comments received. Each step in the good faith effort is documented for the administrative record and summarized in the environmental document. (Although confidentiality restrictions prohibit public disclosure of specific sacred or traditional place information, the environmental document should demonstrate completion of the good faith effort to inventory these resources.)

This is especially important because the site significance testing report for the Burroughs project (Bixler et al. 1979: Appendix 1) includes a statement objecting to the proposed Burroughs project because the site holds special cultural values. After more than 28 years, additional information regarding such concerns for the property may now be available and should be considered in the DMND.

The DMND contains no evidence that a good faith effort was completed to identify sacred or traditional cultural resource values for the project area. This deficiency should be corrected.

4. The DMND defers preparation of the data recovery plan / program until after the MND has been approved, thus precluding interested parties from commenting on the adequacy of this mitigation measure.

As the sole means by which destruction of the remainder of intact CA-SBA-58 site deposits would be mitigated, it's especially important that interested parties be provided the opportunity to comment on the data recovery plan that describes the Phase 3 program in detail. Deferral of the Phase 3 plan until after approval of the MND does not appear consistent with CEQA case law. To my knowledge, case law has remained unchanged since the 1988 decision in *Sundstrom v. County of Mendocino* established that deferrals are impermissible to support a Negative Declaration or MND.

The data recovery (Phase 3) plan should be made available for comment and its procedural, substantive, and timing requirements should be explicitly incorporated into the DMND. In addition, the DMND should explicitly identify the timing and reporting requirements for carrying out the data recovery project itself.

5. The DMND is unclear regarding whether construction-phase archaeological and Native American monitoring is required.

A local Native American representative should monitor the data recovery (Phase 3) excavations. In addition, all earth-disturbing project construction activities should be monitored by a qualified archaeologist and local Native American representative. Assuming that the required preconstruction data recovery (Phase 3) investigation does not recover 100 percent of the intact site deposit, there is a potential for encountering additional archaeological deposits whose data potential would not have been adequately sampled by the Phase 3 excavations. Construction-phase cultural resources monitors could ensure that these additional deposits (unanticipated discoveries) are recognized and protected until additional data recovery excavations can be completed.

The DMND should be revised to clarify requirements for both Phase 3 data recovery monitoring by a local Native American representative and for construction-phase monitoring by both a qualified archaeologist and a local Native American. The DMND should identify the purpose of monitoring and explain the measures taken by the City to ensure that this monitoring is successfully implemented and reported.

6. Cumulative impacts to cultural resources are listed as potentially significant, but are not explained.

The DMND gives no explanation for how the project's potentially significant, considerable cumulative impacts to cultural resources would be mitigated to a level of less than significance. As stated on page 8 of the DMND, such explanation is required in order to evaluate the project's environmental impacts. The document should be revised to include explanation of cumulative impacts to cultural resources.

CA-SBA-58 was described by Rogers (1929:168) as largely intact. By 1961, development had destroyed roughly 75 percent of the site (Miller 1961 site record, as described by Bixler et al. 1979:28-30). By December 1979, the significance testing report concludes that 90 percent of the site had been destroyed by development. The Marriott project would destroy the last remaining known intact site deposit.

The incremental destruction of CA-SBA-58 during the past century parallels the destruction of archaeological sites in the Goleta-Santa Barbara area. For example, the staff report for the Caird project in Santa Barbara County references one estimate that only 20 percent of coastal Santa Barbara archaeological sites remain.

7. Can a Phase 3 data recovery program succeed in reducing impacts to CA-SBA-58 to a level of less than significance?

I believe that a fair argument can be made to challenge the assertion that a data recovery program would reduce impacts to CA-SBA-58 to less than significant levels in a situation where the proposed project would destroy the last intact site deposits. Even if data recovery employs the current best practices available, such projects are always heavily constrained by budgetary requirements that require compromises in the intensity of analysis. Further, following project construction, no known intact site deposits would be left. Future improvements in archaeological techniques—including non-destructive methods—could not be used to glean important information from CA-SBA-58 because intact deposits would no longer exist. It is possible that entire categories of research questions would be rendered un-addressable with respect to this site.

Archaeological resources are non-renewable. Elimination of the remaining intact site deposits can be neither rectified (repaired, rehabilitated or restored) nor can impacts to them be compensated (by providing replacement or substitute resources). The remaining types of mitigation defined by CEQA (Title 14 CCR Section 15370) include impact avoidance, minimization, or reduction over time. The DMND does not consider these alternatives.

8. The draft MND states that the project includes proposed amendments to the City General Plan (Case No. 07-007-GP). Under Senate Bill 18 (SB 18, signed in 2004), when adopting or amending general or specific plans, local governments are required to “consult with California Native American tribes to aid in the protection of traditional tribal cultural places...” (GOPR 2005:3).

