

**APPENDIX R1
APPLICANT CORRESPONDENCE**



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May 17, 2013

City of Goleta
Planning & Environmental Services Department
130 Cremona Drive, Suite B
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Attention: Natasha Heifetz Campbell, Contract Planner

SUBJECT: Marriott Residence Inn and Hollister Center Project
Draft Environmental Impact Report
12-EIR-001
Case No. 07-007-OA, -DP, TPM; 07-167-DP AM; 07-MND-003/2007121058
SCH #2010031059
Clarifications Regarding Cultural Resource Comments
DEIR Letters from Frank Arredondo and Ana Citron

Dear Ms. Campbell:

The following clarifications are submitted on behalf of the R.D. Olson Development and Sares-Regis, applicant for the Marriott Residence Inn and Hollister Center Project, relative to the comments on the above referenced Draft Environmental Impact Report (DEIR) provided by Frank Arredondo dated April 4, 2013, and Anna Citron, also on April 4, 2013. The factual information provided is intended to clarify the existing setting and proposed project impacts on the archaeological resource CA-SBA-58.

1. CA-SBA-58 Original Site Area

The original size of CA-SBA-58 as recorded by David Banks Rogers and published in *Prehistoric Man of the Santa Barbara Coast* (1929) includes a site map based on the extent of surface artifacts. The site map is incorporated in the technical report prepared for the Draft EIR by Cultural Resource Management Services (CRMS) for the City of Goleta (CRMS 2012). On page 22 of that report, CRMS concludes "Rogers described the site as being approximately 360,000 ft² (33,445 m²)." This is based on the site measurements provided by Rogers of 1,200 feet long and an average 300 feet wide. The CA-SBA-58 site map prepared by Rogers is an estimate, and it is very possible that the overall site could have been even larger, of up to 425,000 ft² (39,500 m²). The original site size is important to grasp as it indicates that the village was undoubtedly inhabited over an extended period of time (as Rogers states, during the Middle (Hunting) and Late (Canaliño) Periods of Chumash prehistory. Determining the exact size of the site is not critical to the significance of the cultural resource or determining the significance of proposed project impacts. The

remaining intact portions of CA-SBA-58 are significant cultural resources, and disturbance of those resources is a significant impact.

2. Remaining CA-SBA-58 Site Area

The Extended Phase 1 Archaeological Investigation prepared by Dudek (2008, 2010) addressed the objective of determining the presence or absence of CA-SBA-58 deposits within the 3.81-acre project site parcel. The intact (previously undisturbed) portion of CA-SBA-58 has been called "Locus 1" since investigations completed in 1979 and 1980 by the University of California, Santa Barbara (UCSB) (Bixler et al 1980). "Locus 2" referred to portions of CA-SBA-58 that were previously disturbed and therefore not considered a significant archaeological resource. As described in the Draft EIR, only Locus 1 deposits are considered significant archaeological resources that are capable of providing information "likely to yield information important in prehistory" (CEQA Guidelines Section 15064.5(3)[d]). Using the results of the Dudek Extended Phase 1 investigation, CRMS (2010, page 22) has determined that intact Locus 1 areas within the project area totals 5,658 m².

Dudek (2008, 2010) determined as a result of Extended Phase 1 excavations that the Locus 1 deposits are covered with between 6 and 18 inches of disturbed archaeological deposits (the disturbed layer extends below the ground surface).

3. Project Impacts

The comment letter correctly states that the amount of intact archaeological (Locus 1) deposits that would be impacted by the proposed project has been reduced since the project was initially analyzed in 2008. This is a result of the extensive sub-surface testing that has been undertaken on behalf of the applicant, and continued efforts by the project design team to reduce ground disturbances within Locus 1 deposits through redesign and alternative structural foundation strategies.

One of the substantial reductions in project impacts is associated with the extent of ground preparation required throughout the project area. In 2008, scarification of the ground surface was identified to an 18-inch depth. This has been decreased to 4 inches for only clearing and grubbing of vegetation and loose soils. The disturbance of the top 4 inches would not impact any intact (Locus 1) CA-SBA-58 deposits, as disturbed soils extend to a minimum of 6 inches from the ground surface. This substantial reduction in intact archaeological deposit disturbance highlights the manner in which impacts to Locus 1 deposits have been minimized.

The critical measurement of the proposed project's impact on cultural resources is the extent to which the design would disturb intact archaeological materials that are identified as significant under CEQA Guidelines Section 15064.5 criteria. The calculation of proposed

project impacts on CA-SBA-58 deposits has consistently addressed the percentage of Locus 1 deposits that would be impacted. The amount of Locus 1 deposits that are present on other adjacent parcels is unknown as they are outside of the proposed project area and have not been systematically evaluated.

