

### DEPARTMENT OF CITY PLANNING RECOMMENDATION REPORT

#### **CITY PLANNING COMMISSION**

DATE: September 14, 2023

TIME: After 8:30 A.M. PLACE: Los Angeles City Hall Council Chamber, 3rd Floor 200 North Spring Street Los Angeles, CA 90012 CASE NO.:

CEQA NO.: ENV COUNCIL FILE NO.: 22-0 COUNCIL DISTRICT: ALL PLAN AREA: ALL

CPC-2022-5401-CA CPC- 2023-3653-ZC ENV-2022-5286-EIR 22-0392 ALL ALL

#### PUBLIC HEARING: July 12, 2023

#### SUMMARY:

An Ordinance that would amend Section 12.32 and create a new Section 13.11.1 of Chapter 1 of the Los Angeles Municipal Code (LAMC), an Ordinance that would amend Sec. 8.2.1 and create a new Sec. 8.2.3.1 of Chapter 1A of the LAMC, and an Ordinance that would establish the Transportation Communication Network (TCN) District to allow the Los Angeles County Metropolitan Transportation Authority (Metro) to implement a TCN project. Under this project, Metro is proposing to erect up to 86 digital display signs on up to 49 support structures on specific Metro-owned parcels throughout the City that are adjacent to certain freeways and major streets. The proposed Ordinances, known collectively as the Metro TCN Ordinance, would create a new TCN Supplemental Use District (SUD) and include a Zone Change to apply the TCN SUD and its regulations to specific Metro-owned parcels.

#### **RECOMMENDED ACTIONS:**

- Find, based on the independent judgment of the decision maker, after consideration of the whole of the administrative record, the project was assessed in the previously certified Environmental Impact Report No. ENV-2022-5286-EIR (State Clearinghouse No. 2022040363), certified by the Los Angeles County Metropolitan Transportation Authority (Metro) Board of Directors on January 26, 2023; and pursuant to CEQA Guidelines, Sections 15162 and 15164 and the Addendum, dated August 2023, that no major revisions to the EIR are required and no subsequent EIR or negative declaration is required for approval of the project;
- 2. **Approve** and **Recommend** that the City Council adopt the proposed Ordinance with staff's proposed modifications listed in the Staff Recommendation Report incorporated into the Ordinance;
- 3. **Approve** and **Recommend** that the City Council adopt the Zone Change (Exhibit A) to permit the establishment of a non-contiguous Supplemental Use District, called the Transportation Communication Network, on property owned by Metro with staff's proposed modifications listed in the Staff Recommendation Report incorporated into the Ordinance;
- 4. Adopt the Staff Recommendation Report as the Commission's Report on the subject; and
- 5. **Adopt** the Findings.

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ADVICE TO PUBLIC: \*The exact time this report will be considered during the meeting is uncertain since there may be several other items on the agenda. Written communications may be mailed to the Commission Secretariat, Room 272, City Hall, 200 North Spring Street, Los Angeles, CA 90012 (Phone No. 213-978-1299) or emailed to cpc@lacity.org. While all written communications are given to the Commission for consideration, the initial packets are sent to Commission the week prior to the Commission's meeting date. If you challenge these agenda items in court, you may be limited to raising only those issues you or someone else raised at the public hearing agendized herein, or in written correspondence on these matters delivered to this agency at or prior to the public hearing. As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability, and upon request, will provide reasonable accommodation to ensure equal access to these programs, services and activities. Sign language interpreters, assistive listening devices, or other auxiliary aids and/or other services may be provided upon request. To ensure availability of services, please make your request no later than three working days (72 hours) prior to the meeting by calling the Commission Secretariat at (213) 978-1299.

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### PROJECT ANALYSIS

#### **Project Summary**

On December 8, 2021, City Council authorized the City Administrative Officer (CAO) to execute a Memorandum of Agreement (MOA) between the City of Los Angeles and Los Angeles County Metropolitan Transportation Authority (Metro) that would allow for the development of Metro's Transportation Communication Network (TCN) digital display off-site sign project (Exhibit B). City Council approved the MOA in the 2021/2022 budget, and executed the contract agreement in February 2022. The contract allows for the City and Metro to split the revenues from off-site advertising in a 50/50 split. Proceeds from the TCN project will be managed by the Los Angeles Department of Transportation (DOT) and the funds will be limited to transportation related expenditures. The contract expires in 20 years and is contingent upon City Council approving and adopting the necessary Ordinances to permit the digital display of off-site sign project.

On June 28, 2022, Los Angeles City Council adopted an amended motion (CF-22-0392) instructing the Department of City Planning to draft an amendment to the Zoning Code to permit digital signage related to the TCN Project. The TCN Project consists of TCN Support Structures on Metro-owned parcels with Digital Display Sign Faces affixed onto them that will show traffic and public transit information, as well as travel alternatives (Exhibit C). The displays will also be used to broadcast public safety messaging such as roadway improvements, road hazards, Amber Alerts, and emergency situations. Each TCN structure will integrate with Metro's Regional Integration of Intelligent Transportation Systems (RIITS). The RIITS will collect and analyze traffic data, and allow sharing of this data with LADOT and Caltrans.

The Digital Displays on the TCN Structures will also display off-site advertising and contain new technology systems that will collect transportation data, promote Metro's services, and plan for future road improvements utilizing data collected by each TCN structure. The TCN structures will assist Metro and the City in increasing the quantity and speed of data collection of real-time travel and traffic data, which will be shared with different governmental agencies. This data will be anonymized and no identifying information will be collected. This data could be used to support improved traffic signaling timing and facilitate signal priority for buses.

Metro's proposed TCN Project identifies 49 Metro-owned sites within the City of Los Angeles (City) in which a TCN structure with up to two (2) digital display sign faces will be erected (Exhibit H). These properties are zoned commercial, manufacturing, and public facilities zones. Of the 49 TCN structures, 33 are proposed adjacent to freeways while the remaining 16 TCN structures are proposed along major intersections and corridors. Overall, the TCN structures will have a total of 86 digital display sign faces; 37 TCN Structures will have two digital display sign faces, and 12 TCN Structures will have one digital display sign face. The TCN Project will cover 22 of the 35 Community Plan Areas in the City and may not exceed the maximum total digital signage area of 51,000 square feet.

Lastly, the digital displays will be used predominantly for off-site advertising to generate revenue for both Metro and the City for new and expanded transportation programs. The proposed Metro TCN Ordinance contains development standards and operational restrictions pertaining to the TCN structures and illumination standards for each digital display proposed (Exhibit E). Accompanying Zone Change Maps can be found in Exhibit A.

In addition to permitting Digital Displays and TCN Structures within the City, the Memorandum of Agreement includes a sign reduction component that requires Metro to remove 200 off-site signs Citywide. The proposed Metro TCN Ordinance incorporates this sign reduction component of the project and provides for additional off-site sign reduction beyond the proposal offered by Metro under the MOA. Details of the sign reduction program will be discussed in detail later in this report.

#### Citywide Sign Regulations Background

The City first adopted a set of comprehensive sign regulations in 1986. This regulated both on-site and off-site signs. For discussion purposes, on-site signs are signs that advertise a good or service available at the location where the sign is located. An off-site sign advertises a good or service available somewhere else than where the sign is located. A billboard is a type of off-site signage. Either type of sign can be a static or digital sign. Most of the ongoing debate within the City has focused on off-site signs, which have been banned outside of sign districts, specific plans, and supplemental use districts since 2002. In that same year sign districts were introduced as a new type of supplemental use district that allows tailored sign regulations that are more permissive or more restrictive than the normally required Zoning Code sign regulations. A program was also set up that year to periodically inspect and inventory off-site signs in the City.

#### City's Update Efforts

In 2007, the City's sign regulations migrated from the Building Code to the Zoning Code. The following year, the City Council directed the Department of City Planning to commence work on a comprehensive update to its sign regulations. The City Planning Commission (CPC) first considered and then recommended a version of the proposed Citywide Sign Ordinance to the City Council in 2009. This version was transmitted to City Council's Planning Land Use Management (PLUM) for consideration, and the topic of allowances for off-site signs became the focus of debate. The discussion centered on allowing off-site signs outside sign districts in exchange for a commensurate or greater removal of existing off-site signs, an in-lieu fee or a community benefit package. In its initial stages, this debate was influenced by the loss of Citywide revenue by the Great Recession (2007-2009). Various mechanisms and land-use controls were debated to effectuate this goal which culminated in the Ordinance being returned to the CPC for a recommendation on these concepts for expanding the off-site sign allowance Citywide in 2015.

Two versions of the proposed Ordinance were transmitted (Version A & B) to the CPC along with a rough concept for how to allow signs outside sign districts. Initially, the Commission considered and made a recommendation on a majority of the items contained within the proposed Ordinance. Beyond the conceptual processes for allowing off-site signs outside sign districts, the following items were reviewed by the City Planning Commission in 2015:

- On-site relocation of existing off-site signs
- Amnesty for existing unpermitted or illegally altered off-site signs
- Historic façade sign adjustments
- Replacement of Pre-1986 mural signs with vinyl

The Commission disapproved all these changes as well as the concepts related to off-site sign allowances before them, as well as the proposed Ordinance transmitted. Instead, the Commission instructed the Department to transmit a revised version to the City Council, version

B+. Ultimately the PLUM Committee continued consideration of only Version B and commenced a study to look at questions related to revenue generation and blight reduction if a process for allowing signs outside sign districts was pursued. In December 2017 the proposed Ordinance was revised again with changes allowing limited on-site digital signs Citywide and an administrative process for relocation agreements of existing off-site signs. Additional debate took place regarding the level of discretion, off-site sign reduction, revenue and community benefits. This culminated in a set of instructions adopted by the City Council in 2019.

An updated draft of the Citywide Sign Ordinance in response to the City Council's 2019 instructions was released in 2020. It was subsequently heard by the Commission in February 2021. The draft Ordinance proposed a new tier of sign districts that would permit wider allowance for new off-site signs as well as a process for allowing off-site signs on public property. Department staff recommended approval of the process for off-site signs on public property but did not recommend the new tier of sign districts for private property. Ultimately, the Commission did not recommend the latest draft Ordinance or a public property option, rather it remained opposed to any new allowance for off-site signs and recommended Version B+ again to the City Council This recommendation and all accompanying documents were transmitted to the City Council and the PLUM Committee in May 2021. No action was taken by the City Council or the PLUM Committee and the Council File for the item (CF 11-1705) expired on May 25, 2023.

The Metro TCN project is a completely separate initiative and project from the proposed Citywide Sign Ordinance. That being said, the project raises similar issues and continues the policy debate over the exceptions to the City's ban on new off-site signs. One of the main components of the Metro TCN project is that it is limited to public land owned by Metro, and the focus of the Zoning Code Amendment is limited to the proposed project without any allowance for private properties or other public agencies. The differentiation between public and private land, and the process to permit additional off-site signage outside of sign districts was a key component of the most recent proposed Citywide Sign Ordinance in 2021.

#### **Current Sign Provisions**

The majority of the City's sign regulations are contained in Article 14.4 of the Zoning Code. The provisions define various sign related terms, and outline regulations for a variety of sign typologies including: Information Signs, Monument Signs, Projecting Signs, Wall Signs, Illuminated Architectural Canopy Signs, Pole Signs, Roof Signs, Window Signs, Marquee Signs, and Awning Signs. The maximum combined sign area allocation for most parcels is up to 4 square feet per foot of street frontage. Additionally, separate regulations are outlined for Temporary Signs, Temporary Signs on Temporary Construction Walls, Original Art Murals and Public Art Installations. Other specific limitations are also outlined including prohibited locations, maintenance requirements, illumination standards, hazards to traffic, and freeway exposure.

#### Off-Site Signs

The City also lists prohibited signs in Article 14.4, including its ban on off-site signs and supergraphic signs. The ban, enacted in 2002, requires these signs to be placed only in sign districts, supplemental use districts, and specific plans as well as through development agreements and relocation agreements (per State Law). Regulations are outlined for off-site signs as well, though these inform rather than dictate restrictions for new off-site signs since they can only be obtained through a legislative process allowing more permissive regulations. They pertain mainly to existing signs. Relief cannot be sought to allow either off-site signs or

supergraphic signs. The Zoning Code does not recognize the TCN project as any sign other than a off-site sign project and thus is subject to the requirements regulated by the code.

The regulations allowing the establishment of sign districts is contained in Section 13.11 of the Zoning Code. Minimum criteria must be met to apply for a new sign district. The existing limitations require contiguous parcels with a minimum of one block or three acres, and must be located within a C, M, or certain R5 zones, or redevelopment areas. Sign regulations in a sign district may be more permissive or restrictive than those in the Zoning Code, including regulations for off-site signs.

#### Court Cases

A number of important court decisions have informed the development of proposed sign regulations and new sign districts over time. The City was also a party in a number of these court decisions, in most instances defending its ban on and regulations related to off-site signs. Below is a short overview of each of the most pertinent cases to the discussion of signage in the City:

*Metromedia, Inc. v. City of San Diego* (1981) – Supreme Court ruling affirmed a City's right to enact and enforce a ban on off-site commercial signs.

*Clear Channel Outdoor v. City of Los Angeles* (2006) – Litigation over annual fee for periodic inspection of off-site signs. Initial settlement agreement allowed conversion of a number of off-site signs to digital Citywide, agreement was ultimately thrown out in subsequent litigation and impacted digital signs disabled.

*Metro Lights, LLC v. City of Los Angeles* (2009), *World Wide Rush LLC v. City of Los Angeles* (2010), *Vanguard Outdoor LLC v. City of Los Angeles* (2011) – Three 9<sup>th</sup> Circuit Court of Appeals decisions affirming (and reaffirming) the City's ban on off-site signs and that it may allow exceptions to that ban.

*Reed v. Town of Gilbert, AZ* (2015) – Supreme Court decision reaffirming the broad prohibition on content-based speech restrictions for sign regulations.

*Lamar Central Outdoor LLC v. City of Los Angeles* (2016) – Litigation over the free speech provision of the California Constitution. The California Court of Appeals decision affirmed the City's ban on off-site signs and distinction between on-site and off-site signs.

Austin v. Reagan National Advertising (2022) - Litigation over the differentiation of off-site and on-site signs and whether such distinction is constitutionally permitted under the First Amendment and in alignment with the Court's Reed v. Gilbert decision. The Supreme Court upheld the distinction between on-site and off-site signs and reaffirmed its constitutionality.

These cases show the limited latitude the City has in crafting its sign regulations, particularly when it comes to off-site signs and regulation of content. The courts have reinforced that exceptions to an off-site sign ban must be rational and narrowly tailored. The City must ever be cognizant that with any new exception to the off-site sign regulations can run the risk of that exception becoming the rule.

#### Metro TCN District Ordinance

The proposed Metro TCN Ordinance would permit the Metro TCN project within both the Zoning Code and the New Zoning Code through a new Supplemental Use District (SUD) (Exhibit E). This is accomplished with a code amendment to the Zoning Code and New Zoning Code as well as the establishment of a new SUD. These Ordinances include an enabling ordinance amending Article 3 of Chapter 1 of the Los Angeles Municipal Code (LAMC), referred to as the Zoning Code, and Article 8 of Chapter 1A of the LAMC, referred to as the New Zoning Code to permit this new type of SUD; and the TCN SUD implementation ordinance, which contains all of the regulations, processes, procedures and public benefits related to the TCN project. This TCN SUD Ordinance will be applied through a Zone Change to the Metro-owned parcels identified. The TCN SUD, once applied to the zoning of these specific parcels, will permit the development of the TCN project including the TCN Support Structures and Digital Displays. Details of these Ordinances are provided below.

A new type of SUD was necessary to permit the TCN Project. Although the Zoning Code and New Zoning Code contain an allowance for a Sign District SUD, the non-contiguous nature of the proposed project and the unique terms of the SUD dictated that an alternative approach was necessary. A narrowly tailored solution, the TCN SUD, permits the proposed TCN Project while maintaining the existing limitations on Sign District SUD for all other public and private projects.

#### Background

On December 8, 2021, the City Council authorized the City Administrative Officer and Office of the Chief Legislative Analyst to execute Memorandum of Agreement (MOA) for the development of a Transportation Communication Network (TCN) Project between the City and the Los Angeles County Metropolitan Transportation Authority (Metro). The proposed TCN Project consists of a network of digital display signs that will provide electronic messaging to promote efficient roadways, increase public transit ridership, improve public safety, and allow off-site advertising to provide revenue generation for transportation programs.

The City and Metro signed and executed MOA C-139852 on January 12, 2022 (Exhibit B). The MOA is a financial and administrative document that outlines both Metro's and the City's responsibilities related to the TCN project. The contract stipulates that Metro will be primarily responsible for the environmental analysis required for the TCN project and the removal of 200 off-site signs within the City, whereas the City is responsible for effectuating any Zoning Code amendment required for the project's realization including design and development standards. It also outlines both parties' responsibilities and requirements for the revenue component of the project.

On April 5, 2022, a motion was introduced instructing the Department of City Planning, with the assistance of the City Attorney, to prepare and present an Ordinance to allow off-site digital signs that are part of Metro's Transportation Communication Network Project (TCN). On June 28, 2022, Los Angeles City Council adopted an amended motion (CF-22-0392) instructing the Department of City Planning to draft an amendment to the Zoning Code to permit digital signage related to the TCN Project.

According to its January 2023 Metro Board report, Metro staff estimate the TCN project will generate between \$300 million and \$500 million over the 20-year term of the MOA for both Metro and the City. Under the MOA, the City will receive 50 percent of the net revenue generated from off-site advertising by TCN digital display signs located within City boundaries

for 20 years. Net revenue means that the City will only realize any revenue sharing once Metro has recouped the costs of planning, permitting, and constructing the TCN structures and digital displays. It further requires the City to spend this revenue exclusively on transportation-related projects, services, equipment, and studies. The funds will be overseen by the Los Angeles Department of Transportation. The implementation of the MOA is conditioned upon the City enacting an Ordinance to allow off-site advertising on TCN structures through the duration of the MOA.

#### **Enabling Ordinance**

A key component of the Zoning Code amendments necessary to implement the Metro TCN project is the proposed enabling Ordinance which will create a new type of Supplemental Use District (SUD) specifically for this project. As discussed earlier in this report in the *Current Sign Provisions* section, the Zoning Code allows off-site signs only within certain SUDs as well as through a Specific Plan, Development Agreement or Relocation Agreement (per state law). The off-site advertising component of the TCN project dictates that the TCN structures are considered off-site signs under the Zoning Code. However, the scale and scope of the TCN project does not fit cleanly into any of the existing land use tools within the Zoning Code and a new type of SUD was necessitated to permit the project.

The enabling Ordinance for the Metro TCN project creates a new SUD specifically for the project. This was mainly due to the fact that the proposed sites for TCN structures and digital displays are predominately non-contiguous parcels and have variable zoning that includes properties zoned as Public Facilities. Both of these realities dictated the creation of a new SUD named the Transportation Communication Network Supplemental Use District (TCN SUD).

The Los Angeles City Council (City Council) at its meeting on May 3, 2023, voted unanimously to approve the Downtown Community Plan and the New Zoning Code (Chapter 1A of the Los Angeles Municipal Code). The New Code and Downtown Community Plan are currently being reviewed and finalized by the City Attorney, and once this form and legality process is complete, they will return to City Council for final approval and adoption, after which the New Zoning Code provisions will be in effect in the Downtown Community Plan Area. In order to ensure that the TCN SUD will be implemented in the Downtown Community Plan Area under the New Zoning Code, the enabling ordinance for the Metro TCN project includes amendments to not only current Zoning Code but also to New Zoning Code. As future community plan updates are adopted under New Zoning Code rules, the New Zoning Code will extend to those areas as well, and the New Zoning Code version of the TCN SUD enabling ordinance language will also be necessary to implement the TCN SUD in those community plan areas as well.

The TCN SUD and its regulations will be located in Article 3 (Supplemental Use Districts) of the Zoning Code, specifically Section 13.11.1. A corresponding Ordinance permitting and regulating the TCN Supplemental District, the equivalent of a SUD in the Zoning Code, will be created in the New Zoning Code, specifically creating a new Section 8.2.8. (Transportation Communication Network Districts (TCN)), and modifying Section 8.2.1. (General), Section 8.2.2. (Community Plan Implementation Overlay (CPIO)), Section 8.2.3. (Sign Districts (SN)), and Section 8.2.5. (Community Design Overlay (CDO)) in order to facilitate the creation of the new TCN Supplemental District and establish its relationship to other existing Supplemental Districts. The establishment of, or subsequent amendment to, a TCN SUD is outlined in Section 12.32 S in the Zoning Code and in Article 8 (Specific Plans, Supplemental, & Special Districts) in the New Zoning Code.

The regulations and development standards within the TCN SUD enabling Ordinance Code Sections are equivalent, though differ in style, formatting, and structure from the Zoning Code to the New Zoning Code only to the extent necessary to align the regulations with the regulatory structure of the New Zoning Code. There is only one notable substantive variation between the Zoning Code and New Zoning Code enabling language. In the TCN SUD enabling language in the Zoning Code, the TCN District provisions are given authority to supersede conflicting provisions of any other SUD, with the exception of HPOZs, which cannot be overridden by the TCN SUD. In the TCN Supplemental District enabling language in the New Zoning Code, the TCN District provisions are given authority to supersede conflicting provisions of any other supplemental district, with the exception of both HPOZs and Conservation Districts. Conservation Districts are a new kind of supplemental district that were added to the New Zoning Code, but do not exist in the current Zoning Code. Like HPOZs, Conservation Districts facilitate the protection of historic resources, but with less restrictive requirements, and given this parallel to the policy intent of HPOZs, in the New Zoning Code enabling language Conservation Districts are also allowed to supersede the TCN provisions, should conflicts between the TCN District and a Conservation District arise.

Notably, the TCN Ordinance is establishing a new SUD and rezoning properties, some of which are in the Downtown Community Plan area. In the event that TCN SUD zone changes are approved and operative prior to the implementation of the new zoning map for that Community Plan, it is imperative that the TCN SUD suffix is retained on the relevant properties and the designation is not overridden by the new Community Plan. The TCN SUD suffix is intended to remain upon approval of the zone change map from the Downtown Community Plan update pursuant to CF 22-0617.

#### TCN Supplemental Use District (SUD) Ordinance

The TCN SUD may only be initiated by the City Council, Director of Planning or City Planning Commission, and not by application. The TCN SUD is permitted to be on contiguous and non-contiguous parcels and are permitted to supersede regulations within the Zoning Code, New Zoning Code, specific plans, and other supplement use districts. The TCN SUD is limited to Metro owned property and is only permitted in the M, C, and PF or equivalent zones. The TCN SUD is further limited to signage that is proposed in the Metro TCN project which is off-site digital advertising and its associated structures. The TCN SUD Ordinance is required to outline the necessary development regulations, including but not limited to illumination and operating standards, sign area limitations, as well as a off-site sign reduction program that provides an overall reduction in Citywide off-site signs.

In crafting the proposed Ordinance, the Department considered the City Council motion, discussions with City Departments, the best practices and experiences of previously adopted sign districts and input from community members across the city. The proposed TCN SUD Ordinance is a standalone Ordinance that outlines all the requirements for the TCN structures within the district. The TCN SUD Ordinance is structured according to the following sections:

- 1. Establishment of TCN District
- 2. Purpose
- 3. Application of Supplemental Use District Regulations
- 4. Definitions
- 5. Procedural Requirements
- 6. General Requirements

- 7. Standards for Specific Types of Signs
- 8. Sign Reduction

The TCN District Ordinance lays out a number of procedures requirements as well as processes for the approval of the TCN structures and digital displays. One of the key aspects of the Ordinance is how it relates to the regulations in the Zoning Code and New Zoning Code, when applicable, as well as to other applicable SUDs and specific plans. The Ordinance will override most sign regulations within the Zoning Code and New Zoning Code, and any underlying zoning that would otherwise not permit this type of signage or project. It will not override any adopted Historic Preservation Overlay Zone (HPOZ), and, in areas subject to the New Zoning Code, it will not also not override conflicting provisions in Conservation Districts. However, it will supersede all current and future specific plans, community design overlays and transit corridors plans. The following list identifies current specific plans, SUD, and other overlays that will be overrideen to realize the proposed TCN Project:

- Alameda Specific Plan
- Central City West Specific Plan
- Cornfield Arroyo Secco Specific Plan
- Crenshaw Corridor Specific Plan
- LAX Specific Plan
- LAX Coastal Transportation Corridor
- Vermont/Western Neighborhood Plan Station Neighborhood Area Plan (SNAP)
- Exposition Transit Neighborhood Plan (Expo TNP)
- Little Tokyo Community Design Overlay
- Sun Valley Community Design Overlay
- Fletcher Square Community Design Overlay
- Cypress Park & Glassell Park Community Design Overlay
- West Adams-Baldwin Hills-Leimert Park Community Plan Implementation Overlay
- Westchester- Playa Del Rey Community Plan Implementation Overlay
- Sylmar Community Plan Implementation Overlay
- 15th Street Sign District

The Ordinance will only supersede regulations that are related to the project and permissions granted for the TCN structures. All other regulations contained in these plans will remain. The proposed Ordinance will add new definitions that define the Transportation Communication Network Project, Transportation Communication Network Support Structure, Freeway Facing Sign and Non-Freeway Facing Sign. The development review process will be based on the location and orientation of the TCN structures; freeway facing and non-freeway facing structures.

The bifurcation of the processes for the freeway facing and non-freeway facing structures is deliberate, and is predicated on the amount of location data and development plans submitted for each type of structure prior to the legislative process commencing. As shown in Exhibit C, site plans, renderings, and elevations were provided to show the scope and scale of each proposed freeway facing sign; however, this data has not been provided for the non-freeway facing signs. Furthermore, the non-freeway facing signs will require a discretionary entitlement review since they are by nature more imposing on surrounding uses and will interact with the public beyond the bounds of the roadways they are proposed upon.

#### Key Provisions

Both the enabling Zoning Code amendments and the Zone Change Ordinance contain regulations that provide an avenue for the realization of the Metro TCN project while at the same time applying a number of regulatory controls and best practices related to digital signage that will help to integrate the Metro TCN project into the urban fabric of the City. Among other standards, the proposed Ordinances will:

- Permit the Metro TCN project on non-contiguous lots owned by Los Angeles County Metropolitan Transportation Authority (Metro);
- Identify the Metro-owned lots that are included in the TCN project;
- Impose processes and procedures for the approval of the TCN structures and digital displays;
- Require operations standards for the digital displays;
- Establish the height limits and maximum sign area for each digital display;
- Impose illumination standards to prevent light spillage onto adjacent properties;
- Incorporate five year operational review process of the TCN structures and digital displays;
- Include a sign reduction program of off-site signs citywide that ensures a net reduction in the amount of off-site signs Citywide.

The following sections provide greater details on these regulatory requirements, location restrictions, and processes and procedures that make up each of the individual Ordinances that collectively make up the Metro TCN Ordinance.

#### **General Provisions**

Metro is proposing 49 TCN structures throughout the City of Los Angeles. 33 TCN structures are proposed for freeway adjacent properties, while 16 TCN structures will be on properties located near major intersections and corridors. In total, 49 TCN structures with 86 digital display sign faces are slated for Metro owned lots that are zoned Commercial, Manufacturing or Public Facilities zones. 37 of the 49 TCN structures will have two digital display sign faces. Some of the key general provisions include:

- Limited to Metro-owned properties
- Limited to 49 TCN Structures
- 51,000 square feet maximum of sign face area
- Sets maximum heights for each TCN structure proposed
  - For non-freeway facing signs heights range from 30' to 80', most will be 30'
  - For freeway facing signs heights range from 40' to 95', the height differential is mainly due to the elevated nature of the City's freeways.
- Sign faces must be oriented away from any R zoned lot within a distance of 200 ft.
- Prohibits signs within 200 ft of an ecological preserve or state or national park.

The number of TCN Structures and digital display sign faces are limited by Community Plan Area and Assessor Parcel Number(s) (APN). This is further limited to the number of TCN structures and digital display sign faces for each parcel or grouping of parcels. A total of 22 Community Plan Areas are proposed to have at least one TCN structure and digital display. The following table lays out the number of proposed structures and signs per Community Plan Area.

CPC-2022-5401-CA

Community Plan Area	No. of TCN Support Structures	No. of Digital Display Sign Faces	Total Sign Area per Community Plan Area
Arleta - Pacoima	2	4	2688 sf
Boyle Heights	4	8	5376 sf
Central City	3	5	2244 sf
Central City North	5	9	5832 sf
Encino - Tarzana	1	2	1344 sf
Granada Hills - Knollwood	1	2	1344 sf
Hollywood	2	4	1200 sf
Los Angeles International Airport	1	2	1344 sf
Northeast Los Angeles	4	8	5376 sf
North Hollywood - Valley Village	2	2	1344 sf
Palms - Mar Vista - Playa del Rey	1	2	1344 sf
Sherman Oaks - Studio City - Toluca Lake - Cahuenga Pass	3	4	1344 sf
Southeast Los Angeles	2	4	2688 sf
South Los Angeles	2	3	2016 sf
Silver Lake - Echo Park - Elysian Valley	1	2	1344 sf
Sun Valley - La Tuna Canyon	2	4	2688 sf
Sylmar	1	2	1344 sf
Van Nuys - North Sherman Oaks	2	3	900 sf
West Adams - Baldwin Hills - Leimert	2	3	900 sf
Westchester - Playa del Rey	3	6	4032 sf
West Los Angeles	4	5	2988 sf
Wilshire	1	2	600 sf
Total Citywide	49	86	50,880 sf

#### **Project Review**

The procedures for permitting the TCN digital display signs will be split into two categories, freeway facing and non-freeway facing signs at the time of project review.

#### Freeway Facing Signs

Freeway facing signs are proposed to undergo an Administrative Review pursuant to Section 12.32 S.4 of Chapter 1 of the LAMC (or when applicable Section 13B.3.1 of Chapter 1A). An Administrative Review ensures consistency and compliance with the regulations within the TCN SUD and is akin to a checklist. This process is ministerial, meaning it does not require findings to be made for each proposed TCN structure and digital display nor does it permit for appeals of the administrative approval.

#### Non-Freeway Facing Signs

The non-freeway facing signs are proposed to undergo a Project Permit Compliance pursuant to Code Section 11.5.7 of Chapter 1 in the LAMC (or when applicable Section 13B.4.2 of Chapter 1A unless otherwise modified in the Ordinance), that is reviewed by the Director of Planning. An applicant requesting review is required to submit existing site photos, architectural renderings, site plans, elevations, illumination standards and findings to the Planning Department. Once an application for a Project Permit Compliance is filed, a review of compliance with the regulations in the TCN SUD will occur and conditions of approval may be imposed in the Letter of Determination to ensure compliance. Additionally, each approval will require that specific findings are made to show that the proposed TCN structure and digital display are in conformance with these regulations. Once approved, the Project Permit Compliance is appealable to the City Planning Commission. After five years in operation, a plan approval review by the City is required in which LADOT assesses the operational data and collision statistics within the vicinity of each non-freeway facing sign and make recommendations on operational changes, if needed, to the Director of Planning for consideration.

#### **Operational Standards**

The proposed Ordinance includes operational standards that require:

- TCN digital displays are oriented away from any residential zoned lot or sensitive uses within 200 feet
- Sets the controlled refresh rate for all digital displays operating within the TCN SUD to one refresh every eight seconds
- Limits hours of operations to 7AM to 12 AM daily for both freeway facing digital displays and non-freeway facing digital displays
- Site shall be maintained free of debris and graffiti

The operational standards are consistent with previously adopted sign districts such as: 15th Street Signage, Academy Museum, Coliseum and Soccer Stadium, Encinitas, Figueroa and Olympic, Figueroa and Pico, Grand Avenue, Historic Broadway, Hollywood, LAX, Noho West, Olympia, The Reef, Universal City, Warner Center 2035 Plan, Convention Center and Arena sign districts.

#### Illumination Limitations

The Ordinance provides further operational standards for the illumination and brightness regulations for the digital display sign faces. The illumination and brightness standards are set to minimize light trespass onto sensitive uses such as residentially zoned property as well as adjacent open space, and are structured in a way to minimize light trespass during the nighttime to minimize light pollution throughout the City. These regulations are integral to maintaining a reasonable amount of illumination for the digital display while protecting nearby sensitives receptors. The regulations were pulled from similar Sign Districts already in operation within the City, and have been modernized, if necessary, to ensure that new technology is addressed. The key components of the illumination and brightness standards are:

- Limits the brightness of the illumination of digital displays to 0.3 foot candles above ambient lighting at the property line of the adjacent residential zone
- Luminance is limited to 300 candelas during the nighttime and 6000 candelas during the daytime
- Brightness levels must be fully dimmable and controlled by automatic light meter and timer
- Requires smooth transition between each image
- Limits LED used for illumination to a maximum horizontal beam spread of 165 degrees, to limit light trespass above and below the digital display
- Requires light mitigation technology using LED Shading Louvers to reduce light trespass horizontally onto adjacent properties and for signs adjacent to certain sensitive uses both louvers are incorporated to limit light trespass both horizontally and vertically.
- Requires periodic testing of the digital displays for compliance with the illumination regulations at the request of either City Planning or LADBS.

The standards set minimum maintenance and monitoring components to ensure a clear and safe space for each TCN structure and digital display. These standards require that the site is free and clear of debris and overgrowth, that the sign is maintained in working order, and that graffiti is removed. Further regulatory review is required for each sign, including compliance and permitting from Caltrans for freeway facing structures, as well as a hazard review process undertaken by LADOT for non-freeway facing structures. Additional review will be required by the Fire Department and the Department of Building and Safety.

The final aspect of the TCN SUD is the requirements related to off-site sign reduction. As previously discussed, off-site sign reduction is a key component of the Metro TCN project and that is reinforced in the regulations for the TCN SUD as well as called in the MOA that initiated the overall project. These requirements are discussed in further detail in the next section of the report.

#### Discussion

#### Plan Approval (LADOT)

In October 2022, the Department of City Planning met with LADOT to discuss the transportation impact portion of the Draft EIR that was prepared as part of this project by Metro. The discussion centered on the scale and scope of the Metro TCN project as well as the analysis undertaken for EIR. The conversation also provided information to staff about the priorities of the City's Vision Zero program and the High-Injury Network, which consists of roadway segments in the City that have high fatality and/or injury rates. It was noted that a few of the

As a way to better understand the interaction of the proposed Metro TCN project with the existing City Vision Zero policies, a Plan Approval or Project Review process was incorporated into the Ordinance in an effort to collect and analyze the TCN structures operational data against collected collision data after five years of operation. Metro would be the applicant and submit this data to LADOT for analysis and provide City Planning with its findings and whether any operational changes may be warranted. Substantive change to the operations would require that the data show a causal relationship between roadway incidents and TCN structures; however, the primary focus of the Plan Approval process is the unprecedented opportunity to collect localized citywide data and analysis that can inform future extensions of the MOA and Metro TCN Ordinance as well as other digital billboard projects.

Once LADOT submits its analysis and conclusions to City Planning, a hearing may be initiated where public testimony may be provided as well as any further information or context from Metro. Any decision stemming from this analysis would be detailed in a letter of determination and would be appealable to the City Planning Commission for further consideration and deliberation.

#### Urban Design

Prior to landing on the currently proposed design, Metro contracted with Selbert & Perkins Design, a signage and wayfinding firm, to provide preliminary design concepts in late 2020. In June 2023, staff met with the Planning Department's Urban Design Studio and the Professional Volunteer Program (PVP) to discuss the design elements of the proposed TCN structures from an architectural perspective. Staff were able to review the generic renderings of both freeway facing and non-freeway facing TCN structures in addition to viewing one site-specific rendering of a proposed freeway facing TCN structure at the US 101 northbound lanes at Union Station for comment and feedback. This TCN structure in particular includes one digital display sign face measuring 1,200 square feet which is the largest proposed sign face.

Overall, PVP participants expressed that the design of TCN structures intergrates well into the cityscape background. However, some concerns were raised such as the sharpness of the digital display sign face configuration. It was noted that the edges are too sharp and would require a more rounded three dimensional curved shape to make the sign face more artistic. One comment inquired whether the TCN structures will have lighting directed onto the structure at nighttime. Another suggested avoiding single use of public lots solely for off-site signage, encouraging Metro to consider other uses tied to the lot, such as electric vehicle (EV) charging stations. PVP participants also inquired about what would happen should the digital display sign face become inoperable and whether there were any opportunities for public art.

The Department of City Planning also made PVP participants aware that some TCN structures proposed at major intersections will have one digital display sign face and would like alternate design options for the TCN structure where no sign face exists. Finally, because the frame of the sign face is a good size for public art or murals, it was recommended that Metro further collaborate with the Department of Cultural Affairs and/or Metro to source local artists.

These comments and recommendations were shared with Metro and their contractors, and subtle changes were made to the illumination plan for the project to minimize light trespass and ensure no further impacts to the night sky. Furthermore, Metro agreed that a public art

component would help to integrate the structures into the city landscape further, and that Metro would be able to utilize its existing public art program to help source artists and artwork. A public art component is recommended for inclusion in any ordinance approved and recommended by the CPC, as is discussed in the Recommendations section of this report.

#### Off-Site Sign Reduction

Off-site sign reduction is a key component of the TCN SUD and the Metro TCN Ordinance. The regulations proposed for the establishment of a TCN SUD require that any subsequent TCN Ordinance incorporate an off-site sign reduction program that results in a net reduction in the number of off-site signs Citywide. Off-site sign reduction has been a key component of recent debates over a Citywide Sign Ordinance (CF 11-1705). Many, but not all, approved Sign Districts within the City have required them to have either an off-site sign reduction program or some type of in-lieu fee to further mitigate new off-site displays, particularly when they are digital displays. Off-site sign reduction requirements for approved Sign Districts have varied depending on the scale and scope of the Sign District and whether off-site signs are permitted. As part of the Citywide Sign Ordinance, off-site sign reduction requirements have typically been proposed to be higher for digital displays rather than static off-site signs. Version B+, which was recommended by the CPC on two occasions as their preferred version of the Citywide Sign Ordinance, required significant takedown for new digital signs; however these policies have not been adopted by the City Council. That being said, the off-site sign reduction regulations in the Metro TCN Ordinance borrow best practices from a number of these approved Sign Districts and requirements within the City's approved MOA. Off-site reduction is accomplished in Section 8 of the Metro TCN Ordinance, and has two components:

- Removal of 200 off-site signs within the City prior to or concurrently with prior to or concurrently with the issuance of any administrative permits for the Freeway Facing TCN structures;
- Removal of off-site signs at 3:1 ratio within a 2640' or ½ mile, or if necessary a 5280' or 1 mile radius of any Non-Freeway Facing TCN structure.

The removal of 200 off-site signs within the City was incorporated as a requirement of the MOA that was signed by the City and Metro. The off-site sign reduction is based on a per sign basis. A GIS analysis was undertaken to determine the rough scope of off-site signs on Metro-owned property. That analysis, utilizing public available data on the location, size and ownership of off-site signs in the City collected by the Department of Building and Safety as well as proprietary parcel ownership data provided by County Assessor, showed that just over 200 off-site signs are located on Metro-owned property based on 2019 data. This analysis showed that the proximity of these signs is not necessarily in close proximity to those being proposed under the Metro TCN project.

The off-site sign reduction program would further impose a requirement that for every square foot of a new Non-Freeway Facing TCN structure, three square feet of off-site sign area must be reduced within 2640' or ½ mile radius of the proposed location of the Non-Freeway Facing TCN Structure. This radius may be expanded to 5280' or one mile if the inventory of off-site signs within the 2,640-foot radius will not result in a reduction of a minimum of 3 square feet of Off-Site Sign Area. The off-site sign reduction associated with the Non-Freeway Facing TCN structure must be completed prior to or concurrently with the issuance of a Project Permit Compliance approval for a new Non-Freeway Facing TCN structure. Verification and documentation of the off-site sign reduction, for either off-site sign reduction component, will be

done through an Administrative Clearance review under Section 12.32 S.4 of the Zoning Code or, when applicable, Section 13B.3.1 of Chapter 1A .

#### **Revisions and Corrections**

A draft of the proposed Metro TCN Ordinance was released to the public on June 14, 2023 (Exhibit D). The release was accompanied by a fact sheet with a frequently asked questions section. Other supplemental documentation was released along with a dedicated webpage including maps. Since the release of the draft proposed Metro TCN Ordinance, numerous written public comments have been submitted, a public hearing occurred on July 12, 2023, and engagement with Metro continued. This engagement and public comment has led to a number of corrections and revisions to help refine the original draft of the proposed Metro TCN Ordinance. The following corrections and revisions were made to the Metro TCN Ordinance. Revised proposed Ordinance can be found in Exhibit E.

Enabling Ordinance -

- Added additional clarity to the New Zoning Code enabling language to clarify that TCN District standards can override any conflicting standards in other supplemental districts, including Community Plan Implementation Overlays, Sign Districts, and Community Design Overlays, but not including HPOZs and Conservation Districts. This change ensures that the TCN District can be implemented in the CPIO, CDO, and Sign Districts established by the Downtown Community Plan Update and that the allowance for HPOZs to supersede TCN provisions that was established the Chapter 1 (current Zoning Code) enabling Ordinance language is reflected in the Chapter 1A enabling language. (Section 8.2.2. Community Plan Implementation Overlay, Section 8.2.3. Sign Districts, Section 8.2.5. Community Design Overlay, and Section 8.2.8. Transportation Communication Network Districts)
- Removed restrictions from the New Zoning Code enabling language that did not allow TCN Districts to override sign permissions of the underlying zoning regulations (Section 8.2.8.C.1. of of Chapter 1A)

TCN Supplemental Use District (TCN) Ordinance -

- Corrections to the following defined terms in the Definition section (Section 4) of the Metro TCN SUD Ordinance:
  - Freeway Facing Sign
  - Non-Freeway Facing Sign
  - Sign Area
- Removed the following defined terms in the Definition section (Section 4) of the Metro TCN SUD ordinance:
  - Total Sign Area
- Clarified that an Administrative Review for Freeway Facing Signs is not required for maintenance, repair, or to correct an Order to Comply issued by the Department of Building and Safety. (Section 5.B)
- Clarified that in areas subject to the New Zoning Code, TCN District standards can override conflicting sign standards in other Supplemental Districts, with the exception of HPOZs and Conservation Districts. (Section 3.B)
- Streamlined the required findings for Project Permit Compliance review from "TCN Sign District" to "Non-Freeway Facing Sign" (Section 5.B)
- Location, Land Use, and Zoning Restrictions have been updated and consolidated into Section 6.G and removed from Section 6.D; Section 6.D now solely addresses property

ownership by Metro and ensures consistency with new zone names in Chapter 1A of the Zoning Code (New Zoning Code).

- Removed restrictions confining each Metro TCN Support Structure and associated Digital Display to one parcel (Section 6.F and Tables 7.1 and 7.2)
- Clarified the distancing requirements from 500' on the same side of the Freeway or roadway between Digital Display Off-Site Signs including TCN Support Structures with Digital Displays to comply with State Requirements of 1000' on the same side of the Freeway between Digital Display Off-Site Signs including TCN Support Structures with Digital Displays (Section 6.G).
- Clarified that, in areas subject to New Zoning Code, no sign face shall be oriented toward Residential Use Districts, the equivalent of residential zones in the current Zoning Code, that are within 200' of the sign (Section 6.G.2)
- Updated and expanded Illumination Section (Section 6.I) to include:
  - Updated "Signs" to "Digital Display Signs"
  - Clarified from where brightness limitation is to be measured
  - Expanded on and clarified on light reducing technology required for each Digital Display
- Required a minimum of one 8 second message within a 64 second refresh cycle to be utilized for non-commercial messaging by Metro (Section 6.J)
- Expanded permissible operating hours, allowing operation of the Digital Displays to commence at 5 a.m. to align with the start of the morning rush hour (Section 7.A and 7.B).
- After certification of the EIR, three locations resulted in height increases during the design of the TCN structures.
  - FF-1 height increase from 40 feet to 55 feet from grade
  - FF-6 height increase from 85 feet to 88 feet from grade
  - FF-24 height increase from 95 feet to 100 feet from grade
- Clarified the following Assessor Parcel Numbers as follows (Section 7):
  - 1. FF-17: APN 2428038901 should read 2408038901.
  - 2. NFF-4: APN 2423037902 to APN 2423037902, 2423037908
  - 3. NFF-5: APN 2423037912 to APN 2423037912, 2423037911, 2423037919
  - 4. NFF-10: APN 2242001902 to APN 2242001902, 2243001904
  - 5. NFF-12: APN <u>2</u>044002901 and <u>2</u>044002903 should read <u>5</u>044002901 and <u>5</u>044002903.
  - 6. NFF-19: APN 5520019900 to APN 5520019900, 5520019902
- New Zoning Code section references modified across the Ordinance to include full-text section names in parentheses after each numerical reference. This is intended to assist in finding the correct referenced section should section numbers in Chapter 1A change in the future as the New Zoning Code is amended.
- Added disclaimer language to clarify that the Chapter 1A (New Zoning Code) numerical citations are accurate as of the date of Ordinance adoption and are subject to change (Section 3.C)

#### Recommendations

The proposed Ordinance creates a narrowly tailored path to permit the Metro TCN project within the City, and strives to balance the tradeoffs of large format digital displays throughout the City. The regulatory framework establishes a standard for operations, off-site sign reduction, illumination controls, and design parameters to adequately ensure that the Metro TCN project will complement the regional transportation system and serve the City with additive public benefits to those already agreed upon in the MOA. In furtherance of these goals, the Department recommends further revisions to the Ordinances to best integrate the project into the City's landscape. These recommendation include the following:

- 1. Removal of the proposed TCN Structures at CA-2 Northbound and Casitas Avenue (FF-14, APN: 54420001900) as well as CA-2 Southbound and Casitas Avenue (FF-13, APN: 5436033906).
  - The proposed TCN structures along the CA 2 Freeway and adjacent to the Los Angeles River should be considered for removal based on public feedback and their proximity to natural resources of regional significance. Furthermore, the sites are within close proximity to the Bowtie parcel along the Los Angeles River which is currently planned to become part of the California state park system. Although the certified EIR integrated proper mitigation for these sites, and overriding considerations were not necessary, Department staff recommends removal of the sites because of their proximity to these natural resources. In addition, the California Department of Parks and Recreation (CDPR) has also requested that FF 13 and FF 14 not be erected in light of the fact that the Bowtie Wetland Demonstration Project is currently being developed in partnership with The Nature Conservancy.
- 2. Increase the distance between TCN digital displays on the same side of the freeway from 500 feet to 2640 feet or half a mile. This change would result in the removal of the proposed TCN Structure at I-5 Freeway Southbound and Exit Ramp to the I-10 Freeway (FF-3: APN 5409021902). This increased distancing will uphold a precedence in maintaining a separation between TCN digital displays to avoid visual overconcentration throughout the City over the life of any potential MOA amendments.
- 3. Integration of a public art component on the back of single-sided TCN digital display. Public art would be required on the reverse side of the digital display where a sign-face would otherwise be located. Program will be administered by Metro. However, the public art shall not contain any commercial messages or be illuminated.

