

8.8 COMMENT LETTER 8: CITIZENS ADVOCATING RATIONAL DEVELOPMENT, NO DATE

Comment Letter 8

Natasha Campbell
 City of Goleta
 Planning and Environmental Services
 130 Cremona Drive, Suite B
 Goleta, California 93117

Re: Revised EIR on Marriott Residence Inn
 APN 073-050-020

Dear Ms. Campbell:

This letter constitutes comments on the Revised Draft Environmental Impact Report dated February of 2013 (the "EIR") prepared with respect to the project mentioned above. Please be sure that this letter is made part of the administrative record pertaining to this project.

These comments are provided on behalf of Citizens Advocating Rational Development ("CARD"). CARD believes that the EIR is flawed with respect to the following matters:

WATER SUPPLY

The EIR indicates that water will be supplied to the project by the Goleta Water District ("GWD"), and goes on to say that it relies on 4 sources of water, all of which are finite in quantity (state water project water e.g.). Particular emphasis is given to the Goleta Groundwater Basin. The EIR provides the information that the GWD operates under the 1989 Wright judgment which requires that the water basin be maintained in a balanced condition. Based on this legal requirement, the EIR then concludes that there is no issue with water supply to the project, presumably because the GWD isn't allowed to allow water use to exceed recharge to the basin, although even this is not made clear.

This logic defies reason. There is no discussion of the current condition of the groundwater basin, and whether it is approaching, or already in, an overuse status. There is no discussion of the other demands on that water supply, and no consideration of the cumulative impact of future and proposed development on the groundwater basin. It can only be assumed that there is a limited supply of water, especially given the legal requirement to maintain the basin in a balanced condition. The reader cannot tell from the very brief discussion of water supply whether water is in short supply such

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8-1
Cont. that the project may in fact not receive adequate water now or in the future as other projects are completed.

This fallacy extends to all of the sources of water relied upon by the GWD. There is no discussion of the current demands on the total water supply available to GWD, nor is there any discussion of future demand or the cumulative effect on the water supply of all of these demands.

In this regard, the EIR is fatally flawed.

WATER QUALITY

8-2 The EIR points out that the Goleta Slough is already greatly reduced in size due to development and agricultural uses, and that its ability to provide cleansing of storm runoff waters is greatly reduced. The clear impact of this is that recharge of the Goleta Groundwater Basin will be both reduced in quantity by the project but will also result in ground percolation of poor quality water in the groundwater basin, resulting in degradation of water quality. The Slough is acknowledged to already be listed as an impaired waterbody under the State Clean Water Act. The EIR lists the standard mitigation steps found in most EIR's but does not provide a clear quantification of the final impact of the project on groundwater quality.

In this regard, the EIR is fatally flawed.

Further, the EIR fails to:

- 8-3 | 1. Make reference to any urban water management plan;
- 8-4 | 2. Document wholesale water supplies;
- 8-5 | 3. Document Project demand;
- 8-6 | 4. Determine reasonably foreseeable development scenarios, both near-term and long-term;
- 8-7 | 5. Determine the water demands necessary to serve both near-term and long-term development and project build-out (which would have to examine likely development within the totality of the GWD service area);
- 8-8 | 6. Identify likely near-term and long-term water supply sources and, if necessary, alternative sources;
- 8-9 | 7. Identify the likely yields of future water from the identified sources;

- 8-10 | 8. Determine cumulative demands on the water supply system;
- 8-11 | 9. Compare both near-term and long-term demand to near-term and long-term supply options, to determine water supply sufficiency;
- 8-12 | 10. Identify the environmental impacts of developing future sources of water; and
- 8-13 | 11. Identify mitigation measures for any significant environmental impacts of developing future water supplies.
- 8-14 | There is virtually no information in the EIR which permits the reader to draw reasonable conclusions regarding the impact of the project on water supply, either existing or in the future.
- 8-15 | For these reasons, the EIR is fatally flawed.