The DEIR calculates that this project disturbance to the Locus 1 deposit area would be 147.14 m², assuming the original swimming pool configuration, impacting 2.6% (147.14/5,658 m²) of the remaining intact CA-SBA-58 deposits present within the project area. When considering the proposed swimming pool redesign, the impact is reduced by 113.83 m² (Dudek 2012). The overall proposed project disturbance to the Locus 1 deposit area would be 33.31 m², impacting only 0.6% (33.31/5,658 m²) of the remaining intact CA-SBA-58 deposit. These are the relevant quantitative measurements of the extent of significant CA-SBA-58 archaeological resources that are known to exist onsite. It is reasonable to assume that adjacent development within the CA-SBA-58 boundary has on the Burroughs, University Research Park, Raytheon, Bardex and Neal Fay properties resulted in substantial disturbances to the cultural deposit (see CRMS Figure 6, page 15), though pockets of intact deposits may exist. There is no other way, however, to measure the extent to which the proposed project avoids direct impact to remaining significant resources rather than relying on the data presented above.

The Arredondo letter (page 20) miscalculates the project impacts on Locus 1 deposits by not using the results of the Extended Phase 1 investigations and how these are overlaid on the proposed project footprint.

“What we do know is that the parcel is 3.81 acres or 165,963.6 square feet, or 15,418.5m². As currently defined the only known extensive area of intact midden is within the bounds of the currently proposed project as currently defined is 60,900 square feet, or 5,658 m² in extent, or only 36.69 or 37% of the project parcel contains intact midden.

- The building portion is 21,796.9 square feet, or 2,025m², and equals 35.79% or 36% of percent of impact to intact midden on the parcel.”

The correct analysis follows:

- The project area is 3.81 acres (165,964 ft²/15,424 m²).
- Locus 1 deposits occupy 60,900 ft² (5,658 m²) in extent, or approximately 17% of the original site area defined by Rogers.
- The total area in which the proposed project footprint and utilities encroach within areas of CA-SBA-58 Locus 1 deposits equal 1,474 ft² (137 m²). This was calculated by GIS technology calculating the area where building footprint and

utility corridors fell within Locus 1 deposits. This equates to 2.4% of the remaining intact Locus 1 archaeological site area.

Arredondo assumes that all of the project "building portion" and "parking lot areas" are located on Locus 1. As described above, this is false. He is correct in that the project site area contains areas of Locus 2, previously redeposited, disturbed, CA-SBA-58 deposits. These disturbed areas are not significant archaeological resources as defined under CEQA Guidelines Section 15064.5, as they cannot "yield information important in prehistory," since the spatial relationship of artifacts has been lost. Arredondo lumps disturbances to Locus 2 deposits with those of Locus 1. In terms of CEQA, this analysis is incorrect, as Locus 2 deposits are not significant archaeological resources.

Citron and Arredondo characterize impacts to Locus 1 as any areas where the building footprint or paving would be placed above. As Citron states:

"It is known that 37% of the parcel contains intact midden, and that 97% of that intact midden would be impacted by the Project (36% by the building footprint, 61% from the parking lot). Paving over nearly all of the remaining intact midden clearly constitutes a "substantial adverse change" in the significance of CA-SBA-58, regardless of what fraction of the original site is included within the Project site boundaries."

As I stated in my Comment Letter to the DEIR, CEQA Guidelines and Statutes identify capping of archaeological sites as preservation and feasible mitigation.

- Public Resource Code 21083.2 Archaeological Resources: Determination of Effect of Project; EIR or Negative Declaration; Mitigation Measures (b): "If it can be demonstrated that a project will cause damage to a unique archeological resource, the lead agency may require reasonable efforts to be made to permit any or all of these resources to be preserved in place or left in an undisturbed state. Examples of that treatment, in order of preference, may include, but are not limited to, any of the following:

(3) Capping or covering archaeological sites with a layer of soil before building on the sites."

- CEQA Guidelines Section 15126.4 (b)(3):

"Preservation in place is the preferred manner of mitigating impacts to archaeological sites. Preservation in place maintains the relationship between artifacts and the archaeological context. Preservation may also avoid conflict with religious or cultural values of groups associated with the site. Preservation in place may be accomplished by, but is not limited to, the following:

3. Covering the archaeological sites with a layer of chemically stable soil before building tennis courts, parking lots, or similar facilities on the site.

As stated previously, physical impacts to intact Locus 1 deposits will result from those circumstances where excavations will physically disturb the relationship of artifacts. As stated in CEQA Guidelines Section 15064.5(b)(2):

(b) A project with an effect that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment.