The integration of these staff recommendations would result in a reduction from 49 proposed TCN structures to 46 proposed TCN structures, all of which are freeway-facing, and from 86 proposed TCN digital display sign faces to 80. The total sign area would be reduced to 46,986 square feet from 51,000 square feet.

#### Conclusion

Based on all information provided herein, the Department of City Planning recommends that the City Planning Commission approve and recommend that the City Council adopt the proposed Metro TCN Ordinance with consideration of staff's recommended modifications to the Ordinance as specified in this Report.

### FINDINGS

#### Land Use Findings

In accordance with City Charter Section 556, the proposed Los Angeles Metropolitan Transportation Authority (Metro) Transportation Communication Network (TCN) Ordinance is in substantial conformance with the purposes, intent, and provisions of the General Plan and is in conformity with public necessity, convenience, general welfare and good zoning practice. The proposed ordinance furthers the following objectives and policies of the General Plan:

#### Framework Element (Chapter 7 Economic Development)

Policy 7.8.1 Place the highest priority on attracting new development projects to Los Angeles which have the potential to generate a net fiscal surplus for the City.

The proposed Metro TCN Ordinance would allow Metro to erect up to 49 digital display structures throughout the City as part of their TCN project. These digital displays, which will be located along freeways and major intersections, will be used for off-site advertising, as well as to show traffic and public transit information, travel alternatives, and public safety messaging. In January 2022, Metro and the City signed a Memorandum of Agreement (MOA) which outlines both Metro's and the City's responsibilities related to the TCN project. Under the MOA, the City and Metro will each receive 50 percent of net revenue generated from off-site advertising by TCN digital displays located within City boundaries for 20 years. The funds will be overseen by the Los Angeles Department of Transportation (LADOT), and will be utilized solely for transportation related projects and amenities near transit. According to its January 2023 Metro Board report, Metro staff estimate the TCN project will generate between \$300 million and \$500 million over the 20-year term of the MOA. As such, the proposed Metro TCN Ordinance and project will generate a net fiscal surplus for the City that can be utilized for transportation infrastructure and amenities freeing up other unrestricted funds for other priorities and programs within the City.

Mobility Element (Mobility Plan 2035)

# Policy 2.15 Allocation of Transportation Funds: Expand funding to improve the built environment for people who walk, bike, take transit, and for other vulnerable roadway users.

The proposed Metro TCN Ordinance will consist of up to 49 digital display structures, which would display off-site advertising, in addition to traffic and public transit information and public messaging. Under the MOA, the City and Metro will each receive 50 percent of the net revenue generated from off-site advertising. The funds will be overseen by LADOT. The MOA further requires the City to spend this revenue exclusively on transportation-related projects, services, equipment, and studies. Among these projects, as noted in the MOA, are those that may 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. Bus ridership in Los Angeles is highest among low-income persons of color and essential service workers. In addition, the takedown of billboards as agreed upon in the MOA will reduce blight within Equity Focus Communities (EFCs). EFCs, as defined by Metro in its 2018 Equity Platform, are communities with higher concentrations of resident and household demographics associated with mobility barriers, such as low-income households, ill people of color, and lack of car ownership. As such,

the Metro TCN Ordinance and project directly expand funding to improve the built environment for people who walk, bike, take transit, and for other roadway users.

# Policy 4.1 New Technologies: Support new technology systems and infrastructure to expand access to transportation choices.

Aside from digital displays, the TCN structures will also contain new technology systems to collect transportation data, promote Metro's services, and plan for future road improvements utilizing data collected by each TCN structure. The TCN structures will assist Metro and the City in increasing the quantity and speed of data collection of real-time travel and traffic data, which will be shared with different governmental agencies. This data will be anonymized and no identifying information will be collected. This data could be used to support improved traffic signaling timing and facilitate signal priority for buses. Relevant traffic and transit updates and travel alternatives, including public transit alternatives, will also be shared with drivers and commuters. The TCN structures will also include 5G technology and live video and security feeds to supplement the limited number of existing cameras on freeways and street corridors. The TCN project will be designed to support future innovations such as autonomous vehicles, smart energy grids, and high-speed wireless cameras.

Policy 4.2 Dynamic Transportation Information: Support a comprehensive, integrated transportation database and digital platform that manages existing assets and dynamically updates users with new information.

The TCN structures will be located along freeways and major intersections and be used to broadcast relevant traffic and public transit updates and public messaging, alongside off-site advertising. Traffic and public transit updates will provide drivers and commuters with real-time information to help maximize the City's road network efficiency. Furthermore, these updates will increase the visibility and accessibility of Metro's services, such as its bus and rail network. The digital displays will also allow the City and Metro to maximize efficiency of the road network by promoting public awareness of travel alternatives. These alternatives may include alternative driving routes, carpooling alternatives, and public transit opportunities.

# Policy 4.7 Performance Evaluation: Evaluate performance of new transportation strategies through the collection and analysis of data.

The TCN structures will contain new technology systems to collect transportation data and plan for future road improvements. The TCN structures will assist Metro and the City in increasing the quantity and speed of data collection of real-time travel and traffic data, which will be shared with different governmental agencies. This data could be used to support improved traffic signaling timing and facilitate signal priority for buses. The TCN project will be designed to support future innovations such as autonomous vehicles, smart energy grids, and high-speed wireless cameras. The proposed ordinance also contains provisions that would allow the City, namely LADOT, to evaluate structures after they have been in operation for five years during a required Plan Approval process. During this review, traffic and collision data collected near the non-freeway sites may result in future operational changes within the TCN project.

Policy 4.11 Cohesive Regional Mobility: Communicate and partner with the Southern California Association of Governments (SCAG), Los Angeles County Metropolitan Transportation Authority (Metro), and adjacent cities and local transit operators to plan and operate a cohesive regional mobility system.

The Metro TCN project is a collaborative effort between the City and Metro to broadcast pertinent traffic and public transit information and public safety messaging, collect comprehensive traffic data, and generate revenue for transportation projects. This collaboration began with a signed MOA in January 2022, which outlines the City's and Metro's role in the Metro TCN project. The broadcasting of traffic and public transit information will help maximize the efficiency of the road network and improve the visibility and accessibility of Metro's services, such as its bus and rail network. The TCN structures will also collect real-time traffic data which will be shared among Metro, the City, and other government agencies to improve the City's traffic and transportation systems. In addition, once the proposed ordinance is adopted, Metro will have to undergo approval processes with the City in order to start building the structures. Lastly, revenue generated through these structures will be used for transportation projects, which will fund and help plan and operate a cohesive regional mobility system.

#### **Environmental Findings**

The Los Angeles County Metropolitan Transportation Authority (Metro) prepared an Environmental Impact Report (EIR) for the Transportation Communication Network Program (TCN Program) as the Lead Agency in accordance with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines.

Metro released an Initial Study and Notice of Preparation in April 2022, which determined that an Environmental Impact Report (EIR) was required to assess the project's impacts and prepared a Draft EIR (Exhibit F), which included the following key determinations:

- *Impacts Considered Less than Significant:* 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, four site locations (NFF-2, NFF-3, NFF-16, and NFF-21) would result in significant impacts associated with views, visual character, and setting of historical resources.

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 Draft EIR included Alternatives that would eliminate the significant and unavoidable impacts:

- Alternative 1 No approval of the Project.
- Alternative 2 Elimination of impacts relating to historical resources.
- Alternative 3 Elimination of all significant and unavoidable impacts.

The Draft EIR was circulated for public review from September 9, 2022 through October 24, 2022. The Draft EIR was published on Metro's website and at fifteen public libraries. In addition to the Initial Study, a Notice of Preparation was prepared and a Scoping meeting was held, Metro also conducted public outreach that consisted of publication in the LA Times newspaper, mailing out 17,247 information postcards and sending 250,000 emails. Metro held two public hearings on October 6, 2022 and October 7, 2022.

Metro, the Lead Agency, received written comments on the Draft EIR and responses to all comments received during the comment period are included in the Final EIR (Exhibit F). On January 26, 2023, Metro's Board certified the Final EIR for the TCN Program (Certified Final EIR), and approved the TCN Program with minor changes to the program as analyzed in the Certified Final EIR. The Certified Final EIR analyzed the installation of up to 34 Freeway Facing (FF) TCN Structures and 22 Non-Freeway Facing (NFF) TCN Structures for a total of 56 TCN Structures with a total of 97 digital displays, all on Metro-owned property. The corresponding total maximum amount of sign area associated with digital displays on the TCN Structures was approximately 55,000 square feet. The sign-reduction component of the TCN Program included the removal of at least 110,000 square feet (based on a 2 to 1 square footage sign-reduction ratio) of existing off-site static signs. Signage to be removed included, a minimum of approximately 200 off-site, static signs located within the City.

Subsequent to the Metro Board's adoption of the Final EIR, the proposed Project has been modified as part of the City's consideration of the Zoning Ordinance for the TCN Program. In August 2023, an Addendum to the previously Certified Final EIR (Exhibit G) was prepared to include minor modifications and clarifications to the Certified EIR to address the proposed modifications to the Project analyzed in the Certified Final EIR.

The project modifications include: reducing the total number of TCN Structures from 56 to 49, reducing the number of digital displays from 97 to 86, making minor height revisions for three TCN Structures, a revision to the dimensions for one TCN Structure (sign area would remain the same), changing the hours of operation from 7 a.m. to 12 a.m. daily to 5 a.m. to 12 a.m. daily, modification of the static signage reduction requirements, and modification to the assessor parcel numbers (APNs) for 21 TCN Structures. The updates to the APNs do not reflect any changes in the general locations of the TCN Structures, but instead, correctly identify the APNs as the location analyzed in the Certified Final EIR, or would allow for minor adjustments in the placement of the proposed TCN Structures. Detailed explanation of modifications to the Project is included in the Addendum attached hereto as Exhibit G.

The Addendum concludes that the proposed modifications and clarifications would not result in any additional significant impacts or substantially increase the severity of previously anticipated significant impacts. Rather, the impacts associated with the modified Project would be similar to the impacts identified in the Certified Final EIR, would be eliminated, or would be reduced when compared to those impacts identified in the Certified Final EIR, and do not constitute a new or substantially increased significant impacts. As such, the proposed modifications and clarifications do not meet the requirements for preparation of a subsequent or supplemental EIR pursuant to CEQA Guidelines Sections 15162 and 15163 and Public Resources Code Section 21166.

### PUBLIC HEARING AND COMMUNICATION

#### Public Participation / Outreach

On June 14, 2023 the Metro Transportation Communication Network (TCN) released two draft Ordinances to the public. As previously discussed, the proposed Ordinances will create a new Supplemental Use District (SUD) and include a Zone Change to apply the TCN SUD and its regulations to specific parcels owned by Metro. A notification of the draft Ordinance publication was emailed to the known interested parties, 500 foot-notice radius of affected parcels, all certified Neighborhood Councils, and all City Council offices. Planning staff held meetings and made presentations, including for the Coalition for a Beautiful Los Angeles, Scenic America, PlanCheckNC, and outdoor advertising businesses, to gather feedback from key stakeholders, both during the preparation of the draft Ordinance and after its public release. Additionally staff held public office hours, gathered input and written correspondence from individuals and organizations expressing interest in the Ordinance.

#### Hearing

A bilingual (English and Spanish) staff-level public hearing for the proposed Metro TCN Ordinance was held virtually the evening of July 12, 2023. The purpose of the hearing was to receive public testimony on behalf of the City Planning Commission as the recommending body to City Council. The hearing was attended by approximately 127 members of the public, of which 76 provided public testimony. Of those 74 comments, 42 comments were in support of the project and ordinance whereas 32 comments were in opposition.

#### Public Testimony

At the public hearing, community members, environmental groups, community advocacy groups, and neighborhood council representatives voiced their perspectives on the proposed Ordinance. Groups including the Coalition for Scenic Los Angeles, Nature Conservancy, Ballona Wetlands Institute & Community Coalition, Hillside Federation, and others, voiced apprehension regarding the proposed Metro TCN Ordinance. Some attendees raised legal concerns and objections, citing potential driver distractions, accidents, and public health hazards associated with the proposed billboards. Moreover, concerns were voiced regarding billboard locations near endangered bird breeding grounds, with implications for environmental degradation and wildlife disturbance.

A lack of public participation and proper notification was a recurring theme among the comments. Some attendees claimed that Metro's decisions appeared rushed and lacking transparency, which led to questions about the agency's motives and intentions relative to transportation communication. Additional critiques were directed at the effectiveness of public alerts on billboards, as similar messages are already sent to phones, making billboard alerts redundant. Furthermore, claims about reducing billboard blight with a 2:1 take-down ratio were seen as insufficient. In alignment with recommendations from the City Council and the City Planning Commission, community members advocated for a more impactful 10:1 ratio.

On the other hand, some stakeholders voiced support for the Ordinance, emphasizing its potential to enhance the transportation system through emergency messaging, public service announcements, and improve public transit safety. Proponents argued that billboards were not

the primary cause of accidents and viewed them as an opportunity for commercialization in public spaces. A key driver for the Ordinance's support was the prospect of generating additional revenue to fund essential projects in Los Angeles, such as street infrastructure repairs and expanding transit services. Supporters believed that the critical funding from digital billboards could also increase public safety funding for public transit riders.

Overall, the public hearing comments showcased diverse opinions, with proponents seeing the Ordinance as an opportunity for progress, new streams of public information sharing, and revenue generation while opponents expressed safety, legal, and environmental concerns, reflecting reservations about the proposed Ordinance as a benefit to the general public.

#### Additional Correspondence

As of August 22 2023, DCP received 760 emailed comments from community groups, coalition members echoing the concerns raised at the public hearing. Letters from the Scenic America, Coalition for a Beautiful Los Angeles, Sherman Oaks Neighborhood Council, Sherman Oaks HOA, and Miller Starr Regalia firm representing Outfront Media were received. Most of the comments had individualized concerns or comments to share about the overall project and proposed ordinance, however a number of the comment letters were part of organized letter-writing campaigns done at the behest of some of the aforementioned organizations. Those letters were focused on many of the concerns identified later in this section. Two letters of note were received, one from the California Department of Parks and Recreation and another one from the representatives of Outfront Media. These letters are noted because they do not fit within the context of the vast majority of testimony and correspondence. They are summarized as follows:

#### Miller Starr Regalia (Outfront Media)

The recommendations from Miller Starr Regalia, representing Outfront Media, regarding the Metro TCN Ordinance are as follows:

For Freeway Facing Signs, they propose revising the requirement for removal of 200 static signs before approval for a new Freeway Facing Sign, suggesting that removal of the applicant's own static signs should be required within 30 days of approval for reduced program participants' risk. Additionally, they suggest a minimum requirement for any applicant installing a Freeway Facing Sign to commit to removing all static off-site signage operated by them on Metro-owned property within the City of Los Angeles.

Regarding Non-Freeway Facing Signs, they recommend removing the requirement to collect collision data and the proposed five-year update, citing the lack of baseline data for meaningful comparison and the burden it imposes. They also suggest that the statement required by Section 8(B)(3) should come from a sign structure owner rather than a property owner to prevent potential bad faith withholding.

For Provisions for All Signs, they advise clarifying the use of terms "applicant" and "operator" and defining or consolidating them to clarify responsibilities. They propose deleting the provision in Section 8(B)(1), which requires an applicant to submit a building permit demonstrating the legality of removed signs, citing State law's presumption of lawfully erected signs. They recommend considering 5 AM to 2 AM as operating hours for both Non-Freeway Facing Signs and Freeway Facing Signs.

Additionally, they propose amending Section 5(E) to allow TCN approvals and permits to be extended beyond January 13, 2042, under certain circumstances, with mutual agreement among Metro, the City, and the applicant. Lastly, they seek clarification on the responsible party for maintenance obligations described in Section 6(K) to ensure an available remedy if Metro neglects or is unable to perform maintenance.

#### California Department of Parks and Recreation (CDPR)

The California Department of Parks and Recreation (CDPR) are requesting the removal of two proposed TCN Structures (FF-13, APN: 5436033906 and FF-14, APN: 5442001900) located next to the 2 Freeway in Northeast Los Angeles. They stated that the lighting impact analysis for these billboards was inadequate, as it did not take into account the current and future impacts on wildlife in and around the Bowtie State Park and the Bowtie Wetland Demonstration Project. These areas are designated as habitat enhancement features for wildlife, and the CDPR is worried about potential adverse effects on the local wildlife population due to the billboards' presence and lighting.

#### Summary from Public Hearing and Other Correspondence

Concerns and recommendations mentioned at the public hearing and in public correspondence are summarized below.

Concerns:

- <u>Safety</u>: Community members have expressed significant safety concerns regarding the proposed digital billboards along busy freeways. Studies have shown that the rapidly changing content on these billboards can distract drivers, leading to an increased risk of accidents, especially in adverse weather conditions and among drivers of different ages. Additionally, there are doubts about the necessity of digital billboards for delivering traffic information, as drivers already have access to real-time updates through smartphones and existing Caltrans signage. Critics also cast doubt on the billboards' effectiveness in improving highway safety, considering the focus on displaying advertisements. Furthermore, the introduction of advanced technology in digital billboards raises privacy concerns. Community members worry about potential data capture without explicit consent and the lack of robust privacy protections.
- 2. <u>Aesthetics:</u> Community members also raised concerns about the negative impact on the city's aesthetics. They argue that the large and brightly lit displays may create visual clutter, detracting from the natural beauty of the surrounding environment and architectural landmarks. This could result in residents and visitors perceiving the city as an eyesore, affecting overall satisfaction and enjoyment of the urban landscape. Moreover, the uniform commercial content displayed on numerous digital billboards risks overshadowing the unique character and local identity of different neighborhoods within the city, potentially homogenizing the visual landscape and diminishing the distinctiveness and charm that draw people to specific areas.
- 3. <u>Legal / Input Concerns:</u> The lack of meaningful community consultation and involvement in the decision-making process has been a great concern for the community. The absence of efforts from Metro to collect input from residents and neighborhood councils can lead to decisions that do not align with the needs and preferences of affected communities, contributing to a sense of disenfranchisement and eroding trust in the City's governance. The proposal for a "non-contiguous Supplemental Use District" to accommodate digital billboards also raises zoning and land use concerns, potentially

allowing billboards in inappropriate locations and setting a precedent for further non-contiguous sign districts that may compromise the city's efforts to regulate visual blight. Additionally, the lack of community appeal rights regarding freeway-facing signs undermines the democratic process, as public appeal mechanisms can ensure greater accountability and responsiveness from decision-makers.

- 4. <u>Economic</u>: Economic concerns regarding the widespread implementation of digital billboards have been voiced as well. While proponents argue that these billboards can generate revenue for the city through advertising contracts, there is uncertainty about the long-term economic benefits. The potential negative impacts on tourism, property values, and local businesses, stemming from the aesthetic degradation and safety risks associated with the billboards, outweigh the short-term financial gains. Additionally, the city may face substantial long-term maintenance costs associated with managing and repairing the digital billboard network.
- 5. <u>Environmental Impact</u>: The installation and operation of digital billboards can have significant environmental consequences. These billboards consume a considerable amount of energy to power the bright displays and frequent content updates, leading to increased electricity consumption. This heightened energy demand can contribute to higher greenhouse gas emissions and exacerbate the city's carbon footprint, especially if the electricity comes from non-renewable sources. Additionally, light pollution from the illuminated billboards can disrupt nocturnal wildlife and negatively impact the natural ecosystems in and around the city. More specifically, endangered birds may be impacted by the proposed digital billboards as the location is used as their breeding grounds.

Recommendations/Suggestions:

- <u>Requiring Carbon Neutrality</u>: Mandate a comprehensive, independent energy audit of freeway-facing billboards in the TCN project to assess energy consumption and propose viable solutions for achieving carbon neutrality. Metro should be accountable for implementing credible means, such as installing solar panels or planting trees, to offset the power usage of the billboards and make the TCN framework environmentally sustainable.
- Increased Distance from Scenic Byways and Corridors: Increase the minimum distance between TCN digital display signs and scenic byways and corridors from 200 feet to 500 feet. By establishing a greater setback, the visual impact of TCN billboards on the unspoiled beauty of scenic areas can be minimized, preserving the natural landscapes.
- 3. <u>Stricter Takedown Ratio:</u> Amend the Ordinance to establish a minimum takedown ratio of at least 10:1. For every new TCN digital display sign erected, a minimum of ten existing billboards should be taken down. This will reduce visual clutter, distractions, and restore visual harmony to the cityscape.
- 4. <u>Extended Refresh Rate:</u> Extend the refresh rate for TCN digital signs to at least 30 seconds to promote road safety and create a more serene and visually less disruptive urban environment. This measure will address concerns about rapid image changes and potential driver distractions.
- 5. <u>Metro Cash Flow and Public Support:</u> Reconsider the inclusion of billboards within the TCN framework and explore alternative revenue streams that align with

community-supported initiatives. Redirect public funds to projects directly benefiting the community to avoid compromising the city's aesthetics and strengthen public trust.

 Limit TCN Ordinance to Traffic-Related Messages: Keep the TCN Ordinance limited to traffic-related messages and prohibit digital advertising through changeable messages. By focusing solely on traffic and travel information, the TCN project can better serve its intended purpose without overwhelming the visual landscape with commercial content.

#### Summary of Public Sentiment

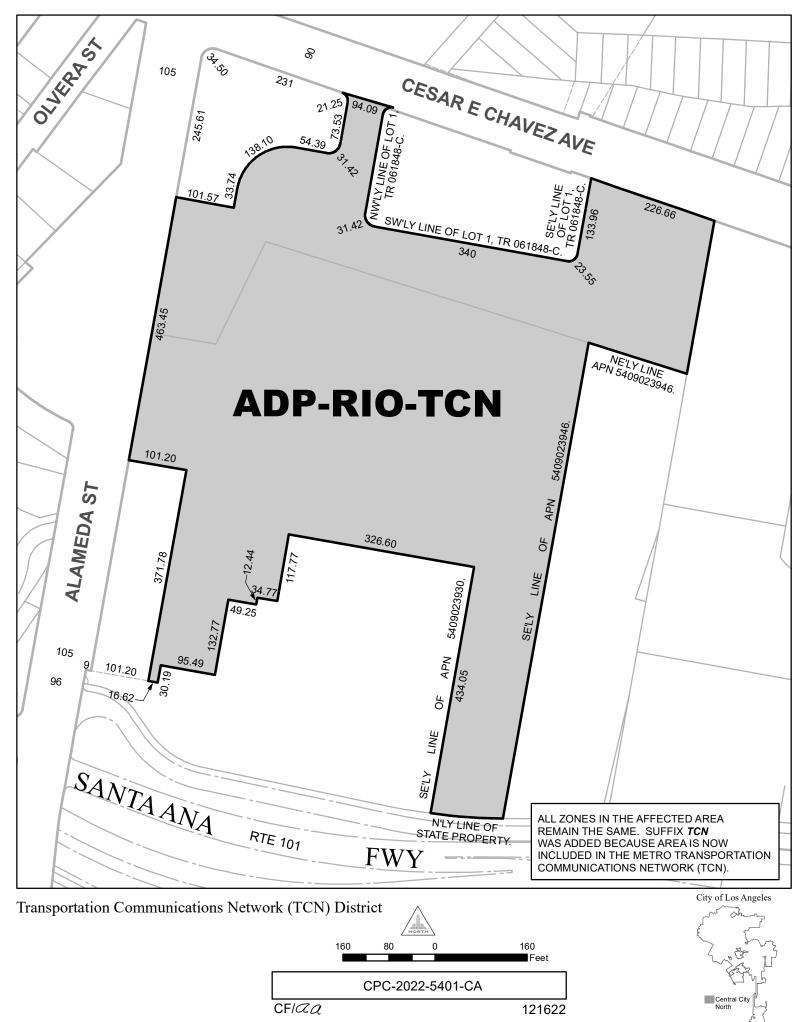
The proposed Metro TCN Ordinance, which aims to establish a new Supplemental Use District (SUD) and apply the TCN SUD and its regulations to specific Metro-owned parcels, has generally garnered divergent public sentiment. The vast majority of correspondence received regarding the project has been in opposition, however the public hearing showed a more even split between proponents and opponents of the project.

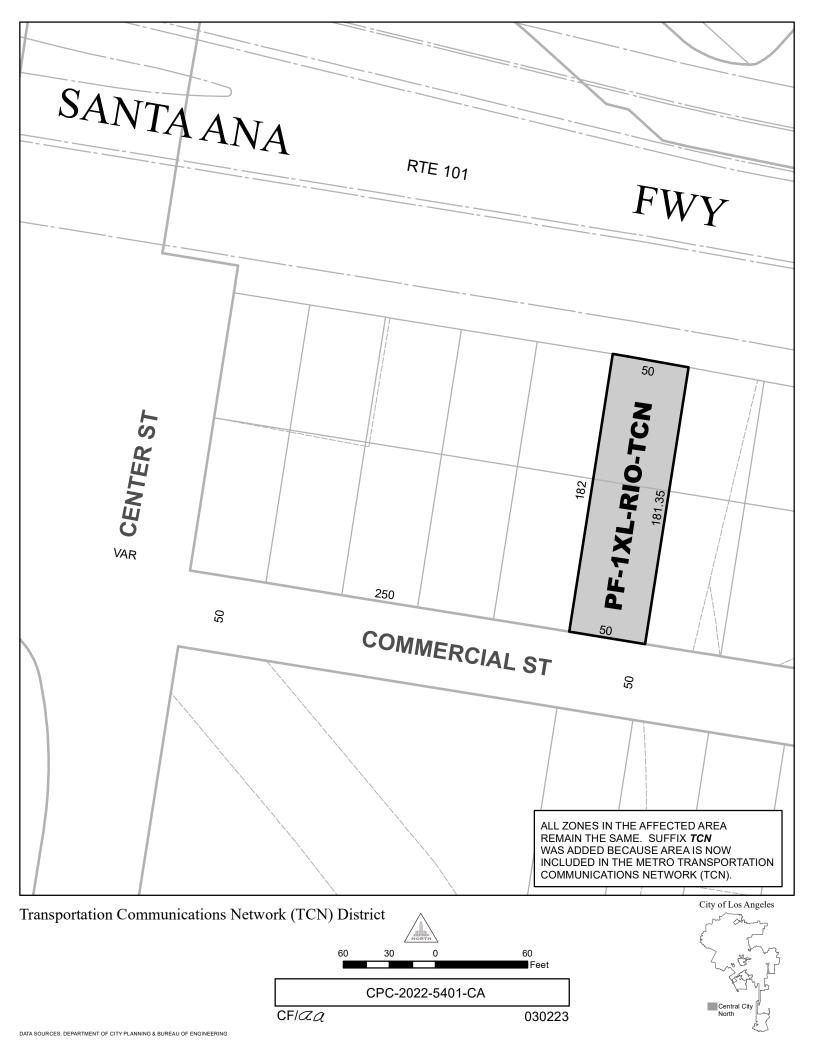
To date, 15 Neighborhood Councils have submitted Community Impact Statements (CIS) to the Council File (CF 22-0392) for the project, all in opposition to the project and proposed ordinance. Some of the main concerns raised within the CIS submitted include driver and pedestrian safety, blight caused by billboards, effectiveness of messaging, environmental impact, economic implications, effects on underserved communities, government transparency, and other related issues.

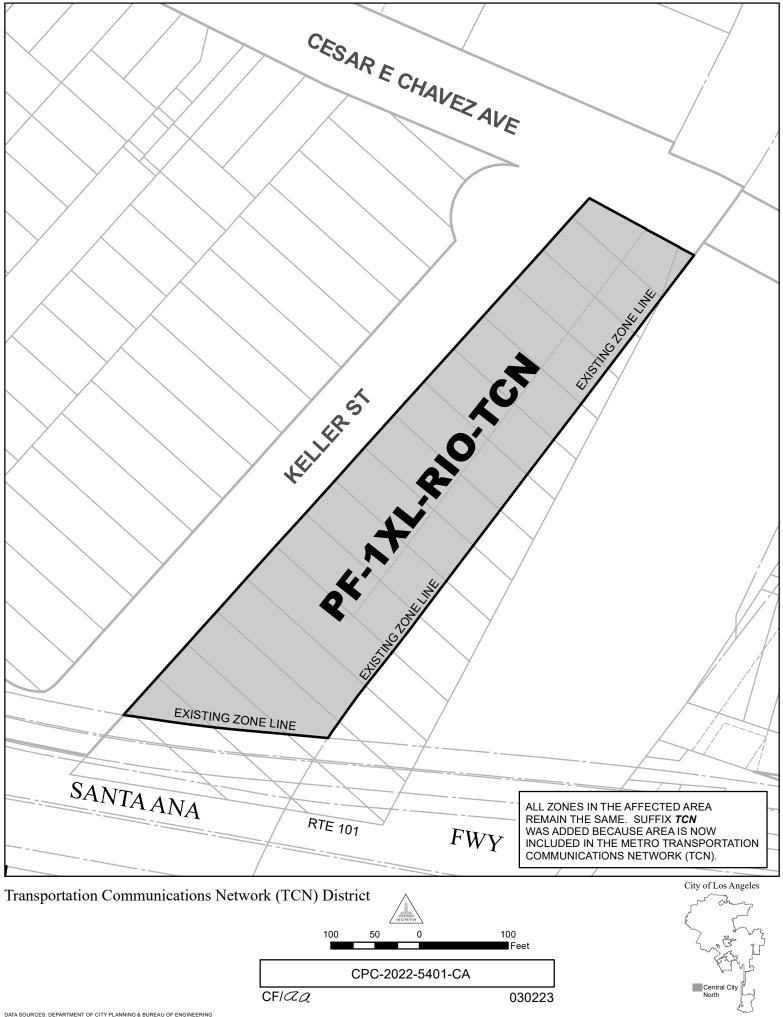
Overall, the public sentiment regarding the project and proposed ordinances has been mixed. Supporters of the project have expressed a desire to modernize outdoor advertising, remove outdated static billboards, provide more opportunities for public messaging and realize new transportation programs based on the revenue collected. Whereas opponents have highlighted concerns over driver distraction, illumination impacts on biological resources and residents, and a degradation of the aesthetic qualities of scenic corridors within the City.

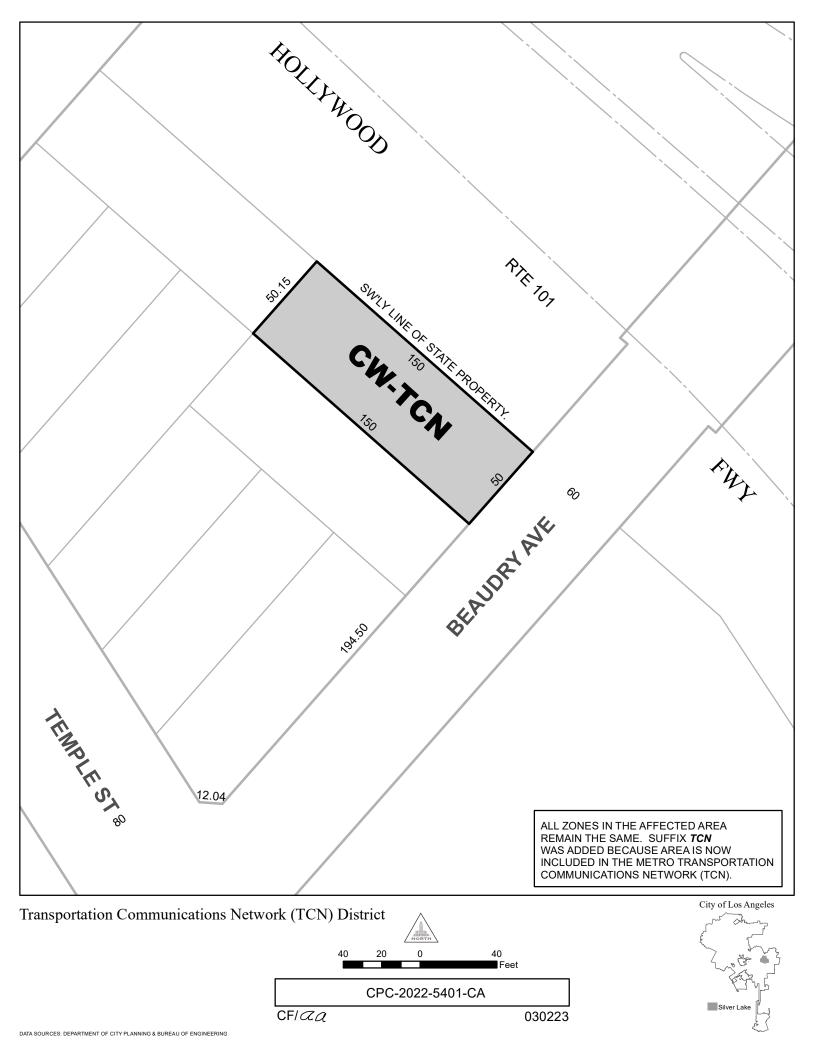
# Exhibit A

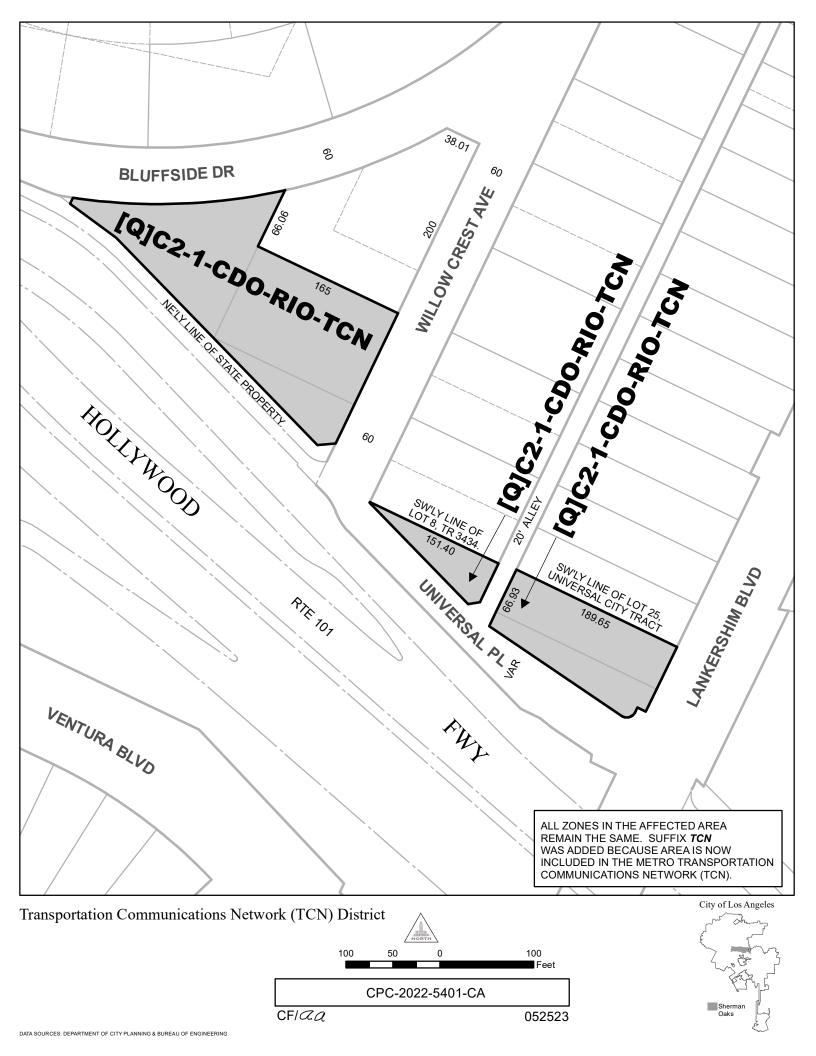
# Metro Transportation Communication Network (TCN) - Zone Change Maps

