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1 Introduction

This document is an Environmental Impact Report (EIR) for a proposed industrial building development located at 907 South Kellogg Avenue in Goleta, California. The proposed Sywest Industrial Building Project (hereafter referred to as the “proposed project”) would be constructed on a site previously used as an outdoor drive-in movie theater and public market on Sundays (herein referred to as “project site”). The proposed project would include demolition of an existing freestanding movie screen, concessions stand, projector building, two drive-through ticket booths, one walk-in ticket booth, and an agricultural box; and construction of a 70,594 square foot industrial warehouse building with truck loading zones, a parking lot, landscaping, and walkways. The proposed project includes a request to reduce the 100-foot Streamside Protection Area buffer at the San Jose Creek to 25 feet. The proposed project is described in detail in Section 2, *Project Description*.

This section discusses (1) the legal basis for preparing an EIR; (2) the scope and content of the EIR; (3) the lead, responsible, and trustee agencies; and (4) the environmental review process required under the California Environmental Quality Act (CEQA).

1.1 Purpose and Legal Authority

The proposed project requires the discretionary approval of the Goleta Planning Commission and City Council. Therefore, the proposed project is subject to the environmental review requirements of CEQA. In accordance with Section 15121 of the *CEQA Guidelines* (California Code of Regulations, Title 14), the purpose of this EIR is to serve as an informational document that:

“...will inform public agency decision makers and the public generally of the significant environmental effects of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project.”

This EIR has been prepared as a project EIR pursuant to Section 15161 of the *CEQA Guidelines*. A Project EIR is appropriate for a specific development project. As stated in the *CEQA Guidelines*:

“This type of EIR should focus primarily on the changes in the environment that would result from the development project. The EIR shall examine all phases of the project, including planning, construction, and operation.”

This EIR is to serve as an informational document for the public and the decision makers of the City of Goleta. The process will include public hearings before the Goleta Planning Commission and City Council to consider certification of a Final EIR and approval of the proposed project.

1.2 Environmental Scoping

The City of Goleta distributed a Notice of Preparation (NOP) of the EIR for a 30-day agency and public review period starting on April 28, 2023 to May 30, 2023. The City published the NOP in the Santa Barbara News-Press on April 28, 2023, and the Santa Barbara Independent on May 4, 2023. In addition, the City held a scoping meeting on May 17, 2023, at 5:00 pm at the Goleta City Hall. The City received eight letters from four agencies, one Native American tribe, and three organizations in response to the NOP during the public review period. The NOP and NOP responses are presented in

Appendix A of this EIR. Table 1-1 summarizes the content of the letters and verbal comments received, and where the issues raised in comments are addressed in the EIR.

Table 1-1 NOP Comments and EIR Response

Commenter	Comment/Request	How and Where It Was Addressed
Agencies		
Cody Campagne, Native American Heritage Commission	The commenter recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of the proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources.	Impacts to tribal cultural resources are discussed in Section 4.14, <i>Tribal Cultural Resources</i> . As part of the Assembly Bill (AB) 52 consultation process, the City sent letters to the Santa Ynez Band of Chumash Indians, the Barbareño/Ventureño Band of Mission Indians, and the Coastal Band of the Chumash Nation on April 25, 2018. No requests for tribal consultation were received pursuant to AB 52. The City is actively working with the Santa Ynez Band of Chumash Indians, although not as part of the formal consultation process.
Zack Nelson, California Department of Conservation Geologic Energy Management Division	The commenter asks if a site plan will be available for the project.	Project site plans are included in Section 2, <i>Project Description</i> .
Tiffany Martinez, Caltrans Aeronautics Office of Aviation	The commenter advises the City of Goleta to submit project plans upon completion to the Airport Land Use Commission to determine if the plans or projects are consistent or not with the Airport Land Use Compatibility Plan according to the State Aeronautics Act’s statutory procedure.	As stated in Section 4.8, <i>Hazards and Hazardous Materials</i> , the City engaged with the Santa Barbara County Association of Governments, in their capacity as the Airport Land Use Commission, in August 2023. The Santa Barbara County Association of Governments determined that the project would not be required to undergo Airport Land Use Commission review as the previous zoning ordinance and General Plan were found consistent with the 1993 Santa Barbara County Airport Land Use Plan and the project does not require any amendments to either.
Emily Waddington, Santa Barbara Air Pollution Control District	The commenter requests that the EIR evaluate attainment status and consistency with the District’s Ozone Plan, impacts to sensitive receptor and the potential for nuisance issues, increases in criteria pollutant emissions, asbestos reporting requirements, and greenhouse gas impacts.	Section 4.2, <i>Air Quality</i> , evaluates the project’s impacts regarding attainment status and consistency with air quality plans, impacts to sensitive receptors and the potential for nuisance issues, and increases in criteria pollutant emissions. Section 4.8, <i>Hazards and Hazardous Materials</i> , evaluates the project’s impacts involving asbestos and outlines asbestos reporting requirements in Mitigation Measure HAZ-1. Section 4.7, <i>Greenhouse Gas Emissions</i> , evaluates the project’s impacts involving greenhouse gas emissions.