(1) Substantial adverse change in the significance of an historical resource means physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired.

(2) The significance of an historical resource is materially impaired when a project:

(A) Demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for, inclusion in the California Register of Historical Resources; or

(B) Demolishes or materially alters in an adverse manner those physical characteristics that account for its inclusion in a local register of historical resources pursuant to section 5020.1(k) of the Public Resources Code or its identification in an historical resources survey meeting the requirements of section 5024.1(g) of the Public Resources Code, unless the public agency reviewing the effects of the project establishes by a preponderance of evidence that the resource is not historically or culturally significant;

Or

(C) Demolishes or materially alters in an adverse manner those physical characteristics of a historical resource that convey its historical significance and that justify its eligibility for inclusion in the California Register of Historical Resources as determined by a lead agency for purposes of CEQA.

Preservation of CA-SBA-56 Locus 1 deposits under protective fill will not demolish or materially alter in an adverse manner the ability of the resources to yield important information in prehistory. Importantly, systematic excavations undertaken throughout the

proposed project site have determined that the significant Locus 1 cultural deposits are presently buried (and preserved) by between 8 and 48 inches of disturbed Locus 2 deposits (Dudek 2008). Therefore, placement of the structural footprint and parking areas will not change the physical condition of buried Locus 1 cultural deposits. Conversely, they will eliminate continuing degradation caused by rodent burrowing activity.

4. "Historic Resource" Impacts

Both Arredondo and Citron assert that CA-SBA-58 is an historical resource under CEQA Guidelines significance criteria as it was visited by Fray Crispi in 1769 and termed the Good Land.

As you know, an "historical resource" as defined in CEQA Guidelines Section 15064.5 (3)(d) is one that "has yielded, or is likely to yield, information important in prehistory or history." CA-SBA-58 clearly has yielded information important in prehistory, and is therefore a significant "historical resource" as defined by CEQA, though it is significant given its ability to yield information important in prehistory. The DEIR states on page 4.4-11,

"CA-SBA-58 is a significant cultural resource that is potentially eligible for listing on the NRHP. It is also eligible for listing on both the CRHR and local registers of historic resources."

The DEIR is correct in that there are no "historic-era" (post European contact) resources within the project site.

That said, the project site and CA-SBA-58 are not specifically associated with "The Good Land" as defined by Fray Crispi during the 1769 Portola-Serra Expedition. The quote from Crispi's diaries is provided in the 1979 Phase 2 excavations (UCSB Bixler et al). It includes the description of the expedition as the Spaniards encountered the Chumash villages surrounding the Goleta Slough, including *Saxpalli*, site CA-SBA-60 at the Fairview Road /Hollister Avenue intersection, and Mescalitan, or the village of '*Helo* , at Mescalitan Island, where the Goleta Sanitary District Wastewater Treatment plant exists.

"The soldiers named these towns Mescaltitlan, but others call them the towns of La Isla; I christened them in the name Santa Margarita de Cortona."

There is no archaeological evidence that CA-SBA-58 was occupied as a Chumash village during the ethnohistoric period; only radiocarbon dates associated with the late Middle to early Late Period have been collected from the site. Rogers describes the site as occupied by the "Canalino" people, but this is associated with any time during the Late Period of Chumash prehistory, from approximately 250 to 1500 years ago. This does not preclude the potential for CA-SBA-58 to be associated with occupation surrounding the Goleta Slough

during the ethnohistoric period- it does indicate clearly, however, that CA-SBA-58 was not one of villages that Fray Crispi described in 1769.

Evidence to support this statement comes from a map of the villages of the Goleta Slough (Mescalitan) prepared by Pantoja y Arriaga in 1782. The major village of *Saxpalil* is identified as the largest in terms of population. CA-SBA-58, nearly a mile to the west and east of La Patera Lane, was not identified at this time. Two maps, one compiled by David Banks Rogers that identifies all the sites surrounding the Goleta Slough, and a second showing those historic villages in comparison, are provided. Ethnohistoric research by Dr. John Johnson, also fails to identify any place name at CA-SBA-58 (see Nelson 2005, attached).

5. "Human Burial" Impacts

The Citron letter states (page 5) that there is a "high potential that human remains will be disturbed, specifically by excavation to install the 143 pilings within CA-SBA-58." There is no substantial evidence to support this statement. On the contrary, the two cemeteries recorded by Rogers in the 1920s are north of the project area, and all the excavations within the project area completed during 1979 and in 2010 did not encounter any human remains. The impact of the 143 pilings, each 14-inches (0.13 m²) square, would equal 18 m². This represents 0.3% ($18 \text{ m}^2 / 5,658 \text{ m}^2 = 0.0318$) of the remaining intact CA-SBA-58 Locus 1 site area. Given that small dimension of each piling and the minimal amount of total impact, the potential for encountering intact human remains within Locus 1 is actually statistically less than significant. Nonetheless, the DEIR pg. 4-4.15 states that "the project has the potential to significantly impact unknown buried human remains."

