ATTACHMENT B

Responses to Comments Received During the Draft MND 30-day Public Review Period Ending April 1, 2020.
Thank you for your comments. Please find responses to your comments in blue below.

A.1 The elevations are included as AES-2 on MND page 30.

A.2. This clarification has been made to page 14.

A.3. These agencies regulate resources adjacent to the project site.

A.4. This sentence will be clarified or omitted.

A.5. The impact level for checklist item c has been changed to match the conclusion.

A.6. The revised biological resources map shows up to 8 trees which are located within the project potential area of effect. Mitigation measure BIO-1 would only apply to trees affected by construction of the project. Appropriate clarifications may be made if warranted for accuracy.
will be replaced through the proposed Mitigation Measure BIO-1. Second, it could be acknowledged that some of these trees (a row of trees) were planted recently near the access road and as required for mitigation for impacts elsewhere on the hotel property. As well, in this section and discussion of trees, consideration should be made in context for references to monarch "roosting site" vs. monarch "habitat." The following are several instances where we note this revision should occur although more may exist:

p. 36. The third paragraph says "no trees are to be removed." We have identified 1 Monterey cypress, with a potential for impact on a second as being impacted by the proposed project.

p. 47. In section D, the document erroneously reports that we are removing 8 cypress trees. The true number is one tree, with the potential for a second.

p. 48. At the bottom of the page, the description about the Monterey cypress should be modified. There are trees on the eastern terrace, and a row of trees that were planted near the access road as part of a consent order.

p. 51. In the first paragraph it again says we’re removing 8 cypress trees. We are only impacting 1 with the potential of a second. In either case, the impact of the removal of trees would be reduced less than significant because of the replacement required by MM Bio-1.

p. 51. Repeating previous comments regarding cypress, the document says no replacements for the Monterey cypress trees are proposed. It should be clarified that removal will require replacement per MM Bio-1.

A.7. The project site is immediately adjacent to the Tecolote Creek watershed.

A.8. The existing picnic areas are already changed from the previously maintained condition. Mitigation has been added to help protect these areas from further degradation.

A.9. The proposed project is no longer located just to the west of the existing beach facilities. The discussion in the paragraph in question supports the proposed project and a change is not warranted.

A.10. The recommended revisions in Attachment 1 clarify the mitigation and are made in the MND.
A.11  This discussion will be clarified to that construction techniques required by the building code will ameliorate hazards.

A.12  The comment is incorrect as the use emissions include the alternative snack bar and results in a less than significant impact.

A.13  Units of measure will be added as appropriate.

A.14  The visual evidence for previously heretofore unmapped hazardous infrastructure & resources warrant the mitigation.

A.15  A sentence shall be added consistent with Mitigation Measure BIO-3 Public and emergency access to the beach and temporary restrooms, if necessary, must be provided during all project phases.

A.16  The small number of trees to be maintained warrant this requirement. However, the monitoring period has been changed to match the restoration plan.

A.17  The language of the Mitigation Measure is standard mitigation language used by the City and is warranted based on the conditions identified. There is no need to modify the mitigation language as suggested.

A.18  The City’s standard condition practice applies and is required.

A.19  The City’s permit timing is typical to the construction process and is required. The permit that would be issued closes in timing to the commencement of the work is the grading or building permit. Therefore, no change to the timing is warranted.
March 25, 2020
Mary Chang, Brit McNulty
Page 4 of 4
Reference: Ritz Carlton Bacara ISMND Public Circulation Draft Comments

A.20

p. 89 HAZ-3 Asbestos. This should not be a mitigation measure. Obtaining APCD sign off for a demo permit
is standard requirement and procedure and is therefore not needed as a mitigation, instead the City can
discuss that this is a standard condition. As well, the existing structure was built in or around 2000 when
asbestos had not been used for construction for decades.

ATTACHMENTS
Attachment 1: Track Changes revisions to the Cultural Resources section
Attachment 2: Alternative Nesting Bird Mitigation for City consideration.

CLOSURE
Thanks again for your time and consideration. Please let us know when you’re available to discuss.

Regards,

Stantec Consulting Services Inc

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c. Lorcan Drew, SANTA BARBARA HOTEL OPERATORS, INC.
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comments(102380916_1).docx

A.20
The Goleta Building
Department requested
an asbestos report
be submitted. As the
potential for an impact
is remote, yet
exists, a mitigation
was deemed
appropriate.
ethnographic, historical and paleontological resources. GP/CLUP FEIR, Figure 3.5-1, Historic Resources, shows areas containing sensitive historic/cultural resources, identifying 46 historic resource locations. The first European contact to the Santa Barbara coastal region was by Portuguese explorers in 1542, followed by the Spanish in 1602. At the time of this first European contact in 1542, the Goleta area was occupied by a Native American group speaking a distinct dialect of the Chumash Language (GP/CLUP FEIR). This group later became known as the Barbareño Chumash. The Chumash were hunters and gatherers who lived in areas surrounding the much larger prehistoric Goleta Slough. The prevalent Chumash population at the time of Spanish contact had at least 10 Chumash villages in the Goleta Area.

