

### 3 Recirculation Not Warranted

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The Final EIR contains revised chapters of the Draft EIR. The minor revisions to the Draft EIR would not result in new significant impacts or a substantial increase in the severity of previously identified significant impacts. The revisions to the Draft EIR chapters identify textual modifications to the Final EIR. The revised text serves to amplify, correct, supplement or clarify, information in the public review Draft EIR. It does not substantively affect the level of impact nor the conclusions presented. Therefore, recirculation of the Draft EIR is not warranted.

CEQA requires recirculation of a Draft EIR only when “significant new information” is added to a Draft EIR after public notice of the availability of the Draft EIR has occurred but before the EIR is certified (Public Resources Code Section 21092.1; CEQA Guidelines Section 15088.5). Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR (CEQA Guidelines Section 15088.5(b)).

The relevant portions of CEQA Guidelines Section 15088.5 (items a, b, and e) 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.
- (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.
- (e) A decision not to recirculate an EIR must be supported by substantial evidence in the administrative record.

Revisions to the Final EIR are briefly summarized in the following discussion:

- Revisions to the Executive Summary carry over language from Chapter 1, *Introduction*, and clarify the dates of circulation of the Notice of Preparation.

- Revisions to Chapter 2, *Project Description*; Section 4.1, *Agricultural Resources*; and Section 4.2, *Air Quality and Greenhouse Gas Emissions*, clarify typographical errors and update existing setting information.
- Mitigation Measure AQGHG-3 has been revised to incorporate Santa Barbara County Air Pollution Control District current best practices.
- Revisions to Section 4.3, *Biological Resources*, clarify typographical errors and order of presented information in the existing setting sections.
- Mitigation Measure CUL-1 has been revised to update the years of age threshold for buildings, structures, objects, sites, landscape/site plans, or other features to be consistent with existing City of Santa Maria Municipal Code.
- Revisions to Section 4.5, *Hydrology and Water Quality*, clarify typographical errors and remove irrelevant information from figures.
- Revisions to Section 4.6, *Noise*, clarify typographical errors, add clarifying language regarding uses of figures, and adds relevant regulatory setting information.
- Revisions to Section 4.7, *Transportation*, clarify existing roadway uses, bicycle path requirements, existing public transportation, regulatory setting information, and typographical errors in the setting section.
- Revisions to Section 4.9, *Effects Found Not to be Significant*, include typographical errors, clarifications regarding Objective Design Standards, clarifications regarding service areas of providers, clarifications of existing setting of the city, and clarifications of existing setting of city services.
- Revisions to Chapter 6, *Alternatives*, add clarifying language related to the Infill Only Alternative and agricultural land.

These edits to the listed EIR Chapters and Sections would not result in any secondary or otherwise undisclosed effect. Recirculation is not required where new information added to the EIR merely makes minor modifications in an EIR (CEQA Guidelines Section 15088.5[b]). Therefore, the revisions to the aforementioned EIR Chapters and Sections would be consistent with the minor modifications as defined in CEQA Guidelines Section 15088.5(b).

The information and revised wording of Mitigation Measure AQGHG-3 and Mitigation Measure CUL-1 added to this Final EIR would not result in a substantial increase in the severity of an environmental impact, nor a new significant environmental impact that would result from the revised mitigation. These mitigation measures were already included within the impact analysis and these revisions make corrections to mitigation to include current best practices and Santa Maria municipal code requirements. Recirculation is not required where new information added to the EIR merely clarifies or amplifies or makes minor modifications in an EIR (CEQA Guidelines Section 15088.5[b]).

Revisions to the Draft EIR would not result in an impact 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. Finally, additional information provided in this Final EIR does not present a feasible project alternative or mitigation measure considerably different from others previously analyzed in the EIR that the City has declined to adopt and that would lessen an environmental impact.

The information added to this Final EIR supplements, clarifies, amplifies, and corrects information in the Draft EIR. The City has reviewed the information in the Final EIR and has determined that it does not change any of the basic findings or conclusions of the EIR, does not constitute “significant new information” pursuant to *CEQA Guidelines* Section 15088.5, and does not require recirculation of the Draft EIR. This decision is supported by substantial evidence provided in this EIR.

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