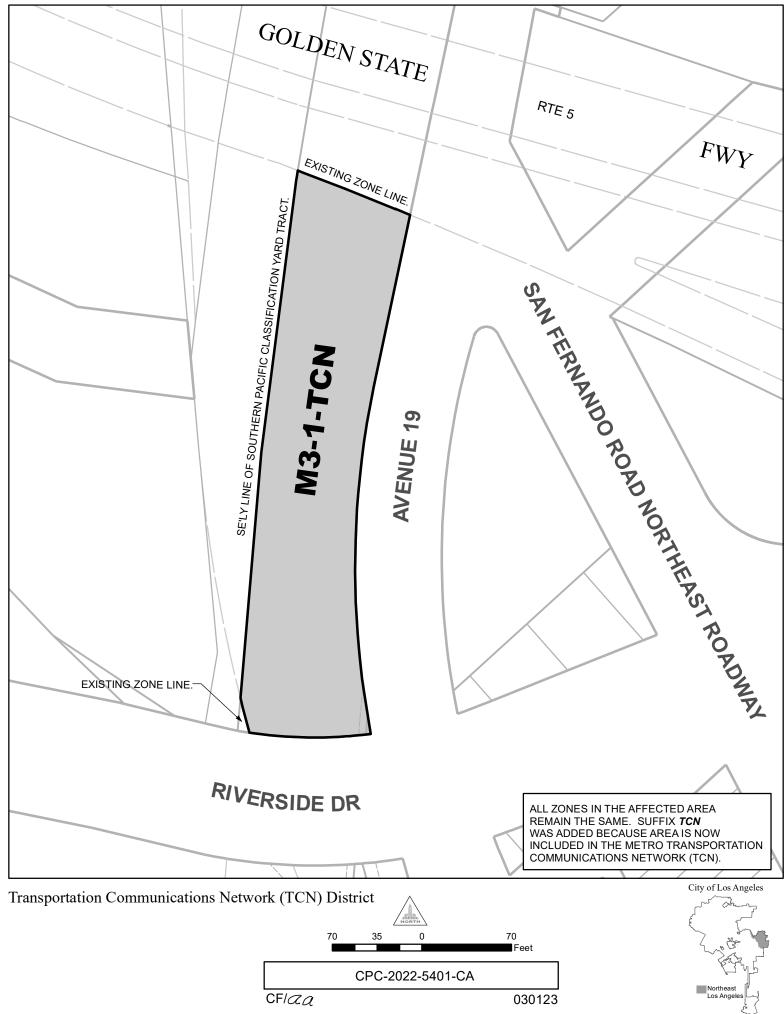


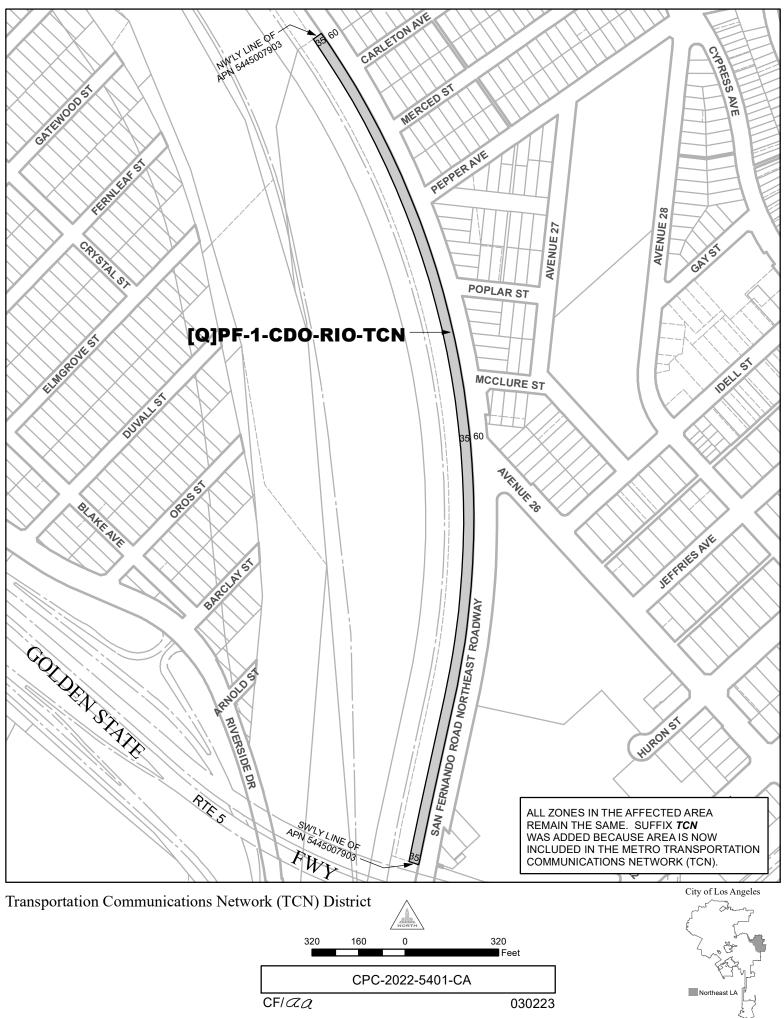


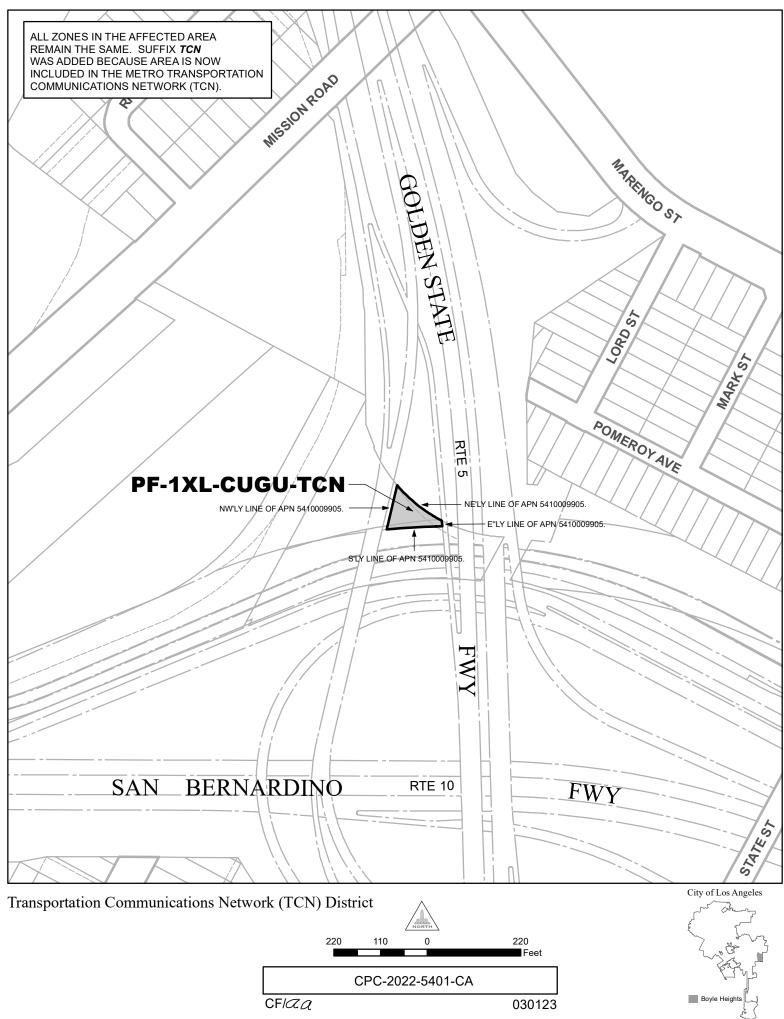


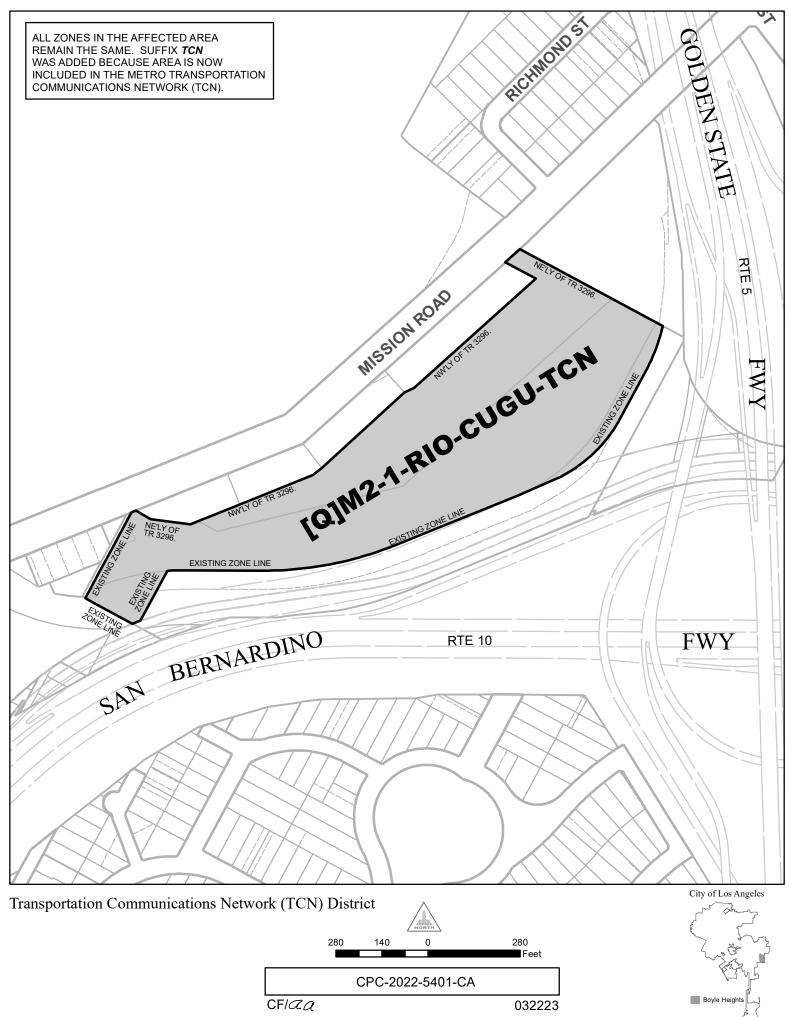


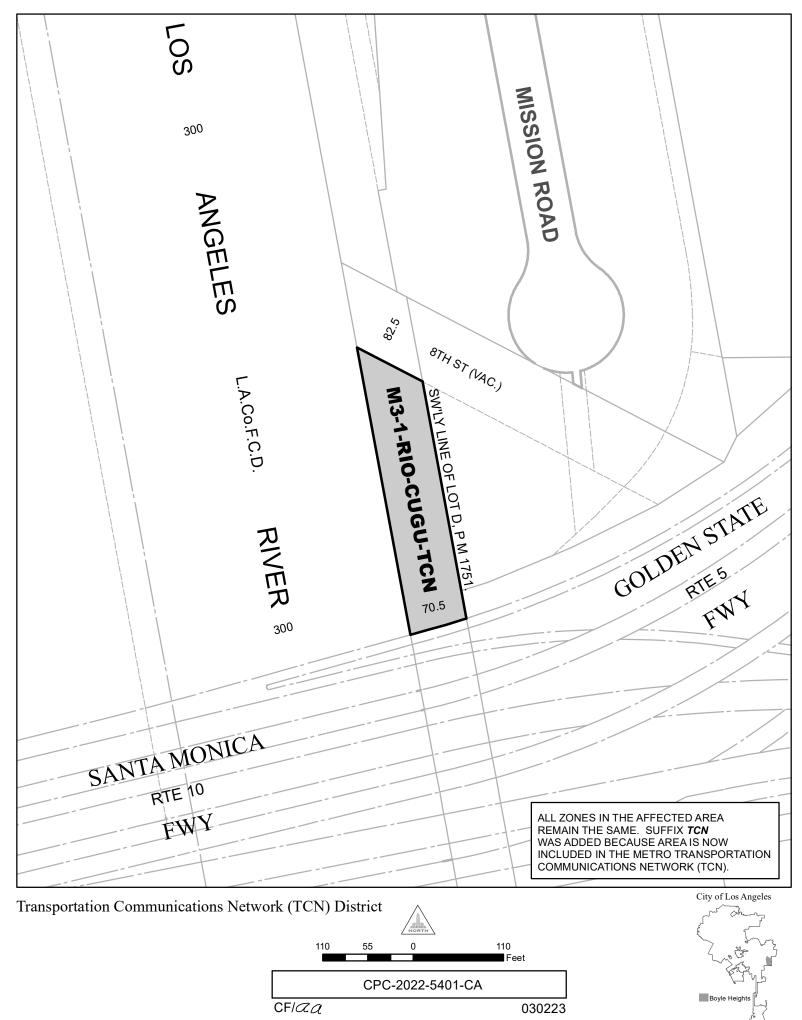


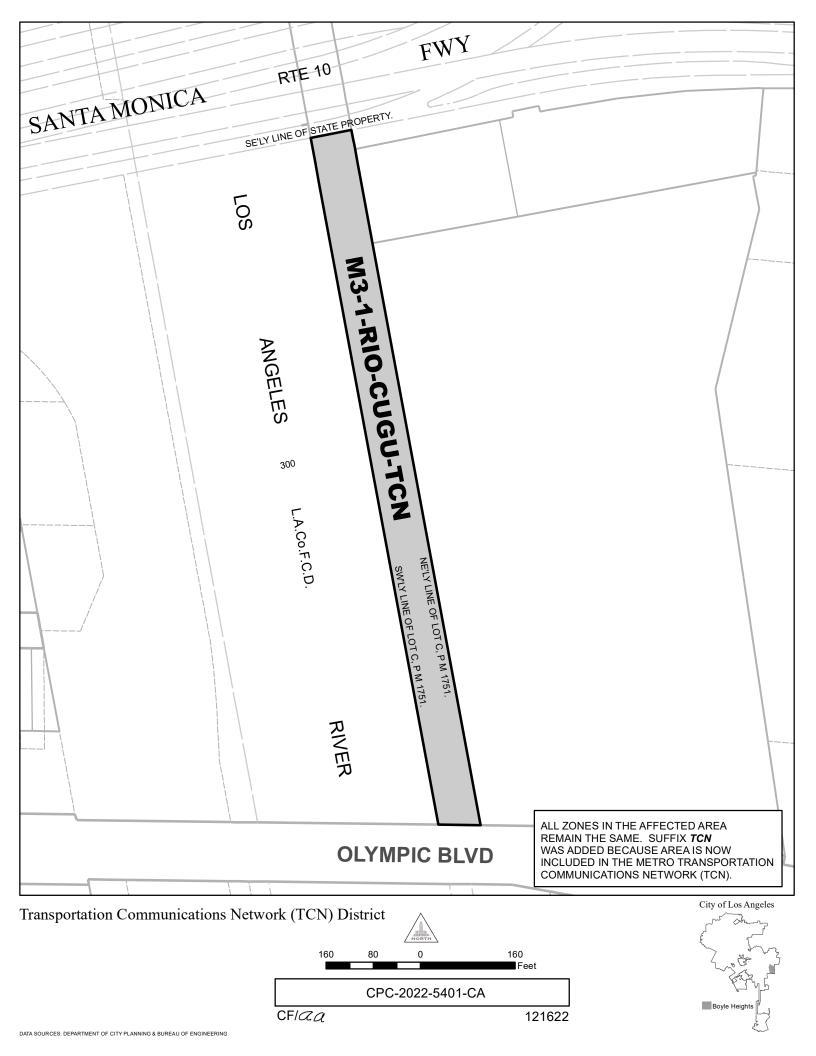


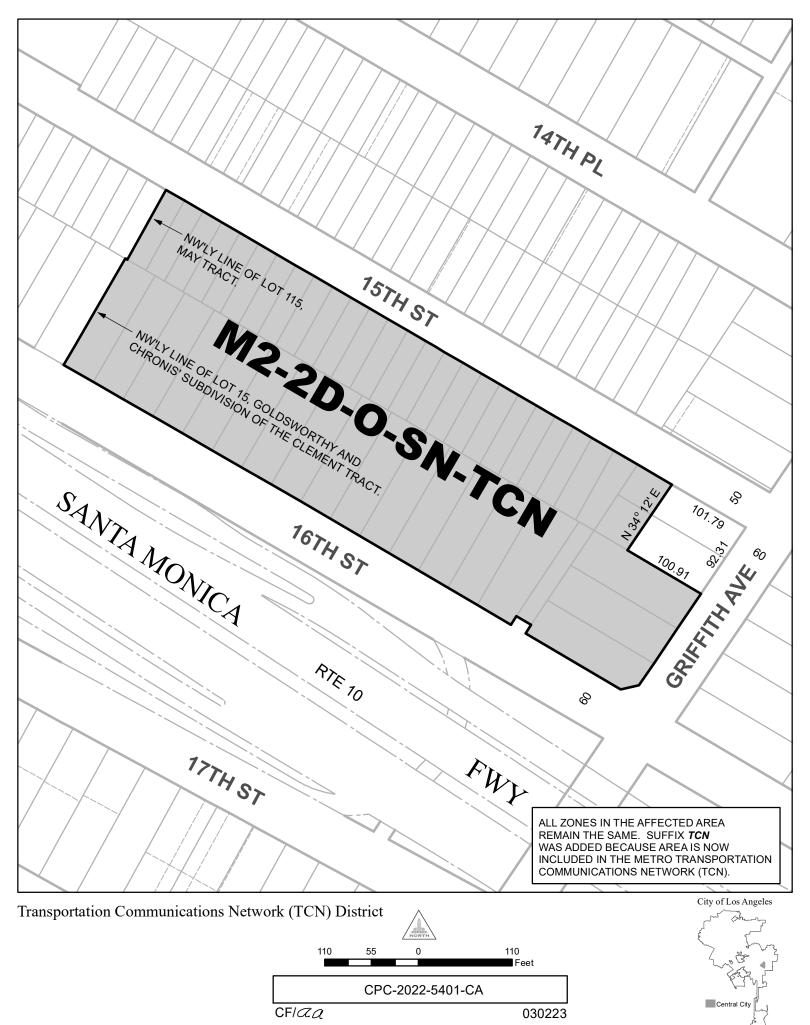


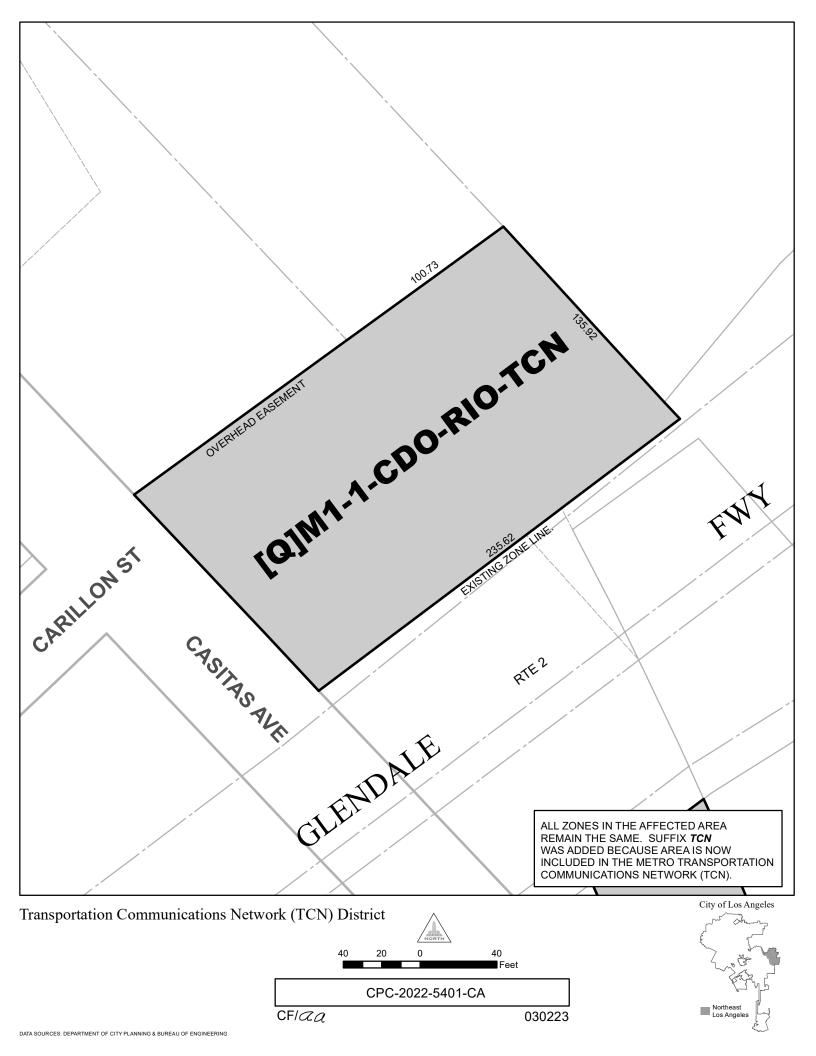


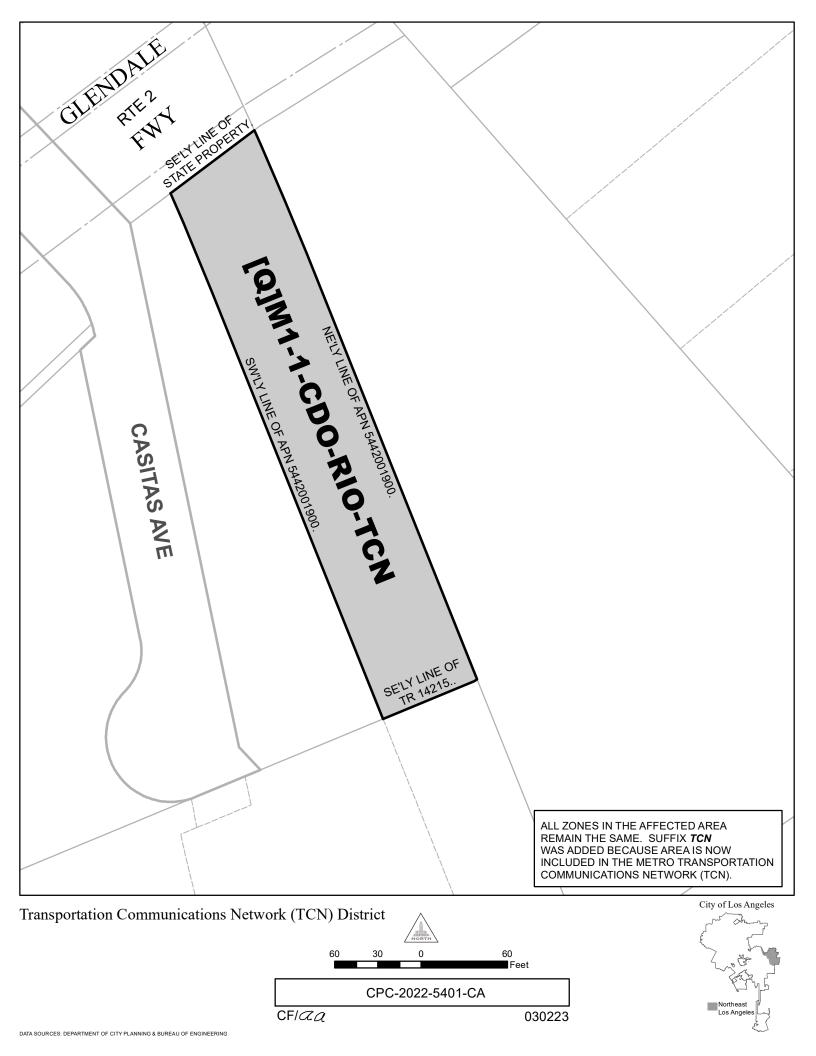


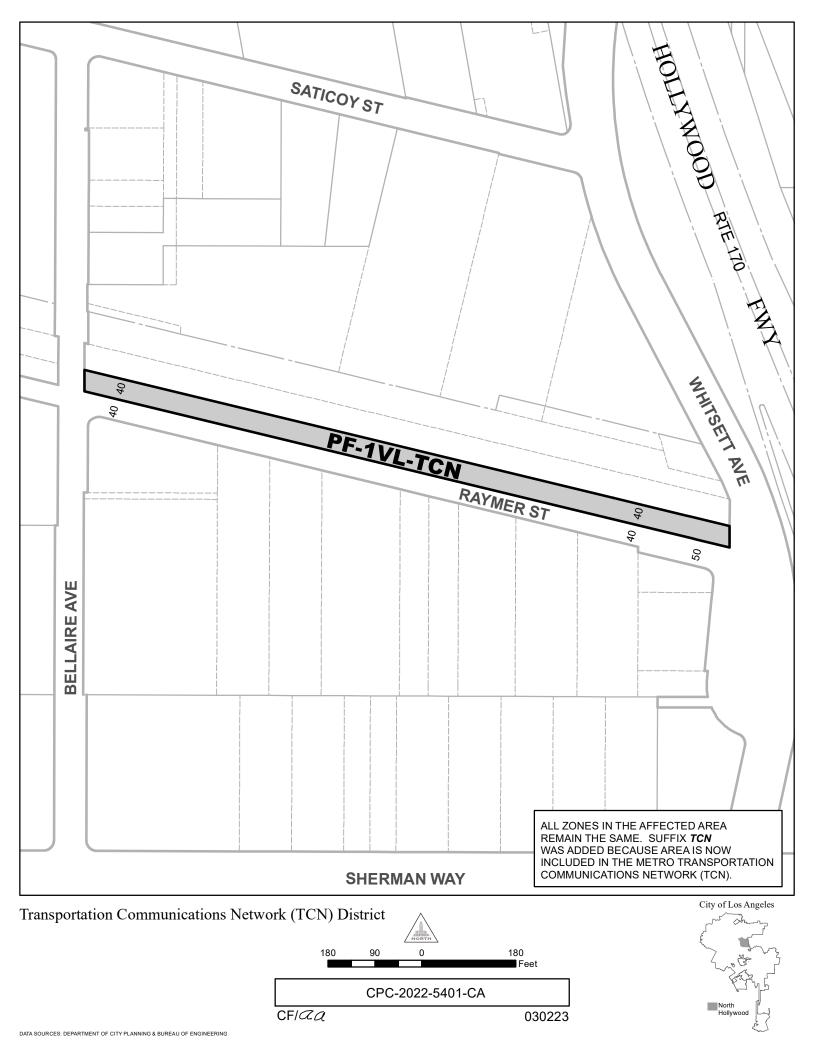


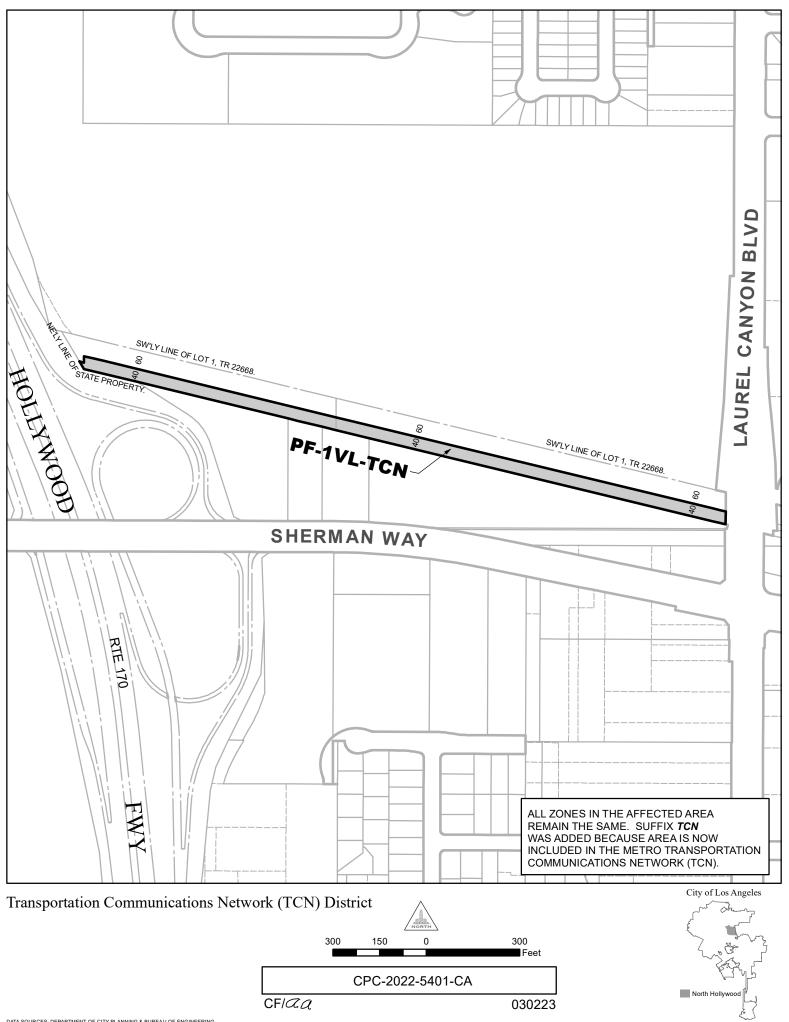


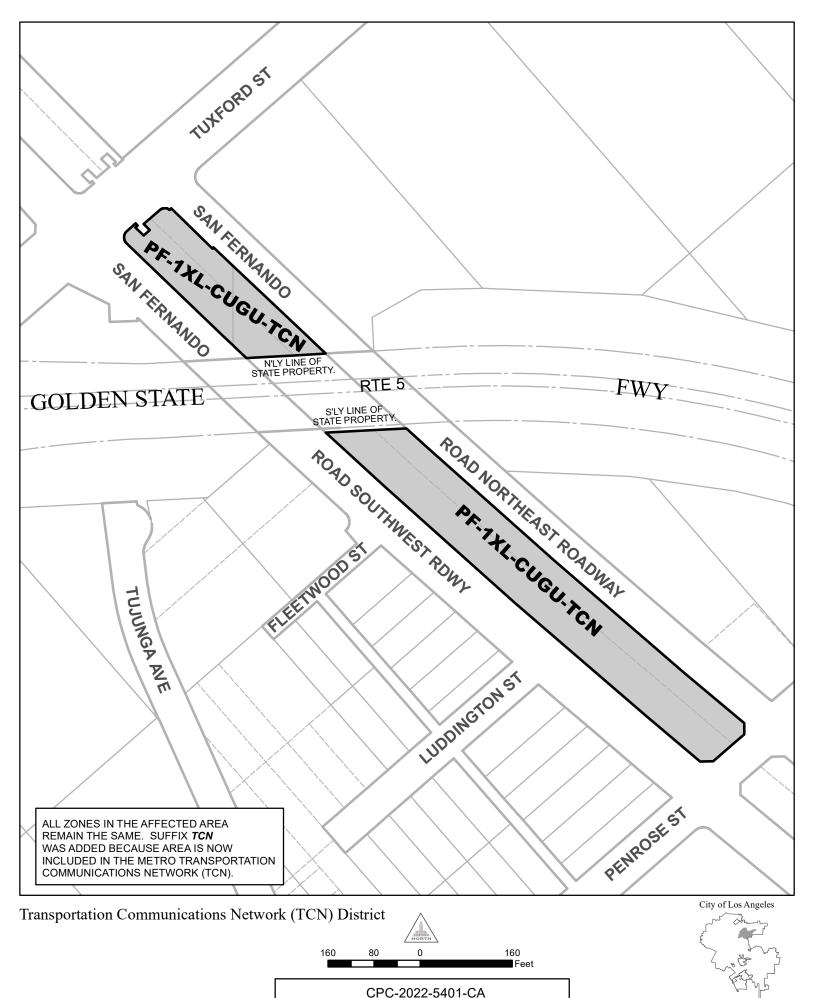






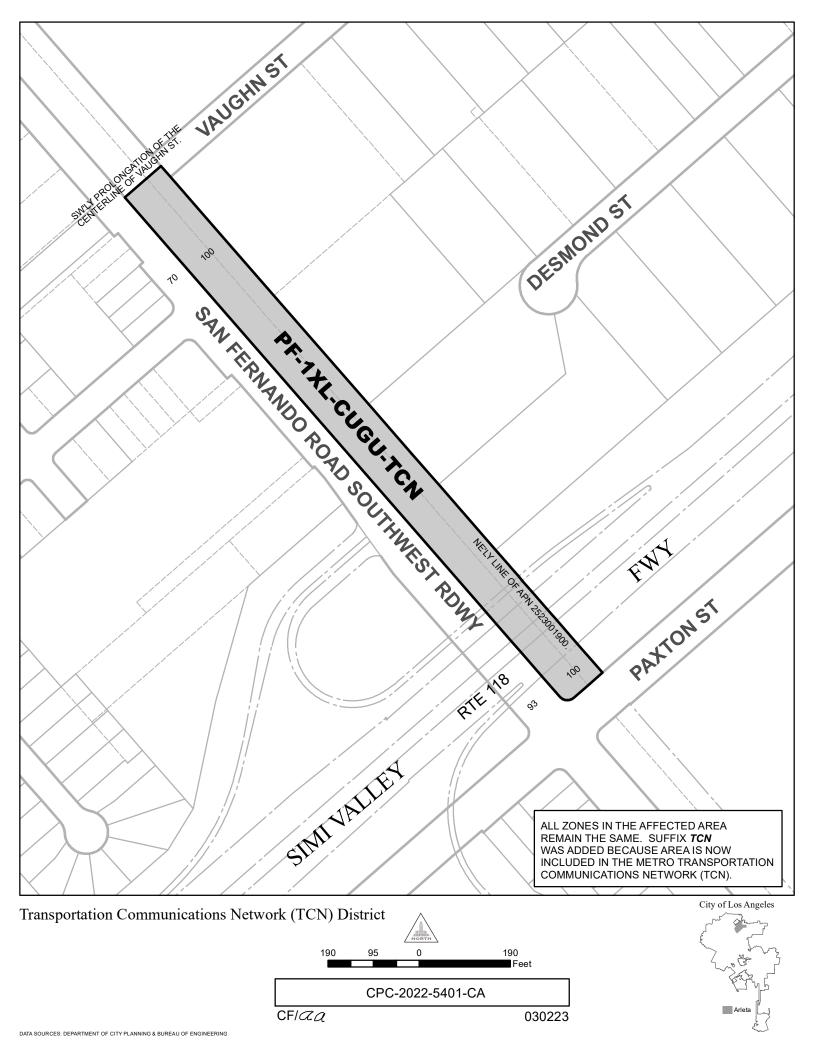


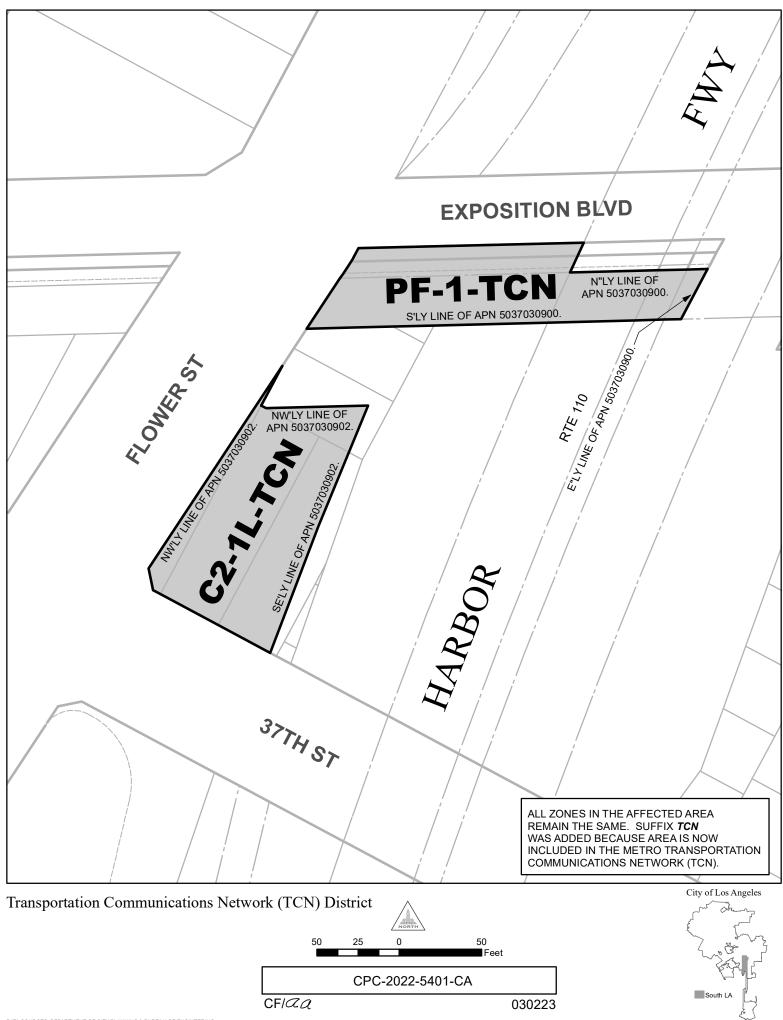


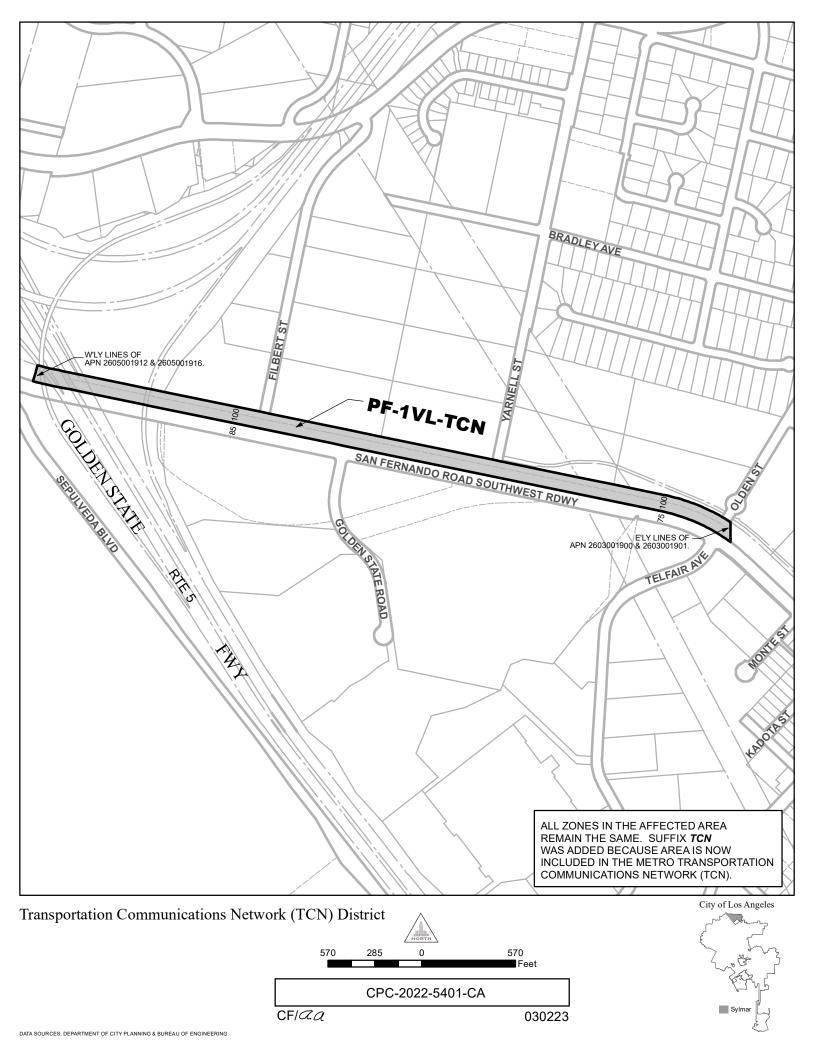


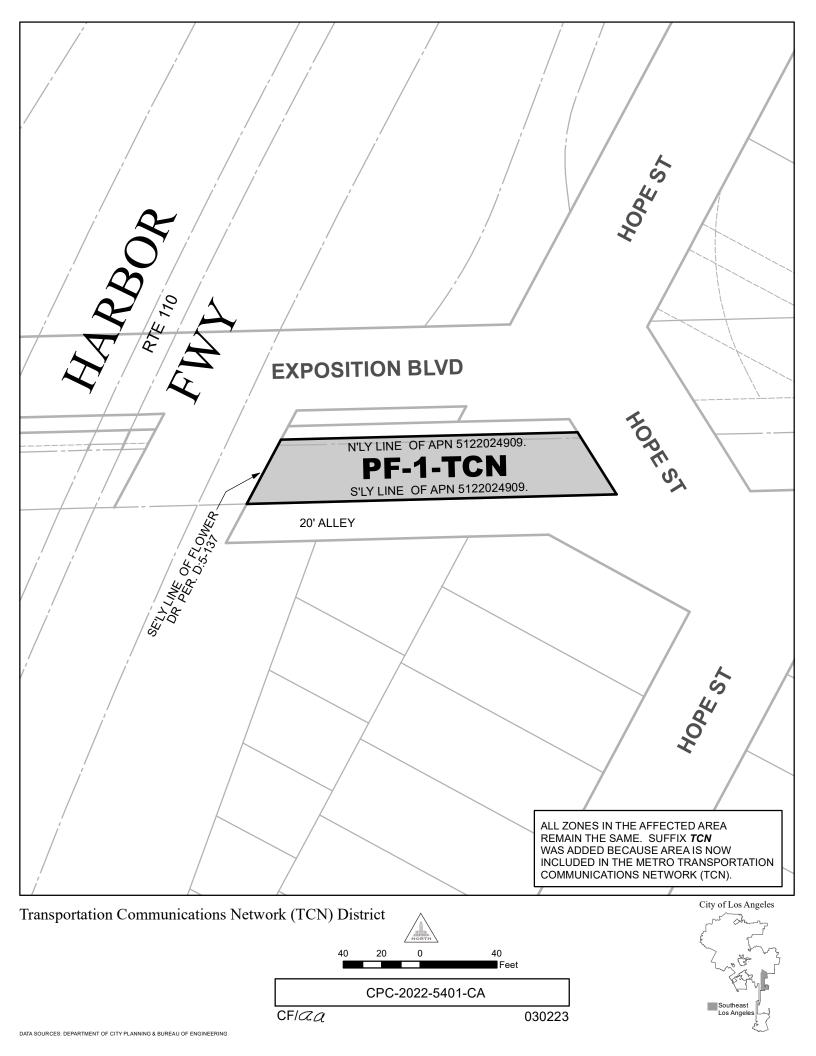
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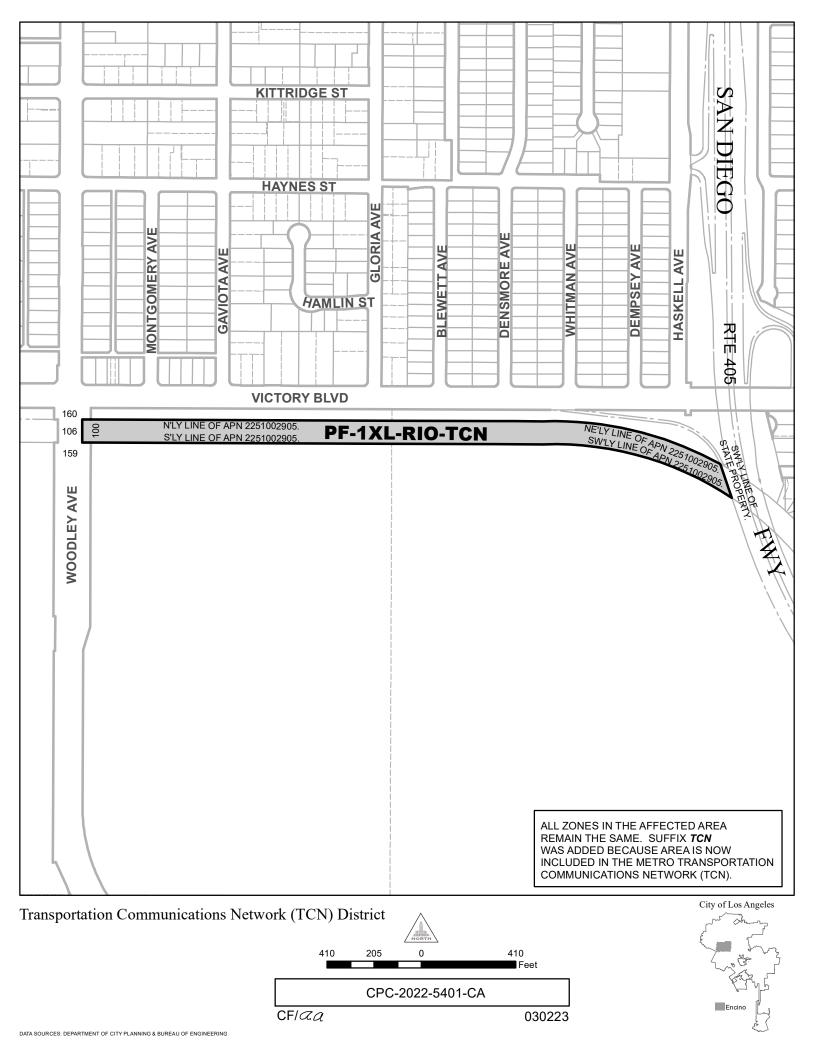
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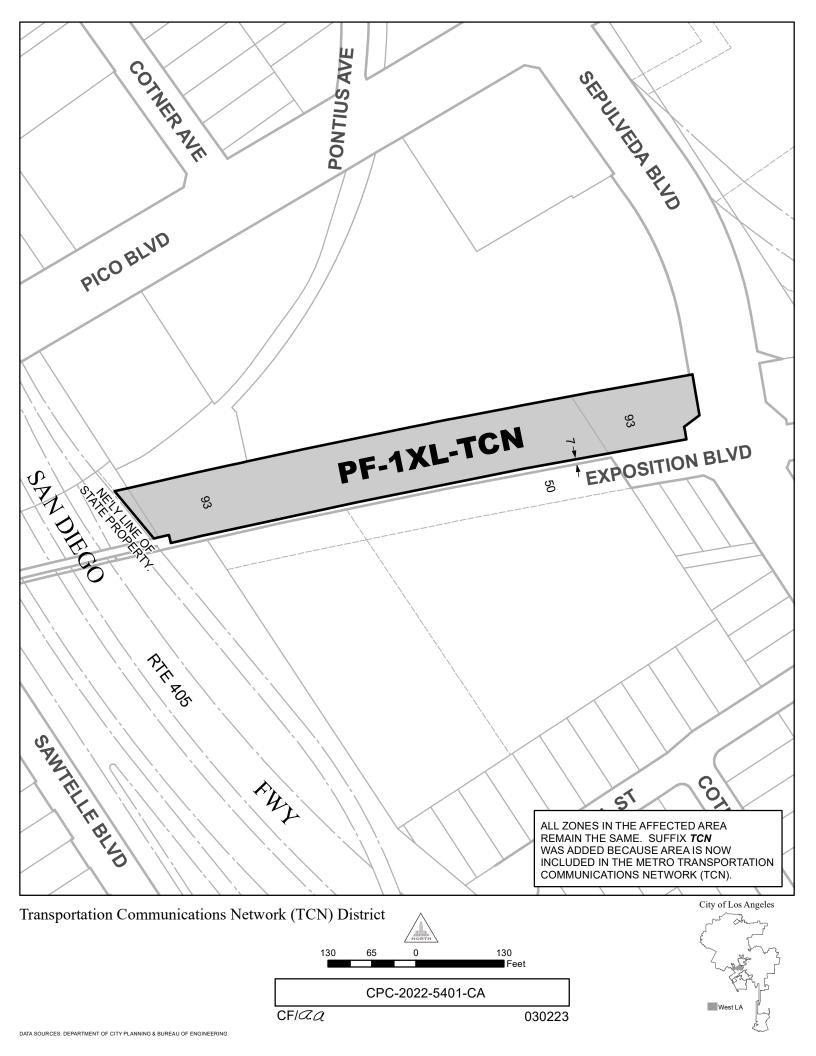


