

1.0 INTRODUCTION

This document is a Final Environmental Impact Report (EIR) for the proposed Cortona Apartments Project. The proposed project involves the development of 176 housing units and associated neighborhood amenities within the City of Goleta.

The Final EIR includes the text of the Draft EIR (edited based on public and City staff review of the Draft EIR), responses to comments on the Draft EIR (Section 8.0), and various technical appendices. A mitigation monitoring and reporting program (MMRP) has also been prepared for the Final EIR, as a separate document. New text added or edited from the Draft EIR is shown in underline format. In instances where changes to the document involve changed facts or information, the deleted text has been left in strikethrough format. Where changes do not involve new facts or information (i.e., they involve editorial changes or changes to impact text based on the same facts and information), the deleted text has simply been removed from the document in order to make the Final EIR more readable.

This section discusses: (1) the EIR background; (2) the legal basis for preparing an EIR; (3) the scope and content of the EIR; (4) lead, responsible, and trustee agencies; and (5) the environmental review process required under the California Environmental Quality Act (CEQA) (California Public Resources Code §§ 21000, *et seq.*) The proposed project is described in greater detail in Section 2.0, *Project Description*.

1.1 ENVIRONMENTAL IMPACT REPORT BACKGROUND

A Notice of Preparation (NOP) of an EIR was distributed for a 30-day agency- and public-review period, along with the EIR Scoping Document, on July 23, 2010. The Scoping Document concluded that the proposed project required the preparation of an Environmental Impact Report due to the possibility of significant and unavoidable impacts in several environmental issue areas. The City received 25 letters in response to the NOP. The Scoping Document, NOP, and NOP comment letters are presented in Appendix A to this EIR. An EIR Scoping Meeting was also held on August 12, 2010 in the Council Chambers of the Goleta City Hall.

The comments related to CEQA or environmental issues received during the comment period are summarized in Table 1-1.

1.2 PURPOSE AND LEGAL AUTHORITY

The proposed project requires the discretionary approval of the City of Goleta Planning Commission and City Council. Therefore, it is subject to the environmental review requirements of CEQA. In accordance with CEQA Guidelines § 15121, 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.



**Table 1-1
 Scoping Comments Received**

Section	Subject	Where Subject is Addressed in EIR
Aesthetics	<ul style="list-style-type: none"> • Loss of scenic views • Tree removal • Compatibility with surrounding development 	<ul style="list-style-type: none"> • Section 4.1, <i>Aesthetics/Visual Resources</i>
Air Quality	<ul style="list-style-type: none"> • Exposure of future residents to roadway pollution, dust, and odors • Construction dust and emissions • Operational emissions • Greenhouse gas emissions 	<ul style="list-style-type: none"> • Scoping Document (Appendix A) • Section 4.2, <i>Air Quality</i>
Biological Resources	<ul style="list-style-type: none"> • Assessment of flora and fauna • Direct, indirect, and cumulative impacts • Alternatives • Mitigation that satisfies permitting requirements • Loss of wetlands and wildlife habitat 	<ul style="list-style-type: none"> • Scoping Document (Appendix A) • EIR Section 4.3, <i>Biological Resources</i>
Cultural Resources	<ul style="list-style-type: none"> • Archaeological resources 	<ul style="list-style-type: none"> • Scoping Document (Appendix A) • Section 4.1, <i>Aesthetics/Visual Resources</i> • Section 4.6, <i>Greenhouse Gas Emissions</i>
Hazards and Hazardous Materials	<ul style="list-style-type: none"> • Release of hazardous wastes/substances • Potential contaminants on-site • Site investigation and remediation • Transport of hazardous materials 	<ul style="list-style-type: none"> • Section 4.7, <i>Hazardous Materials/Risk of Upset</i>
Hydrology and Water Quality	<ul style="list-style-type: none"> • Site drainage • Stormwater BMPs 	<ul style="list-style-type: none"> • Section 4.8, <i>Hydrology and Water Quality</i>
Land Use and Planning	<ul style="list-style-type: none"> • Land use compatibility • Land use conflicts • Density 	<ul style="list-style-type: none"> • EIR Section 4.9, <i>Land Use</i>
Noise	<ul style="list-style-type: none"> • Aircraft noise • Operational noise • Railroad noise 	<ul style="list-style-type: none"> • EIR Section 4.10, <i>Noise</i>
Public Facilities	<ul style="list-style-type: none"> • Emergency access • Fire safety 	<ul style="list-style-type: none"> • Scoping Document (Appendix A) • Section 4.11, <i>Public Facilities</i>
Transportation/Circulation	<ul style="list-style-type: none"> • Traffic impact assessment methodology • Bus stop • On-street parking • Pedestrian safety • Traffic congestion 	<ul style="list-style-type: none"> • Section 4.13, <i>Transportation/Circulation</i>
Utilities	<ul style="list-style-type: none"> • Application for water service • Sewer service connection • Trash and recycling containers 	<ul style="list-style-type: none"> • Scoping Document (Appendix A) • Section 4.14, <i>Utilities and Service Systems</i>



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

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 City of Goleta decision-makers. The process will culminate with Planning Commission and City Council hearings to consider certification of a Final EIR and approval of the proposed project.