This impact is recognized in the Draft EIR and mitigation is provided to address this potential. The hand excavation and screening of all 143 pilings, even those not included in the Phase 3 Data Recovery Program, is required in DEIR *MM CUL-3i Pre-Construction Hand-Excavate Pilings* (pg. 4.4-25) to ensure recovery of any fragmentary human remains in Locus 1 or Locus 2 contexts. Any human remains recovered during excavations within the project site would be subject to Public Resources Code 5097.98, requiring the consideration of the Chumash individual identified as the Most Likely Descendant by the California Native American Heritage Commission. This adherence to state law is identified in the DEIR *MM CUL-3e Discovery of Human Remains*, page 4.4-24.

5. Examples of Archaeological Site Preservation

Arredondo and Citron state that the examples of approved archaeological site preservation illustrated in the South Fairview Commercial Center, 151 South Fairview Avenue and Duca Residential Remodel projects are not appropriate parallels to the proposed project design.

The analysis of the South Fairview Commercial Center, 151 South Fairview Avenue (Dudek 2012) states,

"The proposed South Fairview Commercial Center will require that foundations rest on concrete caissons that extend below recently imported fill soils to ensure seismic stability. The caissons will penetrate below the fill soils placed in the remediation areas that have been entirely disturbed, and the northern area of the project site in which buried intact archaeological resources associated with CA-SBA-60 were recovered.

A total of 12 caissons, each 45 cm (18 inches) in diameter, will be excavated within the intact portion of CA-SBA-60 located within the project area. The caissons will be excavated by rotary drill to a 3.65-meter (12-foot) depth (see Figure 4). The caisson locations will be located in 3 parallel rows. Within each row, the caissons will be spaced 7.3 meters (24-feet) apart, and the rows will be located 10.0 meters (33-feet) apart. The total impact area of the 12 caissons throughout the intact portion of the archaeological site will be approximately 3.81 square meters, or 41.03 square feet, representing less than 0.5% of the total approximately 800 square meters (8,600 square feet) of intact CA-SBA-60 within the project area. All other ground disturbances associated with new utility trenching and soil preparation for paved areas will be confined with the top 2 feet of imported fill soils covering CA-SBA-60 intact deposits."

The City of Goleta Mitigated Negative Declaration 08-MND-002 RV01 for this project stated:

"The proposed development will utilize a foundation system that rests on concrete caissons that extend below recently imported fill soils to ensure seismic stability. The caissons will penetrate below the fill soils placed in the remediation areas that have been entirely disturbed, and the northern area of the project site in which buried intact archaeological resources associated with CA-SBa-60 were recovered (Dudek & Associates; May, 2010). A total of 12 caissons, each 18" in diameter, would be excavated within the intact portion of CA-SBa-60 that lies within the project site thereby impacting 41 square feet or less than 0.5% of the total approximately 8,600 square feet of intact CA-SBa-60 onsite (Dudek & Associates; May 2010). This use of caissons to support the structure's foundation instead of excavated spread footings thereby limiting potential disturbance of in-place, significant archaeological/cultural resources to approximately 40 square feet would reduce associated impacts on such resources to the maximum extent feasible given seismic safety requirements for the proposed structure. All other ground disturbances associated with new utility trenching and soil preparation for paved areas will be confined with the top 2 feet of

imported fill soils covering the area of intact CA-SBa-60 deposits which lie below the three (3) feet of existing fill in this area. However, as the intact portion of CA-SBA-60 within the northern third of the project site is considered a significant archaeological/cultural resource, as well as eligible for listing on the NRHP, disturbance of the northern portion of the project site for construction of the proposed structure would constitute a potentially significant, archaeological/cultural resource impact."

The approved project at 151 South Fairview Road is entirely consistent in the degree to which significant cultural resources, in this case those of the ethnohistoric village of *Saxpili*, are preserved underneath the structure. Impacts to the significant archaeological resource have been substantially avoided by the use of pilings that will support the raised foundation. Conditions of Approvals required the implementation of a Phase 3 Data Recovery mitigation program to collect information from the small portion of the significant archaeological site that would be subject to unavoidable impacts. This is the *identical* strategy and approach used in the proposed Marriott Residences Inn project.

