

Mitigation Monitoring Program

3440 Wilshire Project ENV-2016-3693-MND

1 Introduction

This Mitigation Monitoring Program (MMP) has been prepared pursuant to Public Resources Code Section 21081.6, which requires a Lead Agency to adopt a “reporting or monitoring program for changes to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment.” In addition, Section 15097(a) of the State CEQA Guidelines requires that a public agency adopt a program for monitoring or reporting mitigation measures and project revisions, which it has required to mitigate or avoid significant environmental effects. This MMP has been prepared in compliance with the requirements of CEQA, Public Resources Code Section 21081.6 and Section 15097 of the CEQA Guidelines.

The City of Los Angeles is the Lead Agency for the Project and therefore is responsible for administering and implementing the MMP. A public agency may delegate reporting or monitoring responsibilities to another public agency or to a private entity that accepts the delegation; however, until mitigation measures have been completed, the lead agency remains responsible for ensuring that implementation of the mitigation measures occurs in accordance with the program.

A Mitigated Negative Declaration (MND) has been prepared to address the potential environmental impacts of the Project. The evaluation of the Project’s impacts in the MND applies mitigation measures (MM) needed to avoid or reduce potentially significant environmental impacts. This MMP is designed to monitor implementation of the MMs identified for the Project.

2 Organization

As shown on the following pages, each identified mitigation measure for the Project is listed and categorized by environmental impact area, with accompanying identification of the following:

- **Enforcement Agency:** the agency with the power to enforce the MM.
- **Monitoring Agency:** the agency to which reports involving feasibility, compliance, implementation, and development are made.
- **Monitoring Phase:** the phase of the Project during which the MM shall be monitored.
- **Monitoring Frequency :** the frequency at which the MM shall be monitored.

- Action Indicating Compliance: the action by which the Enforcement or Monitoring Agency indicates that compliance with the required MM has been implemented.

3 Administrative Procedures and Enforcement

This MMP shall be enforced throughout all phases of the Project. The Applicant shall be responsible for implementing each MM and shall be obligated to provide certification, as identified below, to the appropriate monitoring and enforcement agencies that each MM has been implemented. The Applicant shall maintain records demonstrating compliance with each MM. Such records shall be made available to the City upon request.

During the construction phase and prior to the issuance of building permits, the Applicant shall retain an independent Construction Monitor (either via the City or through a third-party consultant), approved by the Department of City Planning, who shall be responsible for monitoring implementation of MMs during construction activities consistent with the monitoring phase and frequency set forth in this MMP.

The Construction Monitor shall also prepare documentation of the Applicant's compliance with the MMs during construction every 90 days in a form satisfactory to the Department of City Planning. The documentation must be signed by the Applicant and Construction Monitor and be included as part of the Applicant's Compliance Report. The Construction Monitor shall be obligated to immediately report to the Enforcement Agency any non-compliance with the MMs within two businesses days if the Applicant does not correct the non-compliance within a reasonable time of notification to the Applicant by the monitor or if the non-compliance is repeated. Such non-compliance shall be appropriately addressed by the Enforcement Agency.

4 Program Modification

After review and approval of the final MMP by the Lead Agency, minor changes and modifications to the MMP are permitted, but can only be made subject to City approval. The Lead Agency, in conjunction with any appropriate agencies or departments, will determine the adequacy of any proposed change or modification. This flexibility is necessary in light of the nature of the MMP and the need to protect the environment. No changes will be permitted unless the MMP continues to satisfy the requirements of CEQA, as determined by the Lead Agency.

The Project shall be in substantial conformance with the MMs contained in this MMP. The enforcing departments or agencies may determine substantial conformance with MMs in the MMP in their reasonable discretion. If the department or agency cannot find substantial conformance, a MM may be modified or deleted as follows: the enforcing department or agency, or the decision maker for a subsequent discretionary project related approval finds that the modification or deletion complies with CEQA, including CEQA Guidelines Sections 15162 and 15164, which could include the preparation of an addendum or subsequent environmental clearance, if necessary, to analyze the impacts from the modifications to or deletion of the MMs. Any addendum or subsequent CEQA clearance shall explain why the MM is no longer

needed, not feasible, or the other basis for modifying or deleting the MM, and that the modification will not result in a new significant impact consistent with the requirements of CEQA. Under this process, the modification or deletion of a MM shall not, in and of itself, require a modification to any Project discretionary approval unless the Director of Planning also finds that the change to the MM results in a substantial change to the Project or the non-environmental conditions of approval.