1.3 EIR SCOPE AND CONTENT

This EIR addresses environmental impacts identified by the EIR Scoping Document to be potentially significant in the following issue areas:

- *Aesthetics and Visual Resources*
- *Air Quality*
- *Biological Resources*
- *Cultural Resources*
- *Geology and Soils*
- *Greenhouse Gas Emissions*
- *Hazardous Materials/Risk of Upset*
- *Hydrology and Water Quality*
- *Land Use*
- *Noise*
- *Public Facilities*
- *Recreation*
- *Transportation/Circulation*
- *Utilities and Service Systems*

All other issues are addressed in the Scoping Document in Appendix A and in Section 4.15, *Impacts Found Not to be Significant*.

In preparing the EIR, use was made of pertinent City policies and guidelines, certified EIRs and adopted CEQA documents, and background documents prepared by the City. A full reference list is contained in Section 7.0, *References and EIR Preparers*.

The *Alternatives* section of the EIR (Section 6.0) was prepared in accordance with CEQA Guidelines § 15126.6, which requires that an EIR examine a reasonable range of alternatives that are capable of avoiding or minimizing a project's significant effects while achieving most of the basic project objectives. The Alternatives discussion evaluates the CEQA-required "no project" alternative and four alternative development scenarios for the site. It also identifies the environmentally superior alternative among the alternatives assessed.

The level of detail contained throughout this EIR is consistent with the requirements of CEQA and applicable court decisions. The CEQA Guidelines [14 CCR §§ 15000, *et seq.*] provide the standard of adequacy on which this document is based. The *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. (CEQA Guidelines § 15151)

1.4 LEAD, RESPONSIBLE, AND TRUSTEE AGENCIES

The *CEQA Guidelines* define lead, responsible and trustee agencies (CEQA Guidelines § 15367). The City of Goleta is the lead agency for the project because it holds principal responsibility for approving the project.

A responsible agency refers to a public agency other than the lead agency that has discretionary approval over the project (CEQA Guidelines § 15381). A trustee agency refers to a state agency having jurisdiction by law over natural resources affected by a project (CEQA Guidelines § 15386). There are no responsible or trustee agencies for the proposed project.

1.5 ENVIRONMENTAL REVIEW PROCESS

The major steps in the environmental review process, as required under CEQA, are outlined below. The steps are presented in sequential order.

1. **Notice of Preparation (NOP).** After deciding that an EIR is required, the lead agency (City of Goleta) must file an NOP of a Draft EIR soliciting input on the EIR scope to the State Clearinghouse, other concerned agencies, and parties previously requesting notice in writing (CEQA Guidelines § 15082; Public Resources Code § 21092.2). The NOP must be posted in the County Clerk's office for 30 days. The NOP may be accompanied by an Initial Study or scoping document that identifies the issue areas for which the proposed project could create significant environmental impacts.
2. **Draft Environmental Impact Report Prepared.** The Draft EIR must contain: a) table of contents or index; b) summary; c) project description and statement of project objectives; 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) for plan amendments, a discussion of irreversible changes.
3. **Notice of Completion.** The lead agency must file a Notice of Completion with the State Clearinghouse when it completes a Draft EIR (DEIR) and prepare a Public Notice of Availability of a Draft EIR. The lead agency must place the Notice in the County Clerk's office for 30 days (Public Resources Code § 21092) and send a copy of the Notice to anyone requesting it (CEQA Guidelines § 15087). Additionally, public notice of DEIR 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 §§ 21104 and 21253). The minimum public review period for a DEIR is 30 days. When a DEIR is sent to the State Clearinghouse for review, the public review period must be 45 days unless the Clearinghouse (Public Resources Code § 21091) approves a shorter review period.



4. **Final EIR.** A Final EIR must include: a) the DEIR; 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 and reflects the independent judgment of the City; 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 a project because of its significant environmental effects; b) require changes to a project to reduce or avoid significant environmental effects; or c) approve a project despite its significant environmental effects, if the proper findings and statement of overriding considerations are adopted (*CEQA Guidelines* §§ 15042-15043).
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 lessen 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* § 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.** The lead agency must file a Notice of Determination after deciding to approve a project for which an EIR is prepared (*CEQA Guidelines* §15094). A local agency must file the Notice with the City Clerk. The Notice must be posted for 30 days and sent to anyone previously requesting notice. Posting of the Notice starts a 30-day statute of limitations on CEQA legal challenges (*Public Resources Code* § 21167[c]).



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