The analysis of the Duca Residence Remodel project Final Mitigated Negative Declaration (10NGD-00000-00030) stated:

"The proposed project would demolish the majority of the existing dwelling, leaving several walls and most of the existing caisson and grade-beam foundation in place for reuse. The new house would be constructed in the same footprint using the existing foundation system, with an approximately 1,500 sq. ft. expansion of the footprint and new caisson and grade-beam foundation to the northeast of the existing foundation. The caisson and grade-beam foundation associated with the east wing of the existing house will be demolished and a new deck will replace a portion of the existing deck and east wing. A total of 12 new caissons would be excavated installed for the new deck and house addition. The caissons would measure 0.6 meters (2.0 ft.) in diameter (0.3 meter or 1.0-ft. radius). The estimated volume of archaeological site material disturbed by these 12 caissons is 1.31 cubic meters, all of which was removed by controlled excavation conducted by archaeologists and monitored by Native American observers."

The previous Duca residence that was allowed to be demolished as well as the renovated, expanded structure built in its place was both constructed directly above a significant archaeological site (CA-SBA-13) on pilings that substantially reduced the amount of disturbance to the cultural resource. The impacts were feasibly mitigated by the implementation of a Phase 3 Data Recovery Program. This approach and strategy are also *identical* to that proposed for the proposed Marriott Residences Inn project.

Citron states,

" The RDEIR essentially concludes that since the site has experienced damage previously, further damage is acceptable, and then notes two other projects where impacts to known

cultural, historical and archaeological resources were allowed using Mitigated Negative Declarations.”

The EIR effectively uses the approved examples at 151 South Fairview Road (CA-SBA-60) and the Duca Residential Remodel (CA-SBA-13) as examples where project designs were successful at substantially reducing impacts to significant prehistoric resources by using foundations that supported the structure above the native ground surface. The project approvals were not predicated on the evidence that CA-SBA-60 and CA-SBA-13 had been previously disturbed. On the contrary, the fact that both sites had been previously disturbed resulted in a finding that the significance of remaining intact cultural deposits was enhanced. It is critical to minimize impacts to all significant cultural resources, and the proposed piling and floating foundation, identical to that of the 151 South Fairview Road and Duca Residential Remodel projects, achieves this objective. As stated in No. 3 above, physical impacts to significant, intact Locus 1 deposits are limited to 2.6 percent of the remaining intact CA-SBA-58 deposits present within the project area. When considering the swimming pool redesign proposed by the applicant, the impact to the Locus 1 deposit area would be only 0.6 percent. The avoidance of impacts to the significant cultural resource is substantial.

6. Archaeological Site Mitigation to the Maximum Extent Feasible

Citron states (page 6) that,

The City is required “to give major consideration to preventing environmental damage.” (Guidelines § 15021 (emphasis added).) Moreover, discussed in section f, below, Goleta General Plan Policy OS 8.3 requires that the City “protect and preserve cultural resources from destruction.”

As stated in No. 5 above, the presently proposed project including redesign to the swimming pool area reduces significant disturbances to only 0.6 percent of the significant, intact CA-SBA-58 deposits. This demonstrates that mitigation of cultural impacts has been feasibly achieved to the maximum extent feasible.

As stated in No. 4 above, the potential for encountering isolated human remains during ground disturbances is recognized in the Draft EIR and mitigation is provided to address this potential. The hand excavation and screening of all 143 pilings, even those not included in the Phase 3 Data Recovery Program, is required in DEIR *MM CUL-3i Pre-Construction Hand-Excavate Pilings* (pg. 4.4-25) to ensure recovery of any fragmentary human remains in Locus 1 or Locus 2 contexts. DEIR *MM CUL-3e* states,

“Procedures will be prepared and will be followed in the event human remains are discovered.

Plan Requirements and Timing: Prior to any site preparation, ground disturbing, grading, and/or construction activities, the permittee and construction crew will meet on site with the

local Chumash representative(s), identified as the Most Likely Descendent (MLD) by the State Native American Heritage Commission. The MLD, permittee, the Lead Agency, and City-approved archaeologist will discuss procedures. These procedures will include those identified by California Public Resources Code 5097.98, State CEQA Guidelines Section 15064.5, and the City's Cultural Resource Guidelines. The coroner will be contacted if human remains are discovered. *Satisfactory disposition of the remains will be agreed upon by all parties so as to limit future disturbance.* Procedures will be reviewed and approved by the City prior to Land Use Permit issuance. (*emphasis added*)

The DEIR clearly provides a mechanism for avoidance of disturbances to any isolated human remains that are encountered during construction, as shown in the italicized text. The project applicant has consistently stated in discussions with the City of Goleta and interested Chumash that the location of individual caissons will be relocated if technologically feasible to avoid human remains that are identified during archaeological data recovery excavations that will occur prior to all grading.