AIR QUALITY/GREENHOUSE EMISSIONS/CLIMATE CHANGE

- Amazingly enough, the EIR discussion of air quality utilizes guidelines and models provided by the Bay Area Air Quality Management District (“BAAQMD”), known as the 2010 Guidelines. The EIR admits that the BAAQMD Guidelines were “challenged” when in fact they were struck down by the Alameda Superior Court. The EIR alleges that the reason for the court’s action was that the adoption of the Guidelines was itself a “project” which required the preparation of an EIR.
- 8-16 | The EIR fails to mention that BAAQMD currently does not recommend the use of the 2010 Guidelines until a full CEQA review is conducted. The EIR then determines, in direct contravention of the recommendation of the relevant air quality management authority, that it will use the 2010 Guidelines to evaluate the proposed Project’s air quality impacts, in the theory that the challenge to BAAQMD’s guidelines “does not concern the legitimacy of the thresholds so much as the process used in their adoption.” Goleta goes on to determine that the BAAQMD guidelines, which were adopted for a nine-county area in and around San Francisco, and specific to those counties, is a valid standard for it to use as well, despite the fact that the data underlying the guidelines is for a totally different geographical area, has been challenged in court, and is not recommended for use by the very body which promulgated them. This amazing determination, which does not accurately and fully set out the challenge to BAAQMD’s guidelines and the consequences thereof, no doubt lies in the fact that Goleta has failed to adopt thresholds of significance.
- 8-17 | The City’s sophistry fails for the following reasons:
1. The EIR does not provide any support or evidence that the 2010 Guidelines are supported by substantial evidence.
- 8-18 | 2. Even if the EIR did supply such evidence, it makes the unsubstantiated claim that the court’s order is “not relevant” to the issue of substantial evidence. This legal conclusion is totally unsupported.

8-19 | 3. The BAAQMD itself recommends against using the 2010 Guidelines, a fact which is ignored in the EIR. No reason is given for the BAAQMD's recommendation and the reader cannot determine why BAAQMD makes such a recommendation. On its face, this raises grave questions about the rationale for the use of the 2010 Guidelines. The fact that the City chose to omit this key fact just adds to the problem.

8-20 | 4. The truth is that the 2010 Guidelines were struck down because a court of competent jurisdiction found that the adoption of the Guidelines was itself a project requiring CEQA review. The EIR totally ignores the implications of this ruling. If no CEQA analysis was done, then it is possible that the adoption of the Guidelines was itself in violation of the law in failing to address environmental impacts. If a CEQA analysis had been conducted by BAAQMD, the Guidelines might have emerged in a substantially different format, and with notably different conclusions. There is no discussion of this possibility at all, just the unsupported statement of the preparer of this EIR that it was acceptable to use the Guidelines notwithstanding any of these problems.

8-21 | 5. Putting aside the fatal reliance on the 2010 Guidelines, the DEIR fails in its analysis of climate change on the Project in that climate change is known to affect the frequency and or severity of air quality problems, which is not discussed.

8-22 | 6. The greenhouse gas analogy also gauges "operational emissions." The figures used for this analysis are primarily based on a comparison with another Marriott Residence Inn located in Oceanside, California. The analysis assures the reader that the two are so identical that the emissions related to the Oceanside facility are likely to be almost identical. While there is a discussion of the similarities between the two facilities, there is no discussion about differences between them, such as how the geographical conditions in which each is located differ, or how a possible difference in the business of the guests at each might affect the analysis. Oceanside is largely a military town serving and deeply impacted by its proximity to Camp Pendleton, one of the largest military bases in the continental United States. It is therefore logical to conclude that visitors to that hotel are often people visiting family or acquaintances located on the base, or there to conduct business with the Marine Corps. In either event, the local trips taken by such hotel guests would be short in distance. There is very little else in the general area of Oceanside which would serve as an identifiable draw of guests. The project description in the EIR indicates that the project will fill an existing need but fails to identify either the type of user or the reason for their need for an extended stay. It is not unreasonable to assume that many guests will be staying in the facility because of the natural beauty of the area and the recreational activities available. It is also not unreasonable to assume that the daily trips taken by these guests would be considerably longer than those of the guests in Oceanside. The point is that the EIR just mentions the similarities between the two hotels, and makes no mention of any factor whatsoever that could account for significant differences.

8-23 | For all of the foregoing reasons, the EIR is fatally flawed.