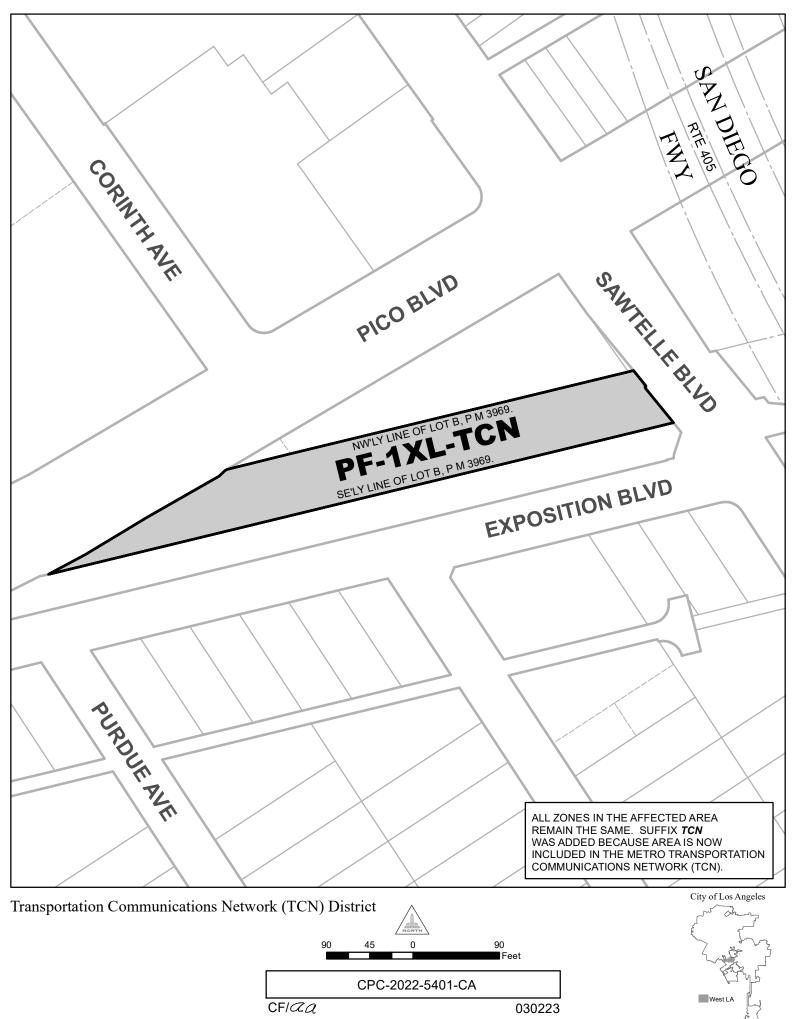


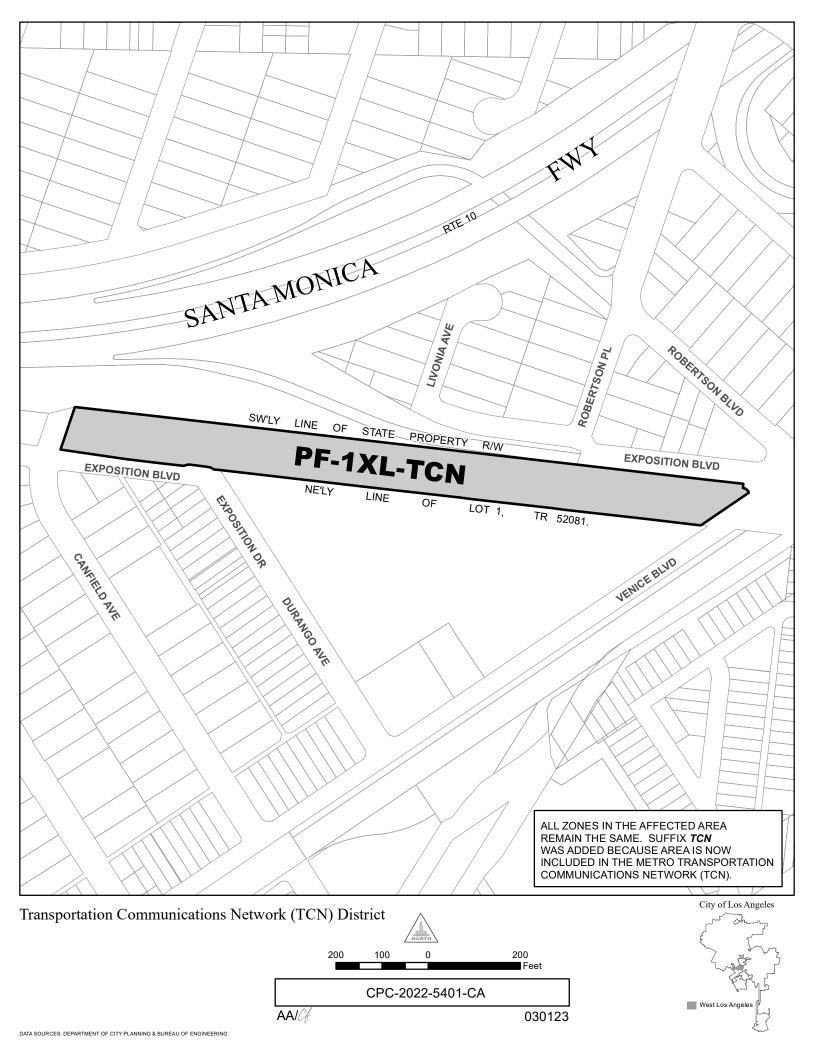


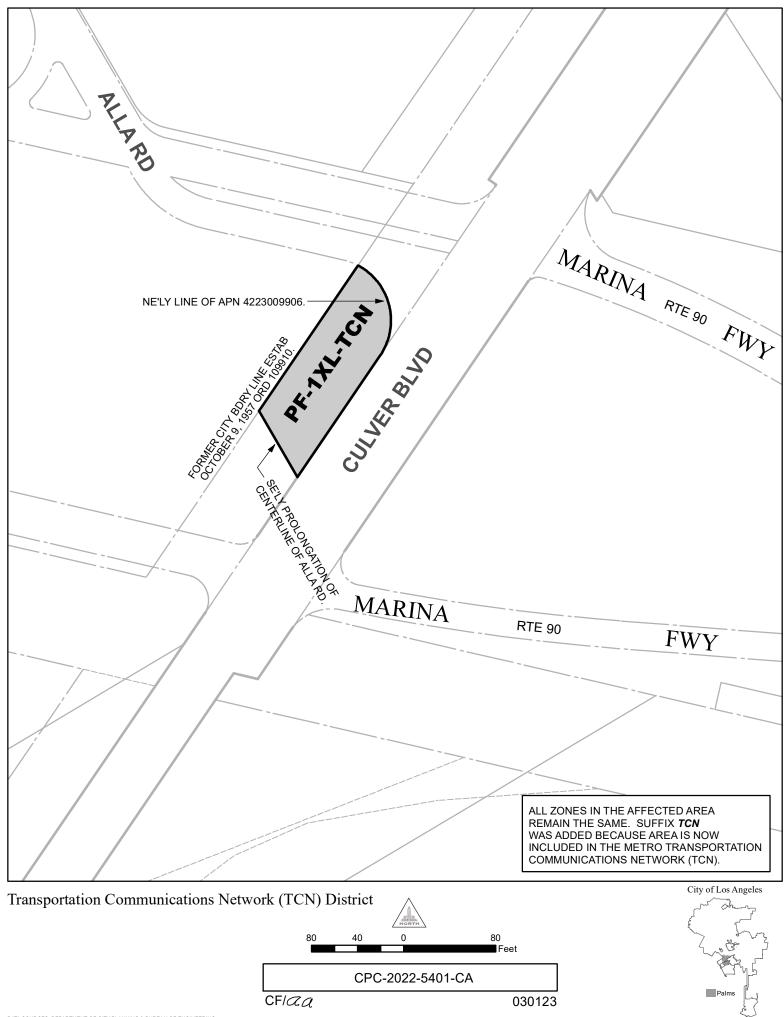


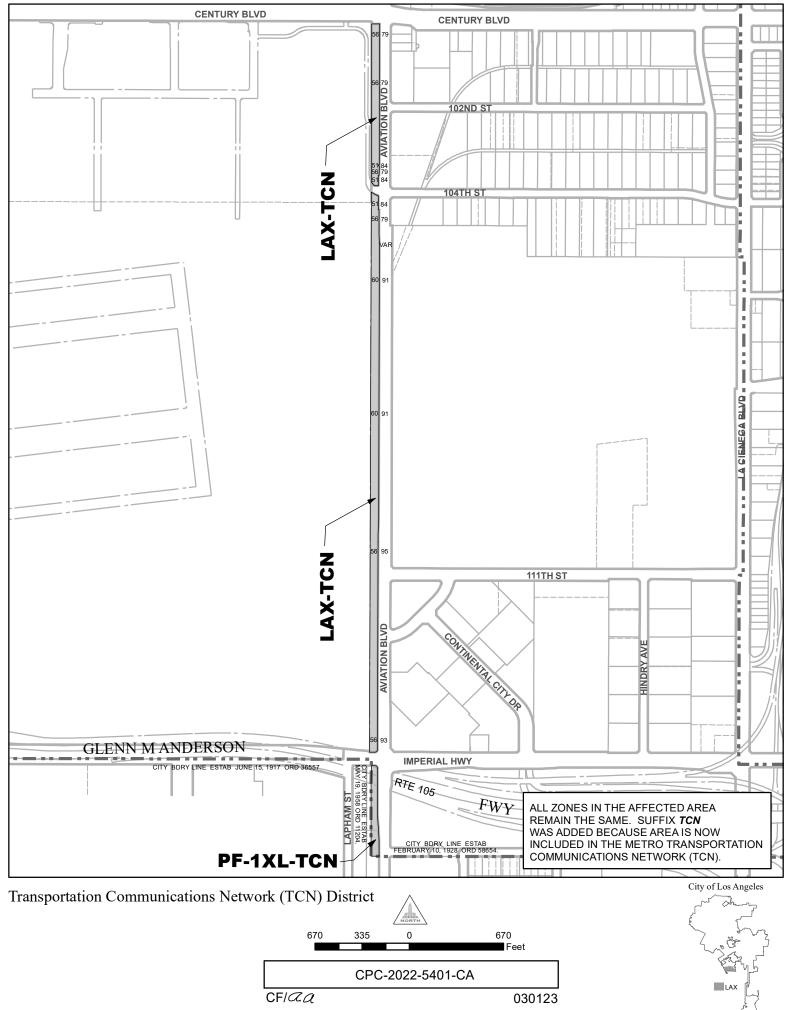


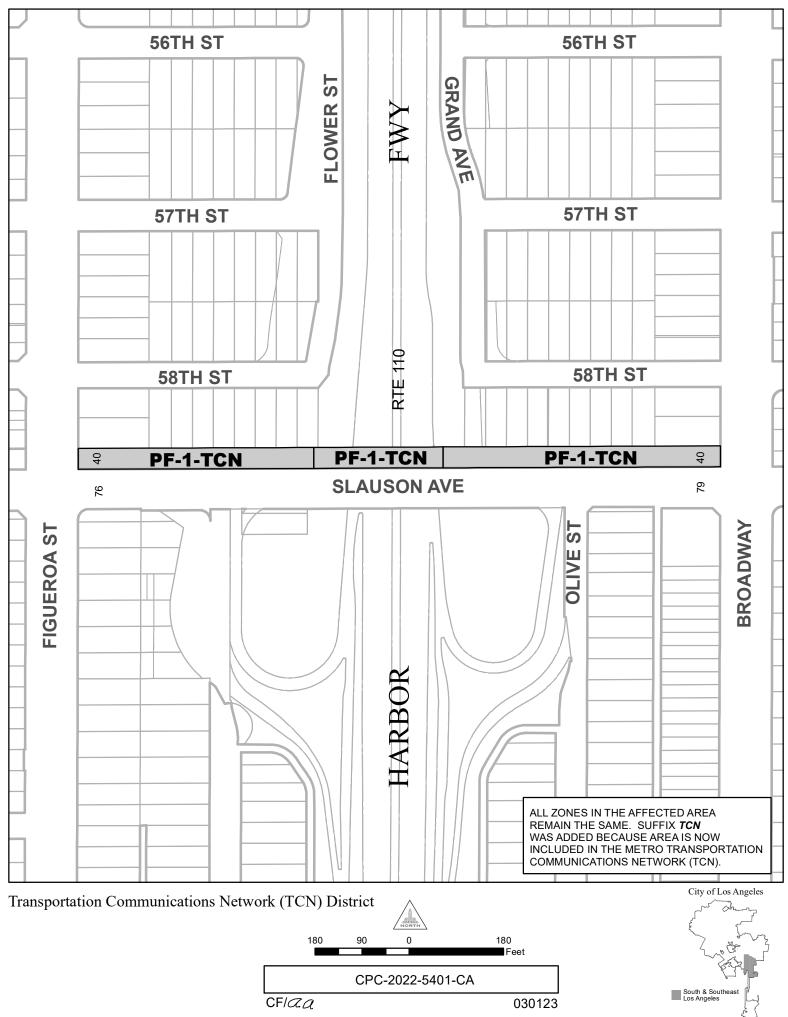




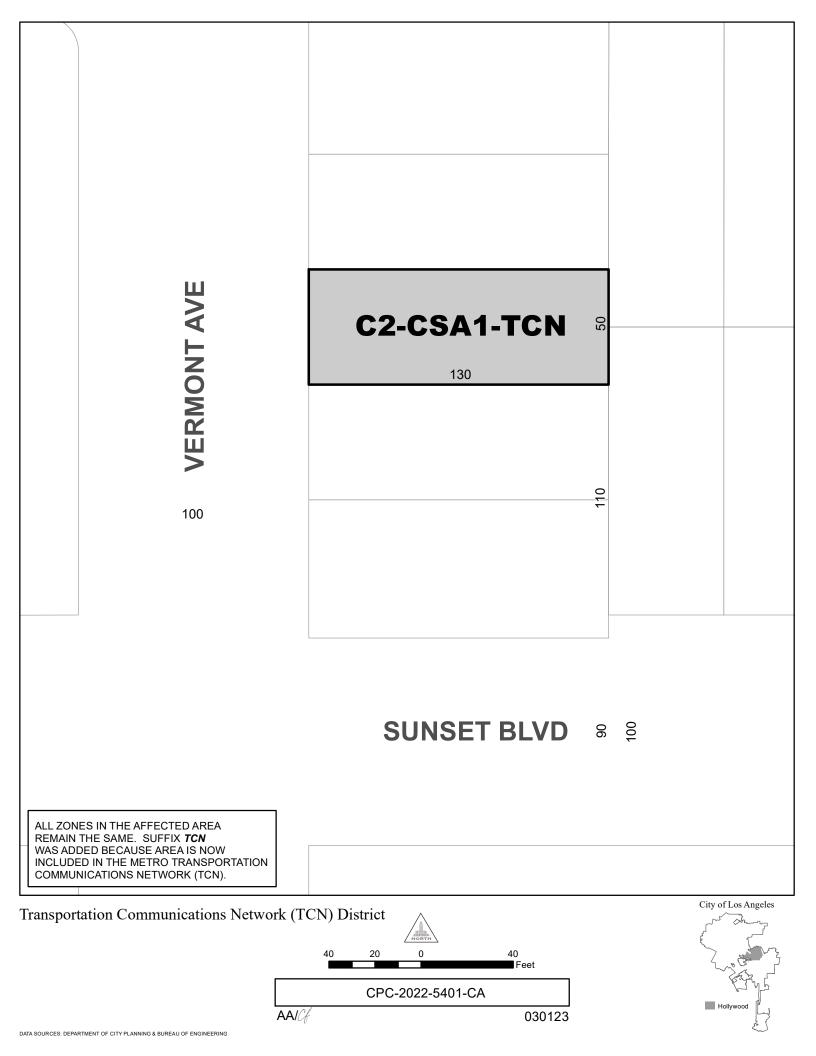




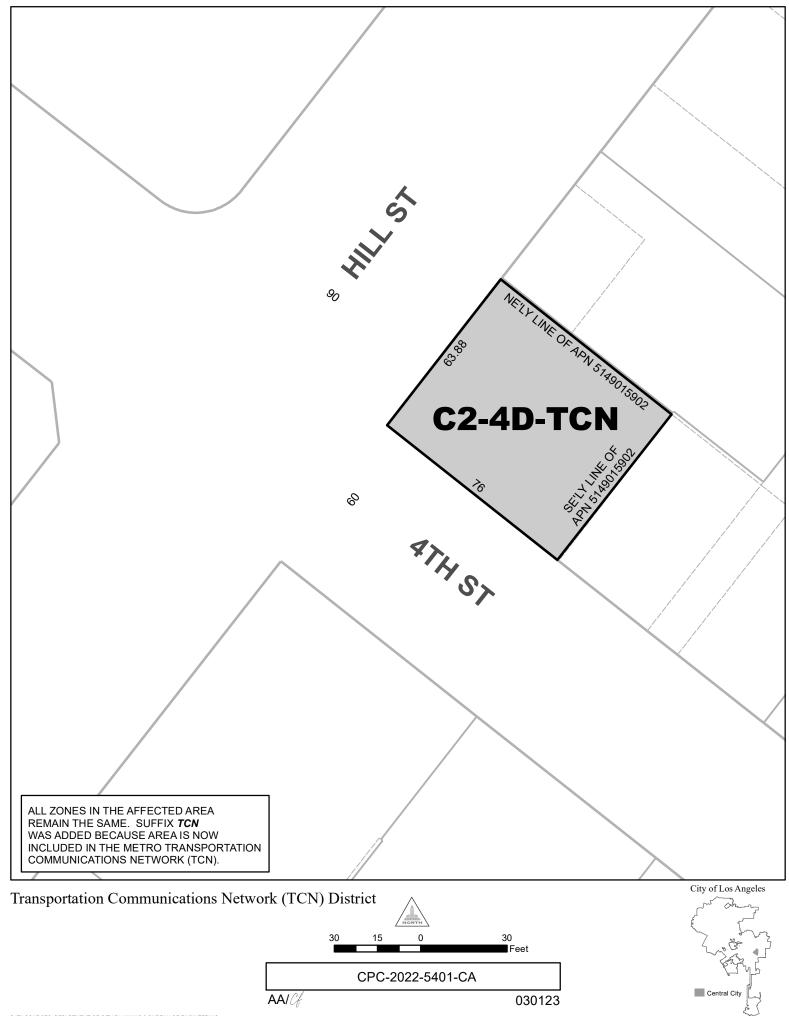


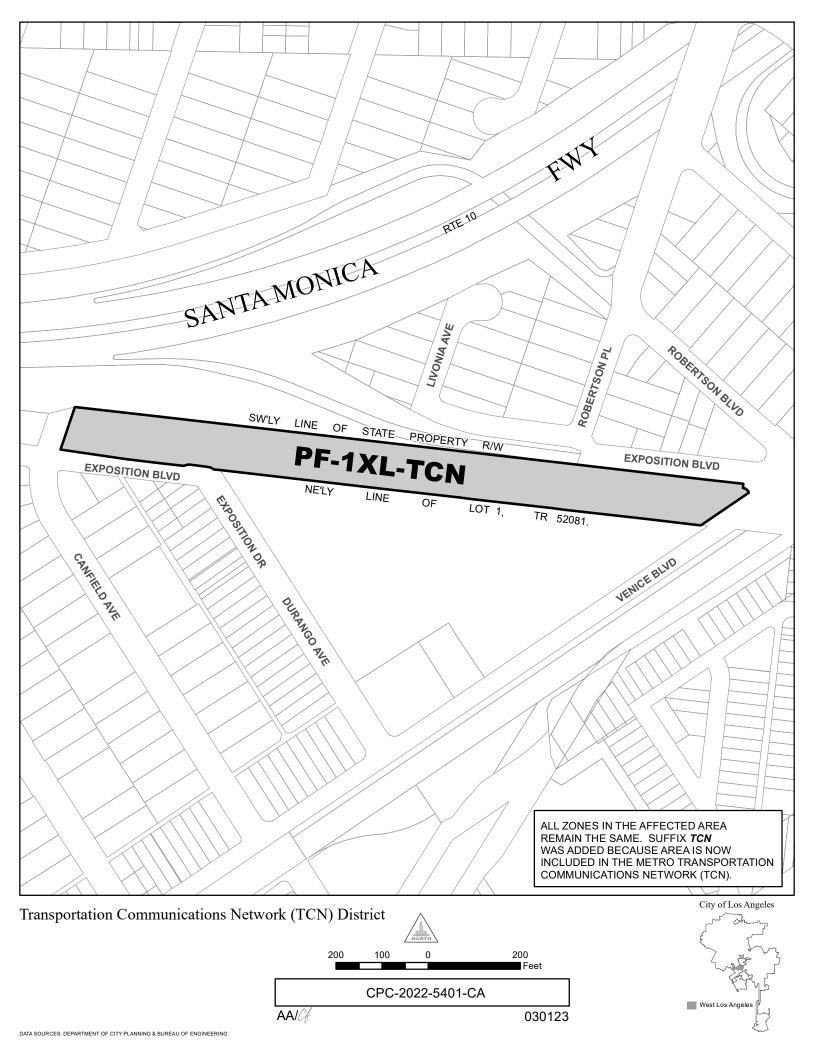


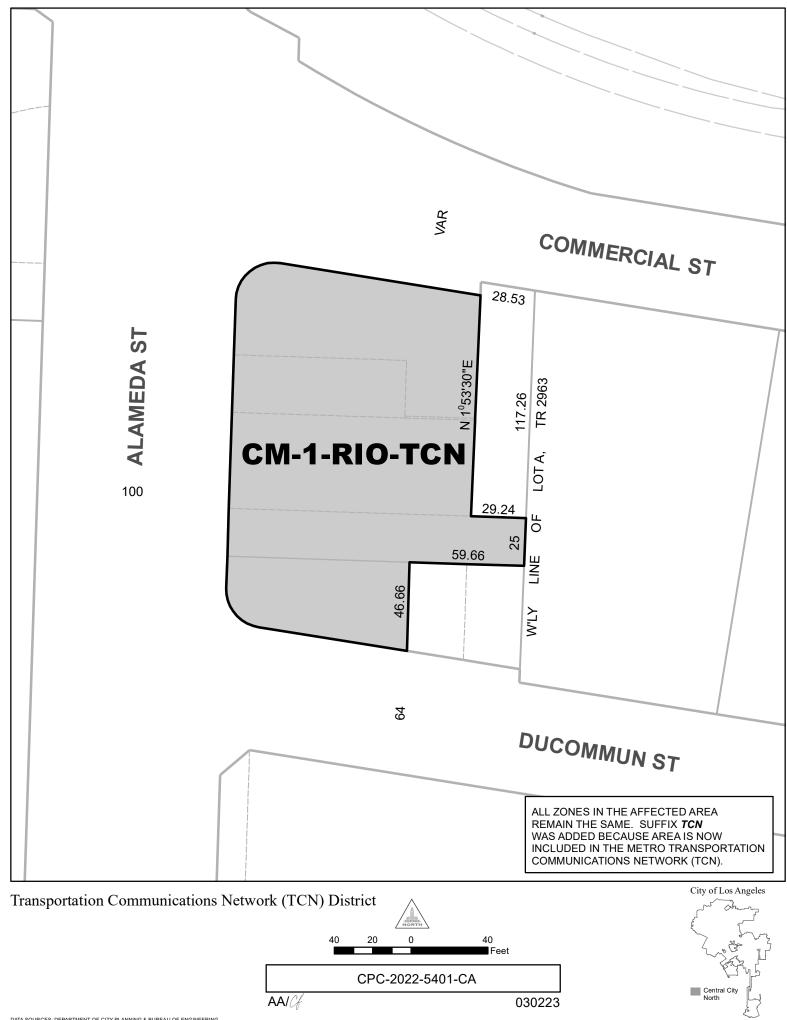
DATA SOURCES: DEPARTMENT OF CITY PLANNING & BUREAU OF ENGINEERING

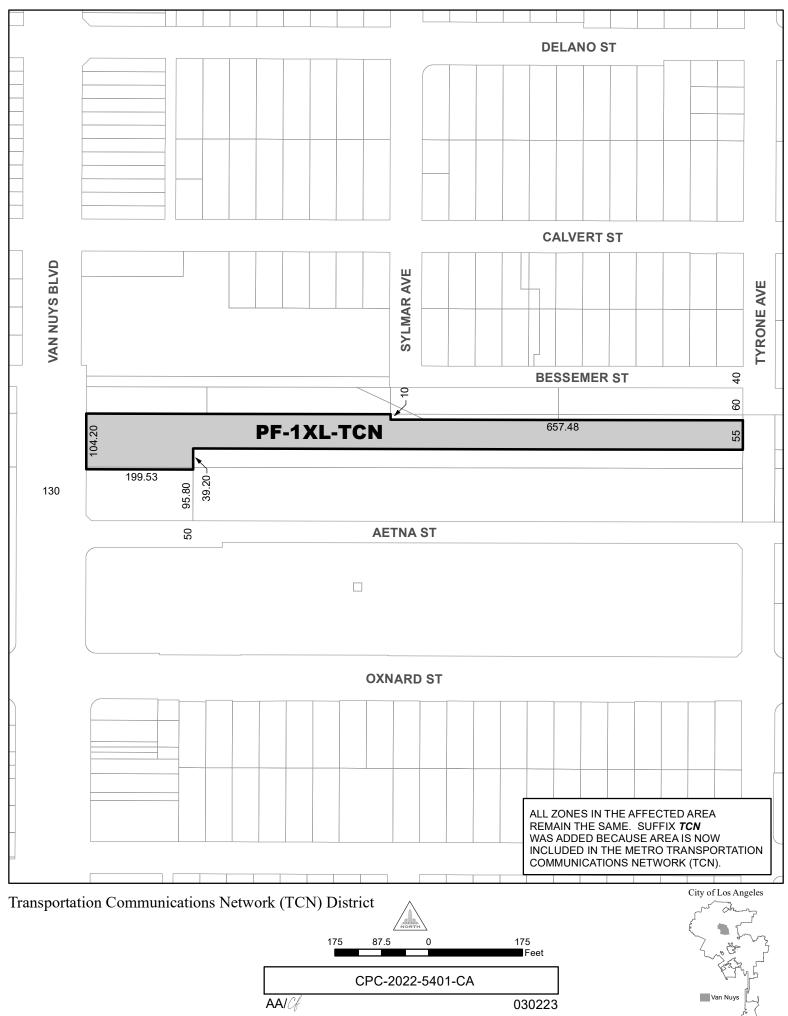


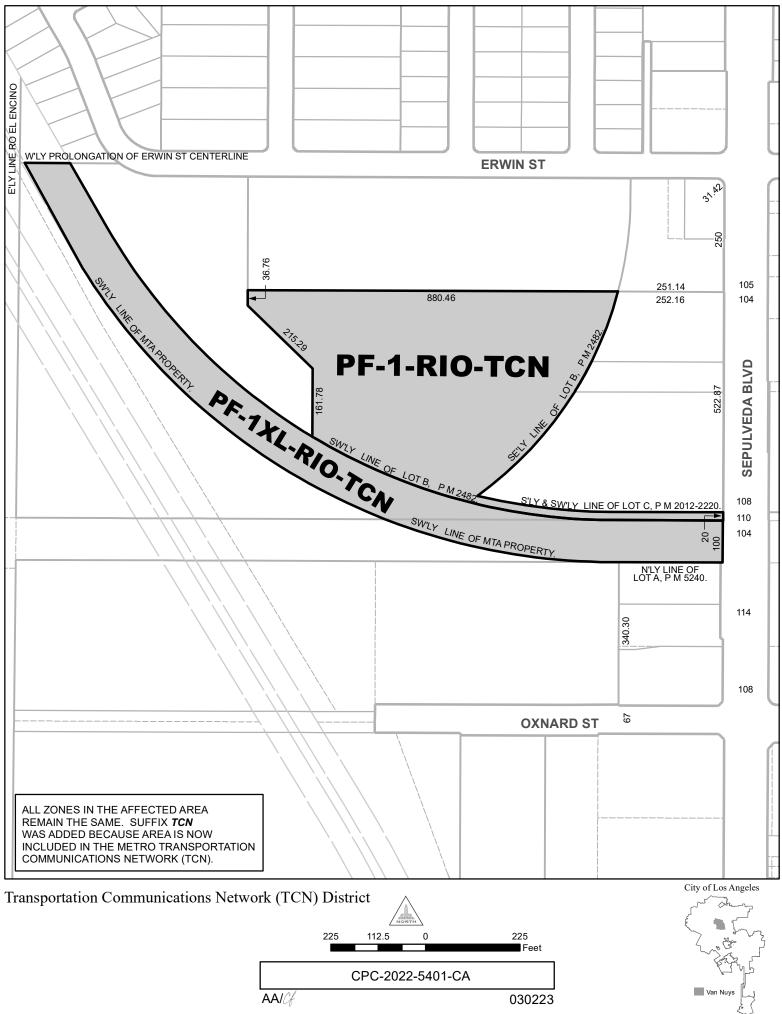






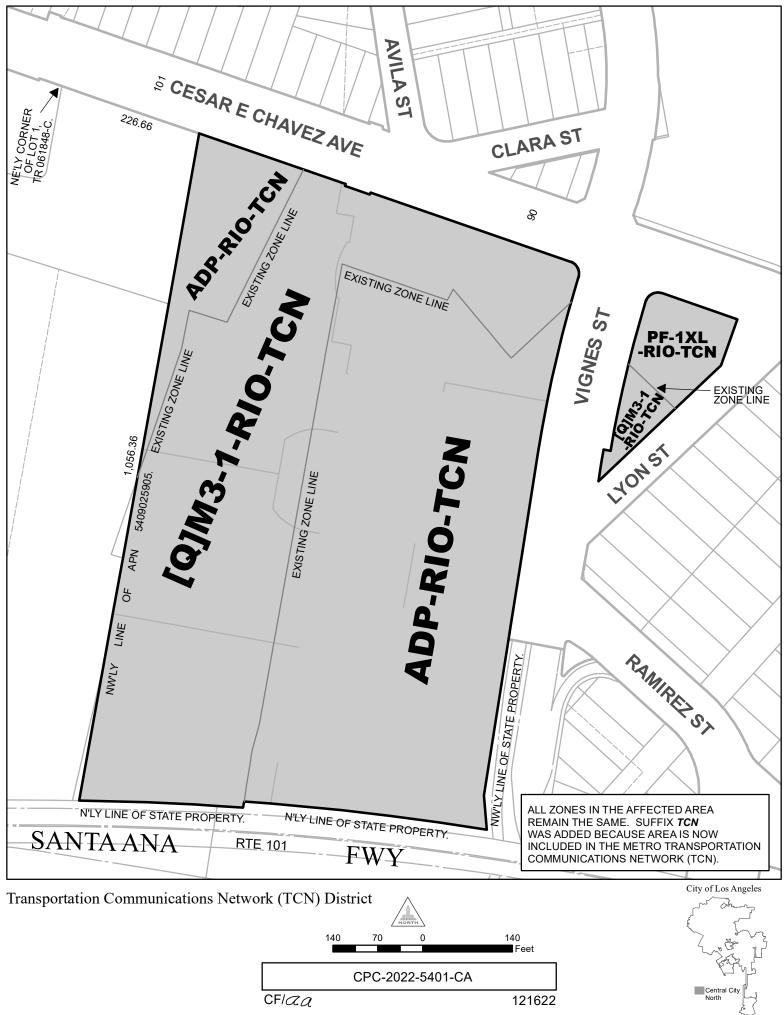


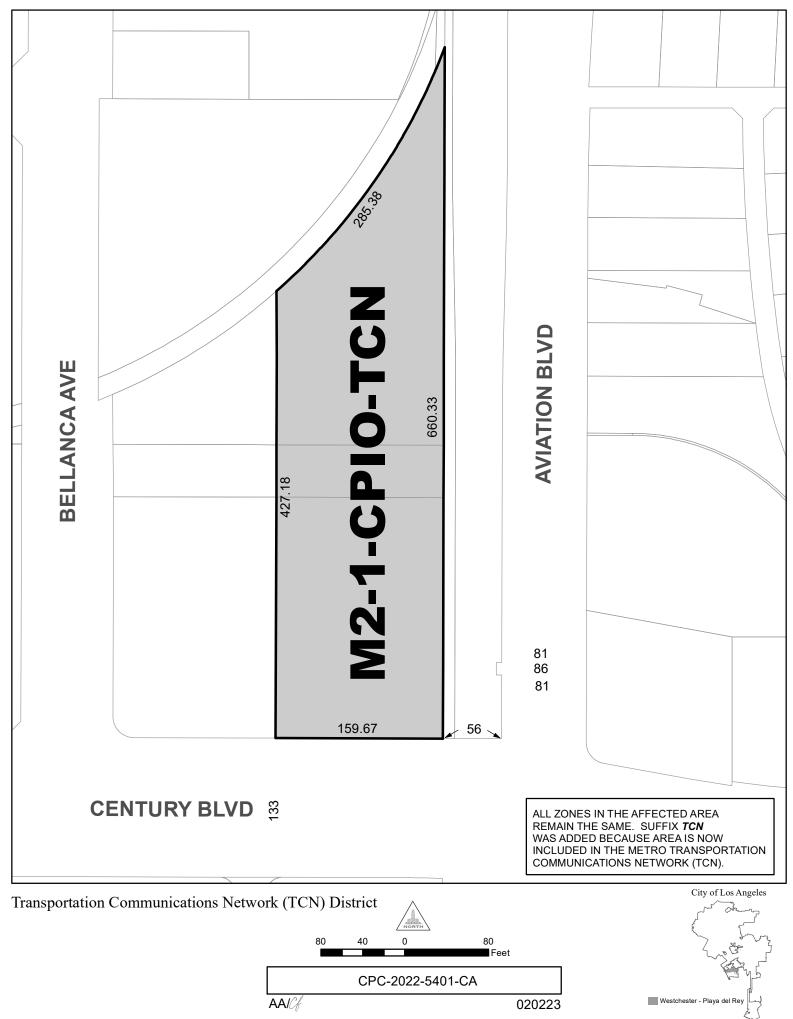




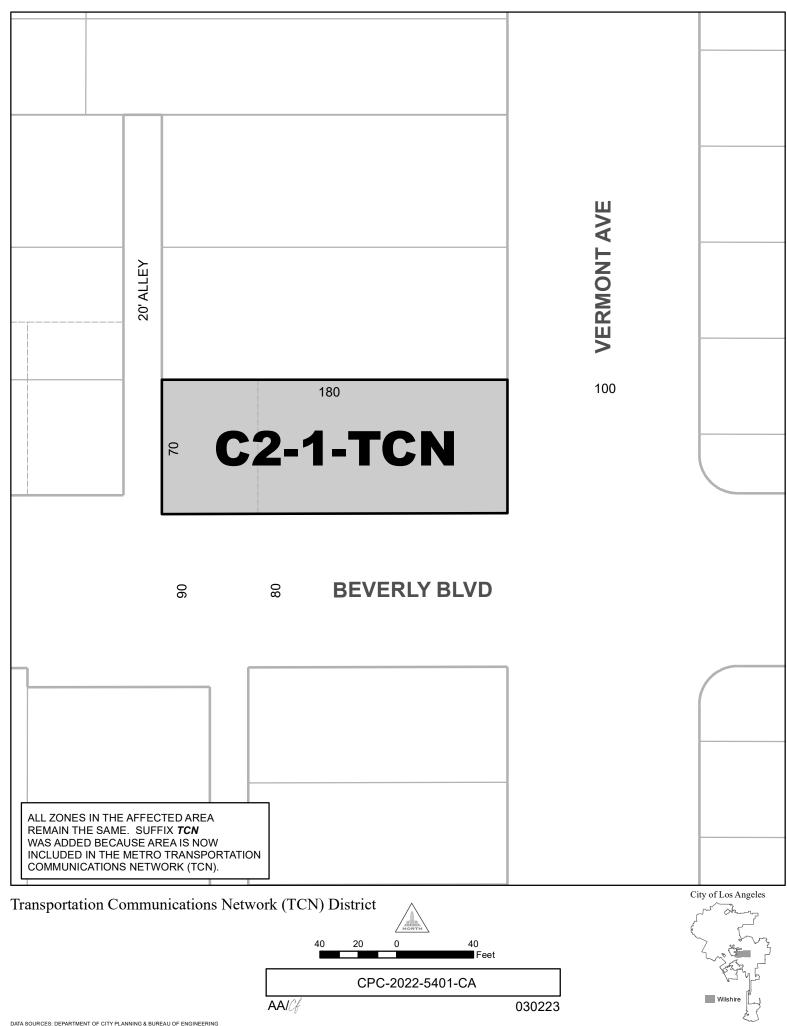


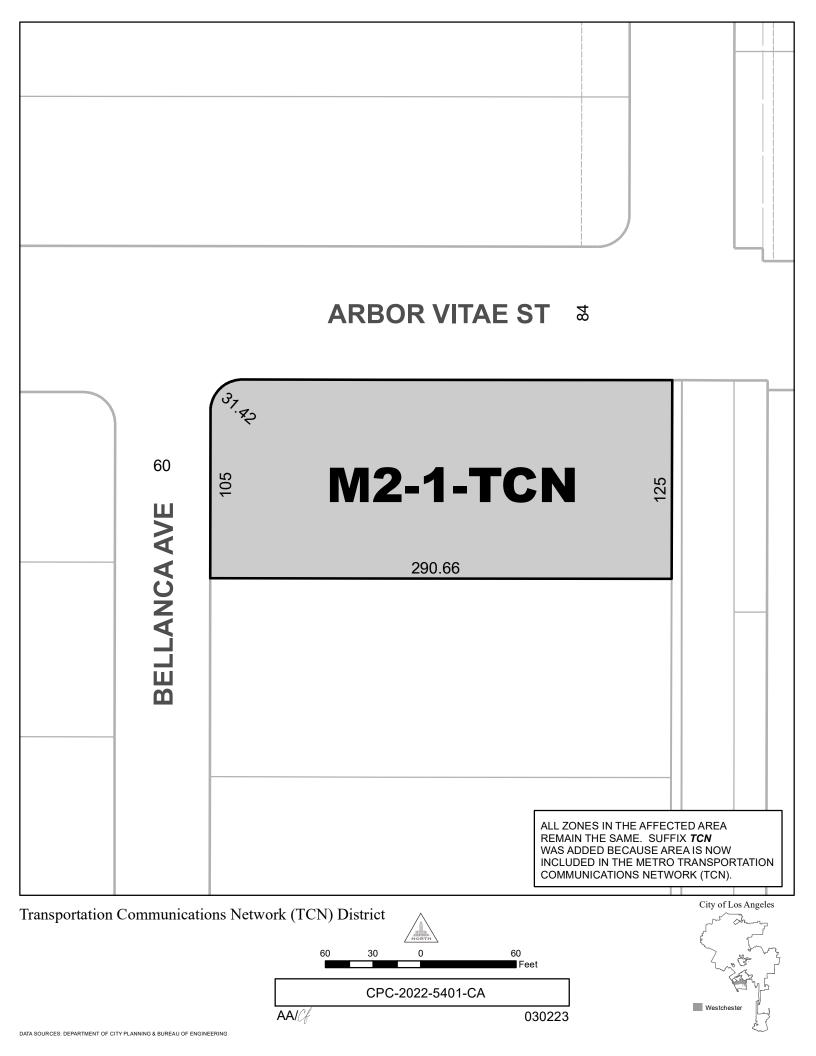


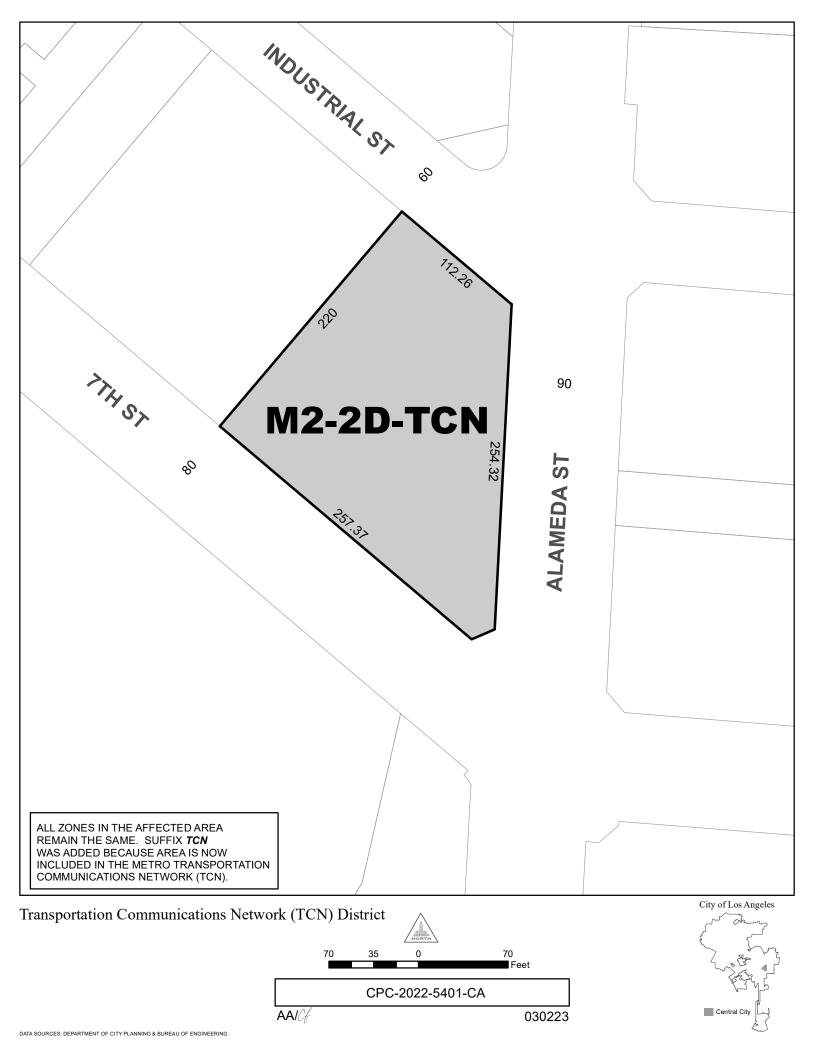












## Exhibit B

# Metro Transportation Communication Network (TCN) - Memorandum of Agreement C-139852 (February 2022)

## CONTRACT SUMMARY SHEET

TO: THE OFFICE OF THE CITY CLERK, COUNCIL/PUBLIC SERVICES DIVISION ROOM 395, CITY HALL

DATE: 02/03/2022

#### (PLEASE DO NOT STAPLE THE CONTRACT FOR THE CLERK'S FILE)

#### FORM MUST BE TYPEWRITTEN

FROM (DEPARTMENT):	Iministrative Officer	
CONTACT PERSON:	CejaPH	ONE: 213-978-7688
CONTRACT NO.: <u>C-139852</u>	COUNCIL	FILE NO.: 21-0600-S110
ADOPTED BY COUNCIL:	E	NEW CONTRACT X AMENDED AND RESTATED ADDENDUM NO SUPPLEMENTAL NO CHANGE ORDER NO AMENDMENT
CONTRACTOR NAME:	ngeles County Metropolitan Tra	ansportation Authority (Metro)
TERM OF CONTRACT:	022THROUGH:	01/12/2042
TOTAL AMOUNT: <sup>\$1,000,000</sup>		

#### PURPOSE OF CONTRACT:

Memorandum of Agreement (MOA) for the development of a Transportation Communication Network (TCN) Program between the City and Metro. This MOA establishes a revenue sharing framework that provides the City with 50 percent of net revenue from outdoor advertising on TCN structures located within the boundaries of the City while reserving and maintaining the City's police power with regard to enacting an ordinance to enable outdoor advising on the TCN structures or taking any other legislative action relating to MOA. The City's obligation for costs to implement this program is limited to no more than \$1 million.

#### **RECORDING REQUESTED BY AND** WHEN RECORDED MAIL TO:

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[Exempt from recording fees per Gov't Code Section 6103]

#### **MEMORANDUM OF AGREEMENT**

between

#### THE CITY OF LOS ANGELES

and

# THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY

#### for the METRO TRANSPORTATION COMMUNICATION NETWORK

\_\_\_\_\_**\*** 2022

#### **MEMORANDUM OF AGREEMENT**

This Memorandum of Agreement (this "Agreement") is executed as of this 12 day of January, 2022 by and between the CITY OF LOS ANGELES and the LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY, with respect to the following:

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, and each intending to be legally bound, the parties hereto agree as follows:

#### **1. DEFINITIONS.**

For all purposes of this Agreement, except as otherwise expressly provided or unless the context requires:

1.1 **"Agreement"** means this Memorandum of Agreement and all attachments and exhibits hereto, and all amendments and modifications thereto.

1.2 **"Applicable Rules"** means the rules, regulations, ordinances and officially adopted policies of City in full force and effect as of the Effective Date of this Agreement, including, but not limited to City's zoning code and administrative code, except as otherwise modified by the Ordinance.

1.3 "CEQA" means the California Environmental Quality Act (Cal. Public Resources Code Sections 21000 et seq.) and the State CEQA Guidelines (Cal. Code of Regs., Title 14, Sections 15000 et seq.).

1.4 "CEQA Compliance Document" means the compliance document prepared and certified by LACMTA for the TCN Program in accordance with the requirements of CEQA.

1.5 "City" means the City of Los Angeles, California, including, but not limited to, its officers, boards, departments, bureaus, staff and agents, except that separate agreements shall be executed with the Department of Water and Power if needed.

1.6 "City Council" means the Los Angeles City Council.

1.7 **"Discretionary Action"** means an action which requires the exercise of judgment, deliberation or a decision on the part of City, including any board, commission or department or any officer or employee thereof, in the process of approving or disapproving a particular activity, as distinguished from an activity which merely requires City, including any board, commission or department or any officer or employee thereof, to determine whether there has been compliance with statutes, ordinances or regulations.

1.8 **"Effective Date"** is the date on which this Agreement has been executed by City and LACMTA.

1.9 "General Plan" means the adopted General Plan of City.

1.10 "LACMTA" means the Los Angeles County Metropolitan Transportation Authority.

1.11 "Licensee" means the company or companies (including, without limitation, individuals or entities such as partnerships, limited liability companies, corporations, or sole proprietorships), if LACMTA so elects, that will do one or more of the following: (a) construct and/or operate the TCN Structures; (b) sell the media inventory to be placed on the TCN Structures; and/or (c) pay directly to LACMTA its portion of the revenues earned by the Licensee, from which LACMTA shall pay City its portion of the Shared Revenue.

1.12 "Ministerial Permits and Approvals" means the permits, approvals, plans, inspections, certificates, documents, licenses, and all other actions required to be taken by City in order for LACMTA to implement, develop and construct the TCN Program and the Mitigation Measures, subject to and as modified by the Ordinance and any other approvals or documents in connection with the TCN Program.

1.13 **"Mitigation Measures"** means the mitigation measures described in the Project Approvals.

1.14 "Net Revenue" means all outdoor advertising revenue actually received by LACMTA from the TCN Structures within the City boundaries during the Term after deductions have been made for LACMTA's and City's out-of-pocket expenses authorized by this Agreement with respect to the TCN Program, including, without limitation, CEQA compliance and costs of litigation, Ordinance and costs of litigation, and expenses from constructing, maintaining, and operating the TCN Structures with outdoor advertising within City boundaries.

1.15 **"Ordinance**" means an ordinance or other legislative or other document which may be enacted by the City Council to enable the outdoor advertising on the TCN structures.

1.16 **"Parties"** means LACMTA and City collectively, and a **"Party"** means each of LACMTA and City individually.

1.17 **"Project Approvals"** means the following land use actions requested by LACMTA from City: (a) Ordinance; and (b) adoption of findings required by CEQA for each significant effect of the project, if any.

1.18 **"Property" or "Properties"** means any parcel of real property (or properties) or portion thereof on which a TCN Structure is located. The list of Properties may be amended, modified, updated and/or replaced from time to time as determined by LACMTA.

1.19 **"Shared Revenue"** means LACMTA and the City shall each receive 50% of the Net Revenue from the TCN displays located in the City of Los Angeles.

1.20 **"TCN Program"** means LACMTA's Transportation Communication Network Program permitted pursuant to the terms of this Agreement.

1.21 **"TCN Structures"** means the structures (and all attached or related equipment and components) developed as a part of the TCN Program, each including, without limitation, single-sided or double-sided digital display faces for the purposes of displaying messaging in

order to facilitate and promote efficient roadways, increase public transit ridership, improve public safety, and provide revenue to support the TCN Program through third party advertising and other possible uses for the TCN Program as set forth in this Agreement.

1.22 **"Term"** means the period of time for which this Agreement shall be effective in accordance with Section 5.1 hereof.

1.23 **"Transferee"** means individually or collectively, LACMTA's successors in interest, assignees or transferees of all or any portion of a Property or this Agreement.

#### 2. RECITALS OF PREMISES, PURPOSE AND INTENT.

#### 2.1 **Purpose of this Agreement.**

2.1.1 LACMTA Transportation Communication Network Program. LACMTA is in the process of identifying locations on its properties throughout Los Angeles County to implement a network of transportation communication digital displays that will facilitate and promote efficient and attractive roadways, increase public transit ridership, improve public safety and provide revenue generation for LACMTA's transportation programs. The TCN Program may consist of elements, including, without limitation, the following:

2.1.1.1. Intelligent Transportation System, Travel Demand and Public Event Management. The TCN Program will be integrated with LACMTA's Regional Intelligent Information Transportation Systems that works in coordination with all of the major transportation agencies and bus lines such as Caltrans, the Los Angeles Department of Transportation, California Highway Patrol, Foothill Transit and the Los Angeles County Department of Public Works to maximize the capacity and efficiency of the regional transportation network. The additional intelligent technology components of the TCN Program will assist LACMTA in increasing the quantity and speed of data collection of real time travel/traffic data, processing and transmission to transportation agencies. Real time data collection can support improved traffic signaling timing information, traffic signal timing data, micro transit data and LACMTA van pool on-demand services. The TCN Program will improve the bus rider's experience by helping to facilitate transit signal priority, bus wi-fi, and bus timing information that can be relayed to bus riders. The TCN Program can also support the collection of event congestion data for LAX, Dodger Stadium, the Hollywood Bowl and other large venues, including travel demand management services for the 2028 Olympic and Paralympic Games, and providing information on available parking spaces in Park-and-Ride lots.

2.1.1.2. <u>Public Transit Promotion and LACMTA Communications</u>. The TCN Program will assist LACMTA's transportation public messaging and ability to broadcast information in various creative ways to commuters to ensure public safety, maximize throughput of our congested road network, and promote public awareness of travel alternatives based on geography and time periods.

2.1.1.3. <u>Public Safety, Emergency Messaging</u>. The TCN Program will be incorporated into the alert information for the freeway messaging system and major arterial network for the region, including Earthquake Early Warning System information as well as Amber Alerts.

2.1.1.4. <u>Transportation Technology Innovation Initiatives.</u> The TCN Structures will be designed to include programs, such as 5G technology, as well as live video and

security feeds to supplement the limited number of existing cameras on the freeway and street corridors. The TCN Program will be designed to support future innovations such as autonomous vehicles, smart energy grids, and high-speed wireless cameras. Any information received from such cameras shall be used for mass traffic data, and personal or private information of any individual shall not be separately used.

2.1.1.5. <u>Revenue Generation for Transportation Projects</u>. The digital displays in the TCN Program will also allow off-site advertising. Revenue generated by this program will be utilized by LACMTA and City to fund transportation programs.

2.1.2 **Public Benefits.** This Agreement provides assurances that the public benefits identified in this Agreement will be achieved and developed in accordance with the terms of this Agreement. The Project will provide local and regional public benefits to City as set forth in this Agreement.

2.1.3 **Mutual Objectives.** Development of the TCN Program in accordance with this Agreement will provide for the orderly development of the Properties in accordance with the objectives set forth in this Agreement and shall provide benefits to City, LACMTA and the residents of City and surrounding areas. Moreover, an agreement for the TCN Program will eliminate uncertainty in planning for and securing orderly development of the TCN Program on the Properties, assure installation of necessary improvements, assure attainment of maximum efficient resource utilization within City at the least economic cost to its citizens and otherwise achieve the goals and purposes of City and LACMTA. The execution of this Agreement does not obligate the City or LACMTA to move forward with the TCN Program, which shall be subject to the approval of CEQA in addition to the Ordinance, which will further develop specific elements of the TCN Program not otherwise addressed herein.

2.1.4 **Intent for Use of the Shared Revenue.** It is the intent of both Parties that the City's portion of the Shared Revenue (as defined herein) is to be used for transportation improvements including projects that are consistent with the following goals of the LACMTA Vision 2028 Plan: (i) provide high-quality mobility options that enable people to spend less time traveling; (ii) deliver outstanding trip experiences for all users of the transportation system; (iii) enhance communities and lives through mobility and access to opportunity; and (iv) transform LA County through regional collaboration and national leadership. These goals require partnership with the City and complement existing City goals. Other 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 LACMTA's defined Equity Focus Communities. Each year, LACMTA will provide an estimate of the projected City's Shared Revenue, but LACMTA does not guarantee such Shared Revenue. The City shall deposit its portion of the Shared Revenue into a special fund to be known as the Transportation Communications Network Revenue Fund (the "Fund") and, as part of its annual City budget process, will program those funds exclusively for the following (or substantially similar) purposes:

- (1) Funding transportation projects and services, including City transit lines or other public transit service, and for the payment of any and all expenses relating or incidental thereto, including operating expenses;
- (2) Funding the purchase, lease or rental of transit related equipment, including buses, trucks, transit shelters and street furniture, and all expenses relating or incidental thereto;

- (3) Funding consultant studies, City staff costs, land acquisition, design or construction of the following: (A) sidewalks, curb improvements, and beautification projects needed to improve conditions for public transit patrons; (B) pedestrian safety improvements in the public right-of-way including, but not limited to, speed humps, street resurfacing, traffic lane or pedestrian marking and signage, and acquisition of property to widen the public right-of-way to create safer traffic flow, bicycle lanes, or to create safer pedestrian routes to improve conditions for public transit patrons; and (C) public amenities to improve the quality of life for public transit patrons, residents and businesses in transit oriented districts; and (D) all expenses related or incidental to those uses; and,
- (4) The repayment of any money borrowed or advanced from any other fund for purposes described above in (1)-(3) with the intent that reimbursement be made from the Fund.

The Fund shall be administered by the General Manager of the Department of Transportation. All interest and other earnings accruing on money in the Fund shall be credited to the Fund and shall be devoted to the purposes of the Fund. Pursuant to Charter Section 344, money in the Fund shall not revert to the Reserve Fund of the City.

#### 3. AGREEMENT AND ASSURANCES.

3.1 Agreement and Assurance on the Part of LACMTA. In consideration for City entering into this Agreement, and as an inducement for City to obligate itself to carry out the covenants and conditions set forth in this Agreement, and in order to effectuate the promises, purposes and intentions set forth in this Agreement, LACMTA hereby agrees as follows:

3.1.1 **Interest in Sites.** LACMTA acknowledges and agrees that it has a legal or equitable interest in the Properties and thus is qualified to enter into and be a party to this Agreement and the right to cause the construction, development, operation and/or management of the Properties. Upon execution of this Agreement by all Parties and in connection with the commencement of CEQA, LACMTA shall confer with the City with regard to the potential locations of the TCN Structures.

3.1.2 **Program Development.** LACMTA agrees that, taking into account the needs of a public transportation agency and the TCN Program requirements, it will diligently undertake development of the TCN Program in accordance with the terms and conditions of this Agreement and the Project Approvals. LACMTA shall have the right to place the TCN Structures on the Properties in LACMTA's discretion subject to Project Approvals, as such Properties may be amended, modified, updated or replaced from time to time in order to develop the TCN Program.

3.1.3 Additional Obligations of LACMTA as Consideration for this Agreement. As additional consideration for this Agreement, LACMTA shall also provide public benefits including, but not limited to, the specific public benefits listed below:

3.1.3.1. **Shared Revenue.** LACMTA and City shall each receive its portion of the Shared Revenue from the TCN Program pursuant to the terms of this Agreement. The Net Revenue shall be collected by LACMTA in accordance with the terms of this Agreement, and LACMTA shall audit the Net Revenue received. LACMTA shall pay City's portion of the Shared Revenue within sixty (60) days following verification of the accuracy of such funds by LACMTA,

which shall not be unreasonably withheld, conditioned or delayed, as well as provide the City with supporting documentation of the paid Shared Revenue, to be used by City in accordance with the terms of this Agreement.

