



Board Report

File #: 2022-0695, File Type: Project

Agenda Number:

REVISED
PLANNING AND PROGRAMMING COMMITTEE
NOVEMBER 16, 2022

SUBJECT: TRANSPORTATION COMMUNICATION NETWORK ENVIRONMENTAL IMPACT REPORT

ACTION: APPROVE RECOMMENDATIONS

RECOMMENDATION

CONSIDER:

- A. APPROVING the Transportation Communication Network (TCN) Project;
- B. CERTIFYING, in accordance with the California Environmental Quality Act (CEQA), the Final Environmental Impact Report (Final EIR) for the Transportation Communication Network, if the Board concludes that it satisfies the requirements of CEQA and reflects the Board’s independent judgment following CEQA Guidelines, section 15090;
- C. ADOPTING, in accordance with CEQA, the:
 - 1. Findings of Fact;
 - 2. Mitigation Monitoring and Reporting Program; and
- D. AUTHORIZING the Chief Executive Officer to file a Notice of Determination with the Los Angeles County Clerk and the State of California Clearinghouse.

ISSUE

The Metro Transportation Communication Network (TCN) Project proposes a network of transportation communication digital displays that will promote efficient roadways, increase public transit ridership, improve public safety, and provide revenue generation for transportation programs. Metro, as the Lead Agency, prepared and circulated for public comment a Draft Environmental Impact Report (Draft EIR). The public comment period closed on October 24, 2022. The Final EIR, Findings of Fact and Mitigation Monitoring and Reporting program are located at www.metro.net/tcn <<http://www.metro.net/tcn>>. Staff is recommending the Board adopt and certify the Final EIR.

BACKGROUND

Real Estate, ITS, Communications and Metro’s partner, Allvision, have been collaborating to

implement a network of transportation communication digital displays that will promote efficient roadways, increase public transit ridership, improve public safety and provide revenue generation for transportation programs. The desired outcome is to create a comprehensive communication network. The locations of the proposed TCN Structures include 34 freeway-facing and 22 non-freeway-facing locations within the City of Los Angeles (City) (see Attachment A).

Pursuant to Board Action (File# 2021-0062) on March 24, 2021, Metro staff and County Counsel negotiated a Memorandum of Agreement (MOA) with the City for the Metro TCN on Metro property within the City of Los Angeles. The City Council approved the MOA on December 16, 2021, and it was executed on January 12, 2022.

Metro is the Lead Agency for CEQA, and the City is a Responsible Agency. On April 18, 2022, Metro issued a Notice of Preparation (NOP) to commence the formal process for the EIR. The Draft EIR was circulated for public comment from September 9, 2022, to October 24, 2022.

DISCUSSION

California Environmental Quality Act (CEQA)

As the Lead Agency, Metro prepared the “Transportation Communication Network” EIR in accordance with CEQA (Public Resources Code Section 21000 et seq.) and the State CEQA Guidelines.

Project Analyzed Under the EIR

Metro proposes to implement the TCN Program which would provide a network of TCN Structures that would incorporate intelligent technology components to promote roadway efficiency, improve public safety, augment Metro’s communication capacity, provide for outdoor advertising where revenues would fund new and expanded transportation programs consistent with the goals of the Metro 2028 Vision Plan, and result in an overall reduction in static signage displays throughout the City. Implementation of the Project will include the installation of up to 34 Freeway-Facing TCN Structures and 22 Non-Freeway Facing TCN Structures all on Metro-owned property (see Attachment A). The total maximum amount of digital signage associated with the TCN Structures would be up to approximately 55,000 square feet.

As part of the TCN Program, a take-down component would be implemented including the removal of at least 110,000 square feet (2 to 1 square footage take-down ratio) of existing off-premises static displays. Signage to be removed would include, at a minimum, approximately 200 off-premises static displays located within the City of Los Angeles.

As part of the Project, the City must amend the City’s sign regulations in Chapter I of the Los Angeles Municipal Code (LAMC) to create a mechanism to review and approve the TCN Structures Zoning Ordinance and associated static display take-down program.

The site locations for the TCN Structures are located within property owned and operated by Metro along freeways and major streets, within the City. Most of the Site Locations are located on vacant land with limited vegetation and are generally inaccessible to the public. The Site locations for the TCN Structures are generally designated and zoned as commercial, public facilities, and

manufacturing uses. None of the site locations are zoned for residential use.