8-24 | TRAFFIC

8-24
Cont. The EIR's discussion of traffic impacts is flawed because it fails to address the cumulative impacts of this and other projects on the road system. The cumulative impact section deals with the cumulative impacts on roadway volumes of the project, but makes no mention of other projects being considered, under construction, granted permits or otherwise contemplated.

PROJECT ALTERNATIVES

8-25 The No Project alternative assumes that the undeveloped western portion of the site is expected to remain essentially as is. There is no rationale or justification for this proposition, which is difficult to understand when the next sentence mentions that the site's land use designation and zoning support the project. In point of fact, it seems likely, given the proximity to the existing development adjoining the site that development would occur. While it might seem that this means that the analysis of the No Project alternative is all the more supportable, the fact is that all analysis in an EIR should be based on reasonable assumptions, and in that regard the alternative section fails.

Very truly yours,

Nicholas R. Green

President

Citizens Advocating Rational Development

Response to Comment No. 8-1

This comment states that the water supply discussion is inadequate and does not address the current condition of the groundwater basin, current water supply demands, or cumulative impacts.

As required by CEQA and the City's General Plan, Section 4.13.1.2 summarizes water supplies and existing and future water demand in both text and table formats. Section 4.13.1.2 is revised as follows:

4.13.1.2 Water Supply

The Goleta Water District (GWD) is the water purveyor for the City of Goleta, serving approximately 86,950 residents, through a distribution system of over 270 miles of pipeline. The district supplies water within a 29,000-acre area bounded by the Los Padres National Forest to the north and extending from the western edge of the City of Santa Barbara to El Capitan on the Gaviota Coast at its western perimeter. The various classes of customers serviced by GWD include residential (47%), commercial and institutional (25%), and agricultural (18%). (City of Goleta 2004a, Kennedy/Jenks Consultants 2011.)

A number of GWD reports are referenced later in this section, including the 2010 Urban Water Management Plan (UWMP) prepared by Kennedy/Jenks Consultants, the 2011 Water Supply Management Plan prepared by Steven Bachman, the 2010 Groundwater Management Plan prepared by Steven Bachman, and the 2010 Water Conservation Plan. All of these documents are available and accessible for review on the GWD website, www.goletawater.com/documents. In addition, this section includes reference to a County of Santa Barbara water supply report covering all areas of the County, including the area served by the GWD. This report is identified as the "Santa Barbara County Water Supply and Demand, Current Uses and Future Estimates" report and was prepared for the County Water Agency by GEI Consultants in September 2013. This report is available for review on the Santa Barbara County Public Works, Water Resources Division, Water Agency website (<http://www.countyofsb.org/pwd/pwwater.aspx?id=41398>).

GWD has multiple sources of water supply, including the Cachuma Reservoir, groundwater, State Water Project water, and recycled water. Actual water deliveries were 11,268 acre-feet per year (AFY) in 2005 and 12,209 ~~afy~~AFY in 2010, indicating an increase of approximately 188 acre-feet of water delivered per year.¹ For projected water demand, GWD considers both moderate and high growth rates and makes demand estimates with and without conservation. Tables 4.13-1 and 4.13-2 provide the range of anticipated water demand, by sector, for years 2015 through 2035. The UWMP moderate estimate is based on historic population growth rates, and the high estimate is based on land use based growth rates. Projecting water demand for the UWMP 20–25 year horizon is inexact; water demand can be affected by the type and level of future development, actual population increases, changes in per capita water use due to implementation of mandated conservation measures, and expanded use of recycled water. Therefore, the UWMP is updated every 5 years to allow for ongoing updates and

¹ Water deliveries are based on sales data and do not account for system losses.

refinement of GWD's water supply, water demands, and strategies for best managing GWD's resources in a variety of circumstances, including droughts.

**TABLE 4.13-1
TOTAL PROJECT WATER USE—MODERATE ESTIMATE (AFY)**

Water Use	Current	2015	2020	2025	2030	2035
Total Water Deliveries	13,142	13,275	13,267	13,682	14,113	14,562
Sales to Other Water Agencies	0	0	0	0	0	0
Additional water uses and losses	1,859	1,954	1,973	2,009	2,028	2,054
Total	15,001	15,229	15,240	15,690	16,141	16,617

Source: Kennedy/Jenks Consultants 2011.