Project Area Setting

Ethnohistory

Occupation of Tecolote Canyon dates to the Early to Late Holocene with the most extensive occupation occurring from 300 B.C. to European contact. The series of villages located at lower Tecolote Canyon at the mouth of Tecolote Creek were known as Hel’apunise, Chumash for the shovel-nose guitarfish. The cultural remains discovered during contemporary times include houses, cemeteries, sweat lodges, dance floors and various other community activities indicative of a significant population. The Chumash utilization of the areas appears to have been diverse, sustained and intense especially during the Late Holocene (Erlandson 2008).

Prior to development of the project parcels for the hotel, the site was used extensively for agriculture, then oil and gas development. The project site included oil infrastructure (piers, wells, storage tanks, pipelines, sumps, and related buildings) to support near and offshore oil and gas exploration and extraction remains of oil and gas infrastructure remain buried at the project site and along the shorefront as shown in Section 7. Project Description, Figure 5.

The proposed project site is near the existing site of the Beach House, currently used as a snack bar, recreation rentals, restrooms, picnic areas, and outdoor showers. The Beach House building was proposed as part of the original hotel development and such a facility is required by a condition of Conditional Use Permit (86-DP-46), which the current Ritz Carlton, Bacara Hotel must comply with. As part of the original development, the entire project site was graded, including the current project location for the proposed restroom building.

ii. Thresholds of Significance

In order for a resource to be a significant historical resource pursuant to CEQA, it must meet one of the four significance criteria listed in CEQA Guidelines section 15064.5(a)(3)(A-D) and retain physical integrity.

The four significance criteria applied to cultural and historical resources are:

1. Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
2. Is associated with the lives of persons important in our past;
3. Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
4. Has yielded, or may be likely to yield, information important in prehistory or history
A significant impact on cultural resources would be expected to occur if the proposed project resulted in any of the impacts noted in the above checklist. Additional thresholds are contained in the City’s Environmental Thresholds and Guidelines Manual. The City’s adopted thresholds indicate that a project would result in a significant impact on a cultural resource if it results in the physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings.

*Previous Environmental Review*

The original ‘Hyatt Resort Hotel (hotel) Final Environmental Impact Report (FEIR) (84-EIR-5) determined that the hotel project would have the potential to disturb burial sites and areas near burial sites would conflict with values the Native American Community. As part of the mitigation for Tribal concerns related to the hotel project, suggested measures were a No Project Alternative, or requirements for the presence of a Native American monitor during construction and protection of burial sites from looters. The FEIR required that the applicant meet with the representatives of the United Chumash Council in existence at that time to discuss mutually agreeable measures. The City’s GP/CLUP FEIR analyzed the potential cultural resources impacts associated with buildout of the land uses in the GP/CLUP, including the current visitor serving use of the site. The analysis of the proposed project focuses on any potential for the project to create any new impact not anticipated by prior environmental analyses or exacerbate any previously identified impacts.

iii.  **Project Specific Impacts**

*Environmental Checklist and Thresholds Discussion*

**a. Less than Significant.** The existing Beach House that is proposed to be demolished was constructed in 2000 and is not listed on the California Register of Historic Resources (CRHR) Santa Barbara County Historic Resources list or within the City’s GP/CLUP (Section 6, Cultural Resources, Table 6-1). As the existing building to be demolished is not designated by the State Parks or the City as a historic resource, there will be a less than significant impact.

**b. c. Less than Significant with Mitigation.** As discussed in Section G, Geology and Soils, the underlying geology of the project site is comprised of alluvium and colluvium consisting of poorly consolidated silt, sand, and gravel deposits of modern drainages and piedmont alluvial fans on floodplains. Exposed thickness is generally less than 10 meters (approximately 32.8 feet).

The new bathroom site is located near the transition between the alluvium (Qac) upper Pleistocene and colluvium of the Tecolote Creek watershed and the Middle Shale Unit (Tmm) (upper and middle Miocene) underlaying the base of the slope and bluff face. The project has a remote potential, due to limited excavation, to encounter paleontological resources deposited during the Holocene epoch.

In November 15, 2017, a search was conducted with the California Historical Resources Information System (CHRIS) at the Central Coast Information Center (CCIC), located on the campus of University of California, Santa Barbara. The search included any previously recorded cultural resources and investigations within a 0.5-/mile radius of the project area. The CHRIS search also included a review of the National Register of Historic Places (NRHP), the California Points of Historical Interest list, the California Historical Landmarks list, the Archaeological Determinations of Eligibility list, and the California State Historic Resources Inventory list (Dudek, 2018).
According to the Extended Phase 1 investigation/report, no previously recorded cultural resources were identified within the proposed project site by the CCIC records search. However, one prehistoric archaeological site is located approximately (32 feet) northwest to the project site. Fifteen previously recorded prehistoric cultural resources were identified within a 0.5-mile radius of the project site.