3.1.3.2. Review of Shared Revenue. With prior written notice of not less than thirty (30) days, City and LACMTA each has the right but not the obligation to review the Shared Revenue received and the Net Revenue paid to LACMTA and the use of the City's portion of the Shared Revenues, as applicable, at LACMTA's or City's office, on normal workdays between 9:00 a.m. and 4:00 p.m. once every two years. Should the ability to review the Shared Revenue or use of the Shared Revenues be restricted from occurring in person at either LACMTA's or the City's offices due to health, safety, or other local, state of federal orders, each Party shall make all relevant information available to the other Party through virtual/online means. If the statement of Shared Revenue previously provided to City shall be found to be inaccurate, then and in that event, there shall be an adjustment and one Party shall pay to the other on demand such sums as may be necessary to settle in full the accurate amount of the Shared Revenue that should have been paid to City for the period or periods covered by such inaccurate statement or statements. Pursuant to the Fund to be established, the City will draft a report on the Transportation Communications Network Revenue Fund on an annual basis, within 90 days after the close of the City's fiscal year, that will identify all receipts into, and all transfers and expenditures out of, the fund, as well as the purposes for which the transfers and expenditures were made.

3.1.4 **Take Downs.** As a part of the TCN Program, LACMTA shall endeavor to cause the removal of up to 320 static billboard display faces from LACMTA-owned or operated property, of which approximately 200 static billboard display faces are located on property in City. LACMTA acknowledges that the City reserves the right to create a take-down requirement in the Ordinance, which will be mutually agreed upon by LACMTA and the City.

#### 3.1.5 Compliance with Laws; Prohibited Use.

3.1.5.1. LACMTA will comply with all local, state and federal laws relating to Properties and other aspects of the TCN Structures to the extent including but not limited to building and electrical permits for the TCN structures required by the City. The display faces on the TCN Structures will not be placed in or within 200 feet of residential zones or will not be oriented facing a residential zone within such 200 foot distance.

3.1.5.2. LACMTA shall coordinate with City regarding illumination, brightness and other requirements related to the digital displays on the TCN Structures. The digital displays on the TCN Structures shall comply with the applicable sections of City's building code with respect to sign illumination.

3.1.5.3. LACMTA shall not utilize any of the display faces on the TCN Structures to advertise anything prohibited by City ordinance then in effect.

3.2 Agreement and Assurances on the Part of City. In consideration for LACMTA entering into this Agreement, and as an inducement for LACMTA to obligate itself to carry out the covenants and conditions set forth in this Agreement, and in order to effectuate the promises, purposes and intentions set forth in this Agreement, City hereby agrees as follows:

3.2.1 **City's Police Power.** Notwithstanding any other provision of this Agreement, the City hereby reserves its police power with regard to enacting the Ordinance or taking any other legislative action relating to this Agreement.

3.2.2 Timeframes and Staffing for Processing and Review. City agrees that expeditious processing of Ministerial Permits and Approvals and Discretionary Actions, if any, and any other approvals or actions required for the TCN Program are critical to the implementation of the TCN Program. In recognition of the importance of timely processing and review of Ministerial Permits and Approvals, City agrees to work with LACMTA to establish time frames for processing and reviewing such Ministerial Permits and Approvals and to comply with timeframes established in the Project Approvals. Furthermore, City shall use good faith efforts to expedite all requests by LACMTA for Discretionary Actions requested for the TCN Program, if any.

#### 4. CEQA COMPLIANCE

#### 4.1 CEQA Analysis.

4.1.1 **Lead Agency.** LACMTA shall act as lead agency and shall comply with all applicable requirements of CEQA prior to implementation for each Property and TCN Structure that is part of the TCN Program. Environmental compliance shall be conducted on a programmatic basis for the TCN Program and study locations that are owned or operated by LACMTA; provided, however, this Agreement itself is not a commitment by either Party to any project and does not have any physical impacts on the environment and is not considered a project under CEQA.

4.1.2 **Implementation.** The implementation of this Agreement shall be contingent upon City enacting legislation that allows off-site advertising to be displayed on the TCN Structures and subject to any design and development standards, including any Mitigation Measures. LACMTA's CEQA reports and analysis for the project shall encompass any City legislative changes needed to allow for the furtherance of this TCN Program. The City agrees to pay for fifty percent (50%) of LACMTA's (or its agent's) cost of the CEQA Compliance Document(s) in the event of a "no build" alternative scenario as described under Section 4.1.3(i). The City's financial obligation under the "no build" alternative scenario is not expected to exceed \$1,000,000. Any amount over \$1,000,000 shall be subject to the City reviewing and approving further costs prior to their programming and commitment by LACMTA.

CEQA Review. Because the Parties have not completed a CEQA review, 4.1.3 this Agreement does not constitute or evidence an approval by the Parties of, or commitment of the Parties to, any action for which prior environmental review is required under CEQA. The Parties retain the absolute discretion to make decisions under CEQA, which discretion includes, without limitation (i) deciding not to proceed with the TCN Program (known as the "no build" alternative) and (ii) deciding to approve the TCN Program and/or any of the actions contemplated in this Agreement (the "Potential Actions"); and (iii) the imposition of any Mitigation Measures or alternatives to the TCN Program or Potential Actions. There shall be no approval or commitment by the Parties regarding the development of the TCN Program or any of the Potential Actions, unless and until LACMTA, as the lead agency, and City as a potentially responsible agency, based upon information resulting from the CEQA environmental review process, consider the impacts of the TCN Program and Potential Actions. This means that no specific location for take down of a static billboard display face or installation of a new TCN Structure will be approved until after the CEQA review is completed and the City has enacted an Ordinance that will enable the outdoor advertising on the TCN structures. The CEOA review and Ordinance will address potential restrictions on placement of new TCN structures, such as distance limits from residential uses.

#### 5. GENERAL PROVISIONS.

5.1 **Term.** The Term of this Agreement shall commence on the Effective Date and shall extend for a period of twenty (20) years after the Effective Date. Prior to the expiration of the Term, City and LACMTA shall negotiate in good faith to extend the terms of this Agreement based on an evaluation of the status of the TCN Program at such time and agree on a mutually beneficial path forward. Following the expiration of the Term or earlier termination, this Agreement shall terminate and be of no further force and effect; provided, however, that this termination shall not affect any right or duty arising from entitlements or approvals, including the Project Approvals on the Properties, approved concurrently with, or subsequent to, the Effective Date of this Agreement.

5.2 Enforced Delay; Extension of Time of Performance. In addition to specific provisions of this Agreement, whenever a period of time, including a reasonable period of time, is designated within which a Party hereto is required to do or complete any act, matter or thing, the time for the doing or completion thereof shall be extended by a period of time equal to the number of days during which such Party is actually prevented from, or is unreasonably interfered with, the doing or completion of such act, matter or thing because of causes beyond the reasonable control of the Party to be excused, including: war; insurrection; riots; floods; earthquakes; fires; casualties; pandemics; acts of God; unusual economic or governmental circumstances that limit the ability to generate revenue from the digital displays on the TCN Structures, litigation and administrative proceedings against the TCN Program; any approval required by City or the State of California Department of Transportation; restrictions imposed or mandated by other governmental entities; enactment of conflicting state or federal laws or regulations; judicial decisions; or similar bases for excused performance which are not within the reasonable control of the Party to be excused (financial inability excepted). This Section shall not be applicable to any proceedings with respect to bankruptcy or receivership initiated by or on behalf of LACMTA, or by any third parties against LACMTA if not dismissed within ninety (90) days; provided however, this Section shall be applicable to every other provision in this Agreement. If written notice of such delay is given to any Party within thirty (30) days of the commencement of such delay, an extension of time for such cause will be granted in writing for the period of the enforced delay or longer as may be reasonable or mutually agreed upon.

5.3 **Dispute Resolution.** The Parties shall make reasonable efforts to settle all disputes arising out of or in connection with this Agreement. Before exercising any remedy provided by law, a Party or the Parties shall engage in nonbinding mediation in the manner agreed upon by the Parties. The Parties agree that each Party may specifically enforce this section. If nonbinding mediation is not initiated or does not result in the settlement of a dispute within sixty (60) days after the demand for mediation is made, either Party may pursue any remedies provided by law.

5.4 **Applicable Law.** This Agreement shall be construed and enforced in accordance with the laws of the State of California.

5.5 **Amendments.** This Agreement may be amended from time to time by mutual consent in writing of the Parties to this Agreement.

5.6 **Covenants.** The provisions of this Agreement shall constitute covenants which shall run with the land comprising the Properties for the benefit thereof, and the burdens and benefits hereof shall bind and inure to the benefit of all assignees, transferees, and successors to the Parties hereto.

#### 5.7 **Cooperation and Implementation**.

5.7.1 **Processing.** Upon adoption of the Ordinance, City shall commence and diligently process all required steps necessary for the implementation of this Agreement and development of the Properties in accordance with the terms of this Agreement. LACMTA shall, in a timely manner, provide City with all documents, plans, fees and other information necessary for City to carry out its processing obligations pursuant to this Agreement.

5.7.2 **Other Governmental Permits.** LACMTA shall apply in a timely manner for such other permits and approvals as may be required from other governmental or quasi-governmental agencies having jurisdiction over the TCN Program, if any. City shall cooperate with LACMTA in its endeavors to obtain such permits and approvals and shall, from time to time at the request of LACMTA, attempt with due diligence and in good faith to enter into binding agreements with any such entity to ensure the availability of such permits and approvals, or services, provided such agreements are reasonable and not detrimental to City.

5.7.3 **Cooperation in The Event of Legal Challenge.** In the event of any legal action instituted by a third party or other governmental entity or official challenging the validity of any provision of this Agreement, the Parties hereby agree to affirmatively cooperate in defending said action.

5.8 **Relationship of the Parties.** It is understood and agreed by the Parties hereto that the contractual relationship created between the Parties hereunder is that LACMTA is an independent public entity with respect to City and is not an agent of City. Further, the Parties agree and hereby renounce the existence of any form of joint venture or partnership between City and LACMTA and agree that nothing herein or in any document executed in connection herewith shall be construed as making City a joint venturer or partner with LACMTA.

#### 5.9 **Indemnification and Insurance**.

5.9.1 Indemnification by LACMTA. LACMTA shall indemnify City, its officers, employees, and agents against, and will hold and save them and each of them harmless from, any and all actions, suits, claims, damages to persons or property, losses, costs, penalties, obligations, errors, omissions, or liabilities (herein "claims or liabilities") that may be asserted or claimed by any person, firm, or entity arising out of or in connection with (1) the work, operations, or activities of LACMTA, its agents, employees, subcontractors, or invitees, hereunder, upon the Properties; or (2) any legal action commenced by any third party challenging the validity of the environmental assessment of the TCN Program under CEQA performed by LACMTA as lead agency. LACMTA will defend any action or actions filed in connection with any of said claims or liabilities listed in the foregoing sentence and will pay all third-party costs and expenses, including reasonable legal costs and attorneys' fees incurred in connection therewith. LACMTA will promptly pay any judgment rendered against City, its officers, agents, or employees for any such claims or liabilities arising out of or in connection with the work, operations, or liabilities arising out of or in connection with the work, operations, or employees for any such claims or liabilities arising out of or in connection with the work, operations, or liabilities arising out of or in connection with the work, operations, or employees for any such claims or liabilities arising out of or in connection with the work, operations, or employees for any such claims or liabilities arising out of or in connection with the work, operations, or employees for any such claims or liabilities arising out of or in connection with the work, operations, or employees for any such claims or liabilities arising out of or in connection with the work, operations, or employees for any such claims or liabilities arising out of or in connection with the work, operations, or employees for any such claims or liabiliti

or activities of LACMTA. The foregoing indemnity shall not include claims or liabilities arising from the gross negligence or willful misconduct of City, its officers, agents, or employees.

5.9.2 Additional Coverage. Without limiting the generality of the foregoing, said indemnity shall include any liability arising by reason of: (a) any claim made by any assignee, employee, agent, visitor, invitee, or user of any portion of a Property; (b) any accident or other occurrence in or on a Property causing injury to any person or property whatsoever; (c) any failure of LACMTA to comply with performance of all of the applicable provisions of this Agreement; or (d) LACMTA's failure to prevent any employee or any invitee or any other person from entering upon or remaining in any place upon a Property which is not safe and does not comply with all laws pertaining thereto as they may now or hereafter exist. The foregoing indemnity shall not include claims or liabilities arising from the gross negligence or willful misconduct of City, its officers, agents, or employees.

5.9.3 Indemnification by City. City shall indemnify LACMTA, its officers, employees, and agents against, and will hold and save LACMTA harmless from, any and all claims or liabilities that may be asserted or claimed by any person, firm, or entity arising out of or in connection with (1) any failure of City to comply with the performance of all of the applicable provisions of this Agreement; or (2) any legal action commenced by any third party challenging the validity of the Ordinance enacted by City, any Discretionary Action, Ministerial Permits or Approvals or other actions by City in connection with the approval of the TCN Program. City will defend any action or actions filed in connection with any of said claims or liabilities and will pay all costs and expenses, including legal costs and attorneys' fees incurred in connection therewith. The foregoing indemnity shall not include claims or liabilities arising from the gross negligence or willful misconduct of LACMTA, its officers, agents, or employees.

5.9.4 **Period of Indemnification**. The obligations for indemnity under this Section 5.9 shall begin upon the Effective Date and shall terminate upon termination of this Agreement, provided that indemnification shall apply to all claims or liabilities arising during that period even if asserted at any time thereafter.

5.10 **Extension of Time for All Project Approvals.** The duration of all Project Approvals shall automatically be extended for the Term of this Agreement.

5.11 **Notices.** Any notice or communication required hereunder between the Parties must be in writing and shall be given either personally or by registered or certified mail, return receipt requested, or nationally recognized overnight courier. Notices shall be deemed to be received upon actual receipt or refusal thereof. Any Party hereto may at any time, by giving ten (10) days' written notice to the other Party hereto, designate any other address in substitution of the address, or any additional address, to which such notice or communication shall be given. Such notices or communications shall be given to the Parties at their addresses set forth below:

To City:

City of Los Angeles City Administrative Officer 200 North Main Street, Room 1500 Los Angeles, California 90012 (213) 473-7534

Attn:

To LACMTA:

Los Angeles County Metropolitan Transportation Authority One Gateway Plaza Mail Stop 99-18-4 Los Angeles, California 90012-2952 Attn: Sr. EO, Real Property Management & Development

5.12 **Recordation.** Within ten (10) days following City's adoption of the Ordinance, this Agreement shall be recorded by LACMTA with the Registrar-Recorder of the County of Los Angeles.

5.13 **Constructive Notice and Acceptance.** Every person who now or hereafter owns or acquires any right, title, interest in or to any portion of the Property or the TCN Structure, is and shall be conclusively deemed to have consented and agreed to every provision contained herein, whether or not any reference to this Agreement is contained in the instrument by which such person acquired an interest in a Property or TCN Structure.

5.14 **Severability.** If any provisions, conditions, or covenants of this Agreement, or the application thereof to any circumstances of any Party, shall be held invalid or unenforceable, the remainder of this Agreement or the application of such provision, condition, or covenant to persons or circumstances other than those as to whom or which it is held invalid or unenforceable shall not be affected thereby and shall be valid and enforceable to the fullest extent permitted by law.

5.15 **Time of the Essence.** Time is of the essence for each provision of this Agreement of which time is an element.

5.16 **Waiver.** No waiver of any provision of this Agreement shall be effective unless in writing and signed by a duly authorized representative of the Party against whom enforcement of a waiver is sought. No waiver of any right or remedy with respect to any occurrence or event shall be deemed a waiver of any right or remedy with respect to any other occurrence or event.

5.17 **No Third-Party Beneficiaries.** The only Parties to this Agreement are City and LACMTA, and their successors-in-interest, transferees, or assignees. There are no thirdparty beneficiaries and this Agreement is not intended and shall not be construed to benefit or be enforceable by any other person whatsoever. Notwithstanding the foregoing, All Vision LLC, LACMTA's agent with respect to the TCN Program shall be a third-party beneficiary to this Agreement.

5.18 Entire Agreement. This Agreement sets forth and contains the entire understanding and agreement of the Parties and there are no oral or written representations, understandings or ancillary covenants, undertakings or agreements which are not contained or expressly referred to herein (or any such representations, understandings or ancillary covenants, undertakings or agreements are integrated in this Agreement) and no testimony or evidence of any such representations, understandings, or covenants shall be admissible in any proceedings of any kind or nature to interpret or determine the provisions or conditions of this Agreement. 5.19 Legal Advice; Neutral Interpretation; Headings, Table of Contents, and Index. Each Party acknowledges that it has received independent legal advice from its attorneys with respect to the advisability of executing this Agreement and the meaning of the provisions hereof. The provisions of this Agreement shall be construed as to their fair meaning, and not for or against any Party based upon any attribution to such Party as the source of the language in question. The headings, table of contents, and index used in this Agreement are for the convenience of reference only and shall not be used in construing this Agreement.

5.20 **Discretion to Encumber.** This Agreement shall not prevent or limit LACMTA in any manner, at its sole discretion, from encumbering the Properties or any portion of the Properties or any improvement on the Properties by any mortgage, deed of trust or other security device securing financing with respect to the Properties or their improvements.

5.21 **Expedited Processing.** Each Party agrees to cooperate in the expedited processing of any legal action seeking specific performance, declaratory relief or injunctive relief, to set court dates at the earliest practicable date(s) and not cause delay in the prosecution/defense of the action, provided such cooperation shall not require any Party to waive any rights.

5.22 **Non-liability of City and LACMTA Officials.** No officer, official, member, employee, attorney, agent, or representatives of City or LACMTA or its agents or representatives shall be liable for any amounts due hereunder, and no judgment or execution thereon entered in any action hereon shall be personally enforced against any such officer, official, member, employee, attorney, agent, or representative.

5.23 **No Brokers.** Each Party represents and warrants to the other that it has not employed any broker and/or finder to represent its interest in this Agreement. Each Party agrees to indemnify and hold the other free and harmless from and against any and all liability, loss, claim, damage, cost, penalty or obligations arising out of a breach of this Section 5.23.

5.24 **Recitals.** The recitals noted on the first page are hereby made a part of this Agreement.

5.25 **Counterparts.** This Agreement may be executed in duplicate originals, each of which is deemed to be an original. This Agreement, not counting the Cover Page, consists of 16 pages and one (1) Schedule.

5.26 **Common Interest**. LACMTA and City acknowledge and agree that consideration, drafting and negotiation of this Agreement is a mutual undertaking that required the cooperation of LACMTA's, All Vision LLC's and City's respective legal counsel and representatives. LACMTA and City, and their respective advisors and consultants (including, without limitation, All Vision LLC and its respective advisors, consultants and legal counsel), shall work together in confidence, and shall take all reasonable steps to protect the confidentiality of their advice and counsel to the maximum extent permitted by the California Public Records Act (Chapter 3.5 of Division 7 of Title 1 of the California Government Code), applicable law affording privilege to attorney-client communications and work product, and the "Common Interest Doctrine". To the extent consistent with the law, LACMTA and City shall maintain security and control over all

documents and e-mails containing proposals, correspondence, documents, information and data related to the TCN Program and Potential Actions generated by either Party in connection with negotiations ("Confidential Information") and each Party shall ensure that all of its advisors and consultants at any level maintain the confidentiality, security and control over all Confidential Information. To the extent consistent with the law, unless mutually agreed in writing by both LACMTA and City, neither Party will divulge any Confidential Information to the media, any member of the public, or any other party. Notwithstanding any contrary provision, this Section 5.26 is a binding agreement and will survive termination of this Agreement.

[Signatures on the next page]

**IN WITNESS WHEREOF,** the Parties hereto have executed this Agreement as of the date first written above.

By

ATTEST: By: 2/3/22

City: CINY OF LOS ANGELES

Matthew W. Szabo, City Administrative Officer

1/12/2022

APPROVED AS TO FORM; By Attorney

LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION A UTHORITY

By \_\_\_\_\_

#### APPROVED AS TO FORM:

RODRIGO CASTRO-SILVA County Counsel

By:

Ronald W. Stamm Principal Deputy County Counsel IN WITNESS WHEREOF, the Parties hereto have executed this Agreement as of the date first written above.

City: CITY OF LOS ANGELES

By

ATTEST:

Ву:\_\_\_\_

APPROVED AS TO FORM:

By:\_\_\_\_\_, City Attorney

LOS ANGELES COUNTY **METROPOLITAN TRANSPORTATION** AUTHORITY

Ву The to

APPROVED AS TO FORM:

**RODRIGO CASTRO-SILVA County Counsel** 

By: Ronald W. Stamm

Ronald W. Stamm Principal Deputy County Counsel

[end of signatures]

## Exhibit C

# Metro Transportation Communication Network (TCN) - Site Plans/Renderings/Elevations & ZIMAS/Street View Maps

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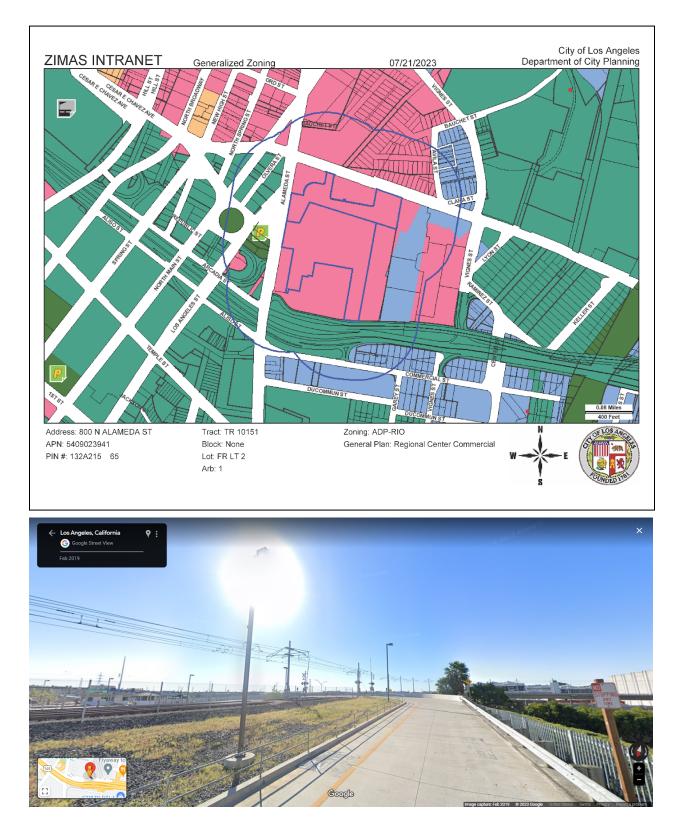
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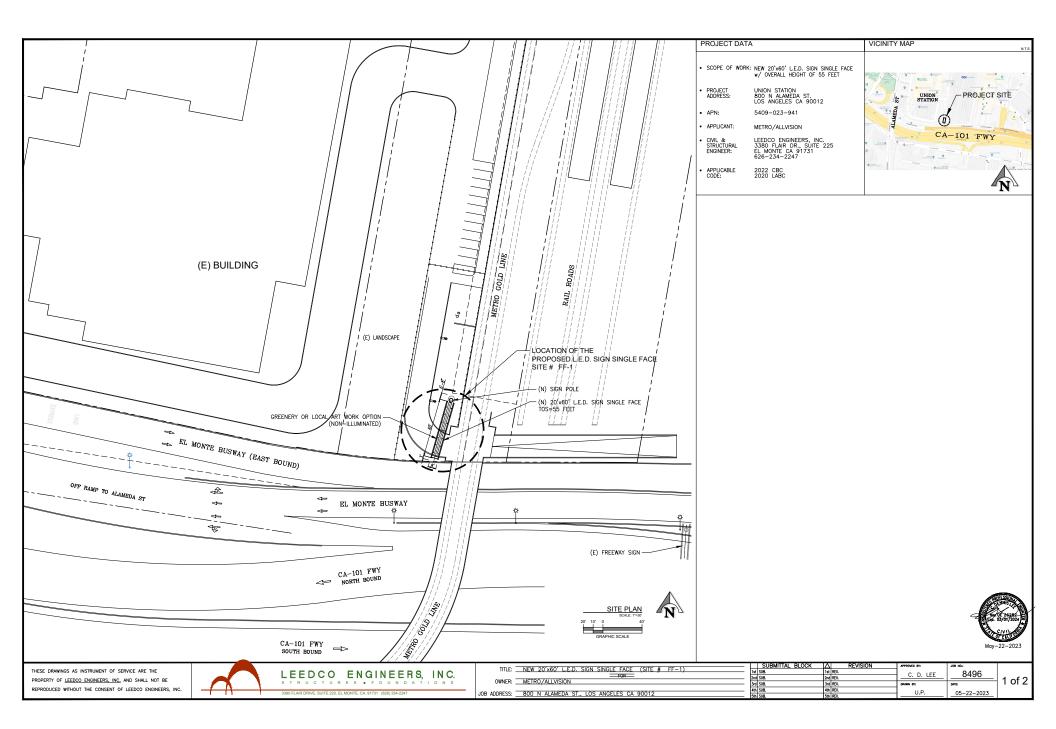
NFF-18 Bellance Avenue and Arbor Vitae Street	322
NFF-19 Vermont Avenue and Beverly Boulevard	329
NFF-20 Vermont Avenue and Santa Monica Boulevard	332
NFF-21 Removed by Metro	335
NFF-22 Alameda Street and 7th Street	336

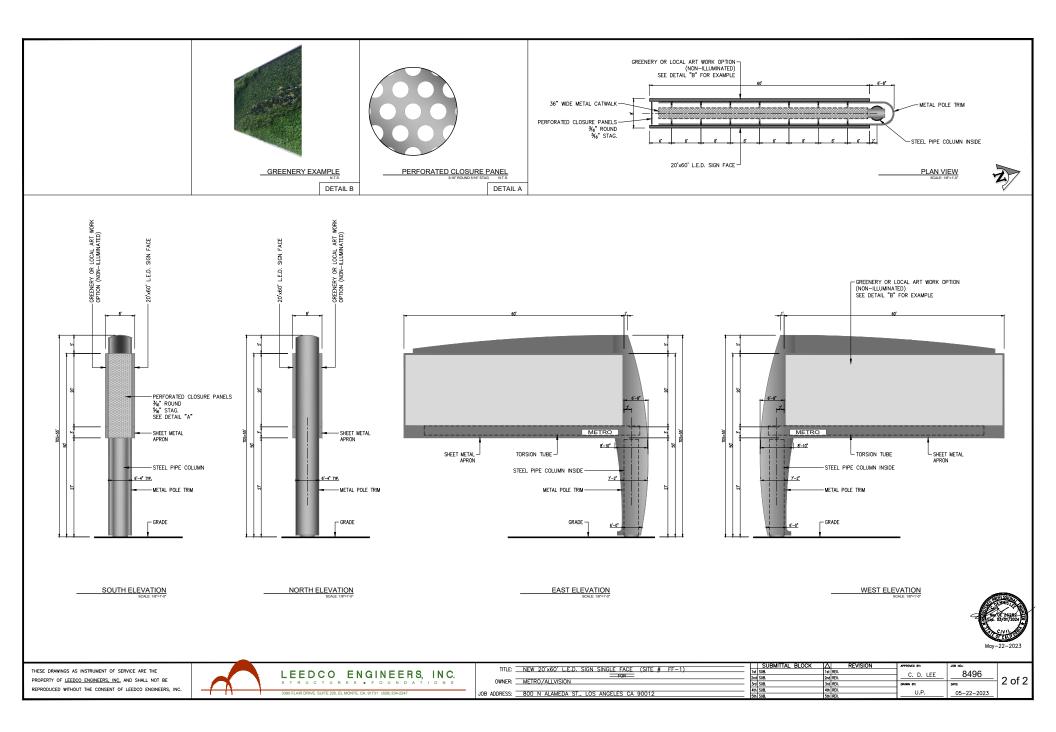
### FF-1

101 Freeway North at Union Station Central City North

### FF-1 - APN: 5409023941















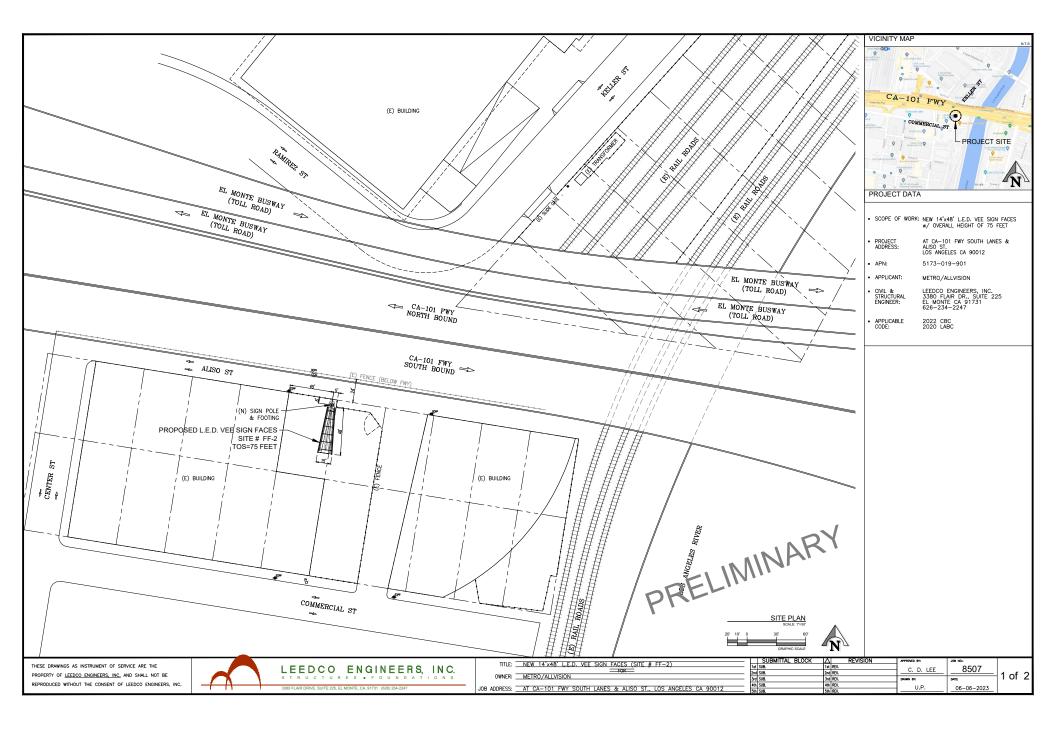
### FF-2

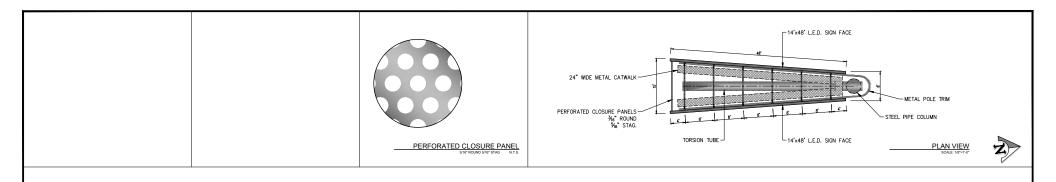
101 Freeway South at Center Street Central City North

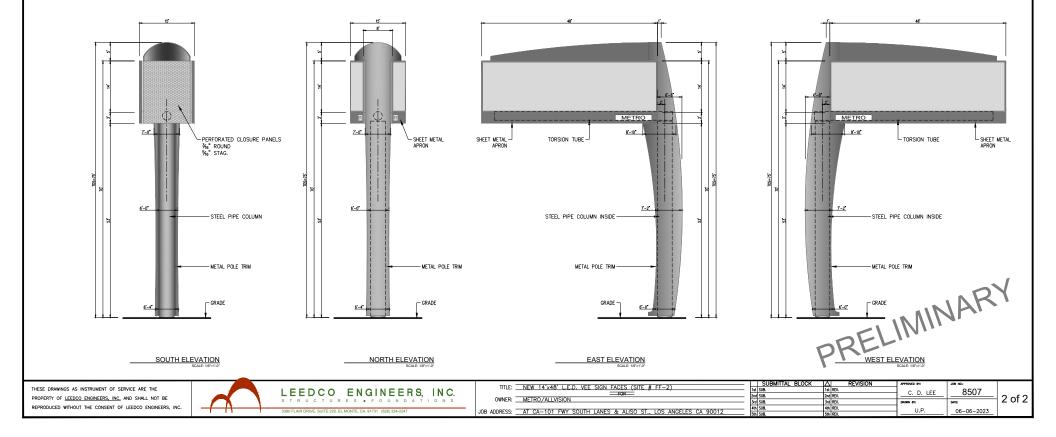
### FF-2 - APN: 5173019901



Gooal

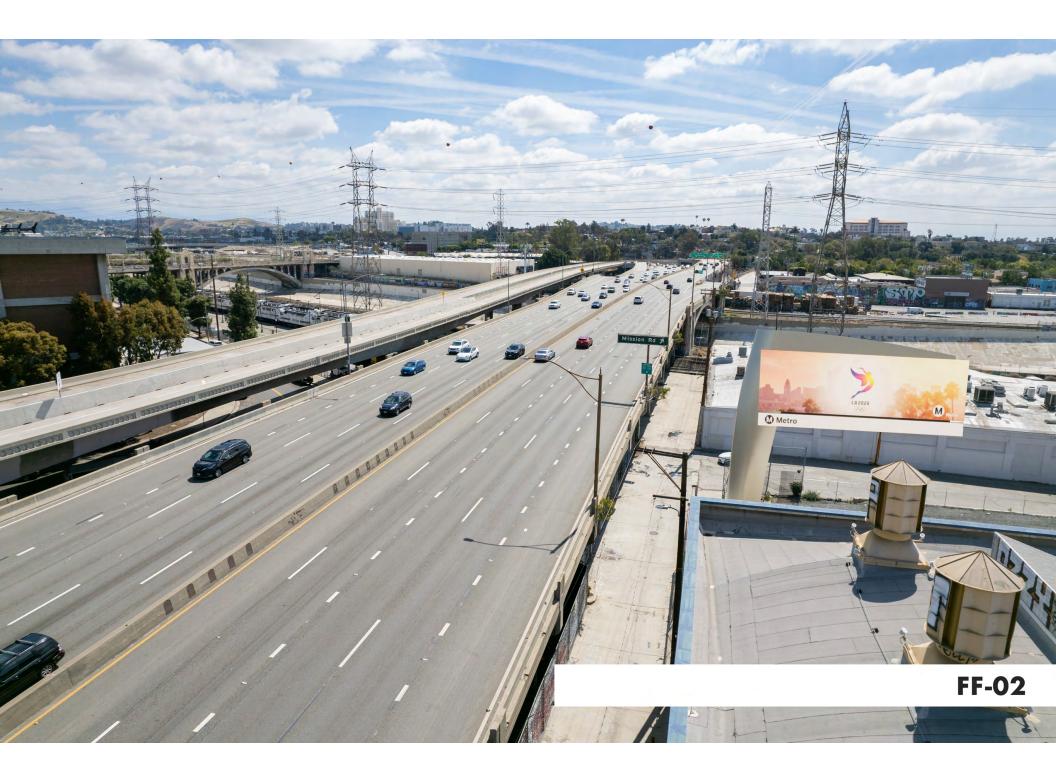


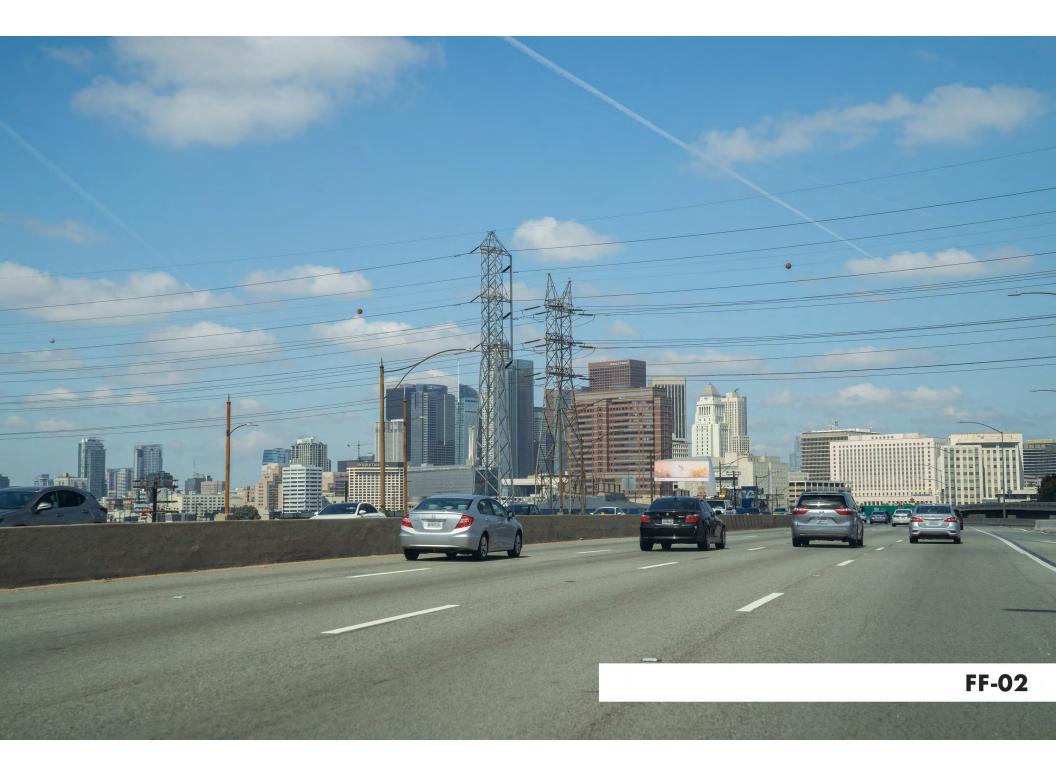






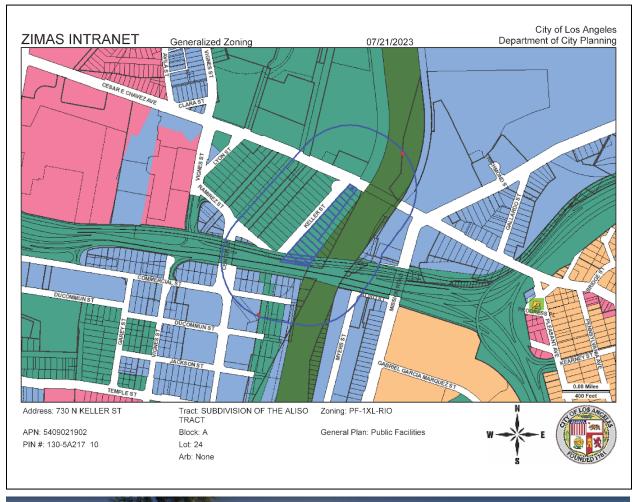




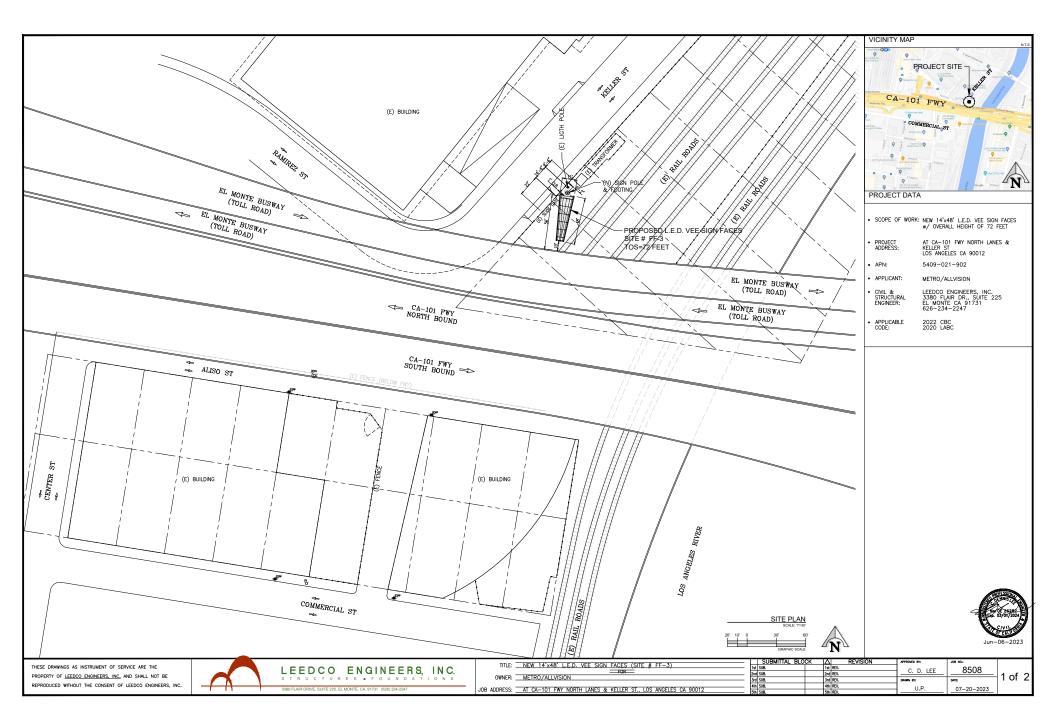


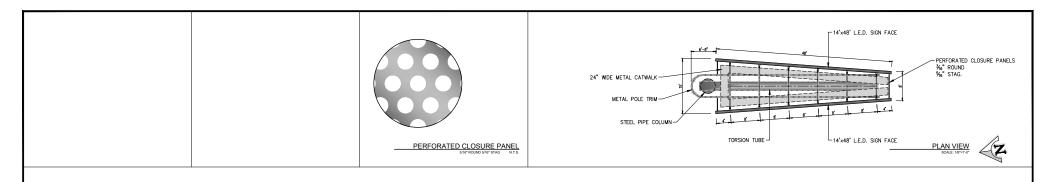
101 Freeway North at Keller Street Central City North