5 Mitigation Monitoring Program

Mitigation Measure: TRAN-MM-1 Construction Activity Near Schools

The developer shall maintain ongoing contact with administrators of RFK Community Schools. The administrators shall be contacted when demolition, grading and construction activity begin on the Project Site so that students and their parents will know when such activities are to occur. The developer shall obtain school walk and bus routes to the schools from either the administrators or from LAUSD's Transportation Branch (323) 342-1400 and guarantee that safe and convenient pedestrian and bus routes to the school are maintained.

Impact Area: Transportation

Enforcement Agency: City of Los Angeles Department of Transportation

Monitoring Agency: City of Los Angeles Department of Transportation

Monitoring Phase: Pre-construction; construction

Monitoring Frequency: Once at Project plan check prior to issuance of grading or building permit; once during field inspection

Action Indicating Compliance: Plan approval and issuance of grading permit; field inspection sign-off

Mitigation Measure: TRAN-MM-2 Safety Hazards

- The developer shall install appropriate construction related traffic signs around the Project Site to ensure pedestrian and vehicle safety.
- The Applicant shall plan construction and construction staging as to maintain pedestrian access on adjacent sidewalks throughout all construction phases. This requires the applicant to maintain adequate and safe pedestrian protection, including physical separation (including utilization of barriers such as K-Rails or scaffolding) from

work space and vehicular traffic, and overhead protection, due to sidewalk closure or blockage, at all times.

- Temporary pedestrian facilities shall be adjacent to the Project Site and provide safe, accessible routes that replicate as nearly as practical the most desirable characteristics of the existing facility.
- Covered walkways shall be provided where pedestrians are exposed to potential injury from falling objects.
- Applicant shall keep sidewalk open during construction until only when it is absolutely required to close or block sidewalk for construction and/or construction staging. Sidewalk shall be reopened as soon as reasonably feasible taking construction and construction staging into account.

Impact Area: Transportation

Enforcement Agency: City of Los Angeles Department of Transportation

Monitoring Agency: City of Los Angeles Department of Transportation

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Project Design Features

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In addition to the required mitigation measures, the project also includes project design features that prevent any significant impacts from occurring through design. These project design features are included below, and are conditions of the project that must be monitored and enforced as if they were mitigation measures. While these project design features are not required by the code, the City of Los Angeles has required them of the project, and they may not be deleted except by public hearing. These project design features are listed below:

Project Design Feature: TRAN-PDF-1

A Construction Traffic Management Plan will be developed by the contractor and approved by the City of Los Angeles to alleviate construction period impacts, which may include but is not limited to the following measures:

- Provide off-site truck staging in a legal area furnished by the construction truck contractor. Anticipated truck access to the project site will be off Mariposa Avenue and 7th Street.
- Schedule deliveries and pick-ups of construction materials during non-peak travel periods to the extent possible and coordinate to reduce the potential of trucks waiting to load or unload for protracted periods.
- As parking lane and/or sidewalk closures are anticipated along 7th Street, worksite traffic control plan(s), approved by the City of Los Angeles, should be implemented to route vehicular traffic, bicyclists, and pedestrians around any such closures.
- Establish requirements for loading/unloading and storage of materials on the project site, where parking spaces would be encumbered, length of time traffic travel lanes can be encumbered, sidewalk closings or pedestrian diversions to ensure the safety of the pedestrian and access to local businesses and residences.
- Ensure that access will remain unobstructed for land uses in proximity to the project site during project construction.

- Coordinate with the City and emergency service providers to ensure adequate access is maintained to the project site and neighboring businesses and residences.