Project Objectives

In accordance with Section 15124(b) of the CEQA Guidelines, the following objectives were identified in the EIR:

- Incorporate features for real-time data collection to aid in traffic signal timing, micro-transit data, and Metro vanpool on-demand services.
- Geographically space the multifunctional TCN Structures to expand Metro's transportation public messaging network and ability to broadcast information to commuters in a variety of ways to further increase Metro's visibility and accessibility for all commuters.
- Improve public safety by notifying the public of roadway improvements, road hazards, Earthquake Early Warning System notifications, Amber Alerts, and emergency situations.
- Maximize efficiency of the congested road network by promoting public awareness of travel alternatives based on geography and time constraints such as alternative routes, carpooling alternatives, and public transportation opportunities.
- Maximize advertising revenue that would be utilized by both Metro and the City to fund new and expanded transportation programs that would further Goal 2 of the Metro Vision 2028 Strategic Plan, by creating a funding source for programs to enhance experiences for all Metro users such as improving security and increasing customer satisfaction.
- Implement Goal 4 of the Metro Vision 2028 Strategic Plan by creating an avenue for regional collaboration and comprehensive, timely, and real-time information sharing across government agencies to regionally improve traffic and transportation systems.
- Reduce overall square footage of existing static off-premise displays within the City of Los Angeles.
- Locate the TCN Structures at sites, elevations, and angles that would not increase distraction to motorists while still efficiently relaying information to commuters.

Notice of Preparation, Scoping Meeting, and AB52 Consultation

On April 18, 2022, a Notice of Preparation (NOP) was published, which included an Initial Study determining that a Draft EIR would be needed to evaluate potentially significant impacts to: Aesthetics, Air Quality, Biological Resources, Cultural and Historic Resources, Energy, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Land Use and Planning, Noise, Transportation, Tribal Cultural Resources, and Utilities and Service Systems.

Two virtual scoping meetings were held on Thursday, May 19, 2022, at 5:00 pm and Saturday, May 21, 2022, at 10:00 am. Following the scoping sessions, the scoping comment period was open for 45 days (versus the minimum required 30 days). In addition to the required public agency notifications, public notifications were placed in the Los Angeles Times, a digital/internet marketing effort was

focused on areas around each location, and 17,247 postcards, which included the scoping meeting information, were mailed to all properties within a 750-foot radius around each location. During the scoping period, LACMTA received six (6) comments/responses from the public and government agencies. The NOP and details of the scoping meetings can be found at the project website:

www.metro.net/TCN <<http://www.metro.net/TCN>>

As part of the CEQA process, Assembly Bill 52 (2014) requires Lead Agencies to follow certain procedures to consult with Native American tribes that are traditionally and culturally affiliated with the area of a proposed project to identify and address potential adverse impacts to tribal cultural resources. Pursuant to AB 52, staff initiated the tribal consultation process in May 2022 and continued through October 2022. Metro received comments from the Gabrielino Band of Mission Indians - Kizh Nation, the Gabrielino Tongva Indians of California, the Gabrielino Tongva Tribe, and the Santa Ynez Band of Chumash Indians. Consultations were held via meetings and correspondence in July and August 2022 and continued through the Draft EIR public comment period. Metro completed the consultation process with preparation of responses to comments on the Draft EIR.

Notice of Availability of the Draft EIR and Public Comment

The Notice of Availability (NOA) of the Draft EIR was circulated for public comment from September 9, 2022, to October 24, 2022. The NOA was mailed to 17,247 mailboxes consisting of residents, property owners, and business owners within a 750-foot radius around each location. Additionally, a legal ad containing the NOA was placed in the Los Angeles Times on September 9, 2022.

As the lead agency, Metro conducted virtual community meetings on October 6 and 7, 2022, to accept public comments on the Draft EIR. In general, comments received during the Draft EIR public comment period and at the community meetings consisted of concerns regarding the proposed takedown ratio of existing static displays to installation of digital displays, traffic safety, advertising revenue generation from the proposed displays, advertising content of the proposed digital displays, and conflicts with the City's existing sign ordinance.

In addressing the takedown ratio, the EIR allows for a takedown ratio of at least 2 to 1 square feet of static displays, however, the final takedown ratio will be determined as part of the City's consideration of the ordinance. About traffic safety, the Federal Highway Administration conducted an independent investigation (*Driver Visual Behavior in the Presence of Commercial Electronic Variable Message Signs (CEVMS), 2012*) on the effect of digital displays on drivers. In summary, the study found that drivers still dedicated their visual attention to driving, with minimal fixations on CEVMS, billboards, and/or other objects. In response to advertising revenue from the TCN Structures, revenue would be used to fund new and expanded transportation programs. Regarding advertising content, the Project would adhere to Metro's System Advertising Content Restrictions which prohibits advertisement of alcohol, smoking, cannabis, as well as any content containing violence, obscenities, and other related subject matters. Further, as part of Project the City would adopt an ordinance which would specifically allow for the 56 TCN Structures, and therefore, would not conflict with the existing sign ordinance.