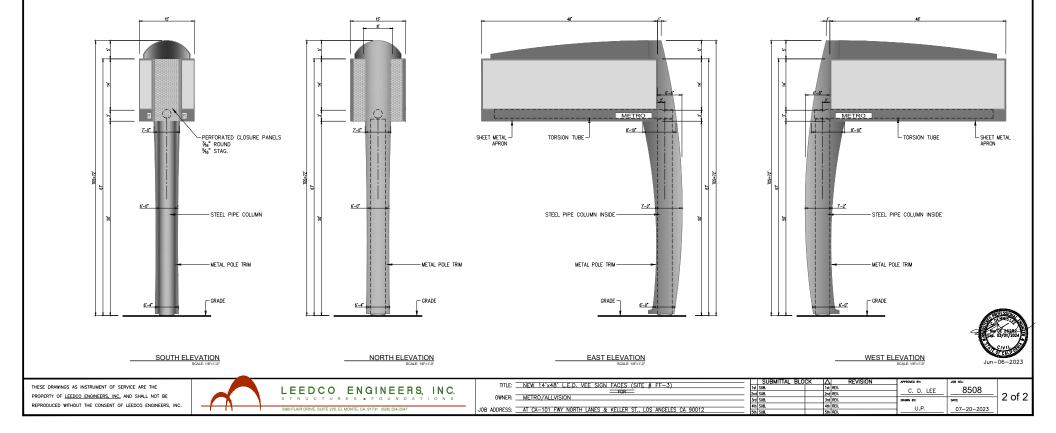
## FF-3 - APN: 5409021902





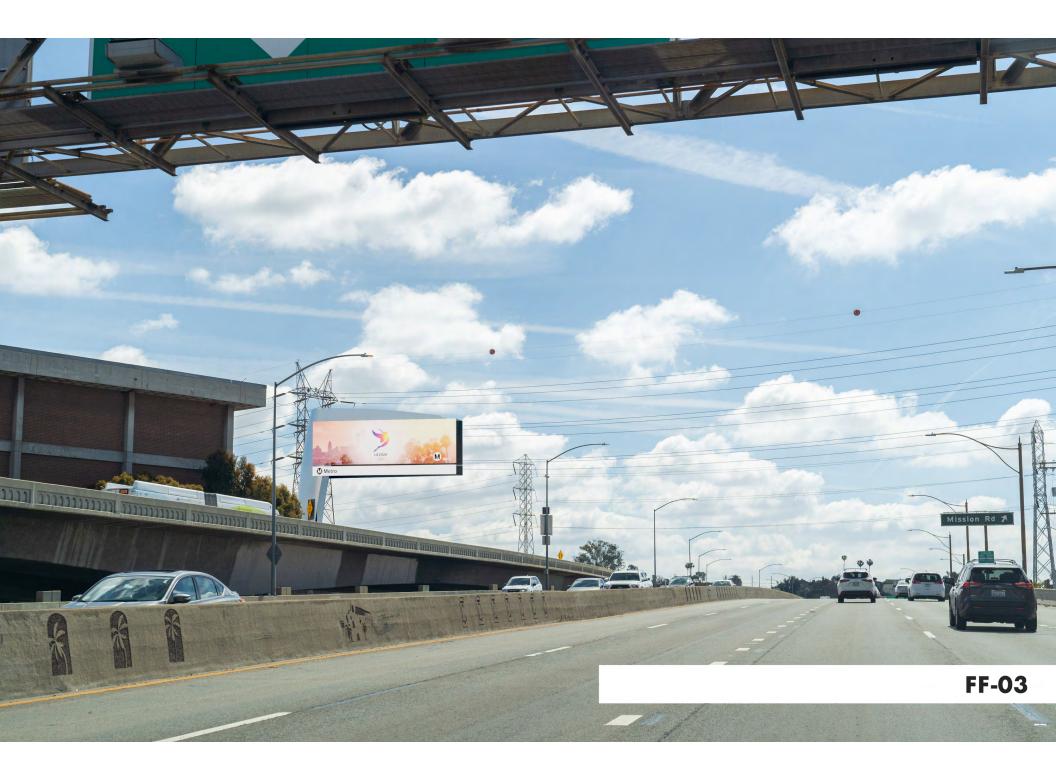


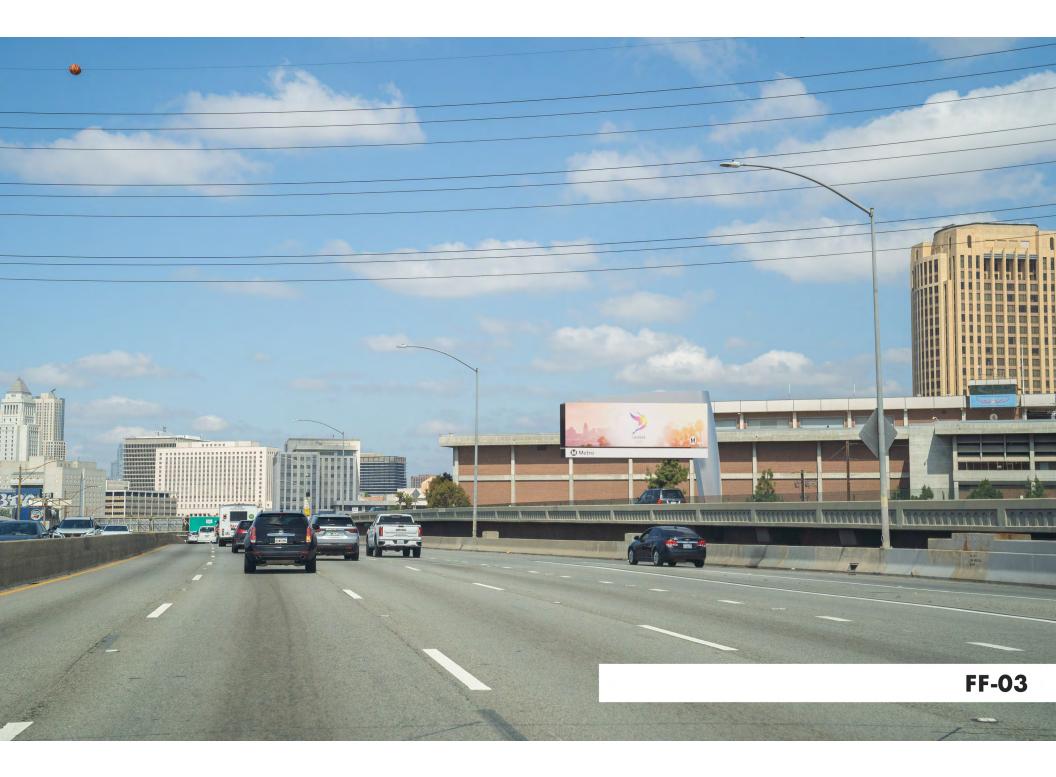








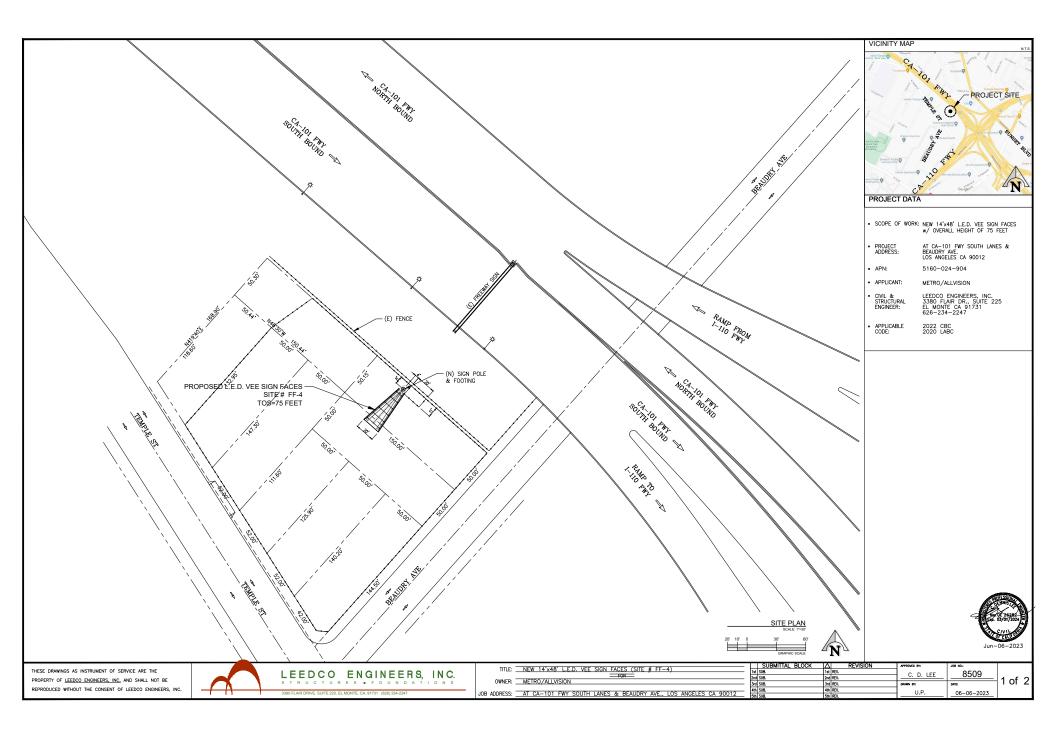


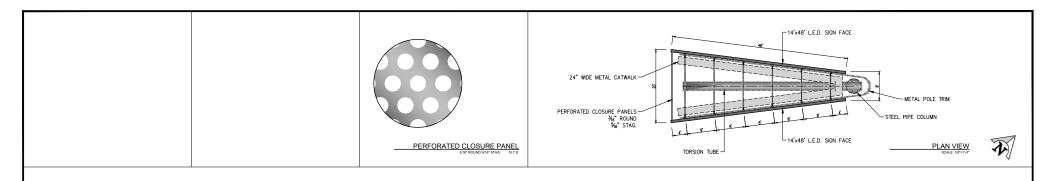


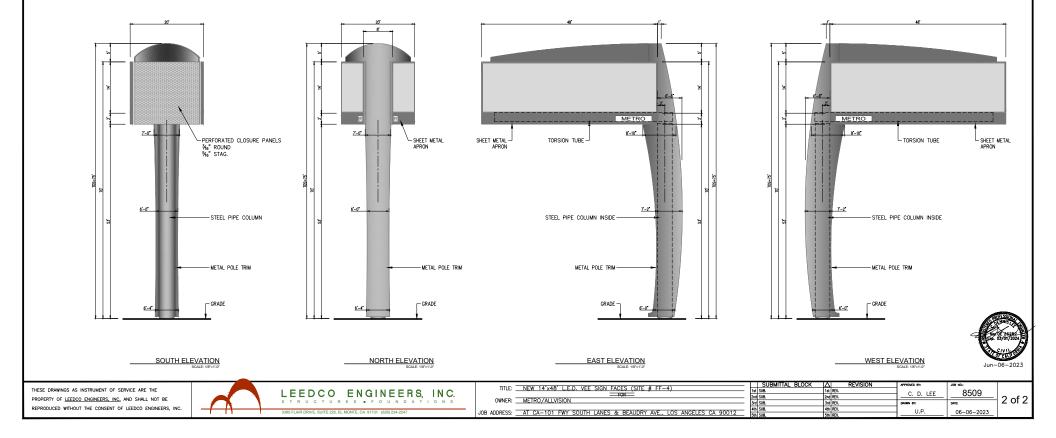
101 Freeway South at Beaudry Street Silver Lake - Echo Park - Elysian Valley

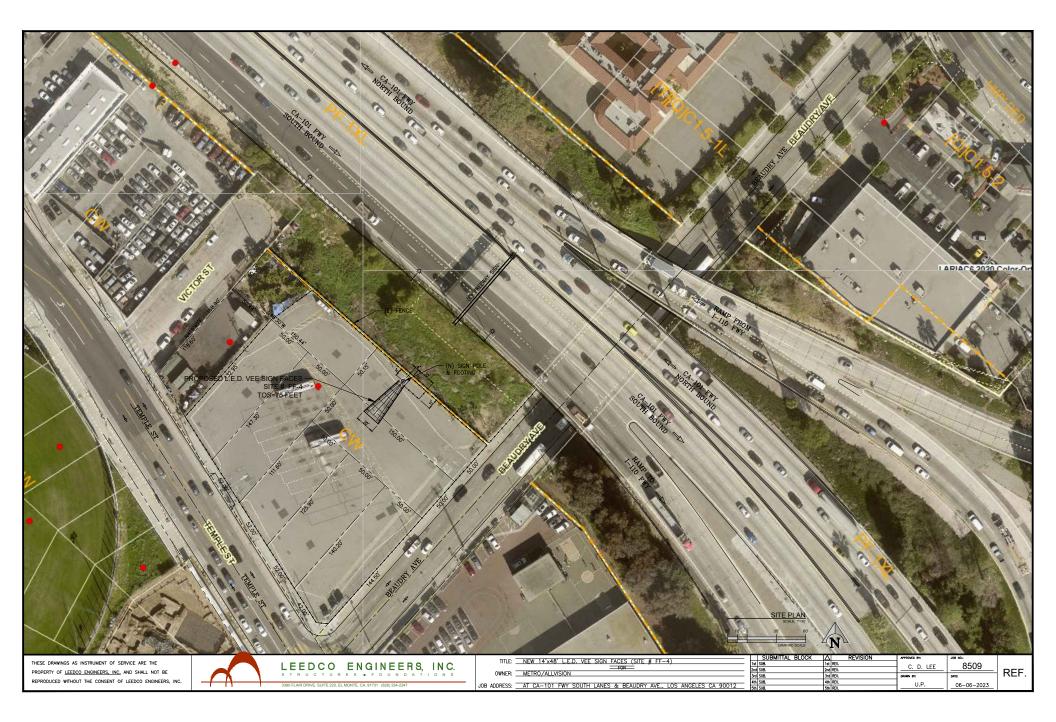
### FF-4 - APN: 5160024904



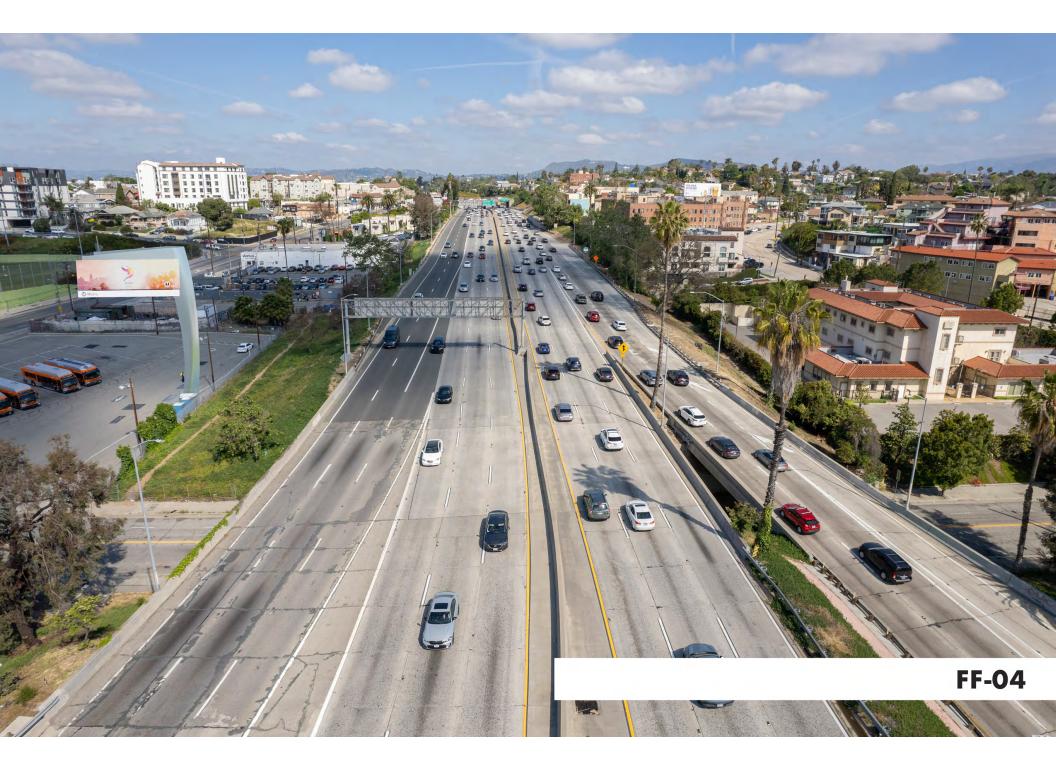


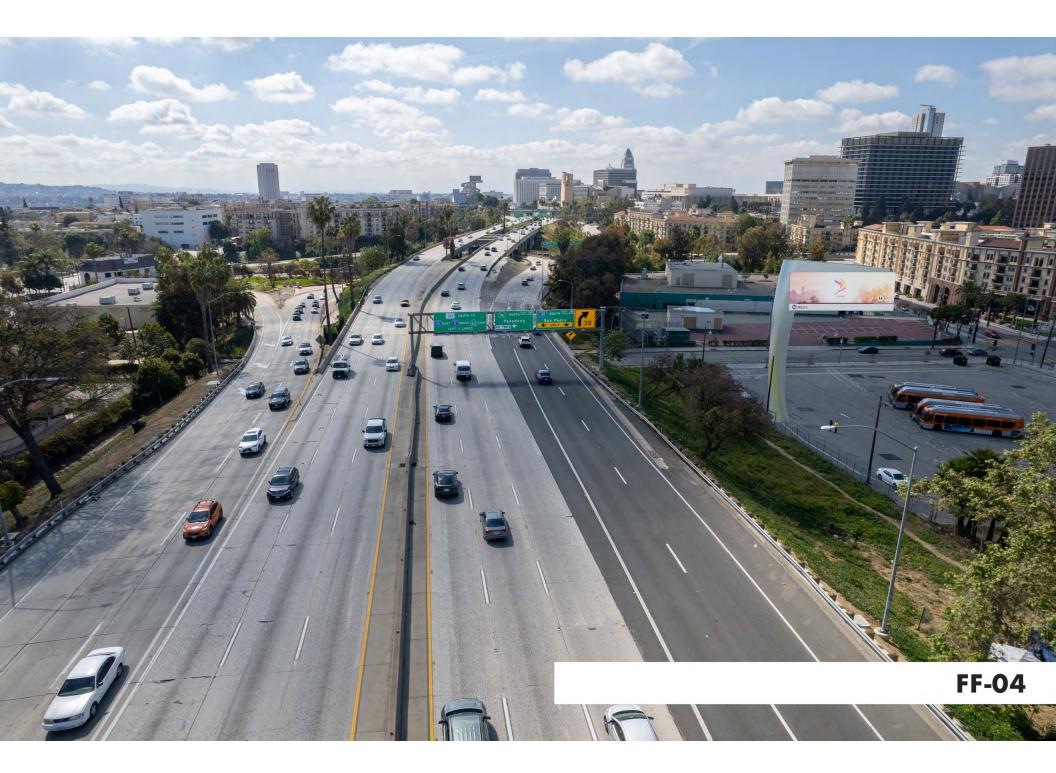






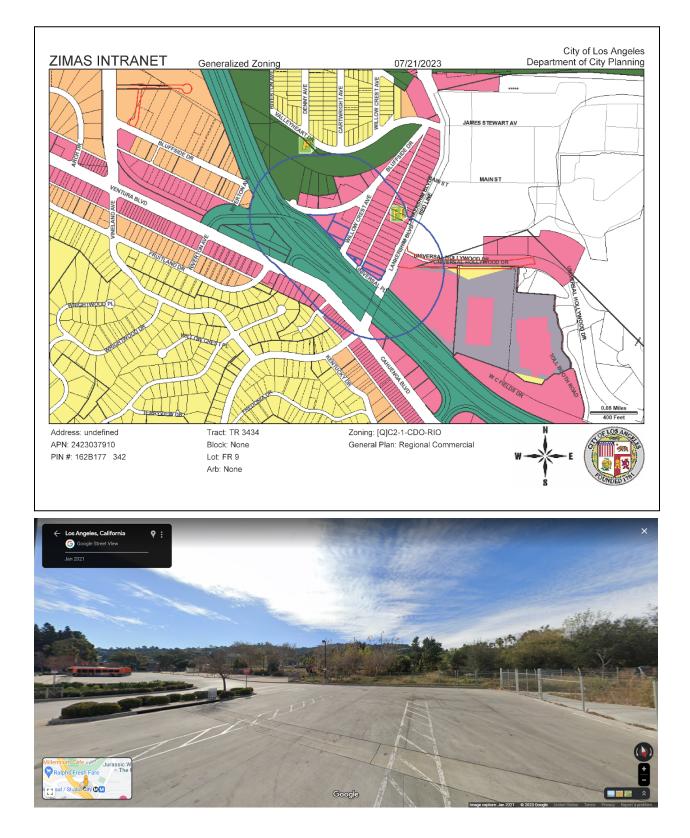


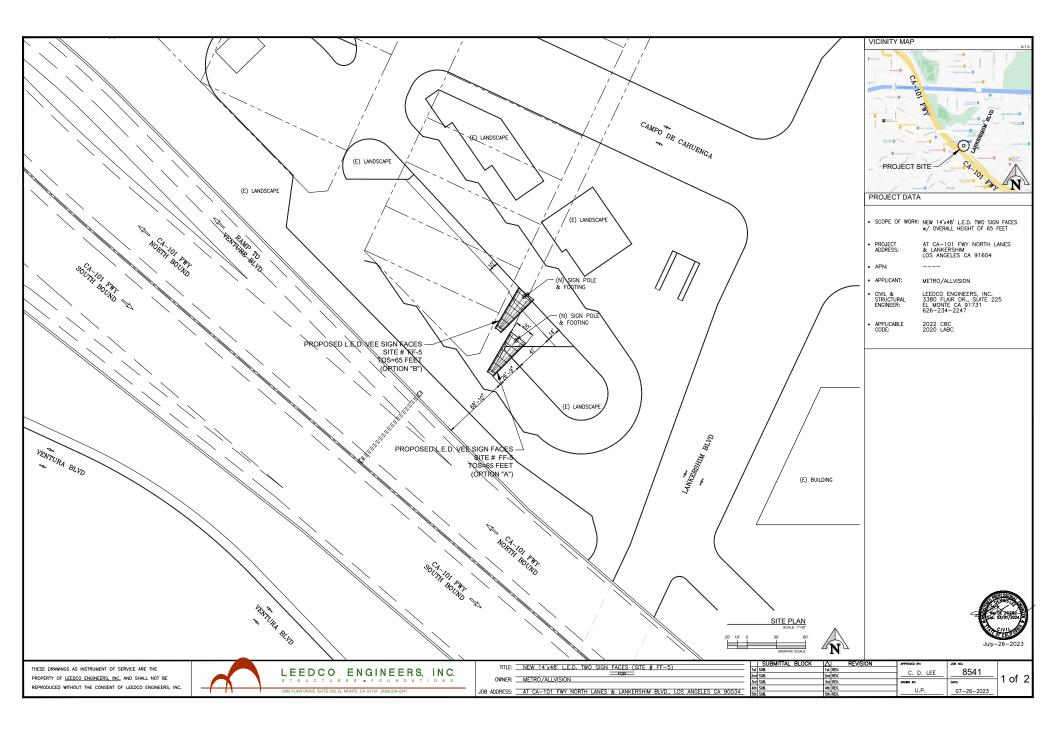


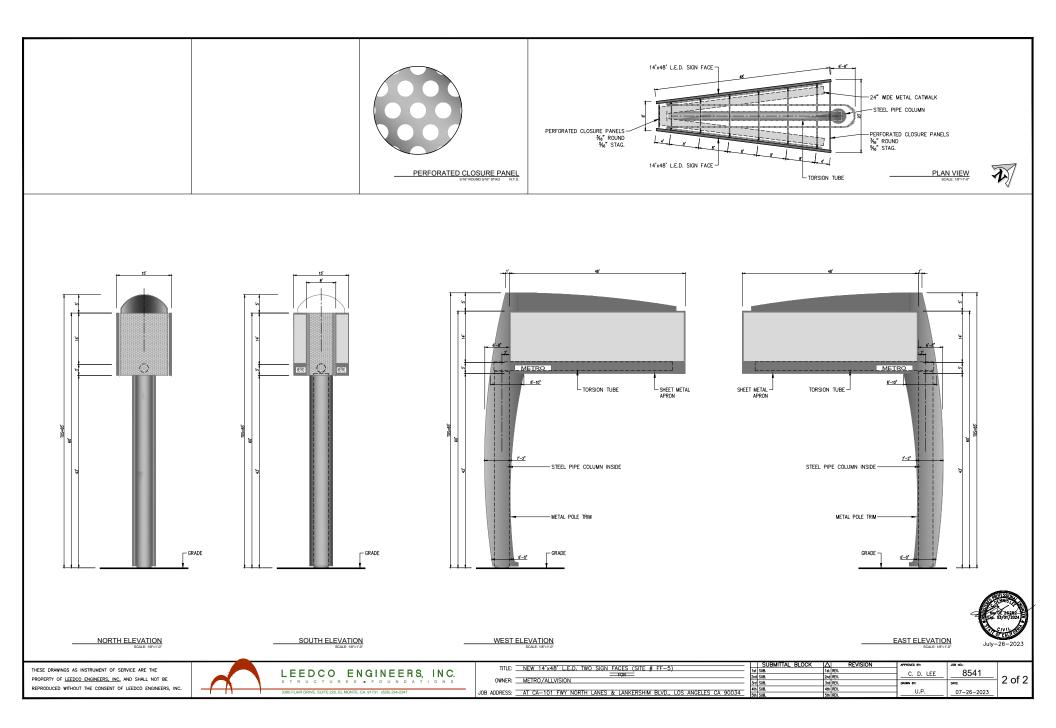


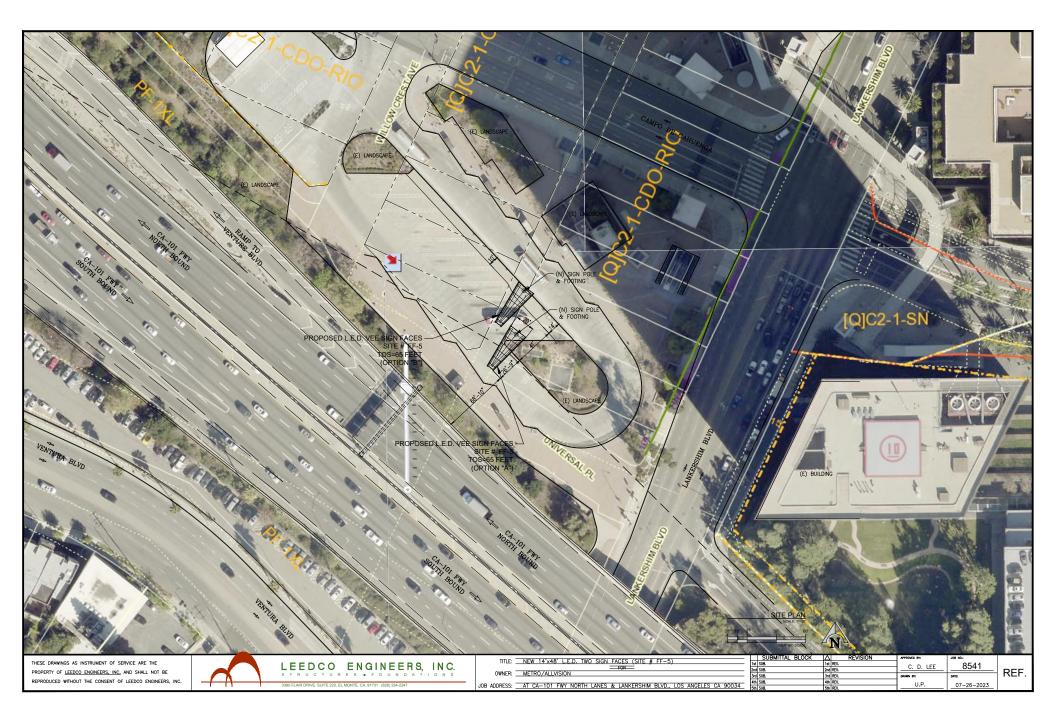
101 Freeway North at Lankershim Boulevard Sherman Oaks - Studio City - Toluca Lake - Cahuenga Pass

# FF-5 - APN: 2423037910, 2423037914, 2423037915, 2423038902, 2423038965

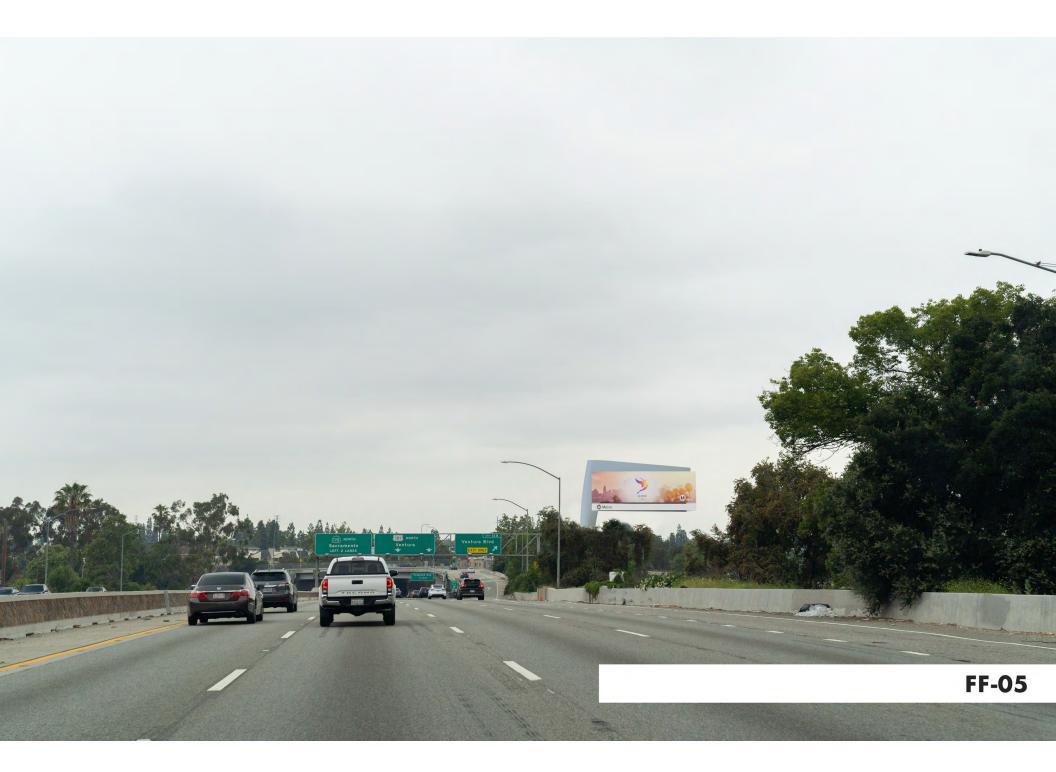


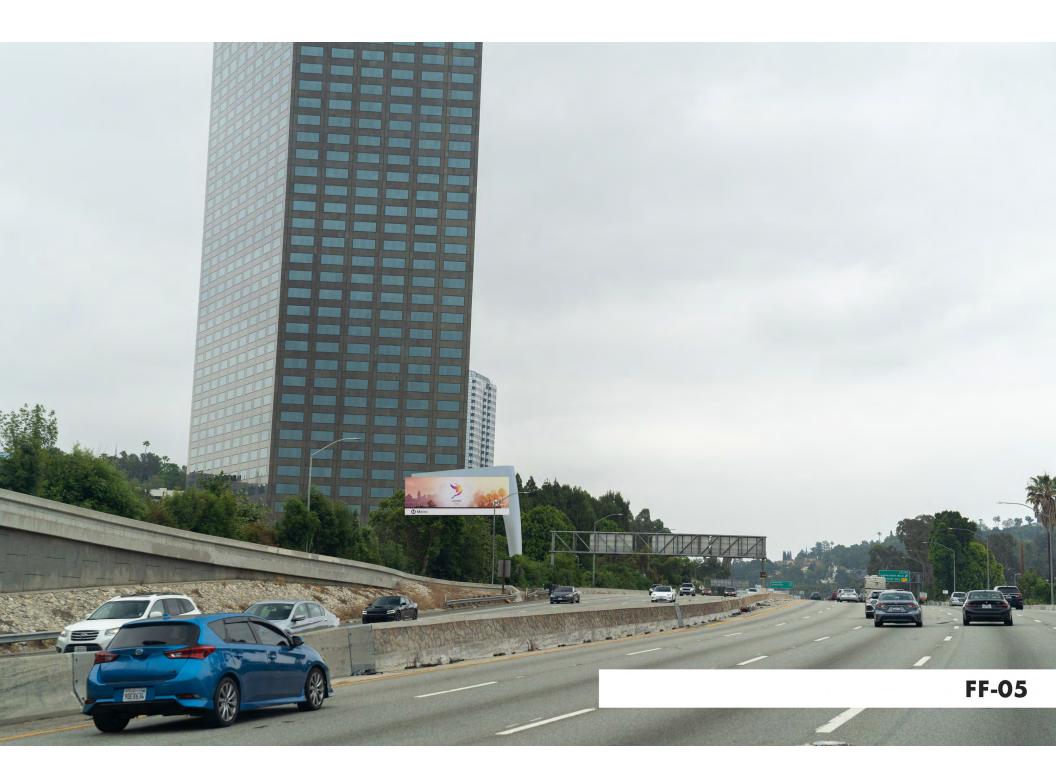








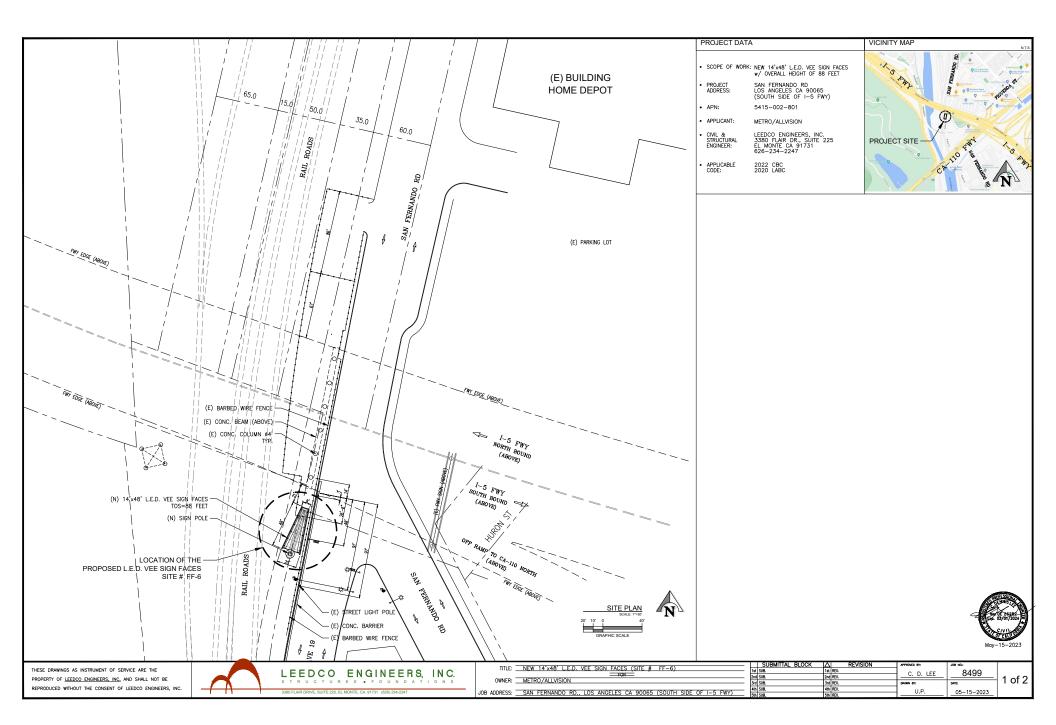


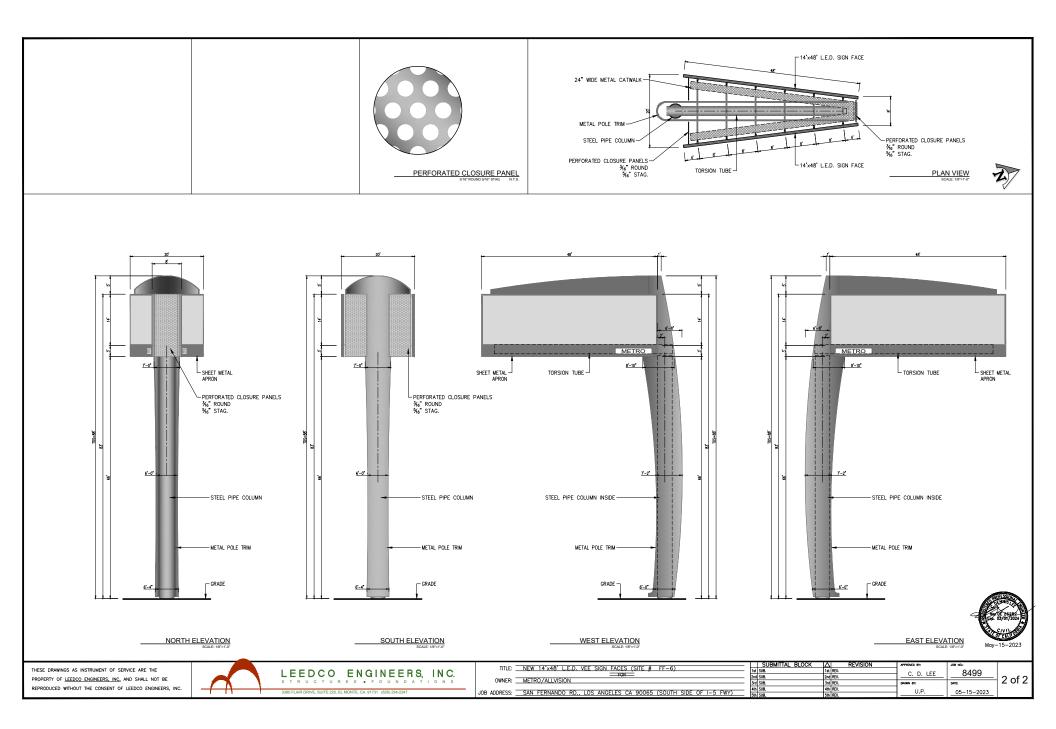


5 Freeway South at Avenue 19 Northeast Los Angeles

## FF-6 - APN: 5415002801

















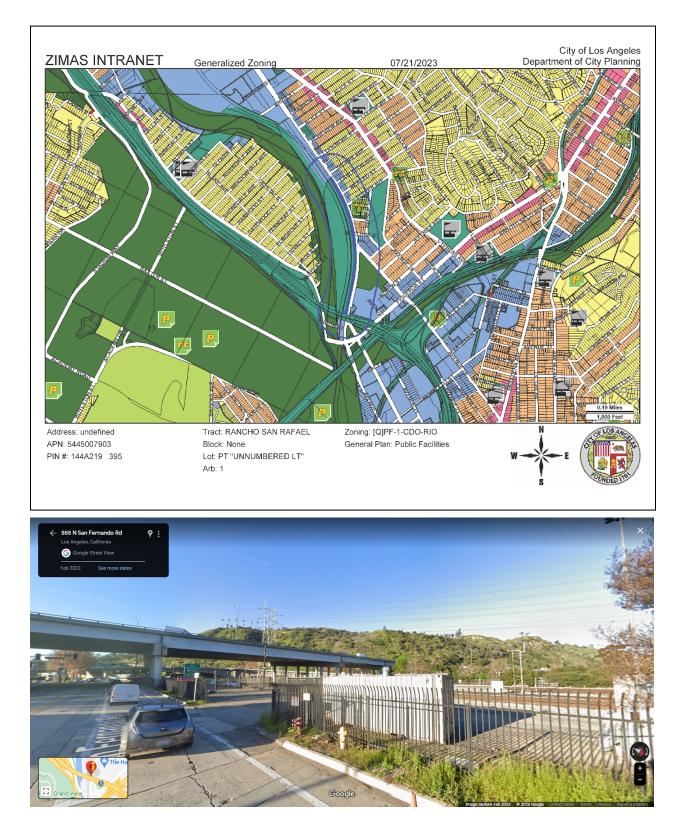
# FF-06. 900' FROM BILLBOARD

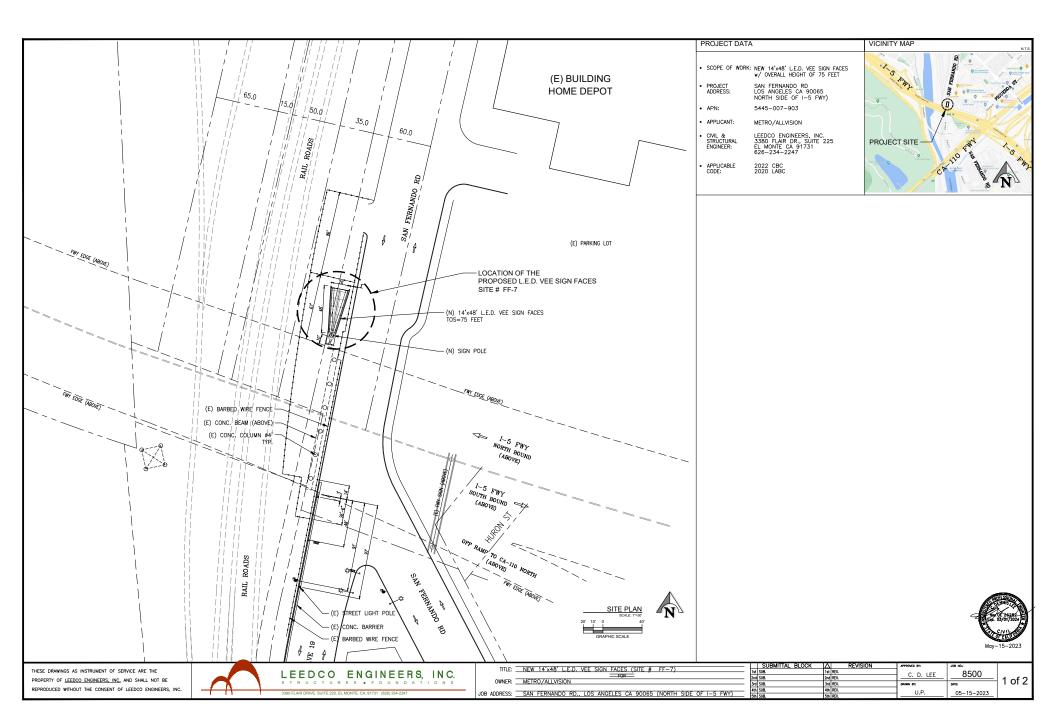
Four Winds

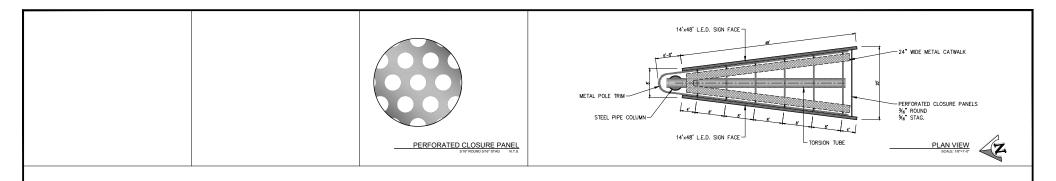
\$a

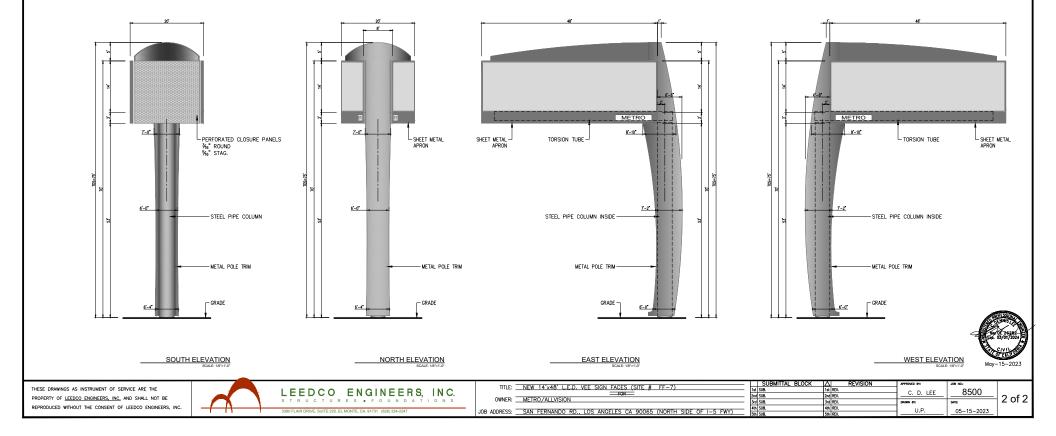
## 5 Freeway North at San Fernando Road Northeast Los Angeles

#### FF-7 - APN: 5445007903



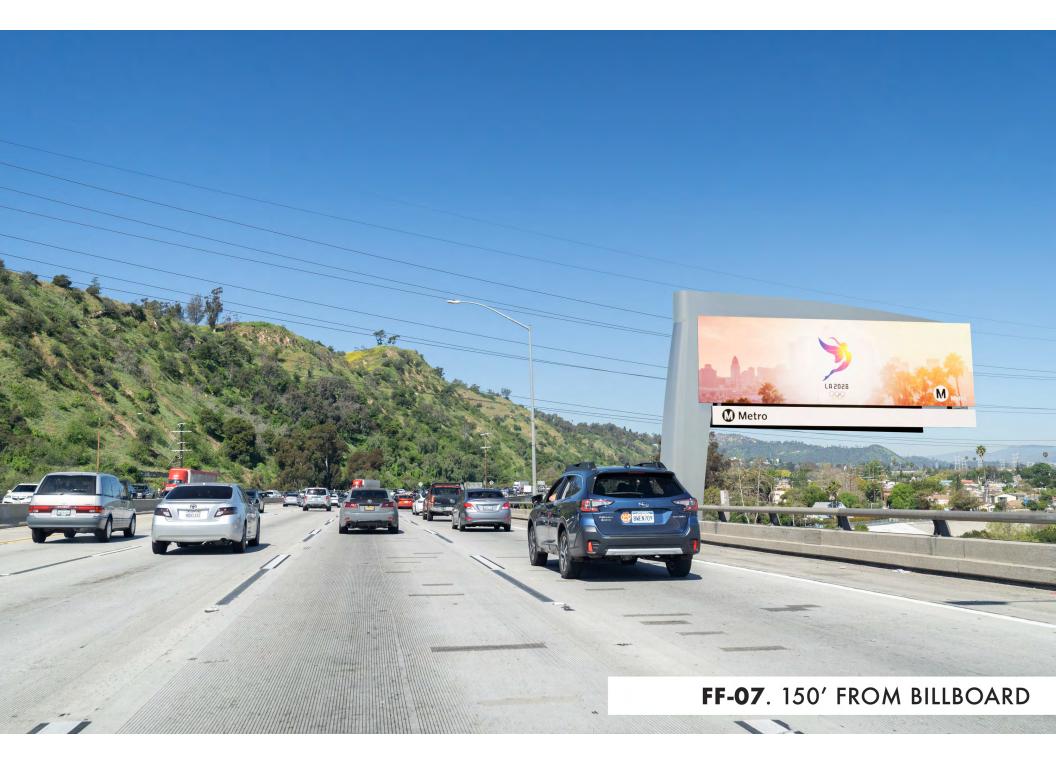














# AL. FF-07. 500' FROM BILLBOARD

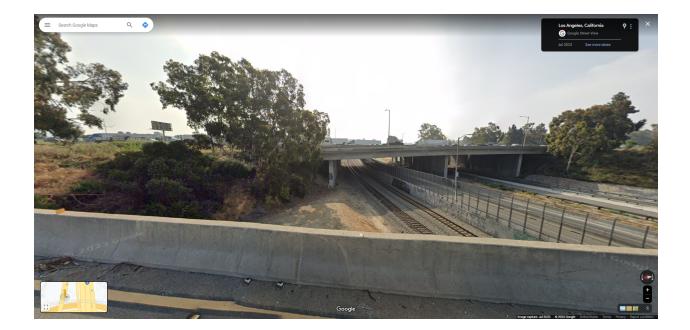


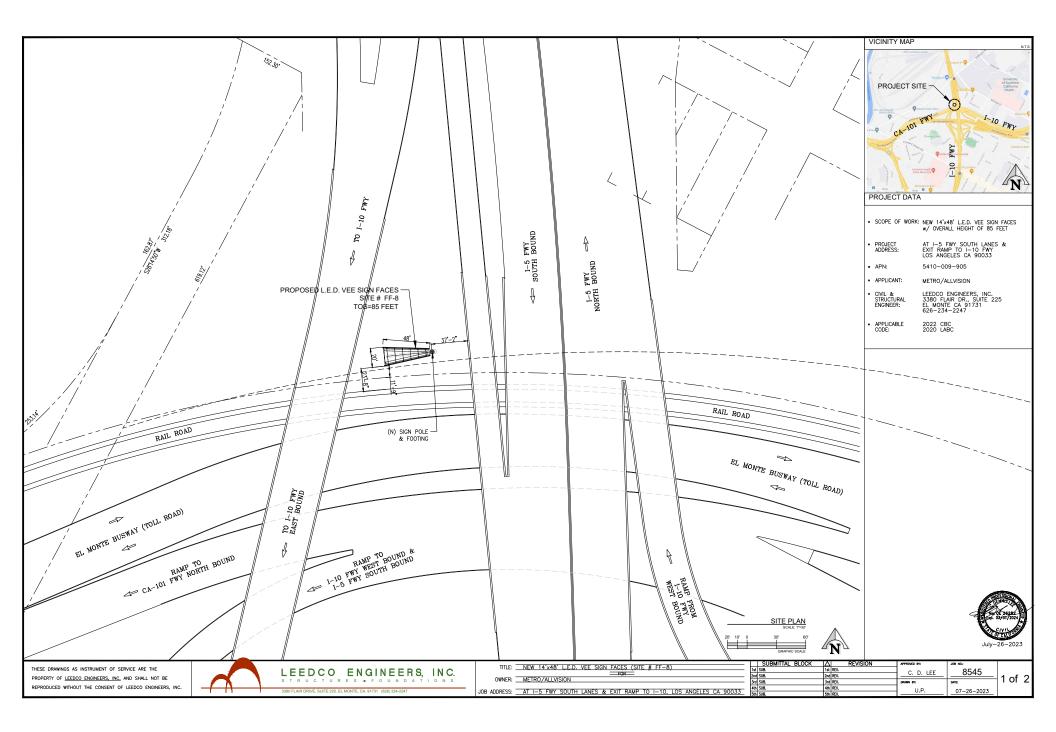
# FF-07. 1200' FROM BILLBOARD

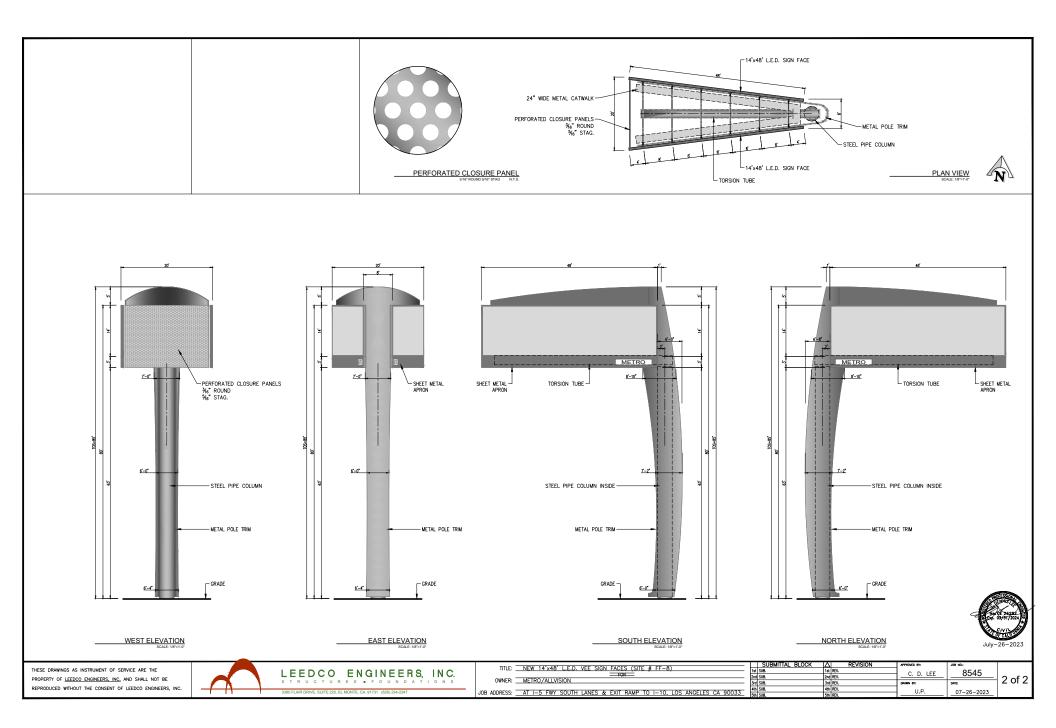
5 Freeway South at 10 Freeway Boyle Heights