Will the consultation and noticing requirements of SB 18 be completed? If so, will they be inclusive of all Native American contacts listed by the NAHC response letter for SB 18 consultation for this project area?

Thanks very much for your consideration. If you have questions or require more information, please don't hesitate to contact me at aeannie@earthlink.net.

Sincerely,



Ann Munns, M.A., RPA

References Cited

Bixler, Albert G., Steven A. Bolton, and Raymond Scupin

1979 *Cultural Resources Technical Report for Proposed Developments at Burroughs Corporation, Goleta, California*. Submitted by Pandora E. Snethkamp, Social Process Research Institute, Office of Public Archaeology, UC Santa Barbara. Submitted to Earth Metrics, Inc., Burlingame, California. December.

Governor's Office of Planning and Research (GOPR)

2005 *State of California Tribal Consultation Guidelines: Supplement to General Plan Guidelines*. Governor's Office of Planning and Research, Sacramento, CA. 14 November.

Patricia Miller

From: Michael Glassow [glassow@anth.ucsb.edu]
Sent: Thursday, January 24, 2008 4:25 PM
To: Patricia Miller
Subject: Marriott Residence Inn Project

Dear Ms. Miller,

A colleague brought to my attention a draft mitigated negative declaration for the Marriott Residence Inn project. As you undoubtedly know by now, this project has the potential to impact one of the most significant sites within the City of Goleta, known by its state designation as CA-SBA-58. Indeed, this site is one very few with intact deposits among the many that bordered the ancient estuary that is now the Goleta slough. Consequently, the site has the potential to yield important information about Goleta prehistory--information that cannot be obtained from any other extant site in the locality.

I know that the City of Goleta is concerned with appropriate treatment of prehistoric cultural resources in light of the recent arrangement your planners have established with the Central Coast Information Center, which my department hosts under my supervision for the California Office of Historic Preservation. I am mystified, therefore, that such a negative declaration could be drafted that neglects the importance of this important archaeological site.

It is actions like this that could get the City of Goleta into serious legal trouble, particularly since CA-SBA-58 stands a good chance of containing prehistoric human remains. The Chumash people surely will be very upset if construction affected prehistoric burials. As well, they are as concerned as archaeologists are about preserving vestiges of our prehistoric heritage.

In considering the proposed Marriott Residence Inn project, I advise you and your staff to rethink your approach to conforming with both the spirit and letter of CEQA. I'm sure that the City of Goleta does not want to acquire a reputation for running roughshod over the valuable prehistoric cultural resources within its jurisdiction.

Michael A. Glassow
Professor
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Santa Barbara, CA 93106-3210
(805) 893-2054
Fax (805) 893-8707
Webpage: <http://www.anth.ucsb.edu/faculty/glassow/>

Patricia Miller

From: Jon M. Erlandson [jerland@uoregon.edu]
Sent: Friday, January 25, 2008 9:37 AM
To: Patricia Miller
Subject: CA-SBA-58 and Marriott in Goleta

Dear Patricia:

I am an archaeologist born and raised in the Santa Barbara area. I've been involved with Santa Barbara archaeology for more than 30 years and worked closely with the Chumash people since 1977. While at a memorial for Chumash elder John Sespe last weekend I hear a lot of angry talk among Chumash descendants about plans to develop CA-SBA-58, one of the few remnants of the many large villages that once ringed the northern edge of the Goleta Slough. Part of the outrage revolved around the fact that the City of Goleta would deal with such an important site through the issuance of a Negative Declaration. This is going to be a very controversial project and I strongly recommend that a full EIR be prepared to more completely evaluate the impacts of the Marriott project on the remnants of a large and important archaeological site that is clearly eligible for the National Register of Historic Places.

I did some small-scale excavations at SBA-58 in 1977, as a leader of the Center for Archaeological Preservation, Research, and Education. There was no doubt at the time that this was an extremely important and complex village site. Such villages normally include one or more cemeteries, sweat lodges, dance floors, and other features of great scientific, historical, and cultural value. Given the very limited nature of the UCSB testing of the parcel in question in the 1970s, I believe it is not in Marriott's best interest to proceed until they know more about what archaeological constraints they might encounter during mitigation efforts or grading. In the case of the Bacara Resort, for which I directed the cultural resource studies, there were numerous discoveries made during mitigation that required expensive redesign efforts on the part of the developer.

For a variety of reasons, I strongly recommend that the City of Goleta require a thorough study of the archaeological resources within the project area so that the effects of the proposed development on cultural resources can be fully understood prior to final design and approval. If you have any questions, don't hesitate to contact me. Thanks very much for your consideration,

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Jon M. Erlandson
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University of Oregon Eugene, OR 97403-1224
(541) 346-5115