A Construction Worker Parking Plan will also be developed by the contractor and approved by the City of Los Angeles to ensure that the parking location requirements for construction workers will be strictly enforced. These could include but are not limited to the following measures:

- During construction activities when construction worker parking cannot be accommodated on the project site, the plan shall identify alternate parking location(s) for construction workers and the method of transportation to and from the project site (if beyond walking distance) for approval by the City 30 days prior to commencement of construction.
- Provide all construction contractors with written information on where their workers and their subcontractors are permitted to park, and provide clear consequences to violators for failure to follow these regulations. This information will clearly state that no parking is permitted on residential streets.

Impact Area: Transportation

Enforcement Agency: City of Los Angeles Department of Transportation

Monitoring Agency: City of Los Angeles Department of Transportation

Monitoring Phase: Pre-construction; construction

Monitoring Frequency: Once at Project plan check prior to issuance of grading or building permit; once during field inspection

Action Indicating Compliance: Plan approval and issuance of grading permit; field inspection sign-off

**DEPARTMENT OF
CITY PLANNING**

COMMISSION OFFICE
(213) 978-1300

CITY PLANNING COMMISSION

SAMANTHA MILLMAN
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**CITY OF LOS ANGELES
CALIFORNIA**



ERIC GARCETTI
MAYOR

EXECUTIVE OFFICES

200 N. SPRING STREET, ROOM 525
LOS ANGELES, CA 90012-4801
(213) 978-1271

VINCENT P. BERTONI, AICP
DIRECTOR

KEVIN J. KELLER, AICP
EXECUTIVE OFFICER

SHANA M.M. BONSTIN
DEPUTY DIRECTOR

TRICIA KEANE
DEPUTY DIRECTOR

ARTHI L. VARMA, AICP
DEPUTY DIRECTOR

LISA M. WEBBER, AICP
DEPUTY DIRECTOR

**ERRATUM to the Initial Study/
Mitigated Negative Declaration**

3440 Wilshire Project
Case Number: ENV-2016-3693-MND

PREPARED FOR:

The City of Los Angeles
Department of City Planning

PREPARED BY:

CAJA Environmental Services, LLC
15350 Sherman Way, Suite 315
Van Nuys, CA 91406

APPLICANT:

Central Plaza, LLC
3450 Wilshire Blvd. Suite 1200-115
Los Angeles, CA 90010

March 2, 2020

PROJECT BACKGROUND

The Site currently consists of 6 subdivided lots and a non-subdivided remainder. The Project is requesting a Vesting Tentative Tract to merge the existing lots and re-subdivide the Site into 6 lots: 1) ground (master) lot with a lot area of 316,438 square feet; 2) residential (apartment) (airspace) with up to 640 residential units in up to 701,315 square feet of floor area; 3) commercial (retail) (airspace) with an allocation of two commercial condominiums comprising up to 2,360 square feet of commercial space; 4) parking (residential, commercial, office, and bike) (airspace); 5) existing 5-story parking structure (airspace); and 6) commercial (retail) (airspace) with an allocation of two commercial condominiums comprising up to 3,700 square feet of commercial space.

The mixed-use project will include: (i) 640 apartment units (441 studio units and 199 2-bedroom units); (ii) 10,738 square feet of commercial floor area (5,538 square feet of retail area and 5,200 square feet of restaurant area [3,700 square feet with 138 indoor and outdoor patio seats of high-turnover restaurant and 1,500 square feet with 68 indoor and outdoor patio seats of fast-food restaurant]); (iii) 1,921 vehicle parking spaces (consisting of 500 residential and 714 commercial spaces and 707 existing spaces to remain). The Project would involve demolishing the existing three-story parking structure, constructing two commercial kiosks (one 1,073 square foot, 16 foot in height kiosk along Irolo Street and one 805 square foot, 16 foot in height kiosk along the pedestrian space between the existing buildings and proposed building, just off Mariposa Avenue), and constructing a 23-story mixed-use building and a 28-story mixed-use building on top of a podium that is four stories above grade and two stories subterranean. The Project provides 500 residential (23 short-term and 477 long-term) and 1,340 commercial (5 short-term and 1,335 long-term) bicycle parking spaces.