The subsurface testing plan presented to the City of Goleta was developed in a manner that would allow a comprehensive understanding of the project site and to verify the archaeological site boundary of CA-SBA-72 by conducting subsurface testing within the project site and within areas of exposed ground existent immediately adjacent to the current Beach Facilities. All excavations were conducted by Dudek Archaeologists Heather McDaniel McDevitt, M.A., RPA, and associates. All excavations were monitored by Chumash observer Chris Unzueta (Dudek, 2020).

The subsurface testing efforts conducted for this investigation revealed that CA-SBA-72 does not likely extend into the project site located within the western portion of the existing emergency access road and that no secondary deposits of CA-SBA-71 potentially caused by erosion downslope exist within the eastern portion of the emergency access road nearest the proposed location of the new restroom/shower facility structure and the proposed grading improvement of the beach access ramp. Secondary deposits of materials from CA-SBA-71, potentially caused by erosion downslope, exist within the eastern portion of the emergency access road nearest the proposed location of the new beach facilities structure and the proposed grading improvement of the beach access ramp.

The Extended Phase I concluded pursuant to checklist item b, that the proposed project site improvement area has been subjected to extensive and significant ground disturbances since at least 1929. These disturbances include road grading, construction of structures and installation of subsurface oil pipelines and utilities. The Extended Phase I also concluded the proposed project has been designed to avoid and minimize ground disturbance to the extent feasible (Dudek, 2020). These design elements include:
1. Demolition of existing beach house facility foundation and surrounding pavement to the extent that only the building and foundation will be removed;
2. No grading or scarification will occur in demolition area; and
3. Prior to habitat restoration landscaping, geotech fabric will be placed throughout the restoration area followed by 4 inches of indicator soils and 4-14 inches of fill soils. The total depth of the fill materials will extend deeper than the proposed depth of landscaping.

Implementation of Mitigation Measures CUL-1 through CUL-4 regarding monitoring during ground disturbance, installation of fencing, signs, and plants, and the treatment of human remains, if encountered, are proposed below. The potential impact on cultural resources would be less than significant with the incorporation of these mitigation measures, to which the applicant has agreed.

iv. Cumulative Impacts

Consistent with GP/CLUP FEIR findings, potential project related contributions to cumulative impacts to yet to be discovered cultural and historical resources impacts in the incorporated City of Goleta are reduced to less than significant by implementation of resource protective construction monitoring and treatment of remains in Mitigation Measures CUL-1 through CUL-4. Additionally, CEQA requires tribal consultation, which ensures that each project is carefully reviewed with input from tribes that may provide information regarding potential on tribal resources.
v. Mitigation Measures

The following four (4) mitigation measures shall be implemented during construction throughout the entire site to address the potential for encountering archaeological, cultural, historical, and human remains during ground disturbance. The applicant has agreed to incorporate these mitigation measures into the project.

Mitigation Measure CUL-1: A City-qualified archaeologist and Chumash observer must monitor all initial (first movement of soils within each ground disturbance location at complete horizontal and vertical extents) ground disturbances throughout the proposed Project site to ensure that prehistoric materials important to the Native American community are identified and assessed consistent with City of Goleta Cultural Resources Guidelines. In the unlikely event human remains are encountered during grading, excavation must be immediately suspended, and the protocol identified in CEQA Guidelines section 15065.4(e) and the State Public Resources Code section 5097.98 shall be followed. Any diagnostic prehistoric artifacts that are identified must be recovered and either curated at the Repository for Archaeological and Ethnographic Collections located at University of California, Santa Barbara or reburied at a location determined through consultation between the City of Goleta and consulting tribal representatives.

Timing: This requirement must be printed on all plans submitted for any land use, building, grading, or demolition permits. Before the City issues permits for any ground disturbance, the Applicant/Permittee must provide the City Planning and Environmental Review Director the contact information of the Chumash consultant and the agreed upon procedures to be followed. If remains are found and if the remains are found to be of Chumash origin, the County Coroner will notify the Native American Heritage Commission and the Commission will name the Most Likely Descendant (MLD). The MLD, City- retained archaeologist, Applicant/Permittee, and City Planning and Environmental Review staff will consult as to the disposition of the remains. If the remains are identified as non-Chumash, the County Coroner will take possession of the remains and comply with all state and local requirements in the treatment of the remains.

Monitoring/Reporting Party(ies): The Planning and Environmental Review Director, or designee, must confirm that the County Coroner is notified in the event human remains are found, and that the Native American Heritage Commission is contacted if the remains are of Native American Chumash-origin.

