

1.0 INTRODUCTION

This Environmental Impact Report (EIR) examines the potential environmental effects associated with: (1) implementation of the Douglas Family Preserve Management Plan (DFPMP or Plan), and (2) the designation of up to three locations around the City for off-leash dog use: Douglas Family Preserve (DFP), Hale Park, and Shoreline Beach Area (Off-Leash Dog Park Locations Study). These two components constitute the project to be analyzed in this EIR. This section: (a) describes the purpose of and legal authority for preparing the EIR; (b) provides a brief history of the project; (c) describes the general scope and content of the EIR; (d) lists EIR lead, responsible and trustee agencies; and (e) provides an overview of the California Environmental Quality Act (CEQA) environmental review process. The DFPMP and the Off-Leash Dog Park Locations are described in Section 2.0 PROJECT DESCRIPTION.

1.1 PURPOSE AND LEGAL AUTHORITY

The proposed project requires discretionary approvals from the City of Santa Barbara. Therefore, it is subject to the requirements of CEQA. In accordance with Section 15121 of the *State CEQA Guidelines*, 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 report is to serve as an information document for the public and City of Santa Barbara decision-makers. The environmental review process will culminate with Planning Commission and City Council hearings, respectively, to consider certification of a Final EIR, and to consider whether to approve the DFPMP and approve the DFP, Hale Park and/or Shoreline Beach Area sites for off-leash dog use.

1.2 PROJECT BACKGROUND

On August 24, 1999, the City Council declared the Draft Douglas Family Preserve Management Plan and the Off-Leash Dog Park Locations Study as projects for environmental review. Crawford Multari Clark & Mohr (CMCM) was hired by the City to assist the Douglas Family Preserve Advisory Committee in the development of the DFPMP for the City Parks and Recreation Department. The Advisory Committee met for over two years (July 1997 to November 1999) to develop the DFPMP, which was completed in November 1999. A number of public meetings were held in 1999, culminating in recommended changes to the Plan by the Advisory Committee, the Park and Recreation Commission, the Planning Commission and the City Council. The

primary focus of the Plan is to maintain the natural qualities of the site and to continue and enhance public access to the site.

In 1997, a joint City/County Dog Committee, composed of City and County Park & Recreation Commission members, dog interest groups and animal control groups, and City and County staff, recommended Hale Park and an area of Shoreline Beach as potential dog off-leash park sites, as well as the Douglas Family Preserve. Hale Park was selected, as it is currently used for dog recreation, and since the DFP is located near the western edge of the City limits, designation of Hale Park would provide an additional facility on the east side of the City. The Eucalyptus Hill Homeowners' Association indicated that it would be amenable to the off-leash dog use at Hale Park providing that its members would be kept informed of the City-approved dog use regulations. The City Council recommended that one beach location be studied. Since the beach area from the Shoreline Park stairs to the western City boundary is currently used for dog recreation, it was determined that this location should be evaluated for off-leash dog use.

1.3 EIR SCOPE AND CONTENT

In accordance with the *State CEQA Guidelines*, the City of Santa Barbara prepared an Initial Study for the Off-Leash Dog Park Locations Study on October 15, 2000, and an Initial Study for the DFPMP on November 17, 2000. Notices of Preparation (NOP) for the DFPMP Draft EIR and the Off-Leash Dog Park Locations EIR were released on December 1, 2000. The Initial Studies and NOPs were distributed for review by affected agencies and the public on December 4, 2000. The DFPMP Initial Study concluded that the project may have a significant effect on the environment, and further study in an EIR was required for issues related to aesthetics, biological resources, cultural resources, geophysical resources, and water environment. The Initial Study for the Off-Leash Dog Park Locations Study determined that significant impacts could occur in the following environmental issue areas for which further analysis in an EIR would be required: aesthetics, biological resources, traffic and parking, and water.

Public Scoping Hearings for preparation of both EIRs were held on December 14, 2001. At that time, additional concerns were raised about the project, needing to be analyzed in the EIR. These included: (1) safety concerns related to dog use of the sites; (2) impacts of dog feces left at the sites, affecting primarily air and water quality; and (3) traffic and parking.

Early in 2002, pursuant to CEQA (Section 15063(c)), the City considered how the projects could be modified, so that adverse impacts would be mitigated before an EIR is prepared. This would enable the projects to qualify for Negative Declarations. On July 17, 2001, the City Council approved a series of project description changes, including eliminating certain project components and adding policies to the DFPMP (refer to Section 2.4 PROPOSED PROJECT), as well as revising the list of project alternatives to be considered, moving forward with a series of technical studies to determine potential impacts and mitigation measures for the DFPMP and the other off-leash dog park locations sites, and extending the boundaries of the beach site.

The technical studies prepared were either related to the environmental issue areas that the Initial Studies had indicated may have potentially significant effects, or to issues identified during the public review of the Initial Studies or during the scoping hearing for the EIRs that are not addressed in the Initial Studies. The technical studies addressed water quality, air quality, biology, traffic and parking, and safety, all related to dog use for each of the three sites: DFP, Hale Park and the Shoreline Beach Area. Additionally, a geotechnical study was conducted for the DFP site. The beach area, which originally encompassed the area between Arroyo Burro Creek and the Shoreline Park stairs, was extended to an approximately 3-mile stretch total from the westernmost Shoreline Park staircase to the western City limits.