**TABLE 4.13-2
TOTAL PROJECT WATER USE—HIGH ESTIMATE (AFY)**

Water Use	Current	2015	2020	2025	2030	2035
Total Water Deliveries	13,142	14,045	14,675	15,460	15,652	16,089
Sales to Other Water Agencies	0	0	0	0	0	0
Additional water uses and losses	1,859	1,954	1,973	2,009	2,028	2,054
Total	15,001	15,999	16,647	17,469	17,679	18,143

Source: Kennedy/Jenks Consultants 2011.

According to the 2010 Urban Water Management Plan (UWMP), GWD expects to meet all projected water demands during normal and single and multiple dry years. In addition, per capita residential, commercial, and industrial water use is expected to decrease in response to implementation of GWD and State-mandated water conservation measures. Table 4.13-3 summarizes the currently available and planned water supplies.

**TABLE 4.13-3
SUMMARY OF CURRENT AND PROJECTED WATER SUPPLIES (AFY)**

Water Supply Source	2010	2015	2020	2025	2030	2035
<i>Existing Supplies</i>						
Cachuma Project Water	9,322	9,322	9,322	9,322	9,322	9,322
State Water Project Water	3,800	3,800	3,800	3,800	3,800	3,800
Groundwater	2,350	2,350	2,350	2,350	2,350	2,350
Recycled Water	1,150	1,150	1,150	1,150	1,150	1,150
Transfers/Exchanges	0	0	0	0	0	0
<i>Total Existing Supplies</i>	<i>16,622</i>	<i>16,622</i>	<i>16,622</i>	<i>16,622</i>	<i>16,622</i>	<i>16,622</i>

Water Supply Source	2010	2015	2020	2025	2030	2035
<i>Planned Supplies</i>						
Potable Water Projects	0	0	0	0	0	0
<i>Total Planned Supplies</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>
Total Estimated Supplies	16,622	16,622	16,622	16,622	16,622	16,622
Source: Kennedy/Jenks Consultants 2011.						

Tables 4.13-4 and 4.13-5 provide data from the County Water Agency report, "Water Supply and Demand, Current Uses and Future Estimates" (Table A-7) and include an analysis of the need for additional water supplies for the GWD through the year 2040.

**TABLE 4.13-4
ADDITIONAL WATER REQUIRED TO MEET PROJECTED DEMAND (2010-2025)**

DAU and Subareas	2010				2015				2020				2025			
	Total Available	Total Demand	Total Return Flows	Net Water Needed	Total Available	Total Demand	Total Return Flows	Net Water Needed	Total Available	Total Demand	Total Return Flows	Net Water Needed	Total Available	Total Demand	Total Return Flows	Net Water Needed
GWD	14,272	10,294	1,187		16,697	11,655	1,344		16,822	11,707	1,350		16,922	12,183	1,405	

Source: GEI Consultants 2013.

**TABLE 4.13-5
ADDITIONAL WATER REQUIRED TO MEET PROJECTED DEMAND (2030-2040)**

DAU and Subareas	2030				2035				2040			
	Total Available	Total Return Flows	Total Demand	Net Water Needed	Total Available	Total Return Flows	Total Demand	Net Water Needed	Total Available	Total Return Flows	Total Demand	Net Water Needed
GWD	17,047	12,678	1,462		17,176	13,193	1,521		17,315	13,660	1,575	

Source: GEI Consultants 2013.

Ground water rights for GWD were adjudicated through a court judgment in 1989 entitled *Wright et al v. Goleta Water District*, (Wright Judgment), which gave GWD rights to produce 2,350 AFY from the groundwater basin. The Wright Judgment also provides GWD with the right to inject excess surface water supplies, as occurs when the Cachuma Project spills, to recharge the basin and claim that as GWD's stored water in addition to its annual allotment. Due to these recharges and by limiting groundwater production to periods when absolutely necessary to meet demand, GWD reported that it has "banked" storage in the groundwater basin of 43,253 acre-feet of water as of 2009 for future use during dry-periods (Kennedy/Jenks Consultants 2011). In addition, in May 2010, GWD and neighboring La Cumbre Mutual Water Company, both purveyors of groundwater from the Goleta Groundwater Basin, adopted a Groundwater Management Plan providing groundwater management strategies to ensure long-term availability of groundwater supplies.