Mitigation Measure CUL-2: The potential for the ground disturbance proposed for the restroom/shower facility construction to impact unknown cultural resources could not be fully ascertained between the depths of subsurface testing termination 200 cm (6.6 ft) and the proposed disturbance depth 274 cm (9 ft). This was due to the limited capabilities of hand excavations and backhoe trenching which is approximately 198 cm (6.5 ft.). Within the proposed restroom/shower facility disturbance footprint, a precautionary excavation will occur as follows to determine absence/presence of cultural material from the depth of 200 cm (6.6 ft.) to 274 cm (9 ft.), which is the depth the Extended Phase I was not able to evaluate. This will be accomplished in the following manner:

a. All movement of soils within the proposed restroom/shower facility footprint must be observed by a City-qualified archaeologist and a Chumash observer.
b. Once the ground disturbances have reached 200 cm (6.6 ft.), all mechanical activities must halt.
c. A qualified archaeologist, observed by a Chumash monitor, will then excavate two shovel test
pits (STPs) (25 cm in width x 50 cm in length) at opposite portions along the length of the facility footprint (approximately 30 ft. apart and from 200 cm (6.6 ft.) to the proposed construction excavation depth of 274 cm (9 ft.) below ground surface (bgs). This will require the STPs to be excavated to a depth of 74 cm (2.4 ft cms). All excavated soils must be screen through 1/8-inch screen.

d. If cultural material is discovered, further study may be required as outlined in the CMTP.

e. Installation of protective fencing, signs, and Artemisia plants along the east hillside slope. Commented [HM1]: Not sure what this reference is from?? Is not consistent with report recommendations
Timing: This requirement must be printed on all plans submitted for any land use, building, grading, or demolition permits. The Applicant/Permittee must enter into a contract with a City-approved archaeologist and Applicant/Permittee–selected Chumash consultant and must fund the provision of on-site archaeological/cultural resource monitoring during initial grading and excavation activities before issuance of a Land Use Permit (LUP). Plan specifications for the monitoring must be printed on all plans submitted for grading and building permits. The contract should be executed at least two weeks prior to the LUP issuance for grading.

Monitoring/Reporting Party(ies): The Planning and Environmental Review Director, or designee, must conduct periodic field inspections to verify compliance during ground-disturbing activities.

**Mitigation Measure CUL-3:** A Construction Monitoring and Treatment Plan (CMTP) must be developed by a qualified archaeologist and authorized by the City of Goleta Environmental Director (or representative) prior to any ground disturbance. The CMTP must include the following:

a. Methodology and Testing Plan for the additional excavations to occur within the restroom/shower facility;
b. Treatment Plan for any cultural material encountered both as a result of the additional excavations and monitoring efforts;
c. Qualifications of both archaeologist and Chumash observer; and
d. Contact Protocol Requirements/instructions for preconstruction meeting.
e. Should any tribal artifact be discovered, all tribes on the Native American Heritage Commission (NAHC) Tribal Consultation List, as well as the Barbareño Band of Chumash Indians and any tribes who have expressed interest regarding the project will be notified.

Timing: The contract for a CMTP of the entire site during construction, including identification of the City-qualified archaeologist and Chumash Native American observer, shall be submitted to the City for review and approval prior to and as a condition precedent to issuance of any Land Use Permit for the project. The CMTP shall be written in consultation with the tribal leaders/representatives and approved by the City of Goleta.

Monitoring/Reporting Party(ies): The Planning and Environmental Review Director, or designee, shall verify compliance before issuance of the Land Use Permit and shall periodically perform site inspections to verify compliance with the approved work program.

**Mitigation Measure CUL-4:** A brief pre-construction workshop must be conducted by a City-qualified archaeologist and a Chumash observer. Attendees must at the least include construction supervisors and equipment operators. The workshop should include the following topics:

a. Types of archaeological artifacts that may be found during construction of the proposed project;
b. Examples of common archaeological artifacts to examine;
c. Prohibited activities, including unauthorized collecting of artifacts;
d. Procedures to follow if cultural materials and human remains are encountered; and.
e. Installation of protective fencing, signs, and Artemisia plants along the eastern hillside slope.

Timing: This requirement must be printed on all plans submitted for any land use, building, grading, or demolition permits. The Applicant/Permittee must enter into a contract with a City-
approved archaeologist and Applicant/Permittee- selected Chumash consultant and must fund the provision of on-site archaeological/cultural resource monitoring during initial grading and excavation activities before issuance of a Land Use Permit (LUP). Plan specifications for the monitoring must be printed on all plans submitted for grading and building permits. The contract should be executed at least two weeks prior to the LUP issuance for grading.