Commenter	Comment/Request	How and Where It Was Addressed
Organizations		
Ken Palley, Surfrider Foundation	The commenter requests an evaluation of impacts regarding reduction of the San Jose Creek buffer, including impacts to birds, other species, flooding, and water pollution. The commenter offers project alternatives that the EIR may consider.	Section 4.3, <i>Biological Resources</i> , evaluates the project's impacts to birds and other wildlife species, as well as the reduction of the San Jose Creek Streamside Protection Area (SPA) buffer. Additionally, Section 4.10, <i>Land Use and Planning</i> , discusses impacts from reduction of the San Jose Creek SPA buffer. Section 4.9, <i>Hydrology and Water Quality</i> , evaluates the project's impacts involving flooding, drainage, and water quality. Section 6, <i>Alternatives</i> , provides an explanation of project alternatives, including the alternative selection process, as required by the CEQA Guidelines Section 15126.6.
Brad Frohling, Radius Group Commercial Real Estate	The commenter expresses a need for industrial spaces in Goleta and supports the project.	The commenter's support is noted.
Armita Ariano, Southwest Regional Council of Carpenters	The commenter states that the City should use a local workforce to benefit the community's economic development and environment and that the City should impose training requirements during construction activities to prevent the spread of infectious diseases.	Analysis of a project's impact to economic development and spread of infectious diseases is not required under CEQA. Project impacts involving greenhouse gas emissions from construction worker vehicles is discussed in Section 4.7, <i>Greenhouse Gas Emissions</i> .
Native American Tribes		
Crystal Mendoza, Santa Ynez Band of Chumash Indians	The commenter expresses their desire for formal consultation regarding the project.	The City is actively working with the Santa Ynez Band of Chumash Indians, although not as part of the formal consultation process. The consultation process and details are described in Section 4.14, <i>Tribal Cultural Resources</i> .

Through the NOP and EIR scoping process, the City determined there was no substantial evidence the proposed project would cause or otherwise result in significant environmental effects in the areas of Agriculture and Forestry Resources, Mineral Resources, Population and Housing, Parks and Recreation, and Wildfire. The substantiation for determining these issues would result in no impacts, or a less-than-significant impact is described in further detail in Section 4.15, *Effects Not Found to be Significant*.

The EIR addresses impacts identified by the initial scoping process to be potentially significant. The following issues were found to include potentially significant impacts and have been studied in detail in the EIR:

- Aesthetics
- Air Quality
- Biological Resources
- Cultural Resources
- Energy
- Geology and Soils
- Greenhouse Gases

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- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Noise
- Public Services
- Transportation and Circulation
- Tribal Cultural Resources
- Utilities and Service Systems

In preparing the EIR, use was made of pertinent City policies and guidelines and other background documents. A full reference list is contained in Section 7, *References*.

Section 6, *Alternatives*, was prepared in accordance with Section 15126.6 of the *CEQA Guidelines* and focuses on alternatives that are capable of eliminating or reducing significant adverse effects associated with the proposed project while feasibly attaining most of the basic project objectives. In addition, the alternatives section identifies the “environmentally superior” alternative among the alternatives assessed. The alternatives evaluated include the CEQA-required “No Project” alternative and two alternative development scenarios for the project site.

The level of detail contained throughout this EIR is consistent with the requirements of CEQA and applicable court decisions. Section 15151 of the *CEQA Guidelines* provides the standard of adequacy on which this document is based. The *CEQA Guidelines* state:

“An EIR should be prepared with a sufficient degree of analysis to provide decision-makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of the proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection, but for adequacy, completeness, and a good faith effort at full disclosure.”

1.3 Lead, Responsible, and Trustee Agencies

The *CEQA Guidelines* define lead, responsible and trustee agencies. The City of Goleta is the lead agency for the project because it holds principal responsibility for approving the proposed project.

