

# 1.0 INTRODUCTION

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## 1.1 BACKGROUND

The East Gateway Project (the “Project”) would implement the City’s plans for the East Area 2 Planning Area as set forth in the Santa Paula General Plan. It would also fulfill Condition No. 22 of Ventura County Local Agency Formation Commission (“LAFCo”) Resolution No. 10-12 (adopted March 16, 2011) approving the East Area 1 reorganization (“East Area 1 Project”). As proposed, the East Gateway Project involves a series of related actions including jurisdictional reorganization (annexation); a General Plan Amendment (to the Land Use Element); and adopting a Specific Plan for pre-zoning the project area.

Jurisdictional reorganization (annexation), as approved by the LAFCo, would remove an existing island of unincorporated territory located south of SR 126 and avoid creation of a second larger island of unincorporated territory when the East Area 1 Project is recorded.

## 1.2 PURPOSE OF THE EIR AND LEGAL AUTHORITY

All projects within the State of California are required to undergo environmental review to analyze the environmental impacts associated with implementation of the project in accordance with the California Environmental Quality Act (“CEQA”).<sup>1</sup> An environmental impact report (EIR) provides information to assist a lead agency when making decisions on a project, but does not control the lead agency’s exercise of discretion. Specifically, as noted in the *CEQA Guidelines*:<sup>2</sup>

- (a) *An EIR is an informational document which will inform public agency decision-makers and the public generally of the significant environmental effect of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project. The public agency shall consider the information in the EIR along with other information which may be presented to the agency.*
- (b) *While the information in the EIR does not control the agency's ultimate discretion on the project, the agency must respond to each significant effect identified in the EIR by making findings under Section 15091 and if necessary by making a statement of overriding consideration under Section 15093.*
- (c) *The information in an EIR may constitute substantial evidence in the record to support the agency's action on the project if its decision is later challenged in court.*

This EIR evaluates the potential environmental effects of this Project.

CEQA notes that, to the extent possible, the EIR process should be combined with the planning, review, and approval process. As provided in CEQA, this EIR is a program EIR as defined by the CEQA

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1 Public Resources Code § 21000, et seq..

2 14 California Code of Regulations § 15121.

Guidelines.<sup>3</sup> A program EIR is an EIR that may be prepared on a series of actions that can be characterized as one large project and are related either:

- geographically,
- as logical parts in the chain of contemplated actions,
- in connection with issuance of rules, regulations, plans, or other general criteria to govern the conduct of a continuing program, or
- as individual activities carried out under the same authorizing statutory or regulatory authority and having generally similar environmental effects which can be mitigated in similar ways.

The Project consists of several proposed actions. CEQA requires that the lead agency provide the public and agencies the opportunity to review and comment on a Draft EIR. As outlined by CEQA, the City is providing a 45-day period for review and comment on the Draft EIR. Upon completion of the public and agency review period, the City of Santa Paula, as lead agency, will evaluate comments on environmental issues received from persons who reviewed the Draft EIR and prepare written responses. The City will include these comments and responses in a Final EIR along with any changes to the EIR to be reviewed and considered for certification by the Santa Paula City Council following review by the City's Planning Commission.

### 1.3 PUBLIC AND AGENCY REVIEW OF THE DRAFT EIR

This Draft EIR is subject to a 45-day public review period starting from the date of the Notice of Availability (NOA). Copies of this Draft EIR have been sent to the State Clearinghouse, Responsible Agencies, agencies that have commented on the Notice of Preparation (NOP), and all other interested parties that have requested notice and copies of the Draft EIR. A complete distribution list is included in **Appendix 1.0** of this Draft EIR.

Interested individuals, organizations, responsible agencies, and other agencies can provide written comments to:

City of Santa Paula  
Planning Department  
970 Ventura Street  
Santa Paula, California 93060  
Contact: Janna Minsk, AICP, Planning Director

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3 14 California Code of Regulations § 15168.

Comments may also be sent by facsimile to (805) 933-8793 or by e-mail [jminsk@spcity.org](mailto:jminsk@spcity.org). Please put "East Area Gateway Annexation EIR" in the subject line.

Agency responses should include the name of a contact person within the commenting agency.

In addition, the Draft EIR is available on the City's website at <http://www.ci.santa-paula.ca.us/>.

## 1.4 NOTICE OF PREPARATION (NOP) AND RESPONSES TO THE NOP

On July 22, 2011, the City of Santa Paula circulated a Notice of Preparation (NOP #1) (State Clearinghouse Number [SCH] 2011071068) of an environmental impact report (EIR) for review and comment by the public and responsible and reviewing agencies. The 30-day NOP review period ended on August 22, 2011.

On August 29, 2011, the City circulated a revised NOP (NOP #2) for review and comment by the public and responsible and reviewing agencies. The NOP was revised to reflect minor changes in the proposed pre-zoning of portions of the annexation project area made by the City of Santa Paula in response to comments from LAFCo staff. The 30-day review period for NOP #2 ended on September 29, 2011.

A copy of NOP #2 is provided in **Appendix 1.0**.

The purpose of public and agency review of the NOP is to assist in the identification of the potential environmental effects of the project as proposed to assist the lead agency in:

1. focusing the EIR on the effects determined to be potentially significant;
2. identifying the effects determined not to be significant;
3. explaining the reasons for determining that potentially significant effects would not be significant; and
4. identifying whether a program EIR, tiering, or another appropriate process can be used for analysis of the project's environmental effects.

