

# 1 Introduction

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This document is a Program Environmental Impact Report (Program EIR) for the implementation of the 6<sup>th</sup> Cycle Housing Element programs (hereafter referred to as the “project” or “Housing Plan”) including potential Municipal Code, General Plan, and Local Coastal Program (LCP) amendments, and associated residential development to the year 2035<sup>1</sup>. The Housing Plan is described in detail in Section 3, *Project Description*.

This section discusses (1) the lead agency for the project; (2) the legal basis for preparing a Program EIR; (3) CEQA Tiering and Streamlining; (4) the scope and content of the Program EIR; (5) the lead, responsible, and trustee agencies; and (6) the environmental review process required under the California Environmental Quality Act (CEQA). The existing conditions and environmental setting for the project are described in Section 2, *Environmental Setting*. Relevant background information for the project and Program EIR background are discussed in Section 3, *Project Description*.

## 1.1 Project Proponent/Lead Agency

The City of Santa Barbara is the project proponent and the lead agency for environmental review of implementation of the 6<sup>th</sup> Cycle Housing Element programs. The City’s Community Development Department, located at 630 Garden Street in the City of Santa Barbara, prepared this Program EIR with the assistance of Rincon Consultants, Inc.

## 1.2 Purpose and Legal Authority

This Program EIR has been prepared in accordance with CEQA and the *CEQA Guidelines*. In accordance with Section 15121 (a) of the *CEQA Guidelines* (California Code of Regulations, Title 14, Division 6, Chapter 3), the purpose of an EIR is to:

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 fulfills the requirements for a Program EIR. Although the legally required contents of a Program EIR are the same as those of a Project EIR, Program EIRs are by necessity more conceptual and may contain a more general discussion of impacts, alternatives, and mitigation measures than a Project EIR. As provided in Section 15168 of the *CEQA Guidelines*, a Program EIR may be prepared on a series of actions that may be characterized as one large project. Use of a Program EIR provides the City of Santa Barbara (as the lead agency) with the opportunity to consider broad policy alternatives and program-wide mitigation measures, and provides the City with greater flexibility to address environmental issues and/or cumulative impacts on a comprehensive basis. Agencies generally prepare Program EIRs for programs or a series of related actions that are linked geographically; are logical parts of a chain of contemplated events, rules, regulations, or plans that govern the conduct of a continuing program; or are individual activities carried out under the same authority and having generally similar environmental effects that can be mitigated in similar ways.

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<sup>1</sup> 2035 was chosen for this analysis to account for effects on the environment from program implementation which would be effective later in the 6th Cycle. The Santa Barbara County Association of Governments’ Regional Growth Forecast also includes population projections for 2035 used in this analysis.

By its nature, a Program EIR considers the broad effects associated with implementing a program and does not, and is not intended to, examine the specific environmental effects associated with specific projects that may be accommodated by the provisions of General or Specific Plans.

Once a Program EIR has been prepared, subsequent activities within the program must be evaluated to determine what, if any, additional CEQA documentation needs to be prepared. If the Program EIR addresses the program's effects as specifically and comprehensively as possible, many subsequent activities could be found to be within the Program EIR scope and additional environmental documentation may not be required (*CEQA Guidelines* Section 15168[c]). When a lead agency relies on a Program EIR for a subsequent activity, it must incorporate applicable mitigation measures and alternatives developed in the Program EIR into the subsequent activities (*CEQA Guidelines* Section 15168[c][3]). If a subsequent activity would have effects not contemplated or not within the scope of the Program EIR, the lead agency must prepare a new environmental review document such as an Initial Study leading to a Negative Declaration, Mitigated Negative Declaration, or a project-level EIR. In this case, the Program EIR serves a valuable purpose as the first-tier environmental review. The *CEQA Guidelines* Section 15168(b) encourage the use of Program EIRs, citing five advantages:

1. Provision of a more exhaustive consideration of impacts and alternatives than would be practical in an individual EIR.
2. Focus on cumulative impacts that might be slighted in a case-by-case analysis.
3. Avoidance of continual reconsideration of recurring policy issues.
4. Consideration of broad policy alternatives and programmatic mitigation measures at an early stage when the agency has greater flexibility to deal with them.
5. Reduction of paperwork by encouraging the reuse of data (through tiering).

As a wide-ranging environmental document, the Program EIR uses expansive thresholds as compared to the project-level thresholds that might be used for an EIR on a specific development project.

This Program EIR has been prepared to analyze potentially significant environmental impacts associated with future development resulting from implementation of the proposed Housing Plan and address appropriate and feasible mitigation measures or alternatives that would minimize or eliminate these impacts. Additionally, this Program EIR will provide the primary source of environmental information for the City of Santa Barbara to use when considering implementation of the Housing Plan programs.