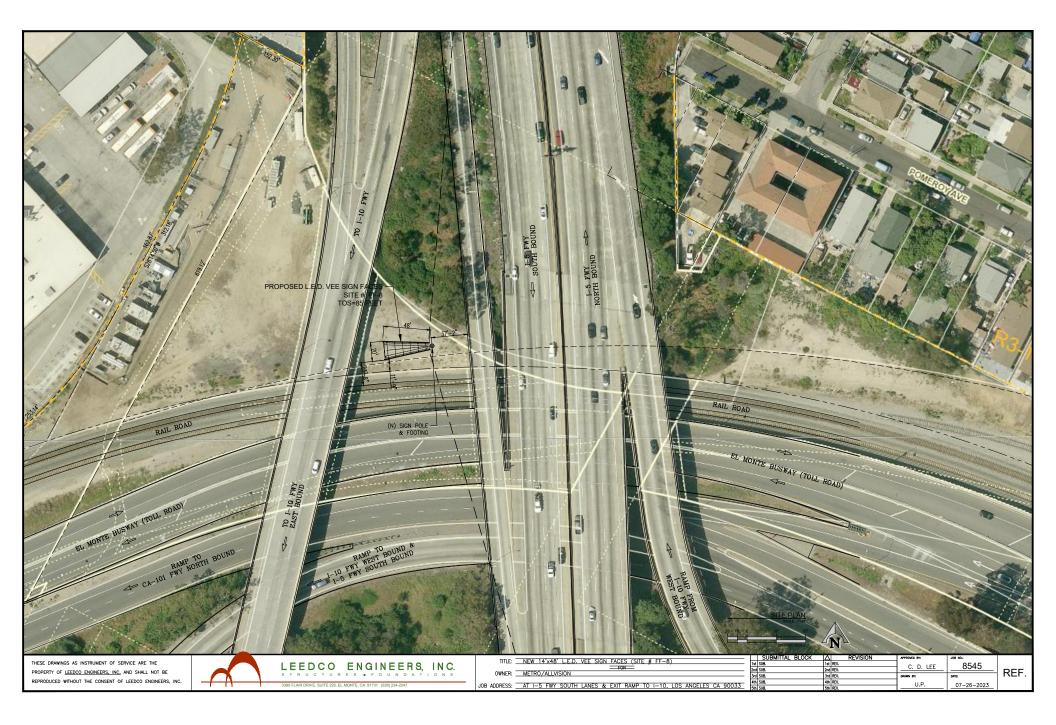
#### FF-8 - APN: 5410009905

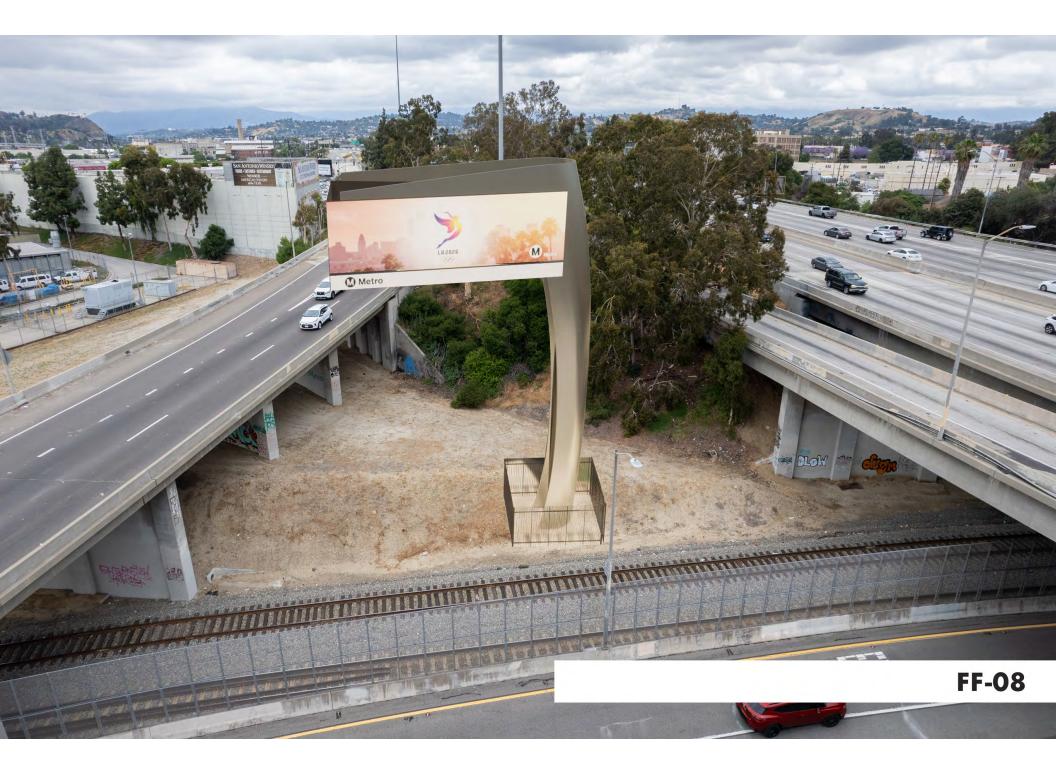


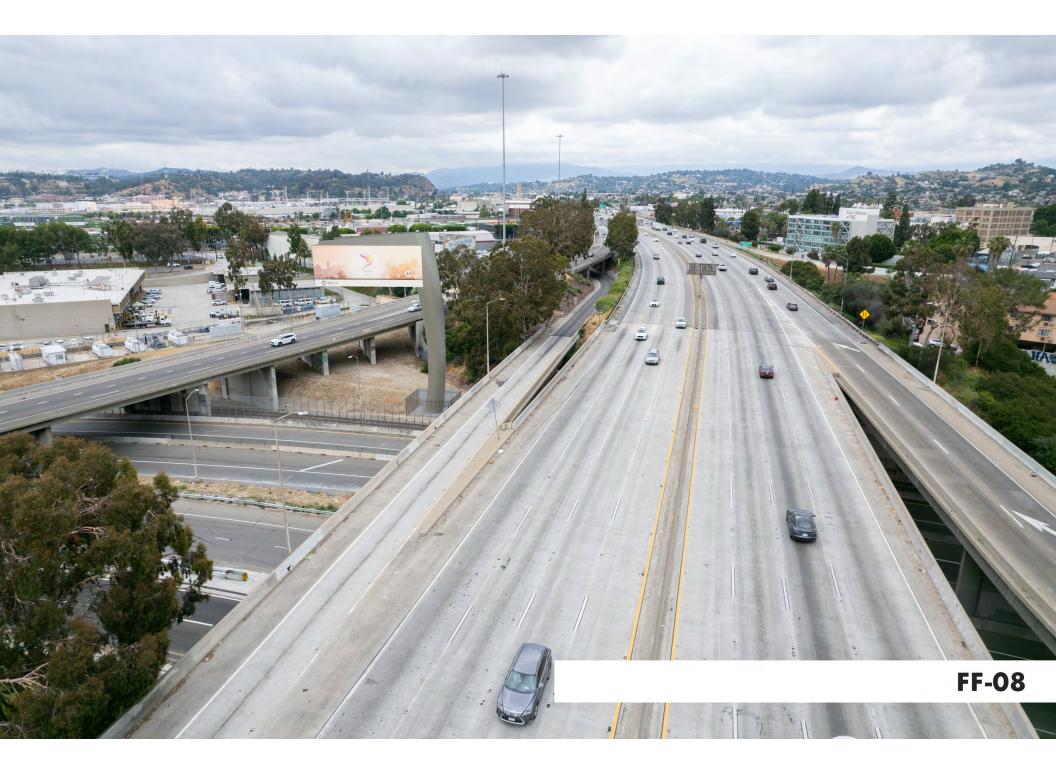


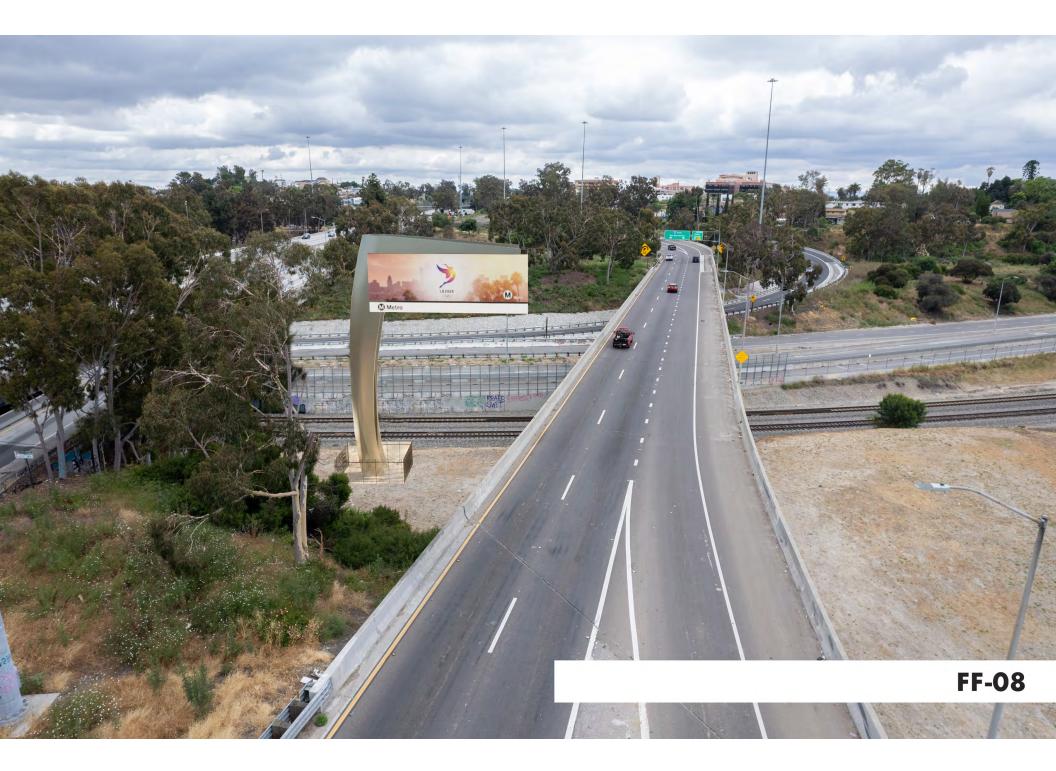








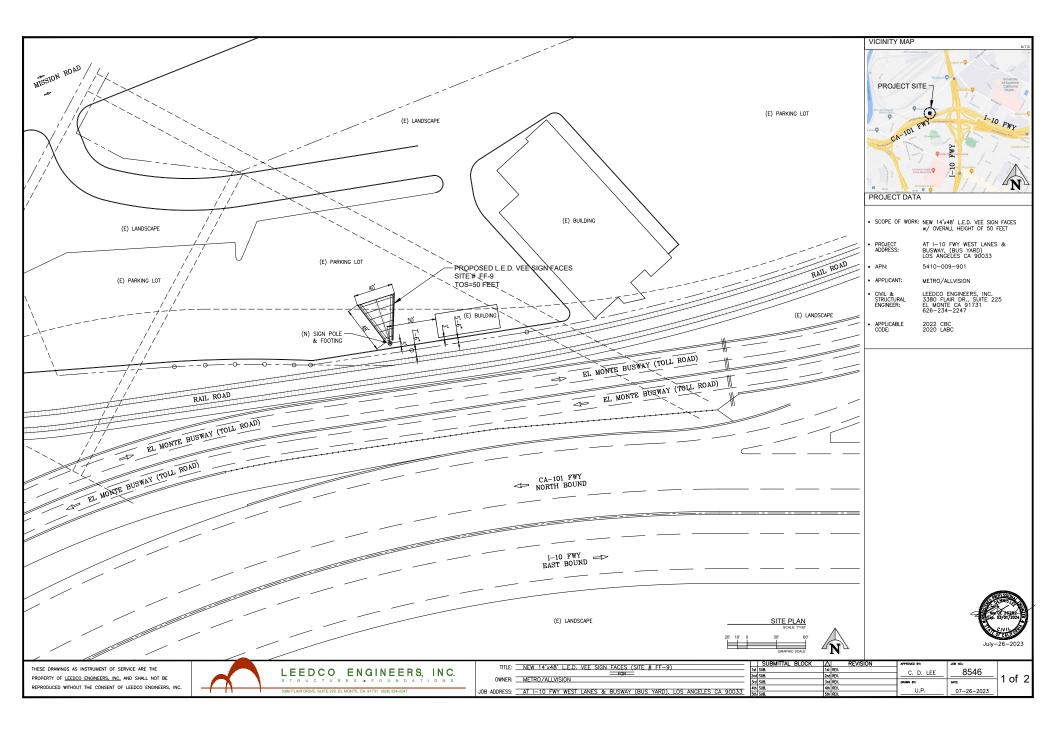


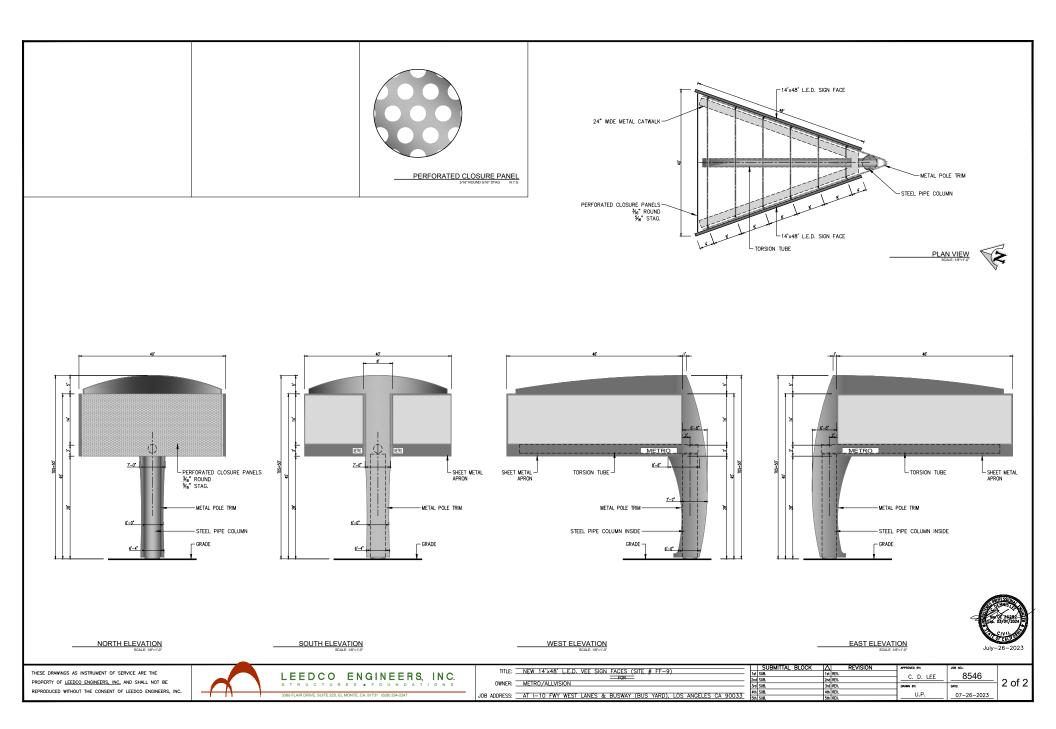


10 Freeway West at Metro Division 10 Boyle Heights

#### FF-9 - APN: 5410009901

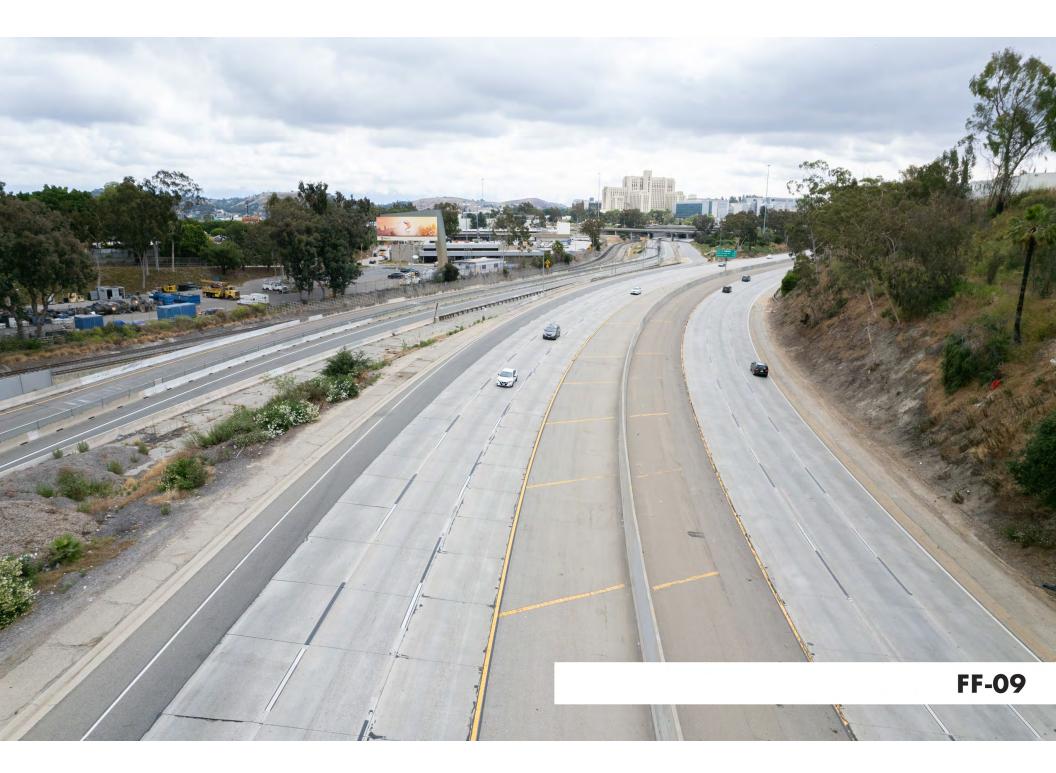


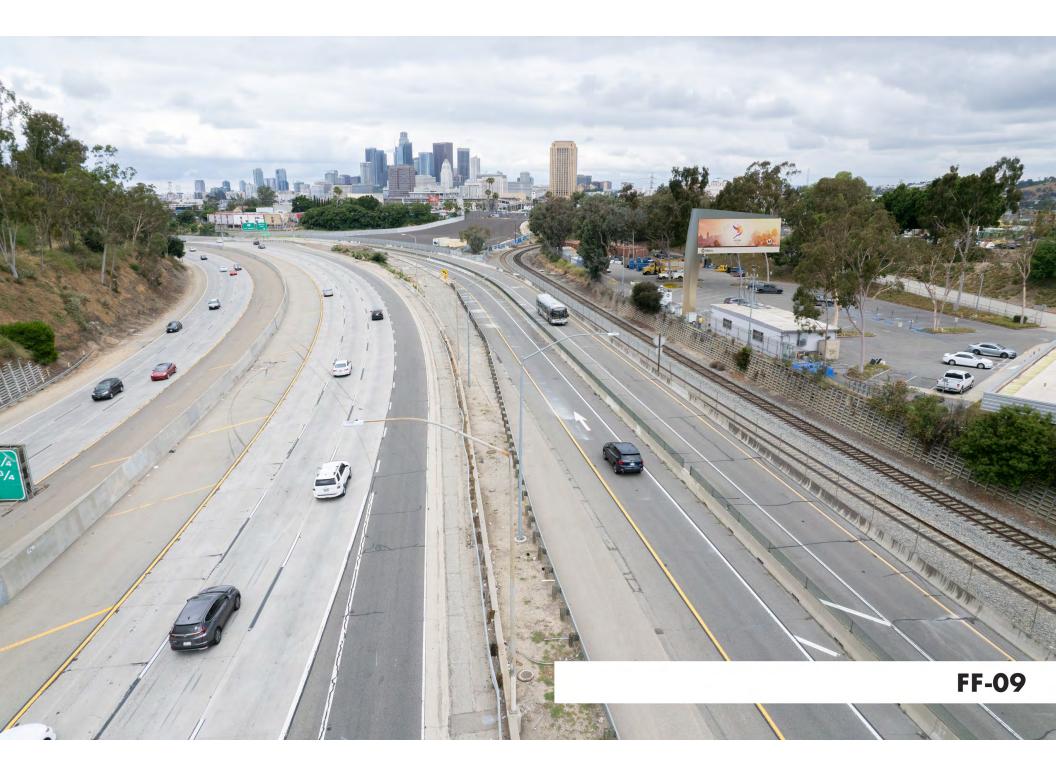






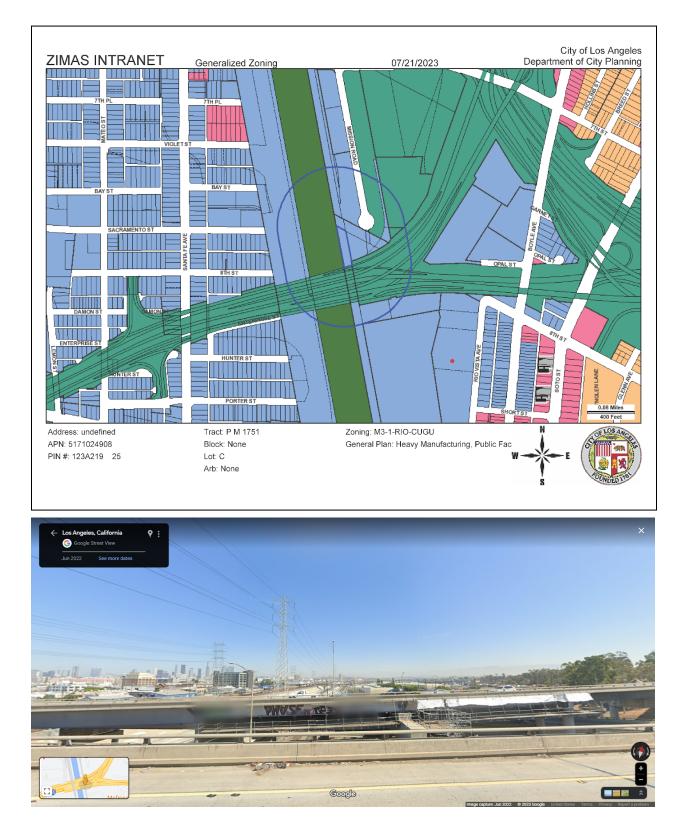




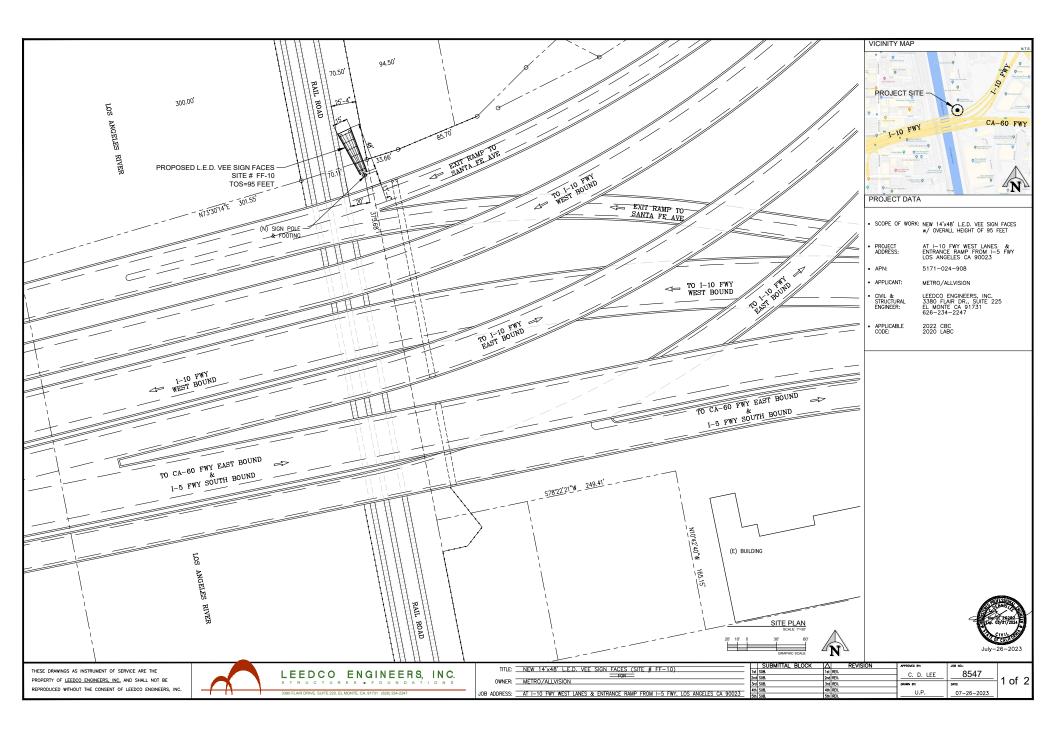


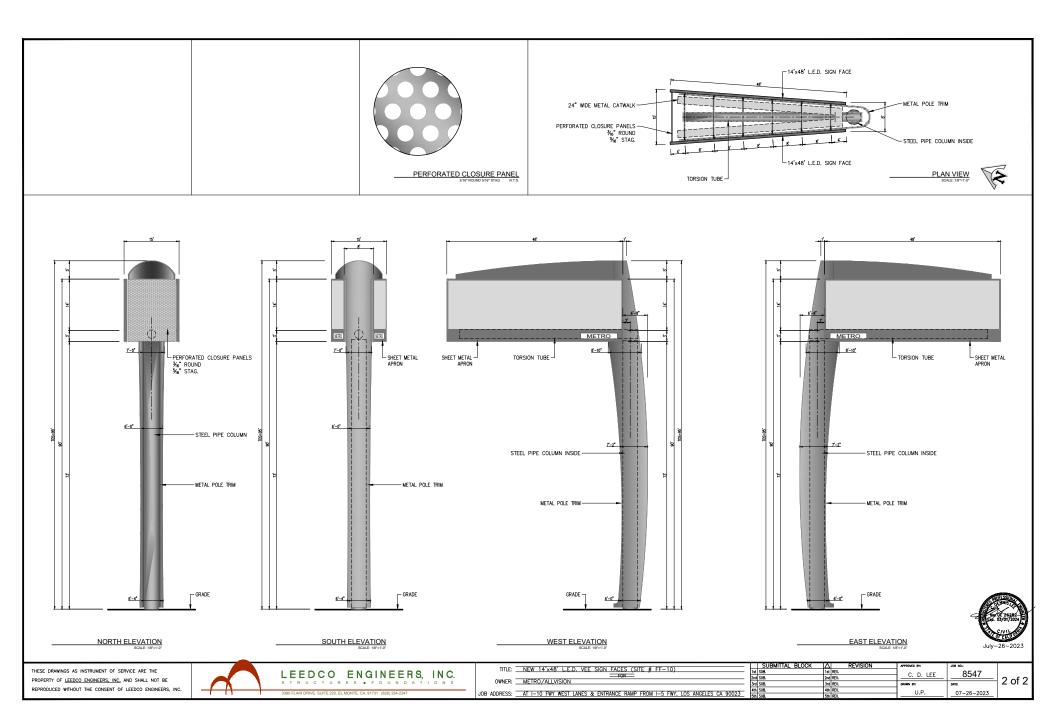
10 Freeway West at 5 Freeway Boyle Heights

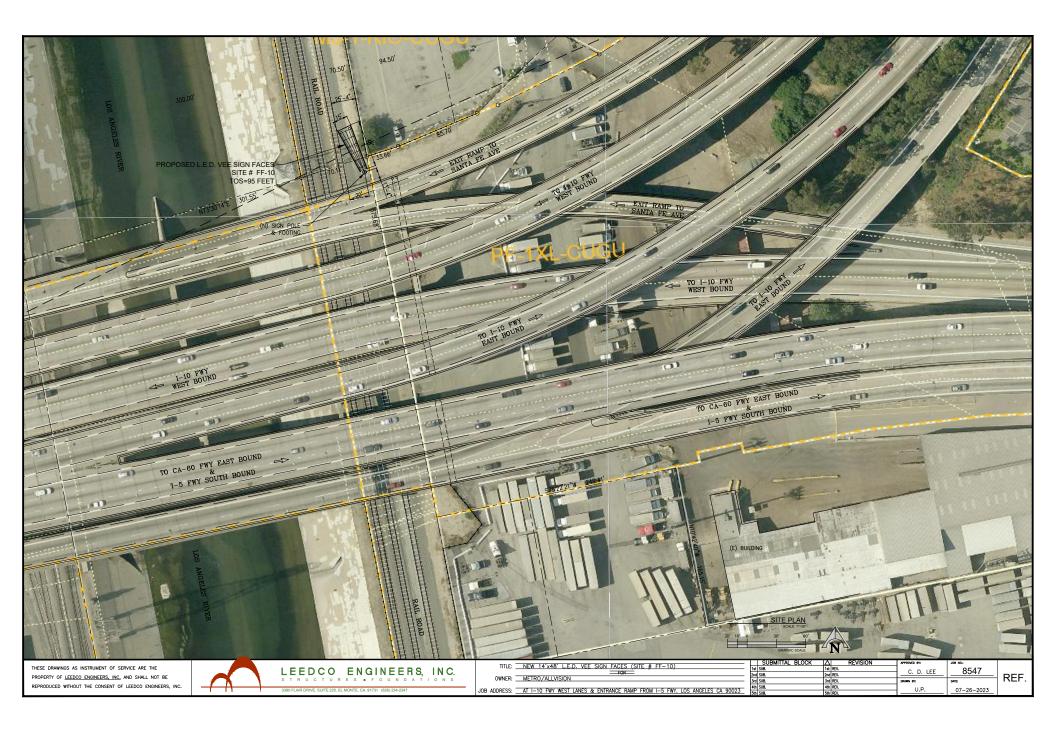
#### FF-10 - APN: 5171024908

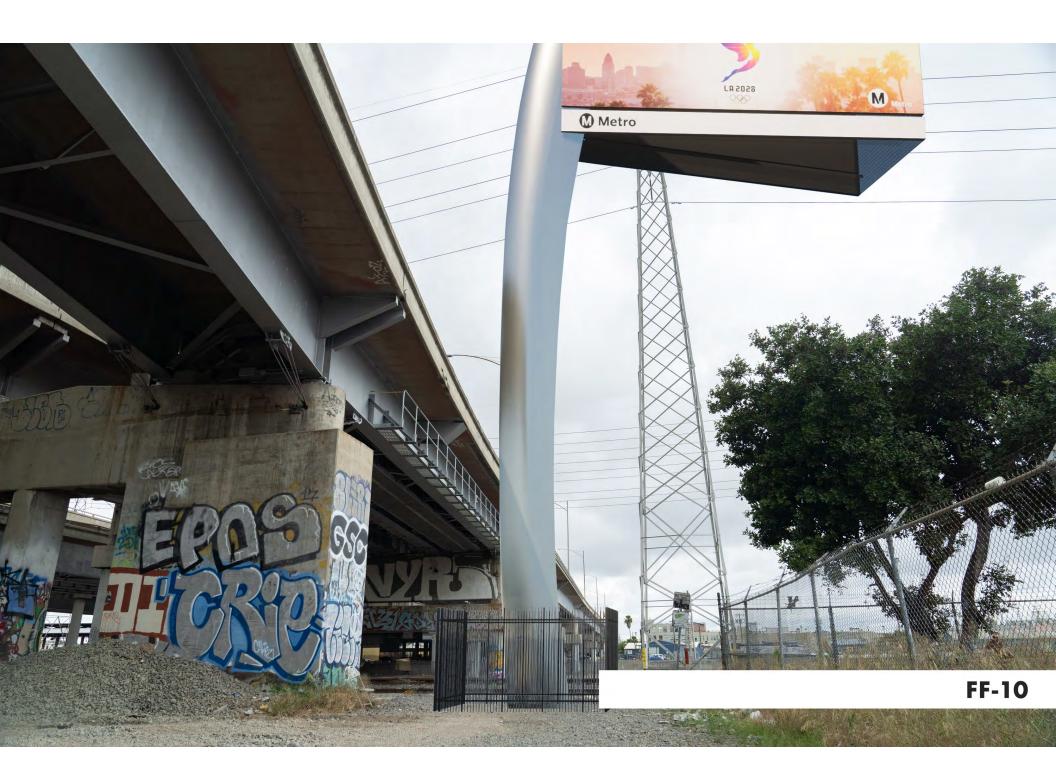


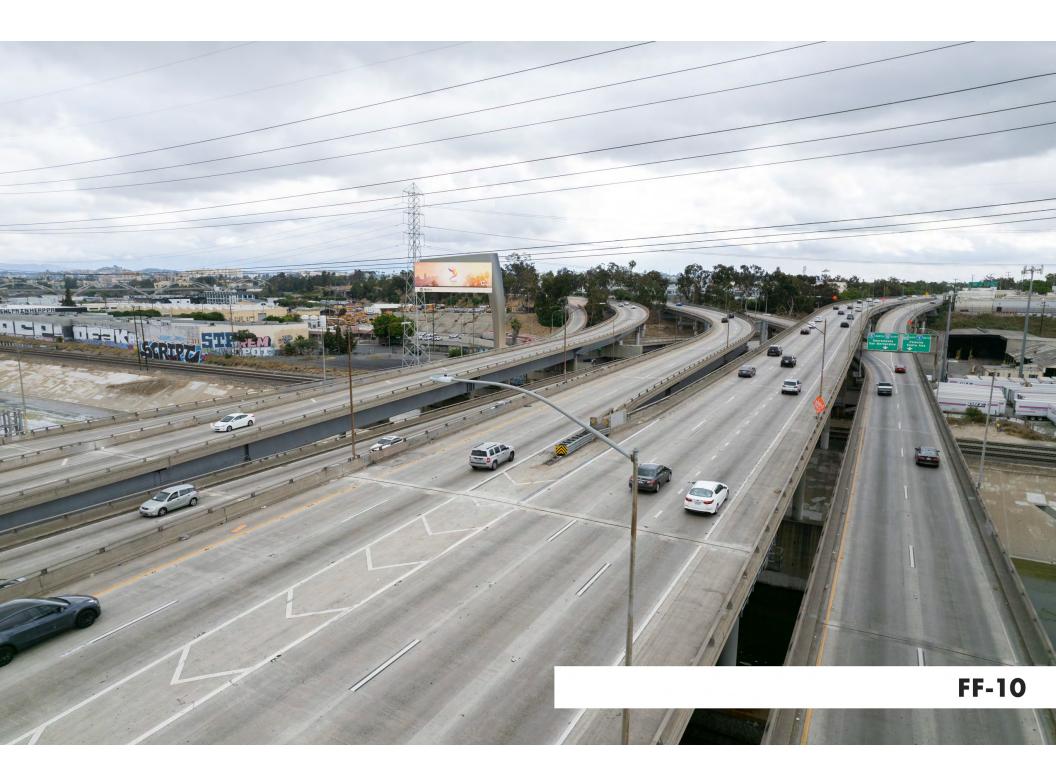


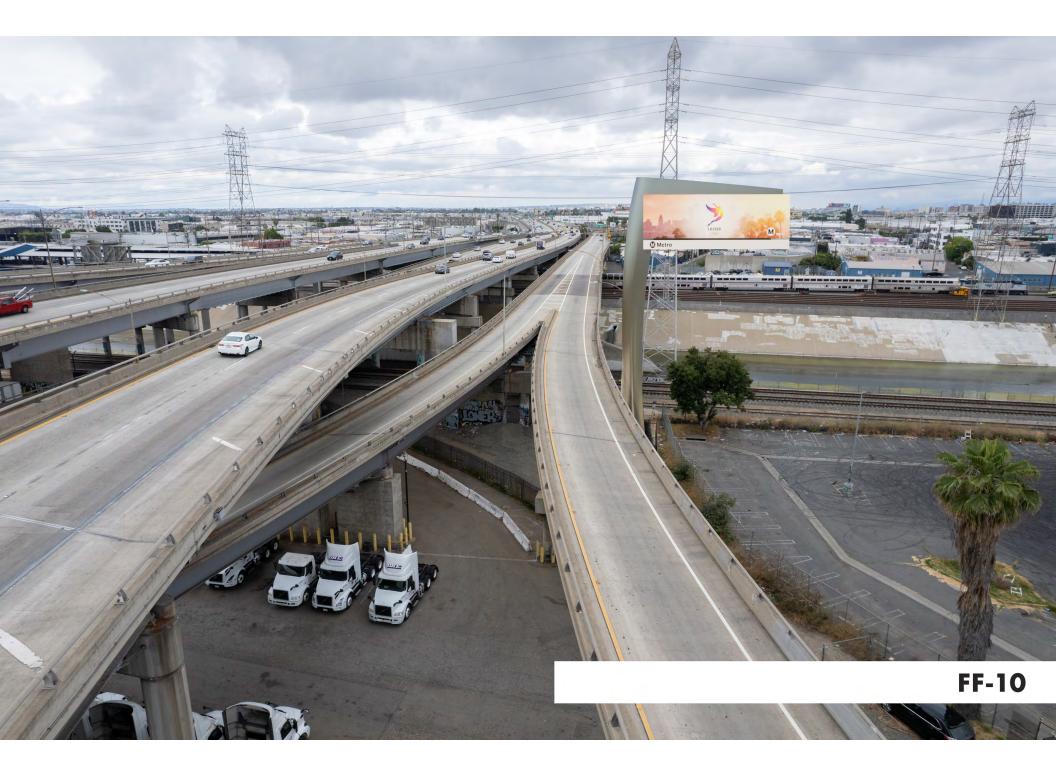






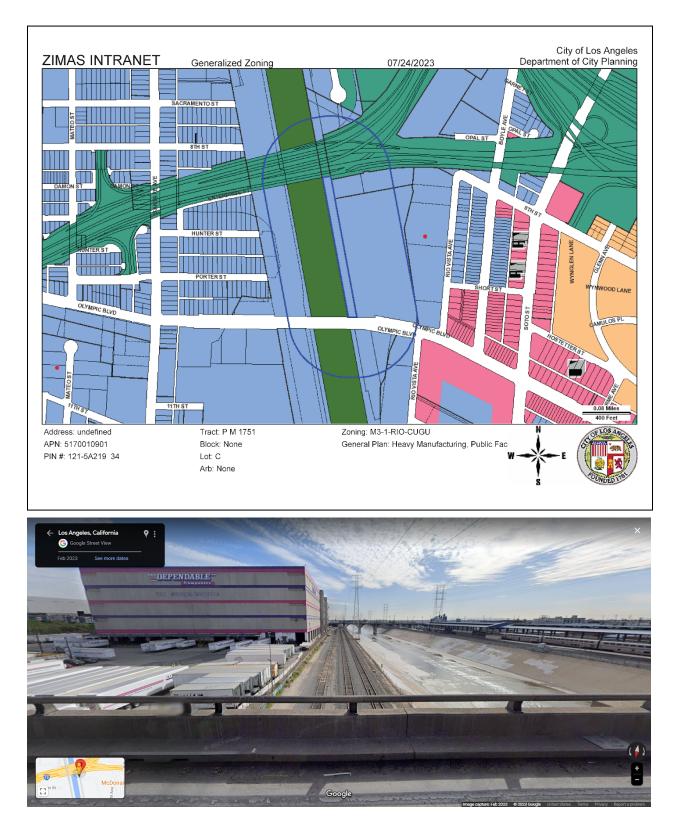


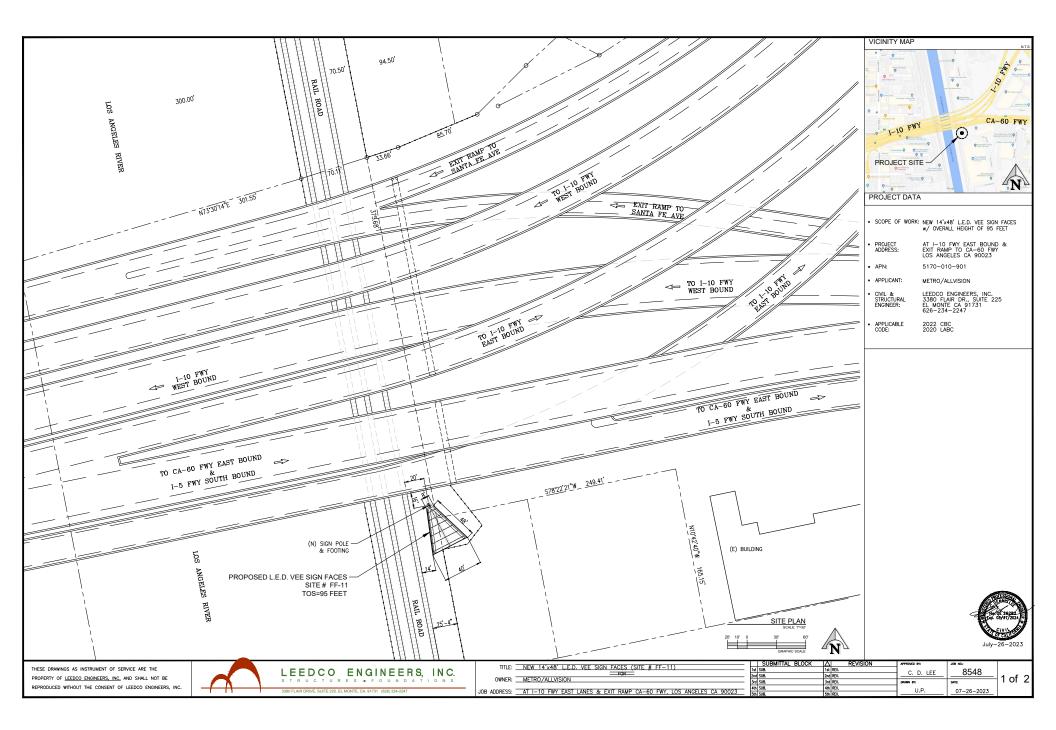


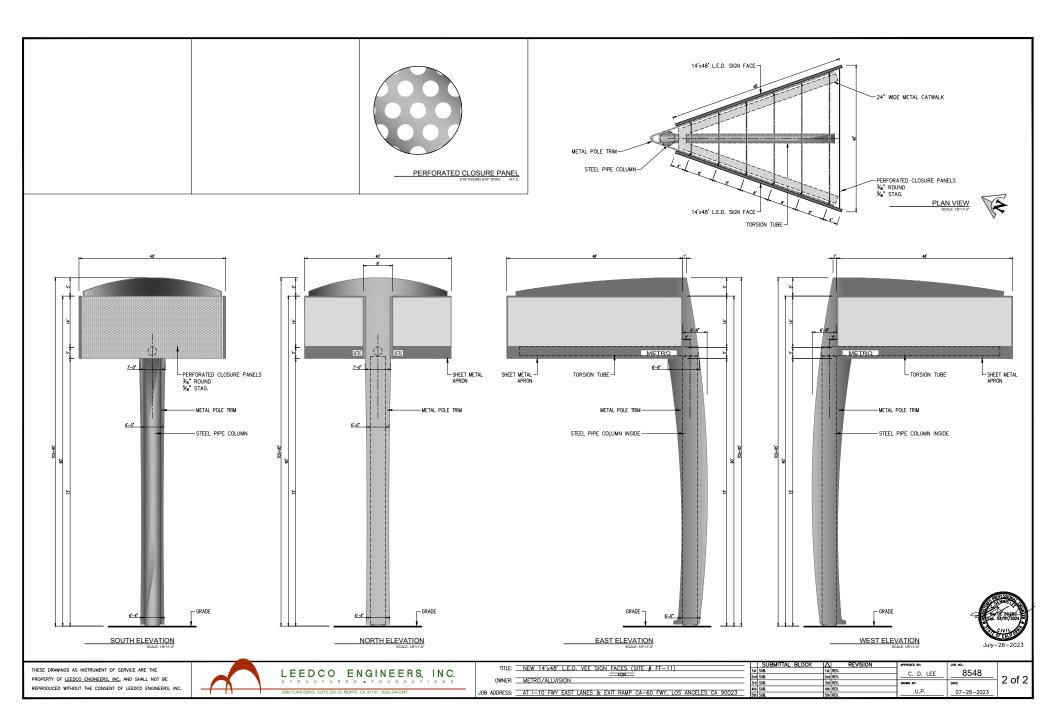


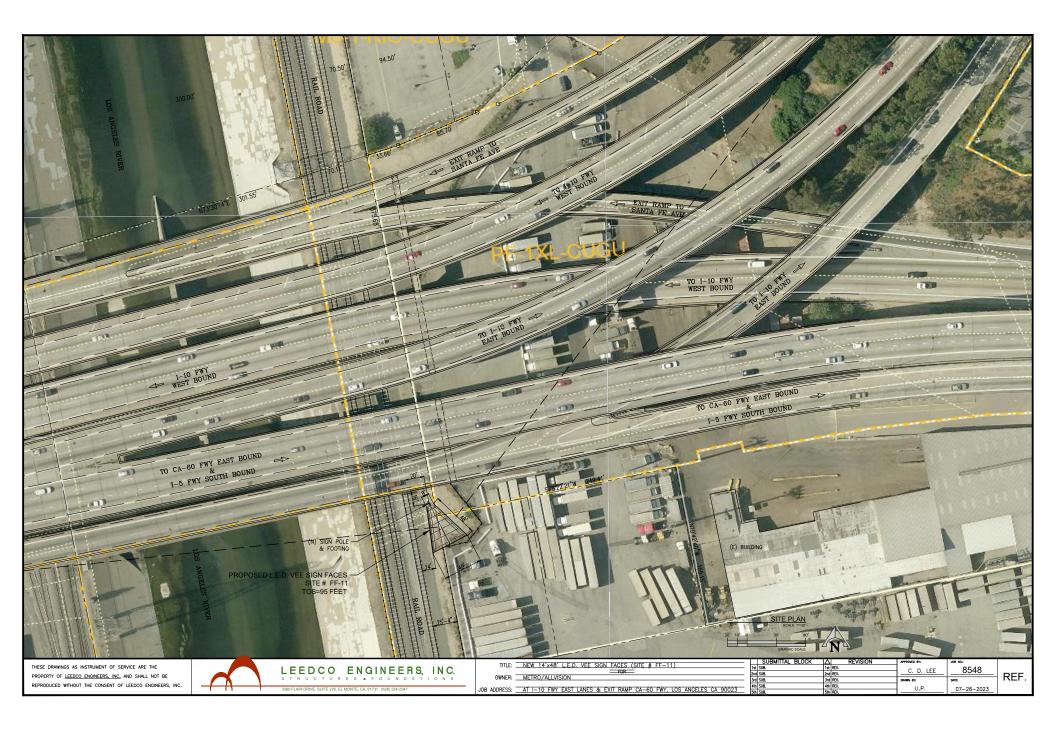
## **FF-11** 10 Freeway East at 5 Freeway Boyle Heights