7. Ethnic Impacts

The Citron letter states that the City CEQA Thresholds Manual (dated 2002 and adopted from the County of Santa Barbara) identifies the following threshold of significance:

“A project will normally have a significant effect on the environment if it will “Disrupt or adversely affect a prehistoric or historical archaeological site or a property or historical or cultural significance to a community or ethnic or social group.”

This threshold has been removed from the CEQA Guidelines Appendix G, Significant Effects, and is not listed in the City of Goleta's Environmental Checklist. It is not a significance threshold that the City of Goleta applies.

8. Cultural Landscape Study

Citron's comment references US Department of the Interior standards that do not apply to private projects on non-federal lands, such as the proposed project site.

The project site has no potentially significant historic-era cultural resources components such as standing structures, gardens, or objects. Therefore, the project site has no resources that would qualify it as a historic landscape.

Ms. Natasha Heifetz Campbell
May 17, 2013
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Sincerely yours,

A handwritten signature in blue ink that reads "David Stone". The signature is written in a cursive style with a blue ink color.

David Stone, RPA
Cultural Resources Manager

cc: Anthony Wrzosek, Robert Olson; RD Olson Construction
Russ Goodman, Sares-Regis
Peter Brown, Esq., Brownstein Farber Hyatt Schreck

Attachment: Excerpts from Harry Nelson, 2005. *Goleta Slouth (by an amateur)*.

June 11, 2013

Peter N. Brown
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VIA U.S. AND ELECTRONIC MAIL

Ms. Natasha Campbell
City of Goleta
130 Cremona Drive
Goleta, CA 93117

RE: Revised DEIR for Marriott Residence Inn and Hollister Center Project 12-EIR-0001

Dear Ms. Campbell:

Our office represents R.D. Olson Development and the Sares-Regis Group, applicants for the proposed Marriott Residence Inn and Hollister Center project. On behalf of the applicants, this letter responds to several of the assertions contained in Ms. Ana Citrin's letter of April 4, 2013 commenting on the DEIR. The applicants reserve the right to address other portions of Ms. Citrin's letter separately. Numbering and page references provided below refer to the numbering sequence employed by Ms. Citrin.

1.b. Ms. Citrin asserts that "it is obvious that [the proposed hotel] will not be a Marriott" because "it is common knowledge that the major national hotels do not typically open multiple facilities in a single small market like Goleta." This is complete speculation on Ms. Citrin's part. First, the Marriott property on Storke Road is a Courtyard by Marriott facility, while the proposed project is a Marriott Residence Inn. These two distinct brands within the Marriott family of facilities serve different market segments of patrons. Second, communities frequently contain two or more identically-branded hotels or motels; for example, there are two Motel 6 motels located in each of the communities of Carpinteria, Santa Barbara, and Ventura. In summary, there is no basis to claim that the proposed project will not be a Marriott Residence Inn.

1.f. Contrary to Ms. Citrin's assertion, the proposed project is consistent with Goleta General Plan Policy OS 8.3. Through project design, 97.4% of the archeological resources within the locus of remaining intact portions of CA-SBA-058 will be preserved in place, while this percentage rises to 99.4% under the proposed swimming pool redesign. Thus, the project through site planning and design avoids impacts to intact

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archeological resources and maintains the relationship between the artifacts and the archeological context for CA-SBA-058.

Ms. Citrin asserts that the existing configuration of development at 6300 Hollister Avenue, under which the eastern portion of the site is developed with research and development uses and the western 3.81 acres remains undeveloped, is an intentional design choice. In Ms. Citrin's words, "this portion of land in an existing parcel [the 3.81 acre western portion] was left as open space in fulfillment of a policy preference of allowing development on the less constrained portion of a parcel and leaving the more sensitive portion as open space." Ms. Citrin asserts that the proposed project "violates that policy, as was applied at this site...."

This argument is a figment of Ms. Citrin's imagination. The entire project site was originally owned by Burroughs Corporation, which occupied the developed research and development structures on the western portion of the site in the 1970s (the structures have since been completely renovated by Sares-Regis). In 1980, Burroughs received approval of a development plan from the County of Santa Barbara (79-DP-22) to construct a 46,000+ square foot addition to their existing facilities on the easterly 3.4 acre portion of the site. A site plan depicting the proposed addition is attached to this letter. Burroughs never constructed this addition and the permit lapsed. However, it is manifestly clear that there was no policy prohibition at the time against development of this portion of the site. Moreover, the City of Goleta in its 2006 General Plan specifically approved a hotel overlay for this property, in anticipation that an application for the present project would be filed.