This Program EIR is intended to provide decision-makers and the public with information that enables intelligent consideration of the environmental consequences of the implementation of the Housing Plan. This Program EIR identifies significant or potentially significant environmental effects where appropriate based on substantial evidence, as well as ways in which those impacts can be reduced to less-than-significant levels, whether through the incorporation of mitigation measures or through the implementation of specific alternatives. In a practical sense, this document functions as a tool for fact-finding, allowing concerned citizens and agency staff an opportunity to collectively review and evaluate baseline conditions and project impacts through a process of full disclosure.

## 1.3 CEQA Tiering

The Housing Plan would guide actions taken by the City in its review of new development projects and the facilitation of programs within the adopted 6<sup>th</sup> Cycle Housing Element.

This Program EIR serves as a first-tier environmental document under CEQA. “Tiering” generally refers to using the analysis of a broader environmental document that covers the general impacts of a program or larger-scale project so that subsequent environmental documents for a related individual project can be narrow and focused on unique or unanalyzed issues. CEQA encourages the use of tiering to reduce the time and excessive paperwork involved in the review process by eliminating repetitive analyses of issues addressed in the program EIR (*CEQA Guidelines* Section 15168). In accordance with Section 15183 of the *CEQA Guidelines*, this Program EIR supports second-tier environmental documents for certain qualifying projects that would be implemented to meet the City’s Housing Element goals, such as infill projects consistent with the City’s General Plan, a Specific Plan, and/or zoning.

By nature, the Program EIR considers the broad effects associated with implementing programs in the proposed Housing Plan and does not, and is not intended to, examine the specific environmental effects associated with specific projects that may be accommodated by the provisions of the subject program(s). Many specific projects are not currently defined to the level that would allow for such an analysis at this time. The City, acting as the lead agency, would be able to prepare subsequent environmental documents that incorporate by reference the appropriate information from this Program EIR regarding secondary effects, cumulative impacts, broad alternatives, and other relevant factors. Tiered documents may consist of Initial Studies or focused EIRs that may incorporate by reference portions of the Program EIR from which they are tiered. If the potential environmental effects of subsequent actions are consistent with and adequately addressed by a certified Program EIR, and if the City finds that implementation of the subsequent action would have no new effects and that no new mitigation measures would be required, additional environmental analysis may be unnecessary. Where subsequent environmental review is required, such review would focus on significant effects specific to the project, or its site that have not been considered in this Program EIR.

## 1.4 EIR Scope and Content

In accordance with the *CEQA Guidelines*, a Notice of Preparation (NOP) of a Draft EIR was circulated to potentially interested parties from April 11, 2022 to May 11, 2022. The NOP, included in Appendix A, indicated that all of the following issues listed in the CEQA Checklist Appendix G would be discussed in the EIR. These include:

- Aesthetics/Visual Resources
- Agriculture/Forestry Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Energy
- Geology/Soils
- Mineral Resources
- Noise
- Population/Housing
- Public Services and Schools
- Recreation
- Transportation
- Utilities and Service Systems

- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology/Water Quality
- Land Use/Planning
- Tribal Cultural Resources
- Wildfire
- Mandatory Findings of Significance
- Other Required CEQA Topics

This EIR has been organized into seven sections, which include:

1. **Introduction.** Provides information regarding the applicable agencies involved in the EIR process, the purpose and legal authority governing the EIR, project specific background, information on CEQA tiering, information about the EIR content and format, and the environmental review process.
2. **Environmental Setting.** Provides a description of the existing physical setting and land uses in the city.
3. **Project Description.** Identifies the project components and programs, presents the project objectives, project background, and required discretionary approvals.
4. **Analysis of Environmental Issues.** Describes existing conditions found in the project area and assesses potential environmental impacts that may be generated by implementing the proposed project and cumulative development. Potential impacts are compared to thresholds of significance in order to determine the nature and severity of direct and indirect impacts. Mitigation measures, intended to reduce adverse, significant impacts below threshold levels, are proposed where feasible. Impacts that cannot be eliminated or mitigated to less-than-significant levels are also identified.
5. **Other CEQA Required Discussions.** Identifies the spatial, economic, or population growth impacts that may result from implementation of the proposed project, as well as long-term effects of the project and significant irreversible environmental changes.
6. **Alternatives.** Presents and assesses the potential environmental impacts of three alternatives (including one no project) analyzed in addition to implementation of the project.
7. **References/Preparers.** Lists all published materials, federal, state, and local agencies, and other organizations and individuals consulted during the preparation of this EIR. It also lists the EIR preparers.

The City received seven written responses to the NOP including two responses from state, local, and non-profit agencies and five responses from public commenters. The responses, included in Appendix A, are addressed in the analysis contained in the subsections of Section 4, *Environmental Impact Analysis*. The City held a public scoping meeting for the Program EIR on April 21, 2022 during the City of Santa Barbara Planning Commission hearing. The April 21, 2022 meeting minutes are included in Appendix A.

## 1.5 Lead, Responsible, and Trustee Agencies

The *CEQA Guidelines* define lead, responsible and trustee agencies. Agencies applicable to the proposed project are outlined in detail below.