A responsible agency refers to a public agency other than the lead agency that has discretionary approval over the project. Responsible agencies for this project include the California Coastal Commission, which is responsible for approving Coastal Development Permits, the State Water Resources Control Board and Central Coast Regional Water Quality Control Board, which regulates water quality in the region, and Santa Barbara County Flood Control District, which regulate floodplain development. The California Department of Fish and Wildlife, United States Army Corps of Engineers (USACE), National Marine Fisheries Service, and United States Fish and Wildlife Service all have jurisdiction over biological resources, including those within San Jose Creek. The Santa Barbara County Fire Department reviews and approves site plans, the Goleta Sanitation District issues Sewer Connection Permits, and the Goleta Water District issues Can and Will Serve Letters. The Federal Aviation Administration will review the project for consistency with airport safety regulations. The EIR will also be submitted to these agencies for review and comment.

A trustee agency refers to a state agency having jurisdiction by law over natural resources affected by a project. There are no trustee agencies for the proposed project.

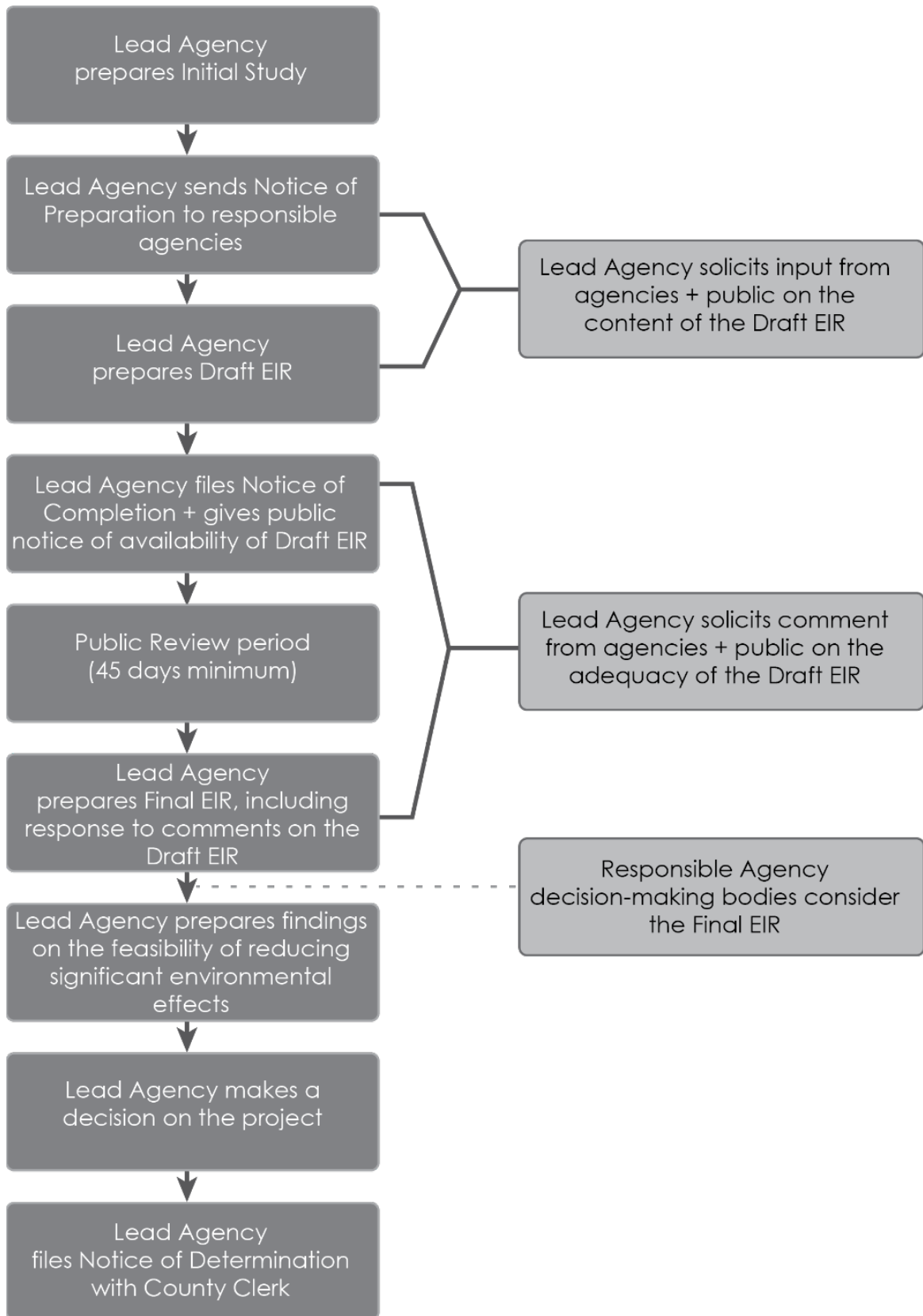
1.4 Environmental Review Process

The environmental impact review process, as required under CEQA, is summarized below and illustrated in Figure 1-1. The steps are presented in sequential order.

1. **Notice of Preparation (NOP) and Initial Study.** After deciding that an EIR is required, the lead agency (City of Goleta) must file a NOP soliciting input on the EIR scope to the State Clearinghouse, other concerned agencies, and parties previously requesting notice in writing (*CEQA Guidelines* Section 15082; Public Resources Code Section 21092.2). The NOP must be posted in the County Clerk's office for 30 days.
2. **Draft EIR Prepared.** The Draft EIR must contain: a) table of contents or index; b) summary; c) project description; d) environmental setting; e) discussion of significant impacts (direct, indirect, cumulative, growth-inducing and unavoidable impacts); f) a discussion of alternatives; g) mitigation measures; and h) discussion of irreversible changes.
3. **Notice of Completion/Notice of Availability.** The lead agency must file a Notice of Completion (NOC) with the State Clearinghouse when it completes a Draft EIR and prepare a Public Notice of Availability (NOA) of a Draft EIR. The lead agency must place the NOA in the County Clerk's office for 30 days (Public Resources Code Section 21092) and send a copy of the NOA to anyone requesting it (*CEQA Guidelines* Section 15087). Additionally, public notice of Draft EIR availability must be given through at least one of the following procedures: a) publication in a newspaper of general circulation; b) posting on and off the project site; and c) direct mailing to owners and occupants of contiguous properties. The lead agency must solicit input from other agencies and the public and respond in writing to all comments received (Public Resources Code Sections 21104 and 21253). When a Draft EIR is sent to the State Clearinghouse for review, the public review period must be 45 days unless the State Clearinghouse approves a shorter period (Public Resources Code Section 21091).