Monitoring/Reporting Party(ies): The Planning and Environmental Review Director, or designee, must conduct periodic field inspections to verify compliance during ground-disturbing activities.

vi. Residual Impacts

With mitigation measures CUL-1 through CUL-4 implemented, the project would result in less than significant impacts to cultural resources.
**Bio-2 Nesting Bird Surveys.** To avoid disturbance of nesting birds, including raptorial species, protected by the Federal Migratory Bird Treaty Act (MBTA) and Sections 3503, 3503.5, and 3513 of the California Fish and Game Code (CFGC), the removal of vegetation, ground disturbance, exterior construction activities, and demolition shall occur outside of the bird nesting season (February 1 through August 31) whenever feasible. If these activities must occur during the bird nesting season, then a pre-construction nesting bird surveys shall be performed by a City-approved qualified biologist. Pre-construction surveys for nesting birds shall occur within the area to be disturbed and shall extend outward from the disturbance area by 500 feet. The distance surveyed from the disturbance may be reduced if property boundaries render a 500-foot survey radius infeasible, or if existing disturbance levels within the 500-foot radius (such as from a major street or highway) are such that project-related activities would not disturb nesting birds in those outlying areas. If any occupied or active bird nests are found, a buffer shall be established and demarcated by the biologist with bright orange construction fencing, flagging, construction lathe, or other means to mark the boundary. The buffer shall be 300 feet for non-raptors and 500 feet for raptors, except as determined by the qualified biologist and approved by P&D. Buffer reductions shall be based on the known natural history traits of the bird species, nest location, nest height, existing pre-construction level of disturbance in the vicinity of the nest, and proposed construction activities. All construction personnel shall be notified as to the location of the buffer zone and to avoid entering the buffer zone during the nesting season. No ground disturbing activities or vegetation removal shall occur within this buffer until the City-qualified biologist has confirmed that nesting is completed, the young have fledged and are no longer dependent on the nest, or the nest fails, and there is no evidence of a second nesting attempt; thereby determine the nest unoccupied or inactive. If birds protected under MBTA or CFGC are found to be nesting in construction equipment, that equipment shall not be used until the young have fledged and are no longer dependent on the nest, and there is no evidence of a second nesting attempt.

**PLAN REQUIREMENTS AND TIMING:** If construction must begin within the nesting season, then the pre-construction nesting bird survey shall be conducted no more than one week (7 days) prior to commencement of vegetation removal, grading, or other construction activities. Active nests shall be monitored by the biologist at a minimum of once per week until it has been determined that the nest is no longer being used by either the young or adults, and there is no evidence of a second nesting attempt. Bird survey results and buffer recommendations shall be submitted to City Planning and Development for review and approval prior to commencement of grading or construction activities. The qualified biologist shall prepare weekly monitoring reports, which shall document nest locations, nest status, actions taken to avoid impacts, and any necessary corrective actions taken. Active nest locations shall be marked on an aerial
Attachment 2 – Proposed Revised Mitigation Measure BIO-2

map and provided to the construction crew on a weekly basis after each survey is conducted. Active nests shall not be removed without written authorization from USFWS and CDFW.

**MONITORING:** P&D shall be given the name and contact information for the biologist prior to initiation of the pre-construction survey. Permit Compliance and P&D staff shall review the survey report(s) for compliance with this condition prior to the commencement of ground-disturbing activities and perform site inspections throughout the construction period to verify compliance in the field.
RE: Baccara’s desecration of Chumash Burial Sites

From: Ernestine De Soto <desoto.ernesne@gmail.com>
Sent: Saturday, March 28, 2020 6:31 PM
To: Lisa Prasse <lprasse@cityofgoleta.org>
Subject: Baccara’s desecration of Chumash Burial Sites

I’m sorry they don’t get it, this is not a Tsunami, but they can’t hide from or current situation. On that note we the BBCI would like to set up a meeting before phase 2 starts if it is not already implemented. Please contact our leader for the tribe: James Yee

Ernestine ygnacio De Soto, Elder

B.1 The comment seeks a meeting with the leader of the BBCI regarding the project’s effect on Chumash burial sites. A meeting with members of the Barbareno Band of Chumash Indians has been scheduled as requested.
Bacara Beach House Replacement MND comments

Thank you for your comments. Please find responses to your comments in blue below. Your comments will be forwarded to the City’s decision-makers for consideration during a public hearing.

C.1. The Bacara Beach House Replacement is a poorly sited project. There are a number of issues not adequately addressed in this MND.

C.2. Two major problems with the Bacara Beach House Replacement are that the restroom and shower building, and mobile snack bar have been placed on the 25 ft. ESHA setback and it is on highly sensitive cultural land. These two issues are both environmentally significant impacts.