GWD has adopted a Water Conservation Plan (WCP) to ensure it meets the targets of its ~~Urban Water Management Plan (UWMP)~~ (~~Goleta Water District 2010~~). Best Management Practices (BMPs) to be implemented include such measures as prohibitions of water wasting, water audits to repair leaks, and conservation pricing.

Water conservation is also achieved, in part, through recycling water to the extent practical. GWD distributes approximately 1,500 AFY of recycled water for landscape irrigation uses as well as a minor amount for toilet flushing and has a distribution capacity of 3,000 AFY (Kennedy/Jenks Consultants 2011). GWD obtains its recycled water from the Goleta Sanitary District, which has the only water recycling plant in the area. There are limiting factors for the use of recycled water, including infrastructure (i.e., pipelines) to deliver the water to specific locations, Environmental Health Division restrictions for certain types of uses, and soil constraints. The segment of the existing recycled water pipeline closest to the project site is located at the intersection of Storke Road and Hollister Avenue to the west. The project site has high perched groundwater levels and old slough soils, with high salinity levels. Slough soils and high perched groundwater levels have presented a challenge for establishing landscaping on nearby properties, including the Willow Springs residential development to the west along Hollister Avenue, due to soil salinity. The use of recycled water for landscaping on these types of soils can exacerbate salinity problems. Therefore, use of reclaimed/recycled water would not be a preferred irrigation source for the project even if it were feasible from an infrastructure standpoint. Recycled water remains available and is expected to be used on other future projects (e.g., at UCSB) to offset projected demand for the district's potable water supplies.

Section 4.13.1.3 is added as follows:

4.13.1.3 Recharge to the Groundwater Basin

The project site overlies a portion of the aquifer that is confined. Usable groundwater in the deep aquifer is separated from the shallower, poor quality water by a clay layer. Therefore, the groundwater basin is not substantively recharged by percolation from impervious surfaces on the project site, whether the site is developed or vacant.

This section describes how the Goleta Water District (GWD) has limited groundwater pumping, while also injecting Cachuma spill water into the groundwater basin, as well as using Cachuma

supplies in lieu of groundwater pumping. This conjunctive use of surface and groundwater supplies results in a more efficient use of groundwater and surface water supplies and allows groundwater to be available in dry years, when surface water supplies are reduced. As a result of the limited groundwater pumping and the injection of Cachuma spill water into the groundwater basin, the groundwater basin is not in an overdraft condition. The GWD Safe Water Supplies Ordinances ("SAFE"), approved by GWD voters in 1991 and amended in 1994 (GWD Ordinances No. 91-01 and 94-03) set specific requirements for groundwater extractions, including limits on groundwater extraction until the basin is at 1972 levels. The Groundwater Management Plan (GWMP 2011) estimates this conjunctive use has actually resulted in 42,530 acre-feet of stored water in the basin as of 2008, a level which is approximately 6,000 to 12,000 acre-feet above 1972 levels. The SAFE Ordinances also include specific criteria for allocation of new water service and annual limitations for new water service to ensure adequate supplies will remain available without over-drafting the basin and while maintaining a drought buffer. The findings of the EIR that there are not significant impacts related to water supplies are, therefore, supported by this information.

Response to Comment No. 8-2

This comment claims that the EIR does not provide clear quantification of the impacts on groundwater quality.

The project overlies a portion of the aquifer that is confined. Usable groundwater in the deep aquifer is separated from the shallower, poor-quality water by a clay layer. Therefore, the groundwater basin is not recharged by percolation from impervious surfaces on the project site, whether the site is developed or vacant. With regard to the Goleta Slough, the project drainage design with vegetated bioswales and a vegetated retention basin are central to reducing conveyance of degraded runoff water to the Goleta Slough. Other required measures include installation and long-term maintenance of mechanical filters at drain inlets, City review and approval of an integrated pest management plan (which avoids use of toxic substances for pest control and fertilizer), restriction on use of invasive plant species in the landscape plan, covered trash enclosures, and incorporation into the Storm Water Pollution Prevention Plan (SWPPP) and Long-Term Maintenance Agreement of all applicable Best Management Practices (BMPs). Specific measures to be implemented in the SWPPP and Long-Term Maintenance Agreement will include those accepted by the City as effectively protecting water quality based on implementation on other project within the City and/or which are consistent with professionally accepted methods for protecting water quality for similar projects and settings. The purpose of the water quality mitigation measures is to implement and enforce a program that reduces discharge of pollutants to the maximum extent practicable (MEP). City of Goleta Public Works staff has specific knowledge and expertise in reviewing drainage plans and SWPPPs. Public Works review along with required City monitoring during implementation stages, as required by mitigation measures/conditions of approval, will ensure inclusion and implementation of the identified measures to avoid degraded water quality and to maximize pollutant reduction.

