

Introduction

SECTION 1.0

1.0 INTRODUCTION

1.1 CEQA Requirements

For this Project, CEQA requires that the City prepare and certify a Final Environmental Impact Report (FEIR). The contents of a FEIR are identified in CEQA Guidelines § 15132 and include:

- (a) The Draft EIR (DEIR) or a revision of the DEIR.
- (b) Comments and recommendations received on the DEIR either verbatim or in summary.
- (c) A list of persons, organizations, and public agencies commenting on the DEIR.
- (d) The responses of the Lead Agency to significant environmental points raised in the review and consultation process.
- (e) Any other information added by the Lead Agency.

An overview of the content of the FEIR is provided in Section 1.C (Content and Organization of the FEIR) of Volume I of this document.

The Lead Agency must provide each public agency that commented on the DEIR with a copy of the Lead Agency's response to the public agency's comments at least ten days before certifying the FEIR. In addition, the Lead Agency may also provide an opportunity for members of the public to review the FEIR prior to certification, although this is not a CEQA requirement.

1.2 Public Review Process

The DEIR was distributed to various public agencies, citizen groups, and interested individuals for a 60-day public review period that ended on February 03, 2014. The DEIR was circulated to State agencies for review through the State Clearinghouse, Office of Planning and Research (OPR). During the review period, the public was provided with the opportunity to submit written comments on the DEIR. In addition, oral testimony was considered at a City-sponsored public hearing held on January 23, 2014.

1.3 Contents and Organization of the Final EIR

The FEIR is composed of documents consisting of several distinct volumes:

Volume I Response to Comments and Mitigation Monitoring and Reporting Program:

Volume I contains the following, by Section:

- Section P Preface, providing a brief outline of the form of this FEIR.
- Section 1.0 Introduction, providing an explanation of the format and content of the FEIR.
- Section 2.0 A complete list of all persons, organizations, and public agencies that commented on the DEIR, copies of all comments received, and the Lead Agency's responses to those comments.
- Section 3.0 The Mitigation Monitoring and Reporting Program.

Volume II DEIR: This volume describes the existing environmental resources on and in the vicinity of the Project site; analyzes potential impacts on identified environmental resources due to the proposed Project; identifies mitigation measures that could avoid or reduce the magnitude of significant impacts; evaluates cumulative impacts to which the Project could contribute in combination with other future projects or in light of regional growth; analyzes growth-inducing impacts; and provides a full evaluation of the Alternatives to the proposed Project that could eliminate, reduce, or avoid Project-related impacts. Refer to the Table of Contents provided in Part 1 of this FEIR for a complete list of Appendix titles. Any text revisions due to corrections of errors, or resulting from comments received on the Draft EIR from the City, other public agencies, citizen groups, and individuals are indicated as follows:

Addition of language is indicated by a double underline

Deletion of language is indicated by a ~~strike-out line~~

Revisions to the DEIR may include reorganization of certain sections or mitigation measures in certain sections due to comments or errors.

In the case of Section 4.4, Cultural Resources, substantial revisions were made to clarify the nature of potential impacts and the mitigation measures imposed based on receipt of additional information, including studies not previously available. However, the Section conclusions have not changed and the Section revision is considered a clarification under the Guidelines. Reference sheets for the reports relied upon for the clarification and expansion of the discussion in Section 4.4 have been added to the Technical Appendices of the DEIR.

In the case of Section 4.3, Biological Resources, revisions were made to clarify or expand on potential impacts in response to comments received from citizen groups and to correct organizational errors pointed out in comments received from others. The Section conclusions have not changed. Certain mitigation measures have been expanded or clarified in response to comments. The Section revision is considered a clarification under the Guidelines.

In the case of Section 4.2, Air Quality, revisions were made in response to comments received from the Santa Barbara County Air Pollution Control District. The District requested modeling updates for the Project utilizing a more current CalEEMod program and reflecting the revised dates for start and conclusion of construction, which were contained in the circulated DEIR. The conclusions of the Section did not change, although Tables were updated. The additional technical studies and responses requested by the District have been added to the Technical Appendices.

Volume III-IV Technical Appendices are provided in separately numbered volumes of the EIR together with any updates or additional reports prepared in response to comments received and used to update EIR Sections.

1.4 Use of the Final Environmental Impact Report

The FEIR allows the public and the City of Goleta an opportunity to review revisions to the DEIR, the response to comments, and other components of the FEIR, such as the MMRP, before the City Council considers approving the Project. The FEIR serves as the environmental document used to support approval of the proposed Project and its conditions of approval, either in whole or in part.

Certifications

After completing the FEIR, and before approving the Project, the Lead Agency must make the following certifications required by CEQA Guidelines § 15090:

1. That the FEIR has been completed in compliance with CEQA;
2. That the FEIR was presented to the decision-making body of the Lead Agency, and that the decision making body reviewed and considered the information presented in the FEIR prior to taking action on the Project; and
3. That the FEIR reflects the Lead Agency's independent judgment and analysis.

These certifications, together with the Findings of Facts and any Statement of Overriding Considerations, if required, are included in a separate "Findings" document, prepared by the Lead Agency. Both the FEIR and the Findings are submitted to the City of Goleta for consideration of the proposed Project.

Findings

Pursuant to CEQA Guidelines § 15091(a), if an EIR certified for a project identifies one or more significant environmental effect, the public agency must adopt "Findings of Fact." For each significant impact, the Lead Agency must make one of the following findings:

1. Changes or alterations have been required in, or incorporated into the Project, which avoid or substantially reduce the significant environmental effects identified in the EIR;
2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding, and that such changes have been adopted by such other agency or can and should be adopted by such other agency; or
3. Specific economic, legal, social, technological, or other considerations, such as the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the FEIR. This finding must state the specific reasons for rejecting identified mitigation measures or Project alternatives.

Each finding must be accompanied by a brief explanation of the rationale for the finding.

Mitigation, Monitoring, and Reporting Program

Further, pursuant to CEQA Guidelines § 15091(d), the Lead Agency must adopt, in conjunction with the Findings, a program for reporting on and/or monitoring the changes that it has either required in the Project or made a condition of approval to avoid or substantially lessen environmental effects. This program is commonly referred to as the Mitigation Monitoring and Reporting Program, or MMRP.

Statement of Overriding Considerations

When a Lead Agency considers approving a project that would result in significant and unavoidable impacts that are disclosed in the FEIR, the Lead Agency must state in writing its reasons for supporting the approving actions in order to comply with the requirements of CEQA Guidelines § 15093(b). This is called a “Statement of Overriding Considerations,” which must be supported by substantial information in the Administrative Record of the Project, including the FEIR. Since the proposed Project would result in two significant and unavoidable impacts, the City Council would ordinarily be required to adopt a Statement of Overriding Considerations before approving the proposed Project for both impacts. However, one of the significant and unavoidable impacts associated with the proposed Project is identical to a significant and unavoidable impact identified in the City’s General Plan/Coastal Land Use Plan FEIR as regards the risk of upset for projects located in proximity to the Union Pacific Railroad/U.S. Highway 101 transportation corridor. Accordingly, in the Section of the EIR dealing with this impact (Section 4.8 – Hazards and Hazardous Materials), the EIR incorporates the GP/CLUP FEIR and the previously adopted Statement of Overriding Consideration for this significant and unavoidable impact into the document by reference. A Statement of Overriding Consideration will need to be adopted for the significant and unavoidable impact associated with solid waste.

The Statement of Overriding Considerations is not, in any way, a substitute for the Findings of Fact described above.