Several comments in support of the project were also received from members of the public, specifically supporting the reduction and replacement of static displays with digital displays to generate revenue for public transportation improvements.

Agency comment letters on the Draft EIR were received from four (4) agencies including California Department of Transportation (Caltrans), South Coast Air Quality Management District, Los Angeles County Fire, and Los Angeles County Sheriff's Department. Specifically, comments from Caltrans acknowledged that the TCN Structures would be compliant with all Caltrans regulations regarding the placement of outdoor advertisement displays visible from California highways.

The community outreach program conducted a thorough and meaningful outreach to City of Los Angeles residents and businesses. This ensured that residents, business owners, neighborhood groups, and others had adequate and comprehensive opportunities to understand the program, ask questions about it, and provide their feedback. Key stakeholder groups such as neighborhood councils, business organizations, community-based organizations, transportation organizations and the Los Angeles/Orange Counties Building and Construction Trades Council.

In addition to soliciting feedback virtually through surveys, Allvision engaged in a digital outreach effort that utilized social media, search, and geo-fenced targeting that provided opportunities for feedback and ensured awareness of virtual and in-person community meetings. An additional email was released the last week in September reminding the public of the comment period.

Draft EIR Analysis

Below is a list of some of the key determinations that were included in the Draft EIR analysis:

- *Impacts Considered Less than Significant:* The Initial Study determined that the Project had the potential to result in significant impacts to a number of CEQA resource areas. However, upon further examination, the Draft EIR found that the Project would result in a "less than significant" impact with no mitigation required for: Air Quality, Energy, Geology and Soils, Greenhouse Gas Emissions, Transportation, and Electric Power.
- *Impacts Considered Less than Significant with Mitigation Measures Incorporated:* The Draft EIR found that impacts to Biological Resources, Archaeological Resources, Paleontological Resources, Hazards and Hazardous Materials, Noise, and Tribal Cultural Resources would be reduced to a "Less Than Significant Level" with mitigation measures incorporated. With the mitigation measures identified in the EIR, the Project was found to be less than significant in these CEQA resource areas.
- *Impacts Considered Significant and Unavoidable:* The Draft EIR found that the Project would have "Significant and Unavoidable" environmental impacts related to a subset of the TCN Structures for the following resource areas: Aesthetics, Historical Resources, and Land Use and Planning. Specifically, the Project would be inconsistent with goals and policies of the Central City North, Central City, and North Hollywood-Valley Village Community Plans regarding historic resources and visual impacts at four of the Site Locations (Site Locations NFF-2, NFF-3, NFF-16, and NFF-21) and would result in significant impacts associated with views, visual character and setting of historical resources. Additionally, the Project would also be inconsistent with Palms - Mar Vista - Del Rey Community Plan policies regarding placement of off-site premises signs within the coastal area (relative to Site Locations FF 29 and FF 30). Review of potential measures to reduce the Project's significant impacts, such as modification to the size and height of the

signs was considered. However, such modifications would not materially reduce these impacts. Rather, the primary way to substantially reduce these impacts would be to eliminate or relocate the subset of the Site Locations that are associated with these significant and unavoidable impacts. The EIR included Alternatives as part of the Project that would eliminate the significant and unavoidable impacts.

Alternatives

The EIR analyzed the following three alternatives:

- **Alternative 1, No Project Alternative:** Alternative 1 assumes that the Project would not be approved, no new permanent development would occur within the Site Locations, and the existing environment would be maintained. No existing static signs would be removed. Thus, the physical conditions of the Site Locations would generally remain as they are today. No new construction would occur. Further, no revenue would be generated from the Project to fund new and expanded transportation programs.
- **Alternative 2, Elimination of Impacts Relating to Historical Resources:** Alternative 2 would eliminate TCN Structures at Site Locations NFF-2, NFF-3, NFF-16, and NFF-21 proposed by the Project. The remaining 52 TCN Structures would be proposed under this alternative. As with the Project, Alternative 2 would provide for an overall reduction in static displays (at least a 2 to 1 square footage take-down ratio), throughout the City. Impacts to historical resources and the related aesthetic and land use impacts associated with Site Locations NFF-2, NFF-3, NFF-16, and NFF-21 would be eliminated. As with the proposed Project, under Alternative 2, the City would establish a Zoning Ordinance that would provide a mechanism to review and approve the TCN Structures citywide.
- **Alternative 3, Elimination of All Project Significant and Unavoidable Impacts:** Alternative 3 assumes that the Project would eliminate Site Locations NFF-2, NFF-3, NFF-16, and NFF-21, as well as eliminate or relocate FF-29 and FF-30 outside of the coastal area of the Palms-Mar Vista-Del Rey Community Plan. The remaining 50 TCN Structures would be proposed under this alternative. As with the Project, Alternative 3 would provide for an overall reduction in static displays (at least a 2 to 1 square footage take-down ratio), throughout the City. Impacts to aesthetics, historic resources, and land use would be eliminated. As with the Project, under Alternative 3 the City would establish a Zoning Ordinance that would provide a mechanism to review and approve the TCN Structures citywide.