There are 30 trees in the public right-of-way, of which one is a protected species and will not be removed. Of the 29 non-protected street trees, 19 trees would be removed and replaced. There are 29 trees on the private portion of the Project Site, none of which are protected species. Of these, 24 would be removed. The amount of soils removed or exported would be 137,000 cubic yards.

A Draft Initial Study/Mitigated Negative Declaration (IS/MND) was prepared for the Project and circulated from February 6, 2020 through March 9, 2020, for a 33-day public review. The Draft IS/MND identified potential impacts and mitigation measures associated with Transportation, and found that mitigation measures identified in the Draft IS/MND would reduce impact levels to less than significant.

ERRATUM

This Erratum addresses modifications to Section IX. Hazards and Hazardous Materials in the published Draft IS/MND. Deletions to text of the Draft IS/MND are shown with strikethrough. Additions to text of the Draft IS/MND are shown with italic text and underline. Portions of the Draft IS/MND text to remain are included to provide context for the corrections.

Section IX. Hazardous and Hazardous Materials [IS/MND page B-143]

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Methane

The Project Site is not within a Methane Buffer Zone. Therefore, the Project is required to comply with Los Angeles Department of Building and Safety (LADBS) regulatory requirements for methane defined in the Los Angeles Methane Seepage Regulations (LAMC, Chapter IX, Article 1, Division 71), including requirements for site testing, including appropriate Site Design Level, which will prevent or retard potential methane gas seepage into the building.

The methane designation is correctly noted in the Preliminary Geotechnical Engineering Investigation, Geotechnologies, Inc., December 5, 2018 (included as Appendix G-1 to the IS/MND), which was approved by the LADBS in Soils Approval Letter, Los Angeles Department of Building and Safety, December 24, 2018 (included as Appendix G-2 to the IS/MND).

This correction does not constitute new information since the technical appendices included as part of the administrative case file in the IS/MND noted this designation.

This correction does not constitute mitigation because there is an existing regulatory compliance process in place that the Project would comply as part of the building permit process and plan check. No new identified significant impact or worsening of an impact would occur.

Recirculation is Not Required

Once an MND has been circulated, it may need to be recirculated for another round of review and comment if it is “substantially revised” after the public notice of the first circulation period has been given. (CEQA Guidelines § 15073.5(a).) A substantial revision includes two situations (CEQA Guidelines § 15073.5(b)):

1. A new, avoidable significant effect is identified, and to reduce that effect to a level of insignificance, mitigation measures or project revisions must be added.
2. The lead agency finds that the mitigation measures or project revisions originally included in the negative declaration will not reduce potentially significant impacts to a level of insignificance, and new mitigation measures or project revisions are required.

Recirculation is required when the addition of new information deprives the public of a meaningful opportunity to comment on substantial adverse project impacts or feasible mitigation measures or alternatives that are not adopted. (Laurel Heights Improvement Ass’n v Regents of Univ. of Cal. (1993) 6 Cal.4th 1112, 1130 (“Laurel Heights II”) (emphasis added); CEQA Guidelines § 15088.5(a).) The purpose of recirculation is to give the public and other agencies an opportunity to evaluate the new data and the validity of conclusions drawn from it. (Silverado Modjeska Recreation & Park Dist. v. County of Orange (2011) 197 Cal.App.4th 282, 305; Save

Our Peninsula Comm. v. Monterey County Bd. of Supervisors (2001) 87 Cal.App.4th 99, 131; Sutter Sensible Planning, Inc. v Board of Supervisors (1981) 122 Cal.App.3d 813, 822.) The critical issue in determining whether recirculation is required is whether any new information added to the environment document is substantial. (Vineyard Area Citizens for Responsible Growth v. City of Rancho Cordova (2007) 40 Cal.4th 41 449.)

