

ERRATA

Crosswinds Residential Project Environmental Impact Report (SCH No. 2021010358) May 10, 2023

BACKGROUND AND PURPOSE OF ERRATA

The Draft Environmental Impact Report (Draft EIR) for the Crosswinds Residential project was published for public review on November 4, 2022. The public review period ended on January 3, 2023. A Final EIR, which included formal responses to public comments received on the Draft EIR and text revisions to the Draft EIR, was published for public review on May 3, 2023.

The purpose of this errata document to the Draft EIR is to make a clarification regarding the project's VMT reduction with the implementation of mitigation measures.

CEQA Guidelines Section 15088.5 requires that a lead agency recirculate an EIR when:

- (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 includes, 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.
- (c) If the revision is limited to a few chapters or portions of the EIR, the lead agency need only recirculate the chapters or portions that have been modified.
- (d) Recirculation of an EIR requires notice pursuant to Section 15087, and consultation pursuant to Section 15086.

- (e) A decision not to recirculate an EIR must be supported by substantial evidence in the administrative record.
- (f) The lead agency shall evaluate and respond to comments as provided in Section 15088. Recirculating an EIR can result in the lead agency receiving more than one set of comments from reviewers. The following are two ways in which the lead agency may identify the set of comments to which it will respond. This dual approach avoids confusion over whether the lead agency must respond to comments which are duplicates or which are no longer pertinent due to revisions to the EIR. In no case shall the lead agency fail to respond to pertinent comments on significant environmental issues.

EIR TEXT REVISIONS

The following text revisions reflect minor updates made to the VMT discussion in the Appendix G Transportation Analysis of the Draft EIR, after the Draft EIR and Final EIR were published. Deletions are shown with a line through the text and new text is shown with underlining.

Draft EIR, page 194 **REVISE** the text in the second paragraph as follows:

The provision of fully (100 percent) subsidized annual VTA transit passes for all project homeowners under mitigation MM TRN-2.1 could reduce the project's VMT per resident from 27.41 to 27.37.^a VTA's VMT tool does not include a feature which calculates VMT reduction from the project applicant's contribution to the City's on-site demand rideshare service. Although implementation of the above mitigation measure MM TRN 2.1 could reduce the number of trips generated by the project, by approximately 10 trips per day, the project's overall VMT would remain at 27.41 per resident. The project design features would encourage the use of pedestrian and bicycle facilities, but not to a degree which would have any measurable effect on project VMT. However, Therefore, the project VMT would continue to be above the 20.94 VMT per capita threshold. The project, therefore, and would result in a significant and unavoidable VMT impact (under Options 1 and 2). **(Significant and Unavoidable Impact with Mitigation)**

CONCLUSION

Recirculation of the Draft EIR for the project is not required pursuant to CEQA. The above text revisions are minor and do not represent substantial new information. The revisions would not alter the analysis, conclusions, or findings of the Draft EIR.

In conformance with Section 15121 of the CEQA Guidelines, the Draft EIR (including associated technical appendices and reports), Final EIR, together with the information contained in this Errata are intended to inform the decision-makers and the public of the environmental effects of the Crosswinds Residential project.

^a Personal Communications: Hexagon Transportation Consultants, Del Rio, Robert. RE: Crosswinds FEIR - Clarification on Mitigation. May 8, 2023.