1.h.i. Ms. Citrin claims that the DEIR improperly rejects the No Project alternative. This is not in fact what the text DEIR states. The DEIR provides that the No Project alternative is environmentally superior to the proposed project (p. 6-16). The DEIR's analysis appropriately discusses conditions existing at the time the Notice of Preparation was filed (p. 6-4); see CEQA Guidelines 15126.6(e)(2). The discussion of the No Project alternative gives the decision makers a gauge for measuring the environmental advantages and disadvantages of the project and of the alternatives to it. The DEIR notes that the No Project alternative (obviously) would not meet the project's objectives, which is always the case for a No Project alternative. Ms. Citrin's ad hominem accusation that the project "seek[s] to squeeze unwarranted development from these lands" is neither accurate nor germane to environmental review. As discussed above, the project site was specifically designated with a hotel overlay by the City.

1.h.ii. Ms. Citrin's letter next suggests that the EIR should "identify and evaluate an alternative that converts the Project site into a public park honoring the Chumash and cultural history of Goleta," which would "[p]reserve a site associated with important events and figures in Goleta's history," "[p]rotect significant views in all directions from Hollister," "[r]educe Goleta's parkland deficiency," "[s]atisfy the Project Objective of

complementing nearby development and amenities,” and “[p]rovide Goleta residents and employees of neighboring businesses with a place to relax, eat lunch, enjoy scenic views, and learn about Goleta’s cultural history.”

An EIR must present a reasonable range of alternatives “which would feasibly attain most of the basic objectives of the project...” (CEQA Guidelines § 15126.6(a).) An EIR need only analyze “potentially feasible” alternatives. (Id.; see also *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 574.) The Marriott Residence Inn and Hollister Center Project EIR meets these standards. Making the undeveloped portion of the project site a park, as suggested, is not a feasible alternative because it does not meet a number of basic project objectives. The Project Objectives are to (1) subdivide the property into two separate lots to accommodate existing and future development, (2) “develop an extended stay hotel on Parcel 2 to meet existing needs generated by nearby businesses,” (3) update/amend the existing Development Plan for the Hollister Center, (4) “create an economically viable use for remaining undeveloped property along Hollister Avenue...,” (5) “create additional transient occupancy tax revenues associated with extended stay hotel development,” and (6) “facilitate and accelerate undergrounding of utility infrastructure in important view corridors.” (RDEIR § 1.3.) The basic project objectives include the development of an economically viable extended stay hotel on the site. The park alternative does not meet these basic project objectives. The park alternative would not create additional transient occupancy tax revenue for Goleta and would not meet the existing lodging and extended stay needs of local businesses. The park alternative therefore is infeasible because it fails to attain most of the basic project objectives. (See Guideline § 15126.6 (a).)

Furthermore, the “no project” alternative included and analyzed in Section 6.2.1 of the DEIR achieves many of the goals of the proposed public park alternative. In fact, the “no project” alternative would likely be environmentally superior because it would involve less development than the park alternative. Building a park involves grading and excavating, as well as constructing facilities and other installations, while the “no project” alternative assumes no work at all on the project site. The CEQA Guidelines provide that preservation in place is the “preferred manner of mitigating impacts to archaeological sites.” (See CEQA Guidelines § 15126.4(b)(3)(A).) A park alternative could also involve negative impacts to air quality, biological resources, geology and soils, greenhouse gas emissions, hydrology and water quality, noise, transportation and traffic, and utilities and service systems created by construction activities, landscaping and installments.

In sum, the EIR considers five alternatives to the project, including a “no project” alternative that is largely similar to the commenter’s proposed alternative. The EIR considers a reasonable range of alternatives and fully complies with CEQA.

1.h.iii. Finally, Ms. Citrin claims that the DEIR is inadequate because it allegedly does not provide sufficient information regarding the impacts on agricultural resources

that would result from development of a hotel on alternative site #2. Development of the Page site would involve conversion to non-agricultural use of land with prime agricultural soils, which is clearly a sound basis for determining that a Class I impact on agricultural resources would result.

In an alternatives analysis, the environmental impacts raised by each alternative need not be discussed with the same level of detail as that required for analysis of the proposed project. Discussion need not be exhaustive; all that is required is an objective good faith comparison between the proposed project and the alternative being discussed. The DEIR presents over four pages of analysis regarding the Page site; a matrix comparing the environmental effects of all three alternatives with those of the proposed project is provided. This is a preferred method of describing and analyzing project alternatives. Guidelines 15126.6(d); *Sierra Club v. City of Orange (2008)*, 163 Cal.App. 4th 523, 547, 78 CR3d 1.