Recirculation is not required where the new information added to the MND “merely clarifies or amplifies [citations] or makes insignificant modifications in [citation] an adequate” MND. (CEQA Guidelines § 15088.5(b); Sutter Sensible Planning Inc., 122 Cal.App.3d at 822-823; Marin Mun. Water Dist. v. KG Land Cal. Corp. (1991) 235 Cal.App.3d 1652, 1667 [recirculation was not required when the final environmental document contained a revised water moratorium estimate because the new information merely served to clarify an environmental effect that was adequately discussed in the draft document].) Recirculation is “intended to be an exception, rather than the rule.” (Laurel Heights II, 6 Cal.4th at 1132.)

Unless these changes result in a new impacts unavoidable impacts or new mitigation measures, recirculation is not required. (W. Placer Citizens for an Agric. & Rural Env'tl. v. County of Placer (2006) 144 Cal.App.4th 890, 898 [changes in the project that “reflect an improvement in the environmental condition when compared to the original project or the mitigated design alternatives” do not necessitate recirculation]; Rialto Citizens for Responsible Growth v. City of Rialto (2012) 208 Cal.App.4th 899 (“Rialto Citizens”).)

As is the case here, the addition of new information that clarifies, amplifies, or makes insignificant modifications to an MND does not require recirculation. (CEQA Guidelines § 15073.5(c)(4).) New information will only require recirculation when it amounts to a substantial revision of the MND, as defined above. (CEQA Guidelines § 15073.5(b).) As demonstrated herein, is neither a significant, avoidable impact that requires the addition of mitigation measures nor ineffective mitigation measure requiring revisions.

Conclusion

The information contained in this section clarifies, amplifies, or refines information in the IS/MND but does not make any changes that would meet the definition of “significant new information” as defined above. The information added does not change the IS/MND 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. As analyzed in the IS/MND, the whole of the record supports the conclusion that the Project would result in impacts below a level of significance.

The City, as lead agency, has reviewed the information in this Erratum and has determined that it does not change any of the basic findings or conclusions of the Draft IS/MND, nor does it constitute “substantial revisions” pursuant to CEQA Guidelines Section 15073.5, or require recirculation of the Draft IS/MND. This Erratum, combined with the Draft IS/MND, including technical appendices and reports thereof, comprise the Final IS/MND.

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ERIC GARCETTI
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200 N. SPRING STREET, ROOM 525
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PREPARED BY:

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15350 Sherman Way, Suite 315
Van Nuys, CA 91406

APPLICANT:

Central Plaza, LLC
3450 Wilshire Blvd. Suite 1200-115
Los Angeles, CA 90010

March 10, 2020

PROJECT BACKGROUND

The Project Site currently consists of 6 subdivided lots and a non-subdivided remainder. The Project is requesting a Vesting Tentative Tract to merge the existing lots and re-subdivide the Site into 6 lots: 1) ground (master) lot with a lot area of 316,438 square feet; 2) residential (apartment) (airspace) with up to 640 residential units in up to 701,315 square feet of floor area; 3) commercial (retail) (airspace) with an allocation of two commercial condominiums comprising up to 2,360 square feet of commercial space; 4) parking (residential, commercial, office, and bike) (airspace); 5) existing 5-story parking structure (airspace); and 6) commercial (retail) (airspace) with an allocation of two commercial condominiums comprising up to 3,700 square feet of commercial space. The applicant also filed an incidental request under Case No. CPC-2016-3692-VZC-MCUP-SPR, for a Vesting Zone Change from PB-2 and P-2 to C4-2, a Master Conditional Use Permit to permit on-site alcoholic beverages, and Site Plan Review for developments with over 50 dwelling units.

The mixed-use project will include: (i) 640 apartment units (441 studio units and 199 two-bedroom units); (ii) 10,738 square feet of commercial floor area (5,538 square feet of retail area and 5,200 square feet of restaurant area [3,700 square feet with 138 indoor and outdoor patio seats of high-turnover restaurant and 1,500 square feet with 68 indoor and outdoor patio seats of fast-food restaurant]); (iii) 1,921 vehicle parking spaces (consisting of 714 residential and 500 commercial spaces and 707 existing spaces to remain). The Project would involve demolishing the existing three-story parking structure, constructing two commercial kiosks (a 1,073 square foot kiosk, 16 foot in height along Irolo Street and a 805 square foot kiosk, 16 foot in height along the pedestrian space between the existing buildings and proposed building, off Mariposa Avenue), and constructing a 23-story mixed-use building and a 28-story mixed-use building on top of a podium that is four stories above grade and two stories subterranean. The Project provides 500 residential (23 short-term and 477 long-term) and 1,340 commercial (5 short-term and 1,335 long-term) bicycle parking spaces.