C.3 This is a Chumash archeological area which contains highly sensitive archeological resources and burials. Several portions of the SBA 72 site on the eastern valley floor remain undisturbed and contain burials. According to the Findings for the Hyatt project “No structures would be located on the high sensitivity south portion of the site”. The opposition of the Chumash was testified to at the DRB hearings but there is no indication of their opposition in the MND.

C.4 This Bacara Beach House Replacement project is placed on the 25 ft ESHA setbacks, with the restrooms and shower building on one side of the emergency road and the parking pad for the mobile on the other side. Disturbance of the ESHA to install connections to underground utilities and install a fire hydrant has an additional impact on the ESHA. There is no discussion of the impacts of removal, regarding and resurfacing of the emergency road. The proposed 1:1 replacement of removed Monterey cypresses is inadequate. The replacement should be limited to Monterey cypresses.

C.5 The mobile snack bar truck requires a parking area of 15 ft. by 30 ft which is not a small area. This area isn’t shown on Figure LU-1 Biological Habitat and Setbacks on page 100. Since the pad covers all 25 ft. of setback in that area it should be shown.

C.6 There will be poor access to the replacement building and mobile snack bar because the current public parking lot has no connection planned to and from the new restroom and shower location. The proposed building location and mobile snack bar parking pad are on the emergency access road which is closed to the public. There is no easy, direct access from the beach either.

C.7 Additional damage may be caused by the public cutting through the ESHA to get back and forth between the parking lot and the restroom building. I saw no mention of this potential problem.

C.8 This comment is on the merits of the project not the MND analysis or conclusions.

C.9 The potential impacts of the project on ESHA, including the setback location are addressed on pages on MND pages 52-56 (Biological Resources), and 98-102 (Land Use) respectively. Cultural and Tribal resource are addressed in responses C.2 and C.3 below.

C.3 The City acknowledges the cultural significance of the site as discussed in MND pages 57-63 and pages 128-132. The existing hotel use permits (original Hyatt Hotel) requires that a snack bar and restrooms are provided for beach goers. In an effort to respect sensitive resources the project has been reduced in size from the current Beach House. The comments received during the April 9, 2019 and October 8,2019 Goleta Design Review Board (DRB) meetings are summarized on MND Page 9. The City has met with and continues to meet with members of the local Barbareno Band of Chumash Indians (BBCI).

C.4 See MND pages 98-102 for a discussion of the ESHA setback impact.

C.5 The impact of the removal and resurfacing of the emergency road is included in the project description on pages 6, 12 and analyzed throughout the MND, including page 100. See response to C.2 above.

C.6 Monterey cypress trees are not native but are required to be replaced at a 1:1 ratio and at 100% survival by Mitigation Measure BIO-3.

C.7 Figure LU-1 has been revised to show the proposed food truck parking area.
The proposed mobile snack bar presents problems with the need to quickly move the vehicle in the case of an emergency. Even if moved quickly it would still cause some delay to close it up and move it out. It is not a good location for the mobile snack bar.

There will also be problems with soil and water pollution from runoff with the snack bar parked on the access road.

Are the statistics on page 115 for Fire Station 12 or 11? They should be for Fire Station 11 because that is the Fire Station that serves the Bacara area.

There is no description of the two required picnic areas or their location.

It was not clear what alternate sites were considered.

It was very difficult for the public to read all 149 pages of the MND and the 21 Attachments to review the MND. A spelling and grammar check needed to be done on this document.

Barbara Massey
March 29, 2020
Re: Ritz Carlton, Bacara Beach House Replacement and Removal Project  
Draft Initial Study/ Mitigated Negative Declaration  
Case Nos. 16-002 EMP/DPAM/CDPAM/DRB

To: Mary Chang (mchang@cityofgoleta.org)  
   Senior Supervising Planner  
Bret McNulty (bmcnulty@cityofgoleta.org)  
   Contract Planner

From: Ingeborg E. Cox MD, MPH

March 31, 2020

Thank you for your comments. Please see the responses in blue below. Your comments will be forwarded to the City's decision-makers for consideration during a public hearing.

D.1. It is stated in the document that there is the potential for human remains to be present within areas along the elevated terrace above the existing Beach House and the erosive slope of the Eastern Terrace Hillside.

D.2. Aren’t prehistoric archeological sites located in close vicinity of the proposed Project boundary and disturbance of these resources would have a significant impact? Didn’t the California Coastal Commission Permit No. 4-85-343 address this?

D.3. CCC Special Condition #7 required the provision of an oceanfront picnic area adjacent to the snack bar on the beach and not located on any environmentally sensitive habitat or archeological resources. Has the setback for archeological resources been met?

D.4. On page 21 it states the project site has significant documented and mapped archeological sites. Previous archeological studies and the EIR prepared for the hotel (84-EIR-4) detailed significant archeological resources in proximity to the proposed project site.