Two revised Initial Studies were prepared on September 24 and 25, 2002. The Initial Studies incorporate much of the content, including impact analysis and mitigation measures, of the earlier Initial Studies. However, they also include new information based on the City Council approved (July 17, 2000) changes to the project and the most recent set of dog use alternatives (refer to Section 2.4 PROPOSED PROJECT). Comments from the EIR scoping hearings and public review of the original Initial Studies were not incorporated into the revised Initial Studies, but are addressed in this EIR.

The revised DFPMP Initial Study (IS) determined that significant impacts could occur in six environmental issue areas: (1) air quality; (2) biological resources; (3) geophysical; (4) safety; (5) transportation/ circulation; and (6) water environment, and states that an EIR shall be prepared. The revised Off-Leash Dog Park Locations Initial Study states that an EIR should be prepared, based on the significant impacts that could occur in the following issue areas: (1) air quality, (2) biological resources, (3) safety, (4) transportation/circulation, and (5) water environment. Therefore, the EIR discusses only those issues listed above, which were found to have potentially significant impacts. The NOPs and revised Initial Studies and distribution list are contained in Appendix A and Appendix B (included in this document).

For the most part, mitigation measures for issues discussed in the Initial Studies would be incorporated into the project as policy changes, along with the mitigation measures identified in this EIR. However, where further analysis in the EIR indicates that another measure is more appropriate than that listed in the Initial Study, the Initial Study measure is superceded. The relevant mitigation measures in the Initial Studies and those mitigation measures contained in this EIR, including those required and recommended, are listed in Section 9.0 MITIGATION MONITORING AND REPORTING PROGRAM (MMRP). A summary of the issues brought forward from the Initial Studies and to be studied in this EIR are listed below in Table 1.3-1. Some of the issues of concern were brought up at the EIR scoping hearing or during the public comment period on the NOP/Initial Studies, and are listed as such in the table.

TABLE 1.3-1 Summary of Issues Brought Forward in the EIR

Environmental Issue Area	Issues Addressed in EIR	Issues Addressed in IS	Mitigation Measures
Aesthetics	None	All	Listed in IS.
Air Quality	Dog odors, dust-borne dog-related pathogens (scoping hearing issues or public comments on NOP/IS).	Violations of air quality standards, exposure of sensitive receptors to pollutants.	For items discussed in EIR, mitigation measures listed there. All other mitigation measures are listed in IS.
Biological Resources	Endangered, threatened or rare species; natural communities; wetland habitat; wildlife dispersal or migration corridors; historic, landmark or specimen trees.	Historic, landmark or specimen trees.	
Cultural Resources	None	All	Listed in IS.
Geology and Erosion	Erosion at the DFP.	Seismic activity, subsidence, expansive soils, grading at all sites; erosion at Hale Park and SBA.	Listed in EIR.
Noise	None	All	Listed in IS.
Population and Housing	None	All	None
Public Services	None	All	Listed in IS.
Recreation	None	All	None
Safety	Creation of health hazards, exposure of people to existing sources of potential health hazards (scoping hearing issues or public comments).	Fire hazards.	Listed in the EIR.

Environmental Issue Area	Issues Addressed in EIR	Issues Addressed in IS	Mitigation Measures
Transportation/ Circulation	Vehicle trips and parking capacity (scoping hearing issues or public comments).	Hazards to safety from design features, access, hazards and barriers for pedestrians and bicyclists.	
Water Resources	Discharge into surface water; groundwater.	Absorption, drainage patterns, runoff; flooding; stormwater drainage.	Listed in the EIR.

On November 5, 2002, City Council approved moving forward with the environmental analysis of both projects in an EIR. Because many of the issues in the DFPMP and the Off-Leash Dog Park Locations Study are the same and involve the same sites, City staff determined that a single EIR would be most efficient.

As required by the *State CEQA Guidelines*, this EIR focuses on potentially significant environmental impacts identified in the Initial Studies and the scoping process. In addition, the EIR recommends feasible mitigation measures or alternatives, where possible, that would reduce or eliminate adverse environmental effects.

In preparing the EIR, pertinent City policies and guidelines, existing EIRs and other planning reports and studies prepared by the City and consultants were utilized. A full reference list is contained in Section 8.0 REFERENCES, PERSONS CONTACTED, AND REPORT PREPARERS.

Section 7.0 ALTERNATIVES of this EIR was prepared in accordance with the *State CEQA Guidelines*, and focuses on alternatives that are capable of eliminating or reducing significant adverse effects associated with the project, while feasibly attaining most of the basic objectives of the project. In addition, the EIR discusses and selects the “environmentally superior” alternative from the alternatives assessed.

The level of detail contained throughout this EIR is consistent with the requirements of CEQA and applicable court decisions. The *State CEQA Guidelines* provide the standard of adequacy on which this document is based. Specifically, 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. (Section 15151).