Response to Comment No. 8-3

This comment requests the EIR reference any urban water management plan.

Section 4.13.1.2 references the Goleta Water District's 2010 Urban Water Management Plan (approved in November 2011). (See response to Comment 8-1).

Response to Comment No. 8-4

This comment requests the EIR reference wholesale water supplies.

Section 4.13.1.2 identifies the Goleta Water District's water supplies under a number of different scenarios. (See response to Comment 8-1).

Response to Comment No. 8-5

This comment requests the EIR document the proposed project's water demand.

Section 4.13.3.2 identifies project water demand. This section also identifies the Goleta Water District's water demand under different scenarios. (See response to Comment 8-1).

Section 4.13.3.2, Impact UTI-2, Water Supply, is revised as follows:

Based on the Water Duty Factors as noted in the City's Thresholds Manual, project water demand is expected to be approximately ~~39.2~~14.46 AFY⁴, less than 1% of the City's total forecasted demand through 2030, as well as GWD's total current water entitlement. This level of estimated demand would not necessitate any new entitlements, resources, or requirement for expansion of any existing entitlements, or overdraft of a groundwater basin. In addition, the applicant has obtained a Water Classification preliminary condition letter from GWD. However, a firm commitment and reservation of a capacity has not yet been secured. Until a "Can and Will Serve" (CAWS) letter is obtained by the applicant, project impacts associated with water supply are considered potentially significant.

⁴ GWD water demand rate of 0.1225 AFY/room, based on historical average hotel water use, identified in December 9, 2008 GWD preliminary condition letter.

Response to Comment No. 8-6

This comment requests the EIR document reasonably foreseeable development scenarios, both near-term and long-term.

Section 4.13.3.2 includes water demand projections through 2035, with both a moderate estimate and high estimate. (See response to Comments 8-1 and 8-5).

Response to Comment No. 8-7

This comment requests the EIR document water demands necessary to serve both near-term and long-term development and project build-out (which would have to examine likely development within the totality of the GWD service area).

Section 4.13.1.2 provides estimates of both existing and long-term demand based on the Goleta Water District's adopted and State-mandated Urban Water Management Plan, which must be updated at five-year intervals. The Goleta Water District's Water Supply Management Plan, Groundwater Management Plan, and Water Conservation Plan (all available for review at www.goletawater.com/documents) address strategies and implementation of measures to ensure the Goleta Water District meets the targets of the Urban Water Management Plan in the near and long-term. This includes continuing conjunctive use of the groundwater basin (limiting

pumping and injecting Cachuma spill water), maintaining the drought buffer in the groundwater basin, maximizing use of recycled water supplies, and reducing water demand and maximizing efficient use of water through conservation.

Chapter 3 of the EIR also discusses reasonably foreseeable development in the Goleta area, including the City of Goleta, the Santa Barbara Airport, and University of California Santa Barbara (UCSB). In addition, Chapter 3 references two agreements related to the Long Range Development Plan (LRDP) (one with the City of Goleta and Santa Barbara County and the second, the "SUN" Agreement). These agreements identify parameters for phasing LRDP-related development to ensure that Goleta Water District supplies will be available for anticipated development within the City of Goleta as well as to emphasize water conservation in the design and operation of new development, retrofitting of existing facilities to reduce water demand, and increased use of reclaimed water, versus development of new water supplies to accommodate future development. (See response to Comment 8-1).

Response to Comment No. 8-8

This comment requests the EIR identify reasonably foreseeable near-term and long-term water supply sources and, if necessary, alternative sources.

Section 4.13.1.2 identifies and quantifies the Goleta Water District's various water supplies. Other than expanded use of available recycled water and implementation of conservation measures to reduce water demand, alternative water sources are not proposed at this time. (See response to Comment 8-1).