R.D. Olson and Sares-Regis do have a comment on the document's discussion of the Page site. The text on p. 6-16 should be clarified to state that, while the Page site may be environmentally superior to the proposed site with respect to impacts on archeological resources, the project site is clearly superior to the Page site with respect to impacts on agricultural resources.

Thank you for the opportunity to submit these comments.

Very truly yours,



Peter N. Brown

Attachment: Site Plan for 1980 Proposed Burroughs Addition

cc: Jennifer Carman, City of Goleta
Anthony Wroszek, R.D. Olson
Russ Goodman, Sares-Regis

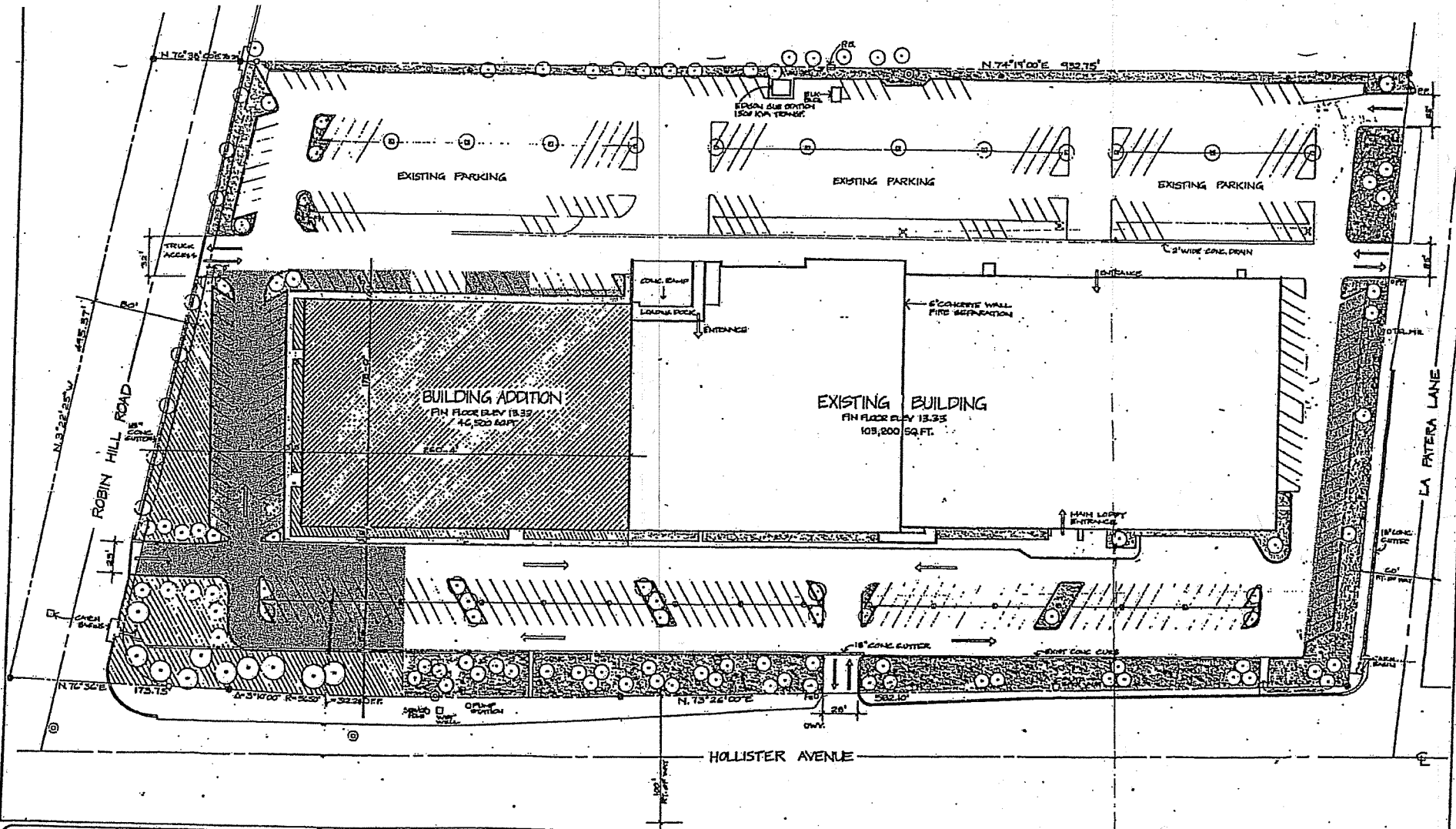


FIGURE 3. PROPOSED PROJECT SITE PLAN