1.4 LEAD, RESPONSIBLE AND TRUSTEE AGENCIES

The *State CEQA Guidelines* require identification of “lead,” “responsible” and “trustee” agencies for the project. The City of Santa Barbara is the lead agency for the project because it has 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 proposed project. Responsible agencies that may need to approve or issue permits for the various individual projects called for in the DFPMP include: the U.S. Army Corps of Engineers; the National Marine Fisheries Service; the

California Department of Fish and Game; the California Coastal Commission; and the Regional Water Quality Control Board. The State Lands Commission is also a responsible agency. Because the California Coastal Conservancy funded preparation of the Plan, it must approve the DFPMP, and so is considered a responsible agency. There are no responsible agencies for the off-leash dog use component of the project.

A trustee agency is a state agency having jurisdiction by law over natural resources affected by a project. The trustee agencies for the proposed project are the Air Resources Board, the Air Pollution Control District, the California Department of Fish and Game, and the California Coastal Commission.

In addition, the County of Santa Barbara is an agency that may have an interest in the project. A portion of the Arroyo Burro County Beach Park is within the boundaries of the Shoreline Beach Area. The project may include changing the Santa Barbara Municipal Code (SBMC) to make it possible for unleashed dogs to use the County land, since it is within City limits. County approval of off-leash dog use on County property is not necessary for the project as a whole to be approved. However, the County has ultimate discretion regarding whether to allow off-leash dogs on the Arroyo Burro Beach County Park portion of the Shoreline Beach Area.

1.5 ENVIRONMENTAL REVIEW PROCESS

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

Notice of Preparation (NOP). After deciding that an EIR is required, the lead agency files an NOP soliciting input on the EIR scope from the State Clearinghouse (i.e., State agencies), other concerned agencies, and parties previously requesting notice in writing. The NOP is posted in the County Clerk's office for 30 days. The NOP is typically accompanied by an Initial Study; the Initial Study identifies the issue areas for which the proposed project could potentially create significant environmental impacts. A scoping meeting to solicit public input on the issues to be addressed in the EIR is required by the City of Santa Barbara. The NOPs for both projects were released on December 4, 2000, and a scoping hearing was held before the Planning Commission on December 14, 2001.

Draft Environmental Impact Report (DEIR) Prepared. The DEIR contains: (1) table of contents or index; (2) summary; (3) project description; (4) environmental setting; (5) discussion of significant impacts (direct, indirect, cumulative, growth-inducing and unavoidable impacts); (6) a discussion of alternatives; (7) mitigation measures; and (8) discussion of irreversible changes.

Notice of Completion/Public Review. A lead agency files a Notice of Completion with the State Clearinghouse when it completes a DEIR. The lead agency also places a Notice of Availability in the County Clerk's office for 30-45 days and sends a copy of the Notice to anyone who has requested receipt of the Notice in writing. Additionally, public notice of the DEIR availability is given through the following procedures: (a) publication in a

newspaper of general circulation; and (b) direct mailing to owners and occupants of surrounding properties. The lead agency solicits public comment and responds in writing to all written comments received (Public Resources Code Sections 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, as in this case, the public review period must be 45 days unless the Clearinghouse approves a shorter period. Because this project is in the Coastal Zone, the EIR is sent to the State Clearinghouse for review.

Final EIR (FEIR). A FEIR includes: (1) the DEIR; (2) copies of comments received during the public review; (3) list of persons and entities commenting; and (4) responses to all written comments on the DEIR.

Certification of FEIR. Prior to making a decision on a proposed project, the lead agency must certify that: (1) the FEIR has been completed in compliance with CEQA; (2) the FEIR was presented to the decision-making body of the lead agency; and the decision-making body reviewed and considered the information in the FEIR prior to approving a project; and (3) the FEIR reflects the lead agency's independent judgment and analysis.

Lead Agency Project Decision. A lead agency may: (1) disapprove a project because of its significant environmental effects; (2) require changes to a project to reduce or avoid significant environmental effects; or (3) approve a project despite its significant effects, if the proper findings and, if necessary, a statement of overriding considerations, are adopted.

Findings/Statement of Overriding Considerations. For each significant impact of the project identified in the EIR, the lead or responsible agency must find, based on substantial evidence, that either: (1) the project has been changed to avoid or substantially reduce the magnitude of the impact; (2) changes to the project are within another agency's jurisdiction and such changes have been or should be adopted; or (3) specific economic, social, or other considerations make the mitigation measures or project alternatives infeasible. 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. There are some mitigation measures called for in this EIR that may be infeasible for various reasons, such as available staffing levels or difficulty in enforcing regulations. The Parks & Recreation Department, along with the City Council, would need to determine the feasibility of the measures. If necessary, the City Council may adopt a Statement of Overriding Considerations.

Mitigation Monitoring/Reporting Program. When an 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.

Notice of Determination. An agency files a Notice of Determination after deciding to approve a project for which an EIR is prepared (*State CEQA Guidelines* Section 15094).

A local agency files the Notice with the County Clerk. The Notice is 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.