4. **Final EIR.** A Final EIR must include: a) the Draft EIR; b) copies of comments received during public review; c) list of persons and entities commenting; and d) responses to comments.
5. **Certification of Final EIR.** Prior to making a decision on a proposed project, the lead agency must certify that: a) the Final EIR has been completed in compliance with CEQA; b) the Final EIR was presented to the decision-making body of the lead agency; and c) the decision-making body reviewed and considered the information in the Final EIR prior to approving a project (*CEQA Guidelines* Section 15090).
6. **Lead Agency Project Decision.** The lead agency may a) disapprove the project because of its significant environmental effects; b) require changes to the project to reduce or avoid significant environmental effects; or c) approve the project despite its significant environmental effects, if the proper findings and statement of overriding considerations are adopted (*CEQA Guidelines* Sections 15042 and 15043).

7. **Findings/Statement of Overriding Considerations.** For each significant impact of the project identified in the EIR, the lead agency must find, based on substantial evidence, that either: a) the project has been changed to avoid or substantially reduce the magnitude of the impact; b) changes to the project are within another agency's jurisdiction and such changes have or should be adopted; or c) specific economic, social, or other considerations make the mitigation measures or project alternatives infeasible (*CEQA Guidelines* Section 15091). If an agency approves a project with unavoidable significant environmental effects, it must prepare a written Statement of Overriding Considerations that sets forth the specific social, economic, or other reasons supporting the agency's decision.
8. **Mitigation Monitoring Reporting Program.** When the lead agency makes findings on significant effects identified in the EIR, it must adopt a reporting or monitoring program for mitigation measures that were adopted or made conditions of project approval to mitigate significant effects.
9. **Notice of Determination (NOD).** The lead agency must file a NOD after deciding to approve a project for which an EIR is prepared (*CEQA Guidelines* Section 15094). A local agency must file the NOD with the County Clerk and submit it to the State Clearinghouse. The NOD must be posted for 30 days and sent to anyone previously requesting notice. Posting of the NOD starts a 30-day statute of limitations on CEQA legal challenges (Public Resources Code Section 21167[c]).

Figure 1-1 Environmental Review Process



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