There are 30 trees in the public right-of-way, of which one is a protected species and will not be removed. Of the 29 non-protected street trees, 19 trees would be removed and replaced. There are 29 trees on the private portion of the Project Site, none of which are protected species. Of these, 24 would be removed. The amount of soils removed or exported would be 137,000 cubic yards.

A Draft Initial Study/Mitigated Negative Declaration (IS/MND) was prepared for the Project and circulated from February 6, 2020 through March 9, 2020, for a 33-day public review. The Draft IS/MND identified potential impacts and mitigation measures associated with Transportation, and found that mitigation measures identified in the Draft IS/MND would reduce impact levels to less than significant. An Erratum dated March 2, 2020, was prepared to address modifications to Section IX. Hazards and Hazardous Materials in the published Draft IS/MND, pertaining to the methane buffer zone designation applicable to the site.

ERRATUM

This Erratum addresses modifications to the designation of proposed vehicular parking spaces in the published Draft IS/MND. Deletions to text of the Draft IS/MND are shown with

strikethrough. Additions to text of the Draft IS/MND are shown with italic text and underline. Portions of the Draft IS/MND text to remain are included to provide context for the corrections.

Cover Page of the IS/MND

...

- (iii) 1,921 vehicle parking spaces (consisting of 500 *commercial* ~~residential~~ and 714 *residential* ~~commercial~~ spaces and 707 existing spaces to remain).

The designation of commercial and residential parking spaces was inadvertently swapped on the Cover page only. The MND document, including the Project Description's Table A-5 (Vehicle Parking) has the correct designation. The total number of parking spaces remains correct. As shown in the MND and Project Plans, the Project's new parking spaces and remaining existing parking spaces meet the total number of required parking spaces.

This correction does not constitute new information since the technical appendices included as part of the administrative case file in the IS/MND noted this designation.

This correction does not constitute mitigation because there is an existing regulatory compliance process in place that the Project would comply as part of the building permit process and plan check. No new identified significant impact or worsening of an impact would occur.

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Unless these changes result in a new impacts unavoidable impacts or new mitigation measures, recirculation is not required. (W. Placer Citizens for an Agric. & Rural Env'tl. v. County of Placer (2006) 144 Cal.App.4th 890, 898 [changes in the project that “reflect an improvement in the environmental condition when compared to the original project or the mitigated design alternatives” do not necessitate recirculation]; Rialto Citizens for Responsible Growth v. City of Rialto (2012) 208 Cal.App.4th 899 (“Rialto Citizens”).)

As is the case here, the addition of new information that clarifies, amplifies, or makes insignificant modifications to an MND does not require recirculation. (CEQA Guidelines § 15073.5(c)(4).) New information will only require recirculation when it amounts to a substantial revision of the MND, as defined above. (CEQA Guidelines § 15073.5(b).) As demonstrated herein, is neither a significant, avoidable impact that requires the addition of mitigation measures nor ineffective mitigation measure requiring revisions.

Conclusion

The information contained in this section clarifies, amplifies, or refines information in the IS/MND but does not make any changes that would meet the definition of “significant new information” as defined above. The information added does not change the IS/MND 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. As analyzed in the IS/MND, the whole of the record supports the conclusion that the Project would result in impacts below a level of significance.

The City, as lead agency, has reviewed the information in this Erratum and has determined that it does not change any of the basic findings or conclusions of the Draft IS/MND, nor does it constitute “substantial revisions” pursuant to CEQA Guidelines Section 15073.5, or require recirculation of the Draft IS/MND. This Erratum, combined with the Draft IS/MND, including technical appendices and reports thereof, comprise the Final IS/MND.