D.5. According to the report series of villages located at the mouth of Tecolote Creek were known as Hel’apunitse. Cultural remains discovered during contemporary times that are mentioned are: houses, cemeteries, sweat lodges, dance floors indicative of a significant population (Pg. 58)

D.6. Why would the City allow construction so close to archeological sites?

D.1. See response to comment A.10 and revisions to MND pages 61-62.

D.2. The comment is addressed on MND pages 57-62 and 127-131.

D.3. The Mitigation measures CUL-1 through CUL-4 on MND pages 62-63 were developed as part of peer reviewed archeological studies and in consultation with Native American Tribes.

D.4. The findings of previous EIRs were referenced and incorporated into the MND as discussed page 59, para. 2 and page 128, para. 2.

D.5 Comment noted

D.6. See response to comments D.2. and D.3 above.
If the prevalent grading generally directs water toward Tecolote Creek and the Pacific Ocean, it appears that the proposed development areas will drain “consistent with current patterns of overland flow”. What will happen to the archeological sites?

The project site is located in a seismically active region of Southern California. Is the new construction going to be retrofitted to withstand a large earthquake?

According to pg. 82, Coastal Development Permit 4-85-343 Condition of Approval #126 required that H2S sensors be placed and maintained along the eastern project boundary and the H2S Detection Plan dated November 1997 be implemented. A H2S sensor is currently located on the existing Beach house as part of the detection system. Will the new replacement also have the same sensors?

How are the prepackaged foods going to be handled at the “snack bar” to avoid that the discarded trash does not end up in the ocean?

As detailed in the Project Description and on pages 98, checklist item b, the project has been designed to reduce its impact while meeting the policy and permit requirements applicable to the hotel.

The new building will be constructed to current State and City standards which incorporate seismicity.

Mitigation Measure HAZ-4 on MND page 89 ensures the project continues to implement CDP Condition of Approval #126.

As discussed on MND pages 31, para. 3, during Design Review trash receptacles are required. On MND pages 92 and 93, the requisite Soils Management Plan includes actions to reduce the chances that potential for project related trash to enter the ocean or watershed.
FW: proposed move of Bacara Beach House snack stand and toilets (Case Nos. 16-002 EMP/DPAM/CDPAM/DRB)

From: Victor Cox <vic.cox.freelance@gmail.com>
Sent: Wednesday, April 1, 2020 12:17 AM
To: Deborah Lopez <dlopez@cityofgoleta.org>
Subject:

Thank you for your comments. Please see the responses in blue below.
Your comments will be forwarded to the City's decision-makers for consideration during a public hearing.

March 31, 2020

To: Mary Chang, senior planner, and Bret McNulty, contract planner

Re: proposed move of Bacara Beach House snack stand and toilets (Case Nos. 16-002 EMP/DPAM/CDPAM/DRB)

From: Vic Cox, Goleta resident

I understand others have already commented on many of the inadequacies of the proposed replacement structure and site for the so-called "Bacara Beach House" which is currently being analyzed by the City of Goleta's (Design and Review Board) Planning Commission. While I agree with most of the points they raise, I wish to speak to the owners' apparent lack of knowledge or concern for the historic and cultural values of the targeted substitute location.

E.1. This comment is on the merits of the project not on the analysis or conclusions in the MND.

In addition to the Barbareno Chumash villages in the area, the remains of which legally have to be respected, the area contains at least two native cemeteries known to some anthropologists. (See A Canyon through Time.) This fact is given only passing reference in the Draft Initial Study but local Barbareno Chumash are aware of its significance and, if they knew the uses planned for their ancestors' resting places, would surely object.

E.2. The Mitigation measures CUL-1 through CUL-4 on MND pages 62-63 were developed as part of peer reviewed archaeological studies and in consultation with Native American Tribes.
Left out entirely of the draft is the fact that, in February 1942 shortly after World War II began, the land proposed for the snack stand and toilet/shower facility was part of the Ellwood oil and gas production complex targeted by a deck gun of a large submarine of the Empire of Japan. Many historians believe the Ellwood attack was the first time enemy fire hit the U.S. mainland during WWII.

Doubtless the land's history can be put to better uses than that of a refreshment and rest room facility for beach-goers.

Thank you.
Thank you for your comments. See responses in blue text below. Your comments will be forwarded to the City’s decision-makers for consideration during a public hearing.

04/07/2020
City: Goleta - Planning & Environmental Review
Bret McNulty
130 Cremona Drive, Suite B, Goleta, CA 93117, USA
bmcnulty@cityofgoleta.org

Construction Site Well Review (CSWR) ID: 1011829
Assessor Parcel Number(s): 079200013, 079200012
Property Owner(s): Ritz Carlton Santa Barbara Hotel Watermark Capital Partners
Project Location Address: 8301 Hollister Avenue, Goleta, California, 93117

Project Title: Ritz-Carlton, Bacara Beach House Replacement and Demolition Project, Mitigated Negative Declaration,

Public Resources Code (PRC) § 3208.1 establishes well reabandonment responsibility when a previously plugged and abandoned well will be impacted by planned property development or construction activities. Local permitting agencies, property owners, and/or developers should be aware of, and fully understand, that significant and potentially dangerous issues may be associated with development near oil, gas, and geothermal wells.