As part of its consideration of the CEQA Findings of Fact for the TCN Program, the Board will determine whether the Alternatives are feasible, which will include an evaluation of whether and how each Alternative would fulfill the Project Objectives described above. The No Project Alternative would not fulfill any of the Project Objectives. Alternatives 2 and 3 would fulfill some of the Project Objectives, but not as well as the Project. Alternatives 2 and 3 would not fulfill the key Project Objective to maximize advertising revenue to fund new and expanded transportation programs.

City of Los Angeles Ordinance

The TCN Program is contingent on the adoption of a Zoning Ordinance by the City. The proposed Zoning Ordinance would amend the City's sign regulations in Chapter I of the LAMC to authorize the TCN Structures. On June 28, 2022, the City Council passed the motion to draft the ordinance.

The proposed Zoning Ordinance would create a mechanism for the review and approval of the TCN Structures; would not authorize new signage other than the TCN Structures; and would address the time, manner, and place aspects of the TCN Program, including the allowable locations, size and height limitations, urban design requirements, and applicable community benefits including take-down requirements for the removal of existing static off-premises signs.

The proposed Zoning Ordinance would not otherwise change the existing regulations for signs, including off-site and digital signage, in the City. Based on the above, the anticipated development from the Zoning Ordinance would be limited to the 56 TCN Structures as described above and in the EIR, Chapter 3, as well as the take-down of approximately 200 static displays located within the City.

The adoption of a Zoning Ordinance includes the drafting of said ordinance, a public hearing, review and recommendation by the City's Planning Commission, and consideration and adoption by the City Council.

FINANCIAL IMPACT

The TCN will generate additional revenue for public transportation purposes. No capital expenditure by Metro is required. Metro's partner, Allvision, is responsible for the upfront costs of the CEQA process, which will then be reimbursed from the future revenue stream, if the network is approved.

Until the Board and the City take final action on the project, the precise number of structures is not certain. Rough order of magnitude revenue estimates is between \$300-\$500 million over the initial 20-year term.

Impact to Budget

There is no impact to the Budget.

EQUITY PLATFORM

Communities have struggled with the blight of static billboards, which more often plague underserved communities and communities of color. The TCN will help reduce blight and readjust this imbalance by removing approximately 200 static sign faces located on 82 Metro-owned properties within the City. The 82 locations that will be part of the take down program include 47 properties (or 57% of all take downs) within Equity Focus Communities (EFCs). Whereas only 17 (30%) of the 56 proposed TCN Structure locations are in EFCs.

The MOA stipulates that the use of funds by the City be directed toward improving transportation, including projects that are consistent with Metro's Vision 2028 Plan and complement existing City goals. The MOA also notes that projects may include those that promote pedestrian and cyclist safety in the general vicinity of transit stops and that benefit bus riders in the City, with a focus on low-

income, persons of color in Metro's defined EFCs. Bus ridership in Los Angeles is disproportionately low-income (median income of under \$18,000), Latinx, Black, or Indigenous, and essential service workers.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

The TCN will yield enhanced communication and support, as well as revenues, resulting in:

- Goal 1: High quality mobility options for all
- Goal 3: Enhancing communities and lives
- Goal 4: Transform LA County through collaboration and leadership.

NEXT STEPS

If the Metro board certifies the EIR, the City will consider the adoption of an ordinance that would amend the LAMC to authorize the TCN Structures. As part of that process, Metro in partnership with the City will continue community outreach on the proposed ordinance.

The outdoor advertising companies will be engaged to discuss potential additional takedowns within the City.

ATTACHMENTS

Attachment A - Locations

Attachment B - Findings of Fact

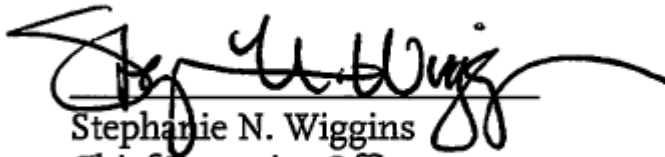
Attachment C - Mitigation Monitoring and Reporting Program

Attachment D - Notice of Determination

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