Response to Comment No. 8-9

This comment requests the EIR identify likely yields of future water from the identified sources.

See response to Comments 8-1 and 8-8.

Response to Comment No. 8-10

This comment requests the EIR identify cumulative demands on the water supply system.

Section 4.13.4.2 is revised as follows:

The project would add to the cumulative water demand associated with cumulative development projects within the service area of the GWD. However, the project's water demand has been will not result in overdraft of the groundwater basin. The GWD SAFE ordinances include specific criteria accounted for pursuant to the Wright Judgment, for allocation of new water service to ensure GWD will maintain a drought buffer and ensure adequate available water supplies to meet projected demand before granting new water service. Current information in the District's UWMP, Water Supply Management Plan, Groundwater Management Plan, Water Conservation Plan, and the Santa Barbara County Water Supply and Demand Current Uses and Future Estimates reports identify specific supplies and strategies for managing GWD supplies to meet existing and anticipated demand. The 2010 UCSB Long Range Development Plan (LRDP) Mitigation Implementation and Settlement Agreement with the City and County (Appendix S) further requires phasing of LRDP development to ensure that GWD water allocations will remain available for new projects in the City, and the "SUN" Agreement with UCSB

requires an emphasis on use of recycled water and conservation, including retrofitting existing fixtures, to minimize increased demand for new potable water generated by new development associated with the LRDP and within the City's Water Supply Assessment for future buildout. Therefore Because water is available to serve the project and the project water demand will not generate the need for new water supplies, the project's contribution to cumulative impacts is considered less than significant.

See response to Comment 8-7.

Response to Comment No. 8-11

This comment requests the EIR compare both near-term and long-term demand to near-term and long-term supply options, to determine water supply sufficiency.

Section 4.13.1.2 provides data on existing and future water supplies and existing and future water demand. (See responses to Comments 8-1, 8-7 and 8-8).

Response to Comment No. 8-12

This comment requests the EIR identify the environmental impacts of developing future sources of water.

As identified in Sections 4.13.1.2 and 4.13.3.2, the Goleta Water District has not proposed development of new water sources and does not require development of other water sources to serve the project. Therefore, evaluating impacts of future water sources is speculative and has not been included in the EIR. (See response to Comments 8-1 and 8-5).

Response to Comment No. 8-13

This comment requests the EIR identify mitigation measures for any significant environmental impacts of developing future water supplies.

See response to Comment 8-12.

Response to Comment No. 8-14

This comment claims the EIR inadequately analyzes the impact of the project on water supply, existing and future.

Section 4.13.1.2 summarizes the various water supplies and demand for these water supplies, based on the most current Goleta Water District, state-mandated, Urban Water Management Plan, approved in November 2011. (See response to Comments 8-1, 8-5 and 8-7).

Response to Comment No. 8-15

This comment states that the previous comments (Comment No. 8-1 through 8-14) demonstrate the DEIR's inadequacy.

Section 4.13 of the EIR has been revised to provide clarification and additional information in response to Comments 8-1 through 8-14.

Response to Comment No. 8-16

This comment questions the legitimacy of the thresholds analyzed in Sections 4.2, Air Quality, and 4.6, Greenhouse Gas Emissions.

The commenter is correct that the Bay Area Air Quality Management District (BAAQMD) did not recommend use of the 2010 Guidelines until a full CEQA review is conducted. However, this is not due to the technical merits of their CEQA guidelines. Rather, BAAQMD had to make this statement to comply with the Court order. The court said they could not approve the guidelines without performing a CEQA evaluation on the guidelines first. Therefore, legally, BAAQMD could not recommend them to local agencies until they first complied with CEQA on the guidelines OR they got this ruling overturned on appeal. As indicated in footnote 2 on page 4.6-7 of the EIR, the Alameda County Superior Court issued the writ of mandate on CEQA procedural issues, rather than the technical adequacy of the BAAQMD's CEQA thresholds. However, on August 13, 2013, the Court of Appeal of the State of California, First Appellate District, reversed lower court's writ of mandate invalidating the BAAQMD's thresholds of significance. As a result of the Court of Appeal's reversal of the Alameda Superior Court's ruling, the BAAQMD may now recommend use of their 2010 CEQA thresholds. In addition, please see below for a discussion of the substantial evidence provided in the EIR supporting use of the BAAQMD's thresholds for the Goleta Marriott project.