The Division of Oil, Gas, and Geothermal Resources (Division) has received and reviewed the above referenced project dated 3/17/2020. To assist local permitting agencies, property owners, and developers in making wise land use decisions regarding potential development near oil, gas, or geothermal wells, the Division provides the following well evaluation.

The project is located in Santa Barbara County, within the boundaries of the following fields:

Elwood

F.1. The wells identified in this comment are located outside of the current project site. The asphalt emergency access road that traverses the project site has in the past provided access to adjacent oil facilities via a dirt road that has since been eroded away by coastal storm and tide events. Vehicle access from the asphalt emergency access road is now across the beach at low tide and via the earthen access ramp that is maintained by the hotel as part of the existing hotel conditions of use (see MND page 18).
The project would not impede access to the wells described in comment F.1 above. Further, the project Public Services conditions of approval, as detailed on MND pages 118 and 119, require that the applicant maintain the emergency road access and the ramp to the beach.

F.3. The information does not address MND analysis or conclusions but is consistent with information provided on in MND pages 80-89.

F.4. A condition of approval has been added to MND page 89 requiring that the applicant submit a letter to the City verifying compliance with the Department of Conservation (DOC) requirements as detailed in this letter. The letter from DOC must be submitted to the City prior to issuance of construction permits.
2. The person or entity causing construction over or near the well - if the well was plugged and abandoned in conformance with Division requirements at the time of plugging and abandonment, and the property owner, developer, or local agency permitting the construction failed either to obtain an opinion from the supervisor or district deputy as to whether the previously abandoned well is required to be reabandoned, or to follow the advice of the supervisor or district deputy not to undertake the construction, then the person or entity causing the construction over or near the well shall obtain all rights necessary to reabandon the well and be responsible for the reabandonment.

3. The party or parties responsible for disturbing the integrity of the abandonment - if the well was plugged and abandoned in conformance with Division requirements at the time of plugging and abandonment, and after that time someone other than the operator or an affiliate of the operator disturbed the integrity of the abandonment in the course of developing the property, then the party or parties responsible for disturbing the integrity of the abandonment shall be responsible for the reabandonment.

F.5 No well work may be performed on any oil, gas, or geothermal well without written approval from the Division. Well work requiring approval includes, but is not limited to, mitigating leaking gas or other fluids from abandoned wells, modifications to well casings, and/or any other re-abandonment work. The Division also regulates the top of a plugged and abandoned well’s minimum and maximum depth below final grade. CCR §1723.5 states well casings shall be cut off at least 5 feet but no more than 10 feet below grade. If any well needs to be lowered or raised (i.e. casing cut down or casing riser added) to meet this regulation, a permit from the Division is required before work can start.

The Division makes the following additional recommendations to the local permitting agency, property owner, and developer:

1. To ensure that present and future property owners are aware of (a) the existence of all wells located on the property, and (b) potentially significant issues associated with any improvements near oil or gas wells, the Division recommends that information regarding the above identified well(s), and any other pertinent information obtained after the issuance of this letter, be communicated to the appropriate county recorder for inclusion in the title information of the subject real property.

2. The Division recommends that any soil containing hydrocarbons be disposed of in accordance with local, state, and federal laws. Please notify the appropriate authorities if soil containing significant amounts of hydrocarbons is discovered during development.

As indicated in PRC § 3106, the Division has statutory authority over the drilling, operation,
maintenance, and abandonment of oil, gas, and geothermal wells, and attendant facilities, to prevent, as far as possible, damage to life, health, property, and natural resources; damage to underground oil, gas, and geothermal deposits; and damage to underground and surface waters suitable for irrigation or domestic purposes. In addition to the Division's authority to order work on wells pursuant to PRC §§ 3208.1 and 3224, it has authority to issue civil and criminal penalties under PRC §§ 3236, 3236.5, and 3359 for violations within the Division's jurisdictional authority. The Division does not regulate grading, excavations, or other land use issues.

If during development activities, any wells are encountered that were not part of this review, the property owner is expected to immediately notify the Division's construction site well review engineer in the Coastal district office, and file for Division review an amended site plan with well casing diagrams. The District office will send a follow-up well evaluation letter to the property owner and local permitting agency.

Should you have any questions, please contact me at (805) 465-9642 or via email at Pat.Abel@conservation.ca.gov

Sincerely,

Pat Abel
Coastal District Deputy

F.6 See response to comment F.4 above.