During the 30-day NOP comment periods, written comments were received from 13 different agencies, organizations, and individuals, including:

### **Federal Agencies**

- No. 1 U.S. Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service Fish and Wildlife Service, Sept. 30, 2011 (NOP #2)

### **State Agencies**

- No. 2 California Department of Fish and Game, South Coast Region, August 26, 2011 (NOP #1)
- No. 3 California Department of Transportation, District 7 Regional Planning, August 2, 2011 (NOP #1)
- No. 4 California Native American Heritage Commission, Sept. 7, 2011 (NOP #2)

No. 5 State of California Public Utilities Commission, August 19, 2011, (NOP #1)

### **Regional Agencies**

No. 6 Southern California Association of Governments, Sept. 21, 2011 (NOP #1)

### **Local Agencies**

No. 7 Ventura Local Agency Formation Commission, Oct. 11, 2011 (NOP #2)

No. 8 Ventura County Resource Management Agency Planning Division, Cultural Heritage Board staff, August 8, 2011(NOP #1)

No. 9 Ventura County Watershed Protection District Groundwater Section, August 16, 2011(NOP #1)

No. 10 Ventura County Air Pollution Control District, August 10, 2011(NOP #1)

No. 11 Ventura County Public Works Agency Transportation Department, July 26, 2011(NOP #1)

No. 12 Ventura County Watershed Protection District Planning and Regulatory Division, August 18, 2011 (NOP #1)

### **General Public**

No. 13 Ken Chapman, August 22, 2011 (NOP #1)

Written comments received by the City on both the initial (NOP #1) and revised (NOP #2) NOPs are provided in **Appendix 1.0**.

## **1.5 ORGANIZATION OF THE EIR**

As stated, a principal objective of CEQA is that the environmental review process be a public one. In meeting this objective, the EIR must inform members of the general public, decision makers, and technically oriented reviewers of the physical impacts associated with a proposed project. To this end, specific features have been incorporated into this EIR to make it more understandable for non-technically oriented reviewers, yet provide the technical information necessary for City personnel to proceed with the processing of the project.

A description of the organization of this EIR and the content of each section is provided below to assist the reader in using this EIR as a source of information about the proposed project. Sections of the Draft EIR following this introduction are organized as follows.

**Section ES, Executive Summary**, presents a concise summary of the environmental information, conclusions, and analysis in this EIR.

**Section 1.0, Introduction**, provides information on the CEQA process and organization of the EIR.

**Section 2.0, Project Description**, presents a detailed description of the proposed project, including identification of all discretionary actions requiring approval to allow the implementation of the proposed project.

**Section 3.0, Environmental Setting**, describes the environmental setting of the project site and surrounding areas including a brief description of existing land uses and zoning.

**Section 4.0, Cumulative Scenario**, describes the basis for cumulative analyses and lists the related projects considered.

**Section 5.0, Considerations and Discussions of Environmental Impacts**, contains analysis of the impacts of the project as proposed and cumulative impacts for environmental topics addressed in the EIR.

**Section 6.0, Alternatives**, discusses alternatives to the proposed project that have been developed and analyzed to provide additional information on ways to avoid or lessen the impacts of the proposed project. The alternatives include the “No Project Alternative,” along with other alternatives.

**Section 7.0, Consideration and Discussion of Significant Impacts**, includes a discussion of significant environmental effects that cannot be avoided with a brief description of significant environmental impacts that cannot be reduced to below a level of significance; and a discussion of significant irreversible environmental changes that would be caused by the proposed project should it be implemented with a brief description of potentially irreversible uses of nonrenewable resources that would result from the project.

**Section 8.0, Growth-Inducing Impacts**, contains a discussion of the potential for the proposed project to remove impediments to growth, foster economic growth, result in a precedent-setting action, and develop or encroach on isolated open space.

**Section 9.0, Organizations and Persons Consulted**, lists persons involved in the preparation of this Draft EIR or who contributed information incorporated into this Draft EIR.

**Section 10.0, References**, lists the principal documents, reports, maps, and other information sources reviewed or referenced in the preparation of this EIR.

**Appendices** to this EIR include technical information and other materials used in the preparation of this EIR.

## 1.6 AREAS OF KNOWN CONTROVERSY

The *State CEQA Guidelines*<sup>4</sup> require that a Draft EIR summary identify areas of controversy known to the lead agency, including issues raised by other agencies and the public. Some issues of concern were expressed at a public scoping meeting for the Draft EIR and through responses to the NOP. The following issues of concern have been identified by the City of Santa Paula:

- Owners of existing developed properties expressed concern regarding the effect of the City's proposed zoning on existing uses. This issue is discussed in **Section 5.10, Land Use**;
- Owners of existing property also had questions on the availability of sewer service and if properties currently served by septic systems would be required to connect to City sewer service. This issue is discussed in **Section 5.13, Utilities/Service Systems**; and
- The potential for flooding from Santa Paula Creek. This issue is discussed in **Section 5.9, Hydrology/Water Quality**.

## 1.7 ISSUES TO BE RESOLVED

The *State CEQA Guidelines*<sup>5</sup> require that an EIR present issues to be resolved by the lead agency. These issues include the choice between alternatives and whether or how to mitigate potentially significant impacts. The major issues to be resolved by the City regarding the Project are whether:

- Recommended mitigation measures should be adopted or modified,
- Additional mitigation measures need to be applied to the proposed project, and
- The proposed project should or should not be approved or an alternative approved.

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4 14 California Code of Regulations § 15123.

5 14 California Code of Regulations § 15123(b)(3).