- **Lead Agency:** A lead agency for a project is the agency with principal responsibility for approving or carrying out a project (*CEQA Guidelines* Section 15367). The City of Santa Barbara is the project proponent for the project with primary discretionary authority to determine whether

and how to approve the project. The City is therefore also the lead agency under CEQA for preparing and approving environmental review for the project prior to approval (Code of California Regulations Section 15351).

- **Responsible Agencies:** In addition to the City, other public agencies have authority over certain aspects of the project. Under CEQA, those additional agencies with approval authority over aspects of the project are known as responsible agencies (*CEQA Guidelines* Section 15381). The California Coastal Commission (CCC) is a responsible agency for the project. Any project components that would amend the current certified LCP would be subject to CCC review and certification.
- **Trustee Agencies:** Certain State agencies that exercise general management authority over specified resources of the State held in trust for the people of the State are identified under CEQA as trustee agencies when the resources may occur within a project area (*CEQA Guidelines* Section 15386). The State Lands Commission (managing navigable waters), California Department of Fish and Wildlife (CDFW), California Department of Parks and Recreation, and the University of California (properties associated with their Santa Barbara campus) are all trustee agencies overseeing resources held in the public trust that occur within the city, its sphere of influence, and/or the South Coast region of Santa Barbara County.
- **Other Interested Agencies:** There are a number of additional agencies that may be interested in the project and environmental impacts, although they would have no approval authority over adoption of the project. Some agencies may have permit authority over aspects of subsequent future development or public improvements implementing the project. Interested agencies may include the Local Agency Formation Commission ([LAFCO], sphere of influence/annexations); Santa Barbara County Association of Governments ([SBCAG], regional transportation, housing), Santa Barbara County Air Pollution Control District ([APCD], air quality), Santa Barbara County Environmental Health Services (EHS), California Department of Transportation ([Caltrans], highway improvements), Regional Water Quality Control Board (RWQCB), California Native American Heritage Commission ([NAHC], historic, archaeological, and tribal cultural resources), Santa Barbara County Flood Control District ([SBCFCD], flood hazards); local governments including County of Santa Barbara and cities of Goleta and Carpinteria, special districts such as school districts, and other federal and state agencies.

## 1.6 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).** After determining that an EIR is required, the City of Santa Barbara is required to file a NOP soliciting input on the Program 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 City issued a NOP on April 11, 2022, requesting comments on the proposed EIR scope of analysis within 30 days. The NOP is included in Appendix A. Details regarding the EIR public scoping meeting are described in Section 1.4.
2. **Draft EIR Prepared.** The Draft EIR contains: a) table of contents; 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.** The City of Santa Barbara must file a Notice of Completion (NOC) with the State Clearinghouse when it completes a Draft EIR and prepare a Public Notice of Availability of a Draft EIR. The City must place the NOC in the County Clerk's office for a minimum of 30 days (Public Resources Code Section 21092) and send a copy of the NOC to anyone requesting it (*CEQA Guidelines* Section 15087). The NOC is filed concurrently with the release of a Draft EIR for public review. 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. In this case, the City gave notice through publication in a newspaper of general circulation. The City solicited input from other agencies and the public and must respond in writing to all comments received (Public Resources Code Sections 21104 and 21253).
4. **Draft EIR Public Review.** The Draft EIR must be circulated for public review and comment for a period of 45 days and one public hearing will be held regarding adoption of the Draft EIR. Hard copies of the Draft EIR and other project related information will be made publicly available at the City's Community Development Department, located at 630 Garden Street in the City of Santa Barbara. Digital copies will be made accessible online at the City's website: <https://santabarbaraca.gov/services/construction-land-development/development-activity/environmental-documents>
5. **Final EIR.** A Final EIR must include: a) the Draft EIR; b) copies of comments received during public review; c) a list of persons and entities commenting; and d) responses to comments. The Final EIR will be accompanied by the required Mitigation Monitoring and Reporting Program.
  - **Mitigation Monitoring Reporting Program.** When the City of Santa Barbara 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. As a citywide Program EIR associated with implementation of the Housing Element of the City General Plan, mitigation in this EIR is intended to identify programmatic approaches to avoid or reduce potentially significant citywide cumulative impacts as development occurs incrementally. It is intended that monitoring for CEQA mitigation will be coordinated with monitoring established as a part of the General Plan Annual Progress Report monitoring of implementation of Housing Element policies and programs to help assess whether General Plan policies are proving effective toward achieving goals.
6. **Findings/Statement of Overriding Considerations.** For each significant impact of the project identified in the Program EIR, the City of Santa Barbara 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 the City approves the 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 City's decision.
7. **Certification of Final EIR and Project Decision.** Prior to making a decision on a project, the Santa Barbara City Council 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). The City of Santa Barbara 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).

8. **Notice of Determination.** The City of Santa Barbara, as the CEQA lead agency, must file a Notice of Determination (NOD) after deciding to approve the project for which an EIR is prepared (*CEQA Guidelines* Section 15094). The City must file the NOD with the County Clerk and 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 Program EIR Environmental Review Process

