

III. Revisions, Clarifications, and Corrections to the Draft EIR

III. Revisions, Clarifications, and Corrections to the Draft EIR

This section of the Final EIR provides changes to the Draft EIR that have been made to revise, clarify, or correct the environmental impact analysis for 9000 Airport Boulevard (the Project). Such changes are a result of public and agency comments received in response to the Draft EIR and/or additional information that has become available since publication of the Draft EIR. The changes described in this section do not result in the Project creating any new or increased significant environmental impacts.

This section is divided into two parts: Section III.A, Corrections and Additions to Draft EIR Sections and Appendices, and Section III.B, Effect of Corrections and Revisions.

A. Corrections and Additions to Draft EIR Sections and Appendices

Additional changes have been made to the Draft EIR as a result of public and agency comments received in response to the Draft EIR and/or new information that has become available since publication of the Draft EIR. Deletions are shown in ~~strike through text~~ and additions are shown in underlined text. Such changes are presented by EIR section.

I. Executive Summary

Section I, Executive Summary, pages I-11 through I-12, Section 9, Project Design Features, add in the following project design features that were originally included in the Initial Study and inadvertently not included in the Executive Summary and re-letter the other Project Design Feature section headers accordingly:

b. Biological Resources

Project Design Feature BIO-PDF-1: The Project Applicant shall include on the Project plans an acknowledgement of the requirements to comply with the Migratory Bird Treaty Act and California Fish and Game Code Section 3503 and best management practices recommended by a Qualified Biologist to avoid impacts to active nests, including

checking for nests prior to construction activities during nesting season (February 1 to August 31) and what to do if an active nest is found, including inadvertently during grading or construction activities. To the extent feasible tree removal would occur outside of nest season. Such best management practices shall include giving an adequate construction and grading buffer to avoid the active nest during construction, such as the following:

- **Pre-Construction Survey:** For any Project requiring tree or vegetation removal during the bird nesting season (February 1 to August 31), a pre-construction nesting bird survey of all suitable habitat shall be conducted no more than 10 days prior to the initiation of demolition or tree or vegetation removal to determine if nesting birds are present. The pre-construction nesting bird survey shall be conducted on foot within the Project Site boundaries by a Qualified Biologist.
- **Buffer for Active Nests:** If any active bird nest is found during a pre-construction nesting bird survey or is discovered inadvertently during construction related activities, a Qualified Biologist shall recommend an avoidance buffer which shall be no less than is necessary to protect the nest, eggs and/or fledglings, from damage or disturbance in consideration of the following factors: the bird species, the availability of suitable habitat within the immediate area, the proposed work activity, and existing disturbances associated with surrounding land uses. The buffer shall be demarcated using bright orange construction fencing, flagging, or other means to mark the boundary of the buffer. All construction personnel shall be notified of the buffer zone and shall avoid entering the protected area. No ground disturbing activities or vegetation removal shall occur within this buffer area until the Qualified Biologist has confirmed that breeding/nesting is complete and the young have fledged the nest and/or that the nest is no longer an active nest.

g. Water Supply

Project Design Feature WAT-PDF-1: The Project will install one new fire hydrant that will connect to the existing water mains located along Airport Boulevard.

II. Project Description

Section II, Project Description, page II-28, Section 5, Requested Permits and Approvals, add the following bullet:

- A Waiver of Street Dedication and Improvement, from any requirements for South Airport Boulevard and West Arbor Vitae Street that may be applicable.

IV.B Air Quality

Section IV.B, Air Quality, subsection d (Analysis of Project Impacts), page IV.B-61, second paragraph, add the following sentence after the fourth sentence:

The Project would include one 500 hp diesel emergency generator with EPA Tier 4 emissions compliant controls. Consistent with the SCAQMD Rule 1470, emergency use would be restricted to a maximum of 200 hours per year.

Section IV.B, Air Quality, Table IV.B-7, page IV.B-64, footnote c, revise as follows:

- *Project emissions conservatively do not include implementation of Project Design Features AIR-PDF-2 through AIR-PDF-4 and AIR-PDF-3.*

Section IV.B, Air Quality, Table IV.B-8, page IV.B-66, footnote c, revise as follows:

- *Project emissions conservatively do not include implementation of Project Design Features AIR-PDF-2 through AIR-PDF-4 and AIR-PDF-3.*

C. Effect of Corrections and Revisions

CEQA Guidelines Section 15088.5 requires that an EIR which has been made available for public review, but not yet certified, be recirculated whenever significant new information has been added to the EIR. The entire document need not be circulated if revisions are limited to specific portions of the document.

The relevant portions of CEQA Guidelines Section 15088.5 read as follows:

- (a) *A lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review under Section 15087 but before certification. As used in this section, the term "information" can include changes in the project or environmental*

setting as well as additional data or other information. New information added to an EIR is not “significant” unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project’s proponents have declined to implement. “Significant new information” requiring recirculation include, for example, a disclosure showing that:

- (1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.*
 - (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.*
 - (3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project’s proponents decline to adopt it.*
 - (4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. (Mountain Lion Coalition v. Fish and Game Com. (1989) 214 Cal.App.3d 1043)*
- (b) Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.*

The information contained in this section clarifies, amplifies, or refines information in the Draft EIR but does not make any changes that would meet the definition of “significant new information” as defined above. The information added to the Draft EIR does not change the Draft EIR in a way that deprives the public of a meaningful opportunity to comment upon a new or substantially increased significant environmental effect of the Project or disclose a feasible alternative or mitigation measure the Applicant has declined to adopt. Thus, none of the conditions in Section 15088.5 of the CEQA Guidelines are met and recirculation of the Draft EIR is not required.