As indicated on page 4.6-7 of the EIR, the Santa Barbara County Planning and Development Department produced a memorandum "Support for Use of Bay Area Air Quality Management District Greenhouse Gas Emissions Standards," providing evidentiary support for reliance on the proposed BAAQMD standards as interim thresholds of significance in Santa Barbara County. This is consistent with Section 15064.7(c) of the CEQA Guidelines: "When adopting thresholds of significance, a lead agency may consider thresholds of significance previously adopted or recommended by other public agencies or recommended by experts, provided the decision of the lead agency to adopt such thresholds is supported by substantial evidence."

Response to Comment No. 8-17

This comment claims the EIR does not provide any support or evidence that the 2010 Guidelines are supported by substantial evidence.

See response to Comment 8-16.

Response to Comment No. 8-18

This comment claims the statement that the court's order is "not relevant" is unsubstantiated and the legal conclusion is totally unsupported.

See response to Comment 8-16.

Response to Comment No. 8-19

This comment requests the EIR address why the BAAQMD would recommend against using the 2010 guidelines and the rationale for using the guidelines regardless.

See response to Comment 8-16.

Response to Comment No. 8-20

This comment claims that the EIR ignores the implications of the BAAQMD ruling.

See response to Comment 8-16.

Response to Comment No. 8-21

This comment claims that the EIR does not adequately discuss climate change.

The California Second District Court of Appeal has held that while an EIR must analyze the environmental effects that may result from a project, it is not required to examine the effects of the environment on the project, such as sea level rise (see *Ballona Wetlands Land Trust v. City of Los Angeles* (2011) 201 Cal. App. 4th 455). In its decision, the Court called into question the validity of portions of the CEQA Guidelines that require consideration of impacts of the environment on a project. The Ballona decision potentially eliminates the need for lead agencies in the second appellate district to consider the impacts of climate change on proposed projects. Unless legislation that overturns the Ballona decision is adopted, this decision is expected to be argued as precedent in CEQA cases throughout the state.

Response to Comment No. 8-22

This comment claims that the EIR does not adequately discuss the differences between the two hotels analyzed in Section 4.6, Greenhouse Gas Emissions.

The commenter misinterprets the DEIR analysis. As indicated in Appendix I of the EIR, the comparative analysis to the Oceanside, California hotel was done to estimate electricity and natural gas emissions; motor vehicle emissions for the Goleta Marriott were estimated using the CalEEMod emissions model and were not based on a comparison to the Oceanside hotel.

Response to Comment No. 8-23

This comment claims that the EIR is fatally flawed.

See response to Comments 8-15 through 8-22.

Response to Comment No. 8-24

This comment claims that the EIR fails to address the cumulative impacts of the proposed project on the road system including other projects being considered, under construction, granted permits or otherwise contemplated.

Chapter 3 of the EIR identifies related projects that are approved, pending, and under construction and also references UCSB's Long Range Development Plan and related agreements which address traffic. Section 4.12 discusses roadway volumes and intersection operations under existing and cumulative settings as well as the effects on area roadways and intersections when project traffic is added to the roadway network. EIR Appendix P includes the traffic report and related attachments. Also see response to Comment 8-7 regarding cumulative analysis and projects considered.

Response to Comment No. 8-25

This comment claims the No Project alternative analysis inadequately discusses the rationale or justification for assuming the undeveloped western portion of the project site would remain undeveloped.

The No Project Alternative is defined in Section 15126.6(e) of the CEQA Guidelines. This section identifies the No Project Alternative as “the existing conditions at the time the notice of preparation is published.” The No Project Alternative assumes that the site will remain “as is” for a number of reasons. The No Project Alternative considers the impacts of not developing the proposed project on the site and the existing setting includes no development on the western third of the property. The property is not totally undeveloped without an economic use. Existing development onsite includes a 105,600 square foot building, which is occupied by three separate tenants. Further, until the earlier Marriott Residence Inn project was submitted in 2007, it had been 27 years since development had been proposed on the property.

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