#### FF-11 - APN: 5170010901

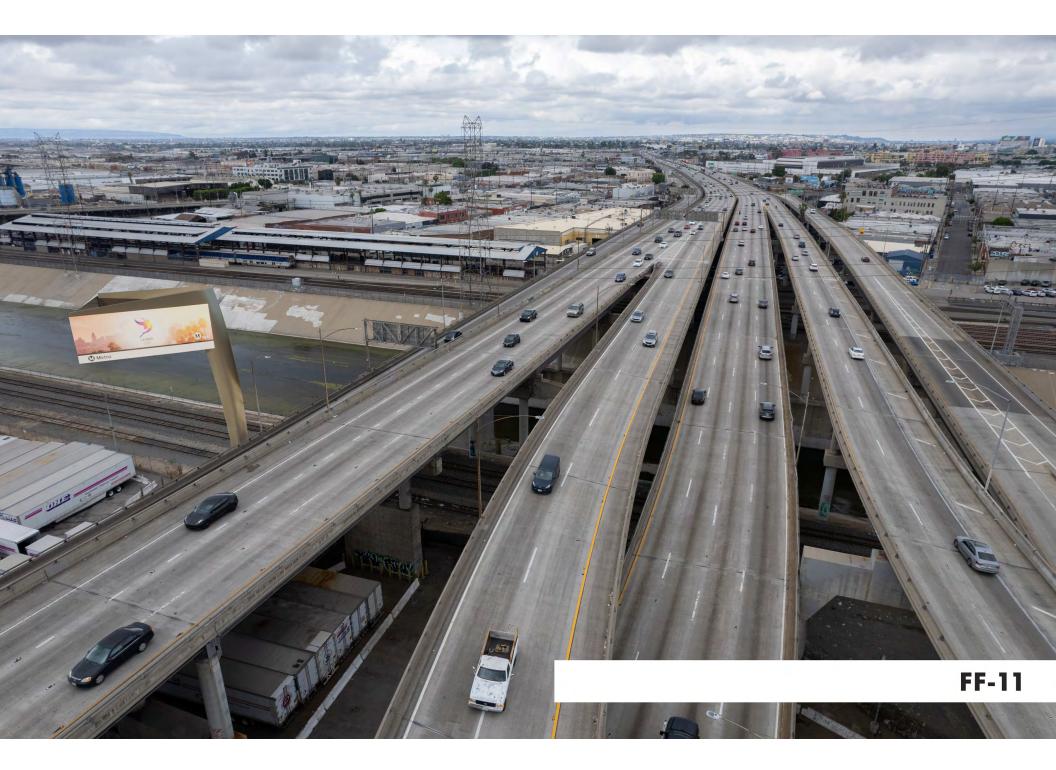


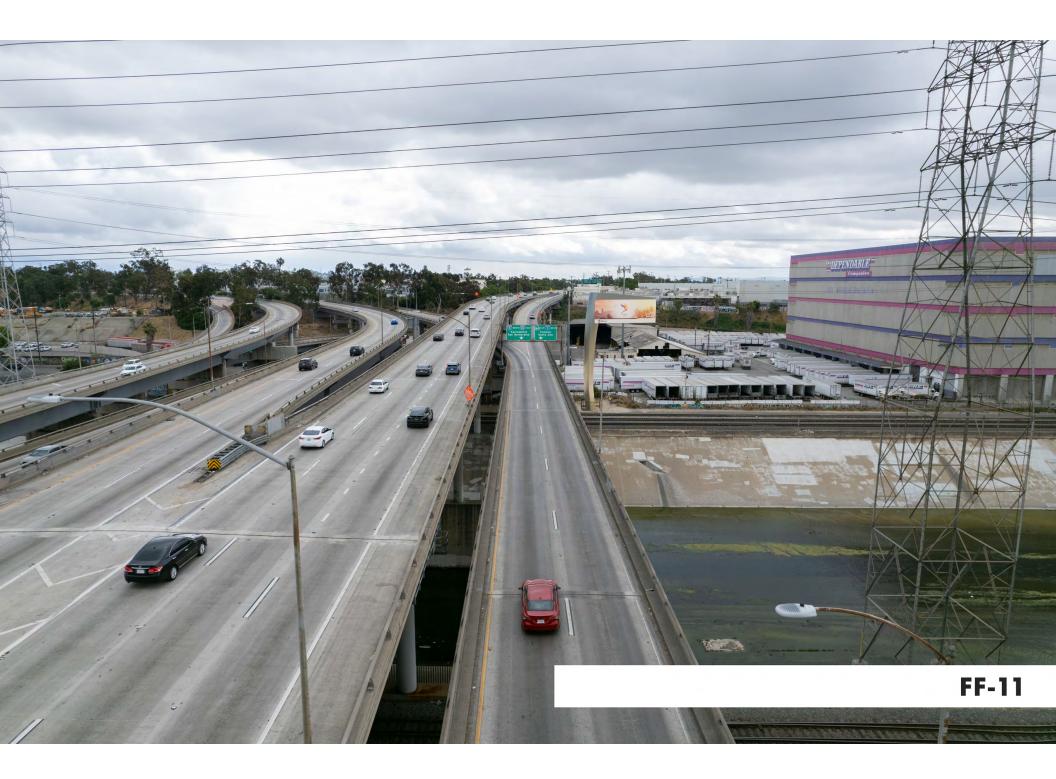






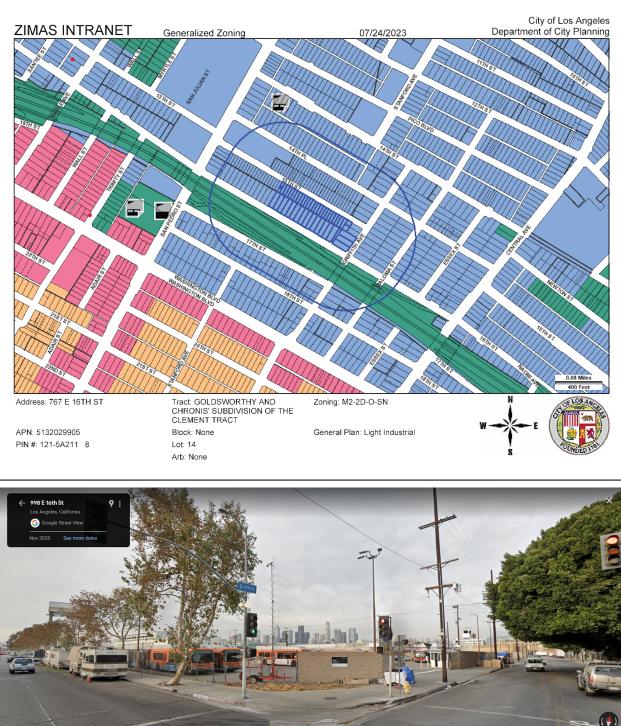




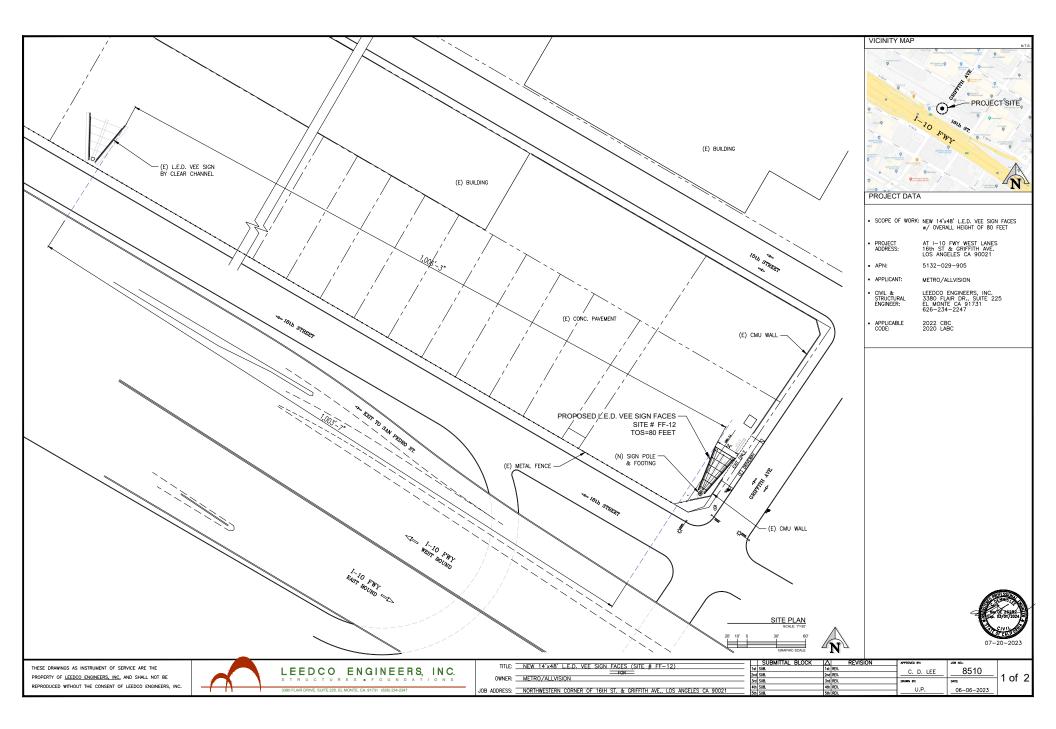


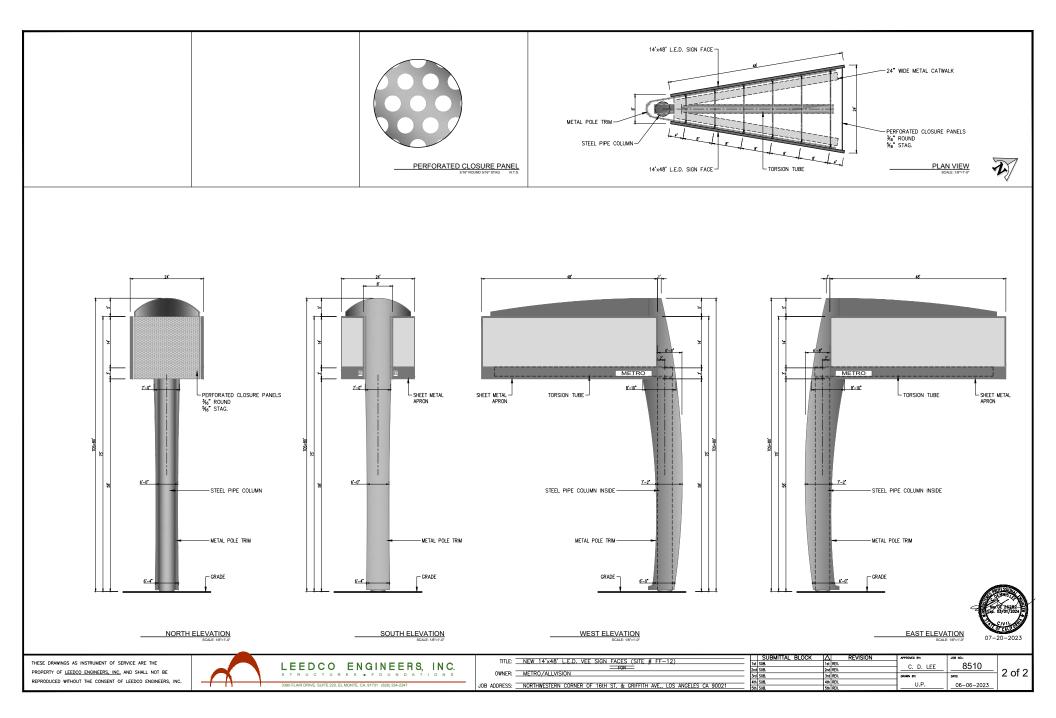
## **FF-12** 10 Freeway West at Griffith Avenue Central City

#### FF-12 - APN: 5132029905



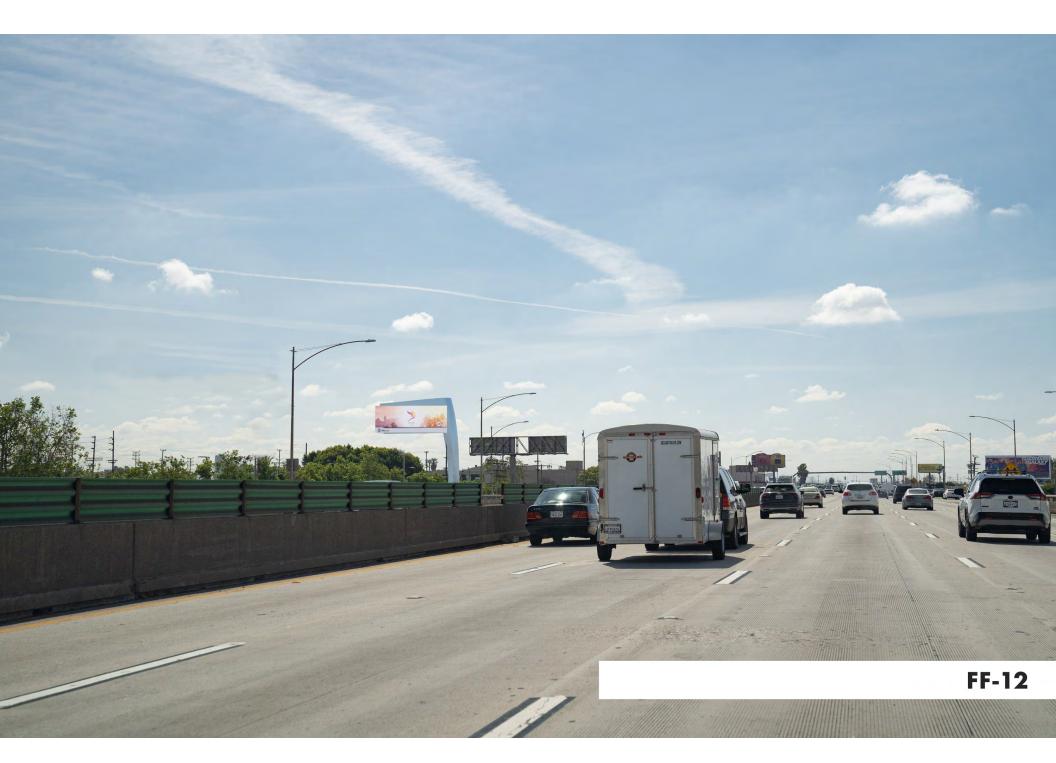
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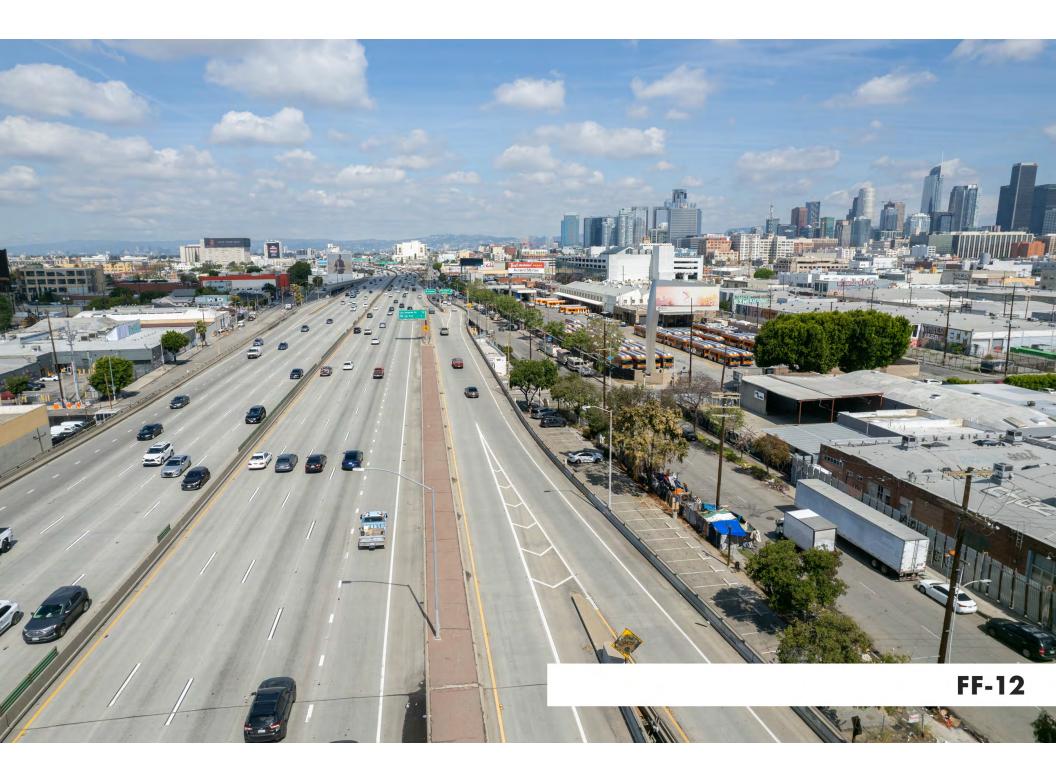








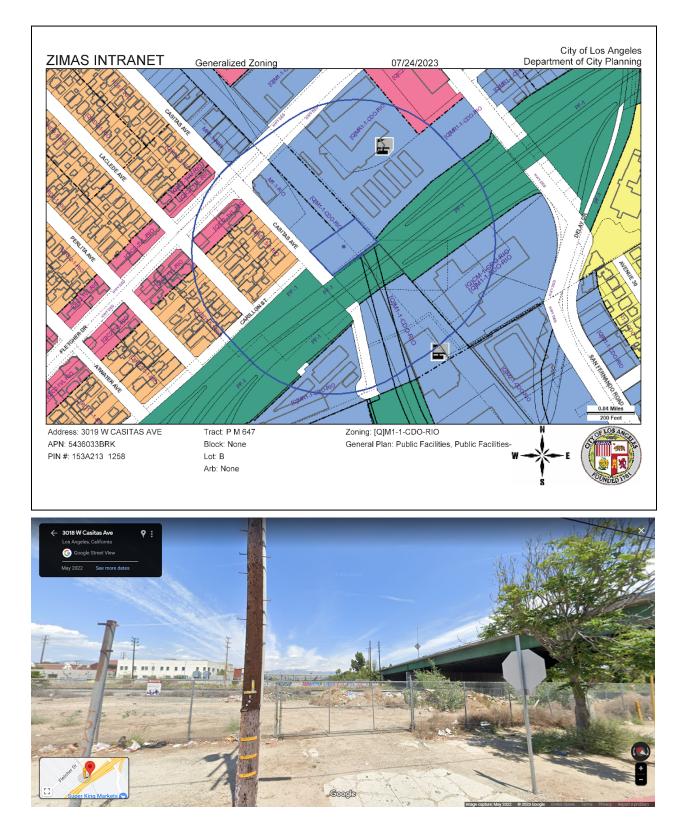


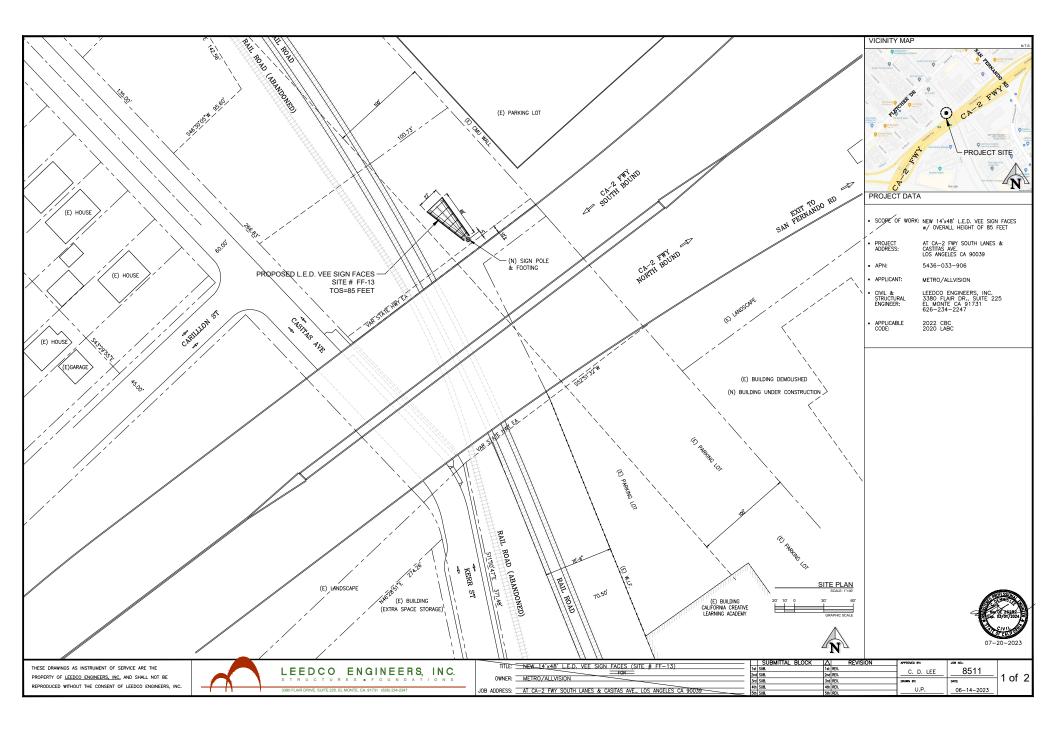


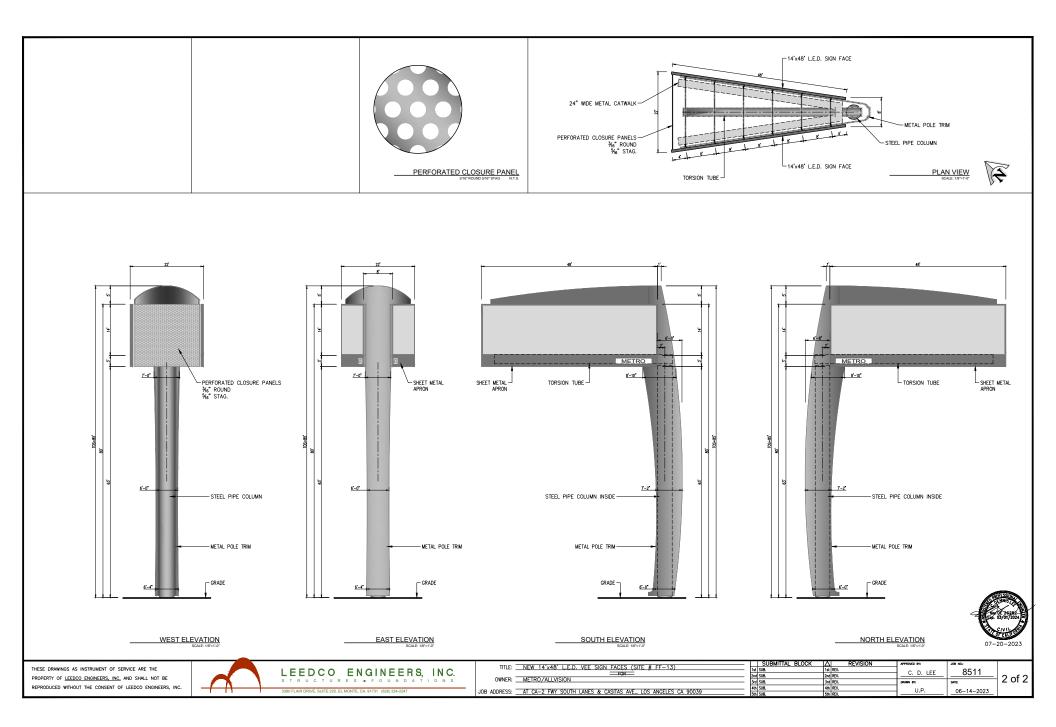
# FF-13

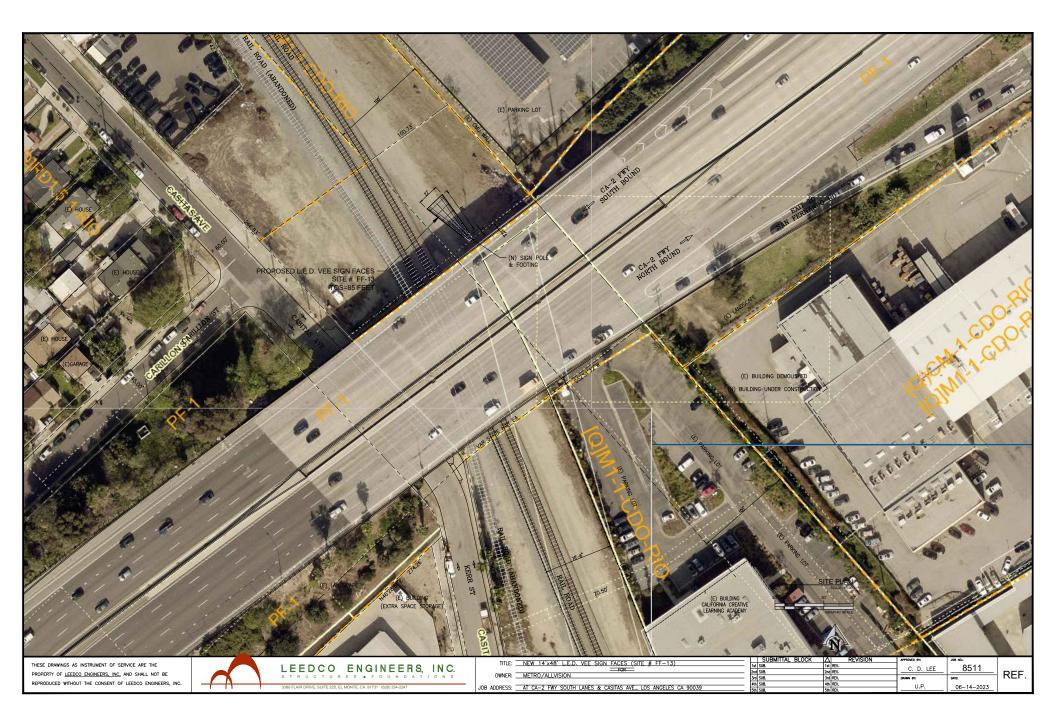
2 Freeway South at Casitas Avenue Northeast Los Angeles

#### FF-13 - APN: 5436033906

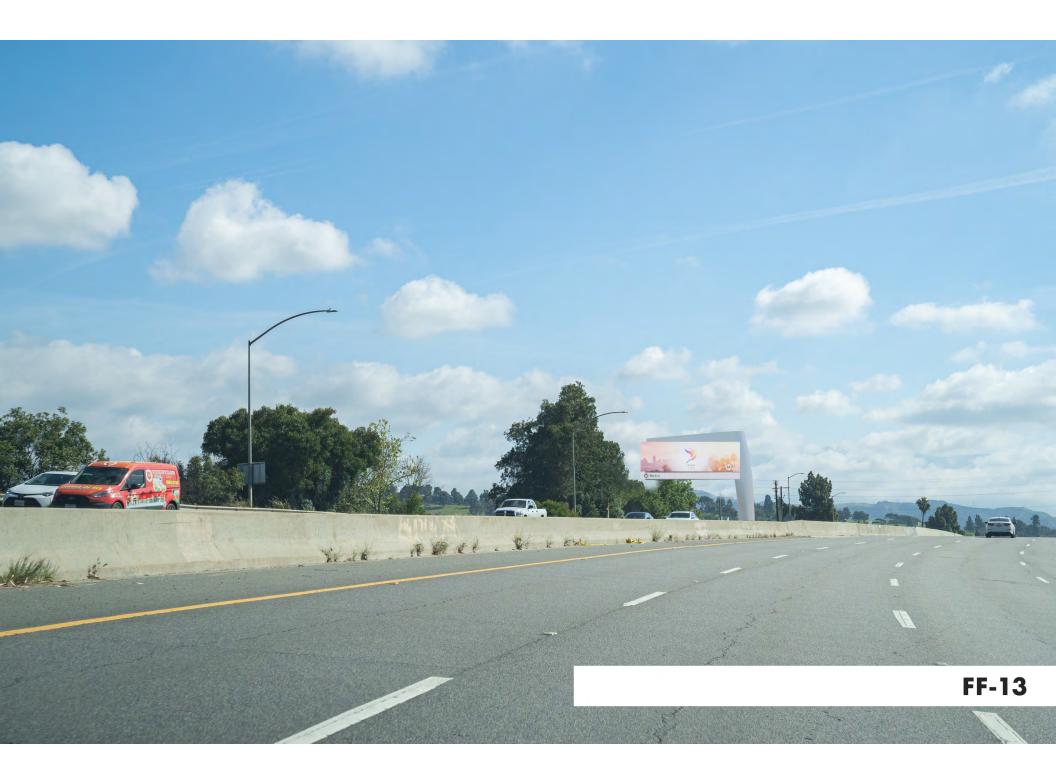


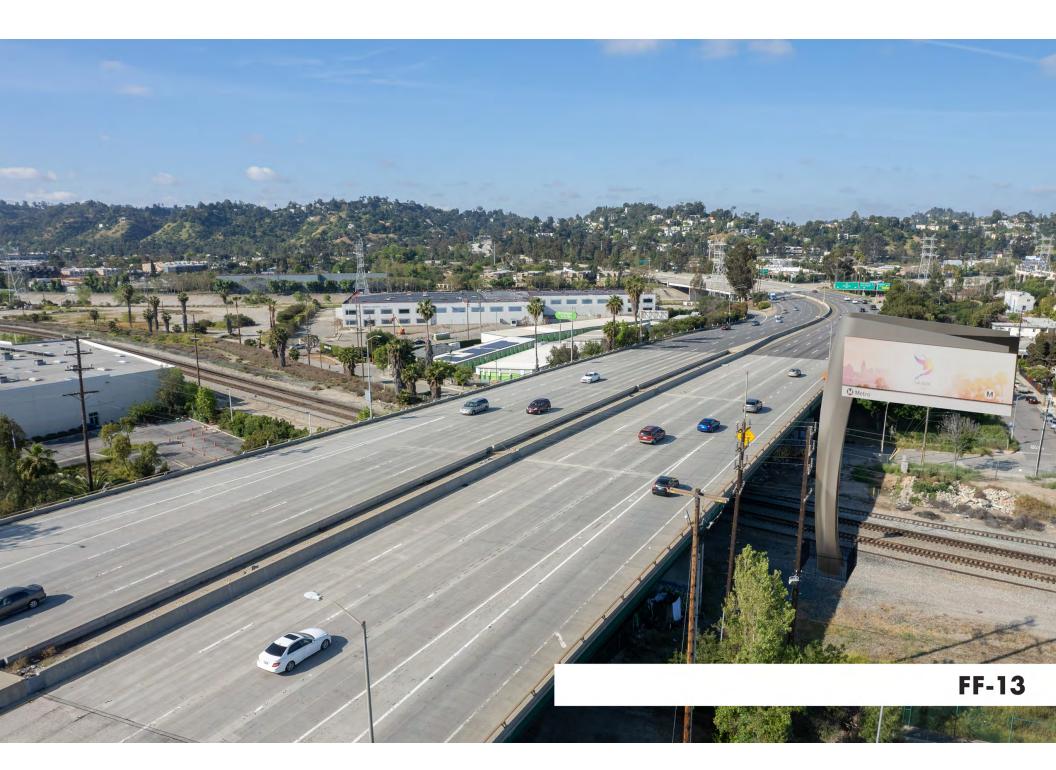








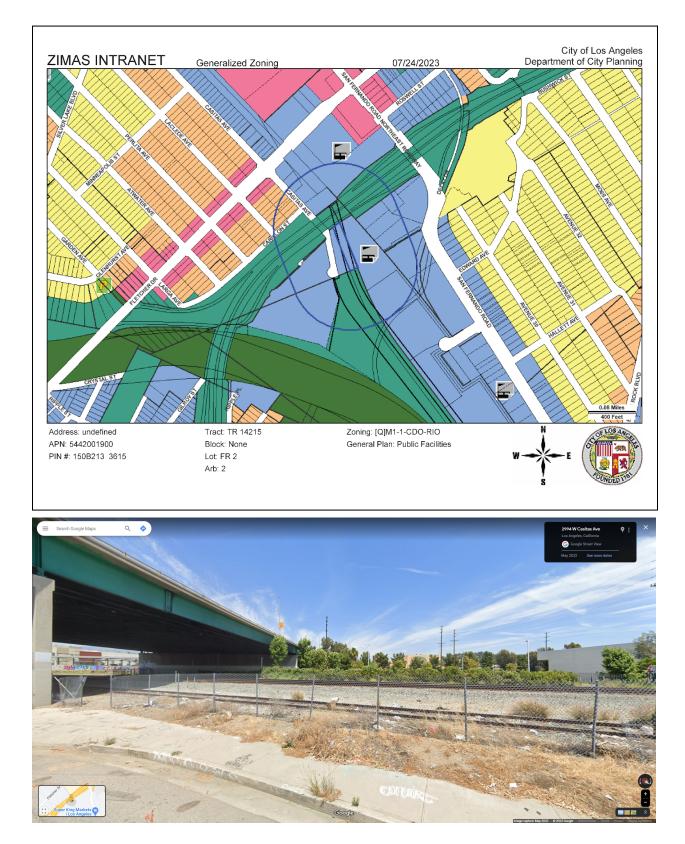


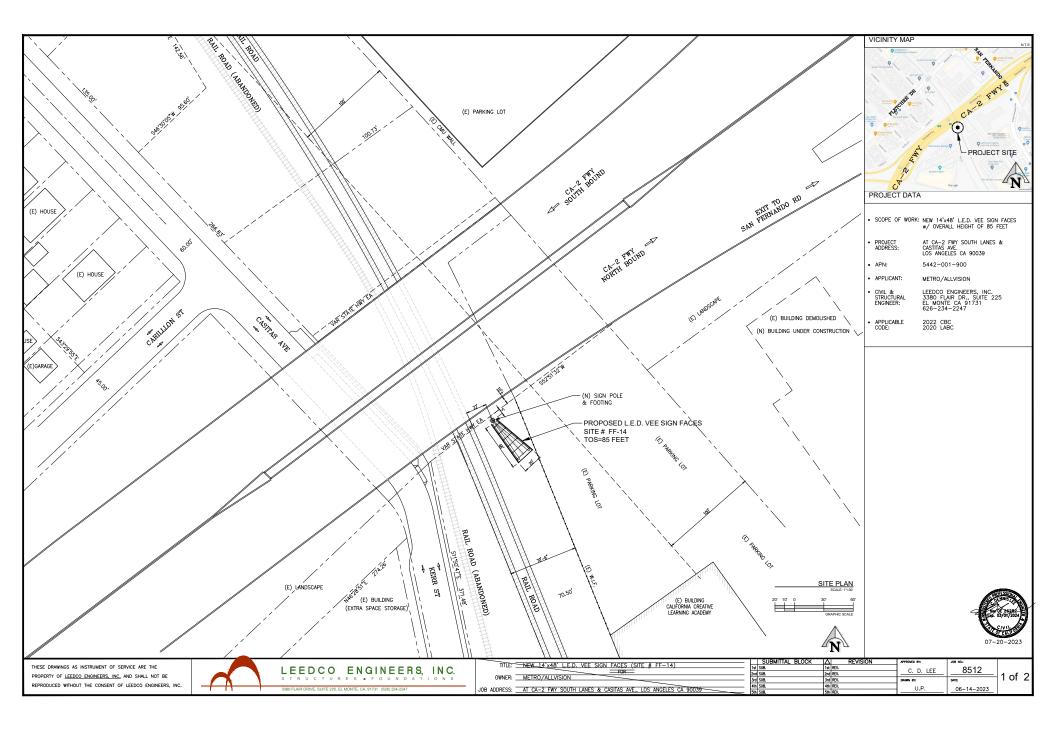


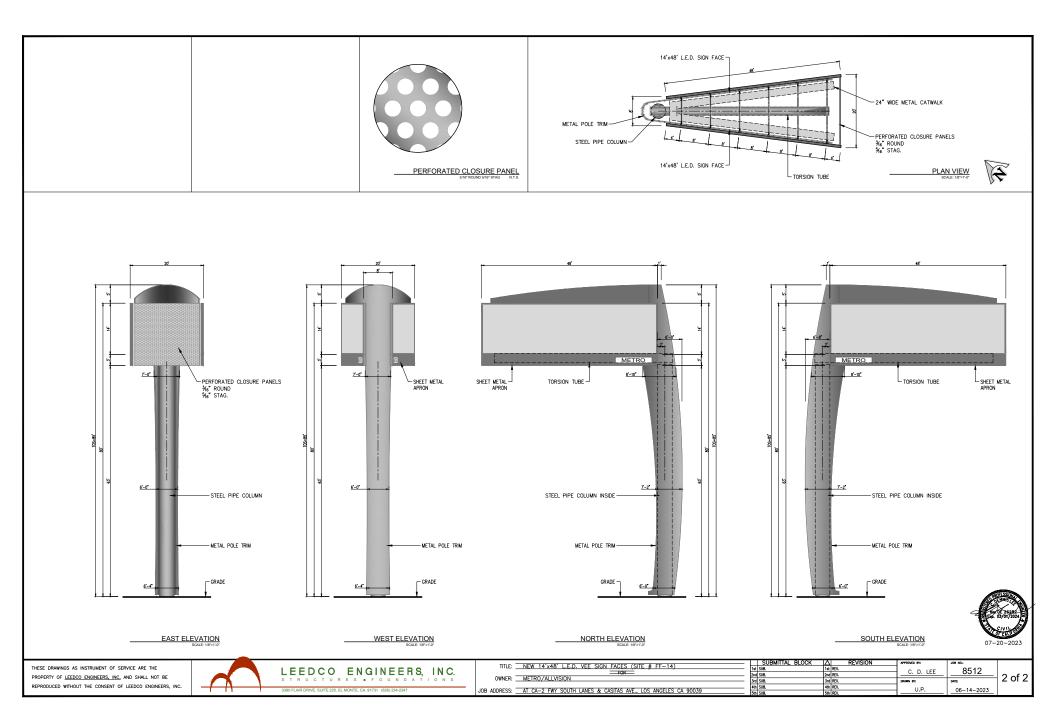
## FF-14

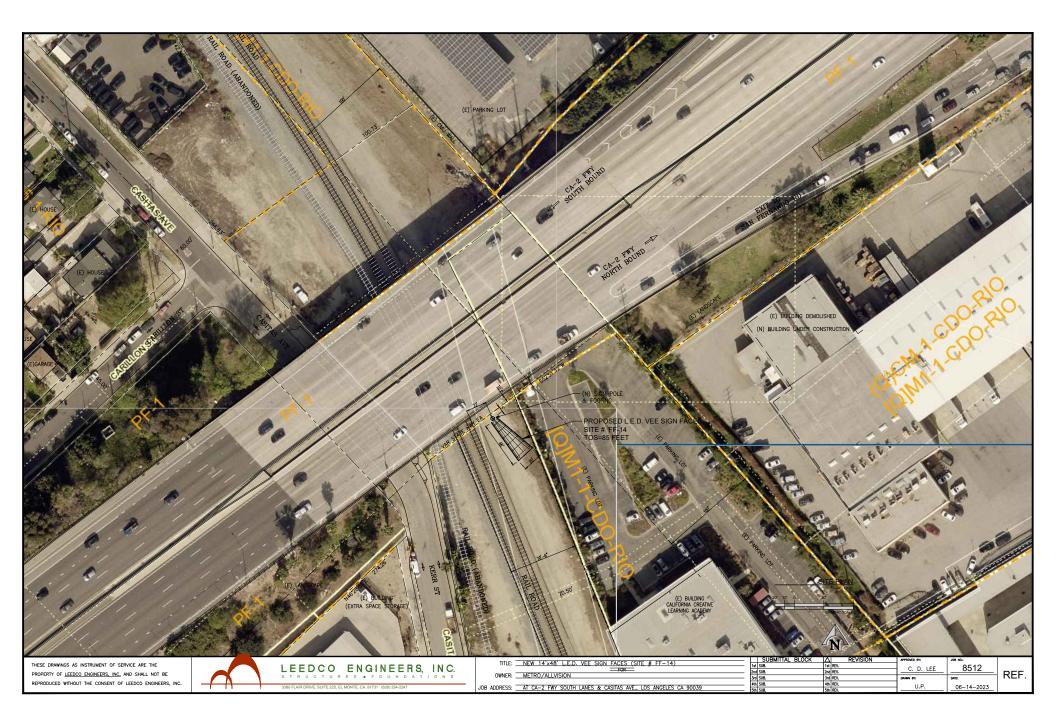
2 Freeway North at Casitas Avenue Northeast Los Angeles

#### FF-14 - APN: 5442001900

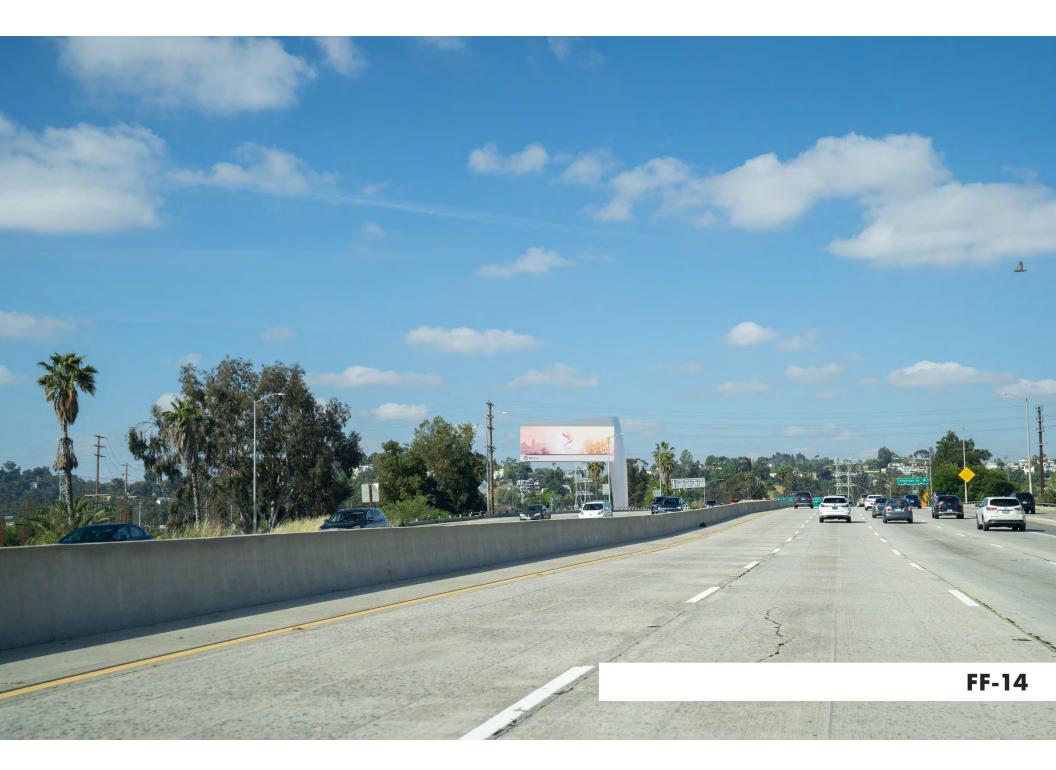










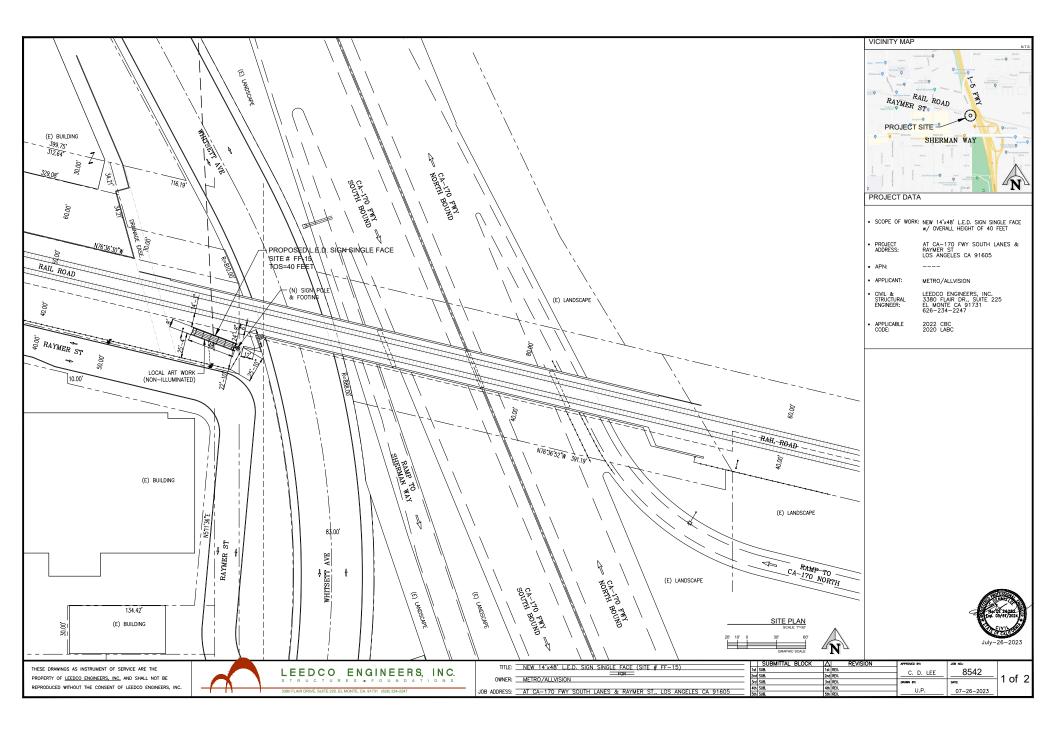


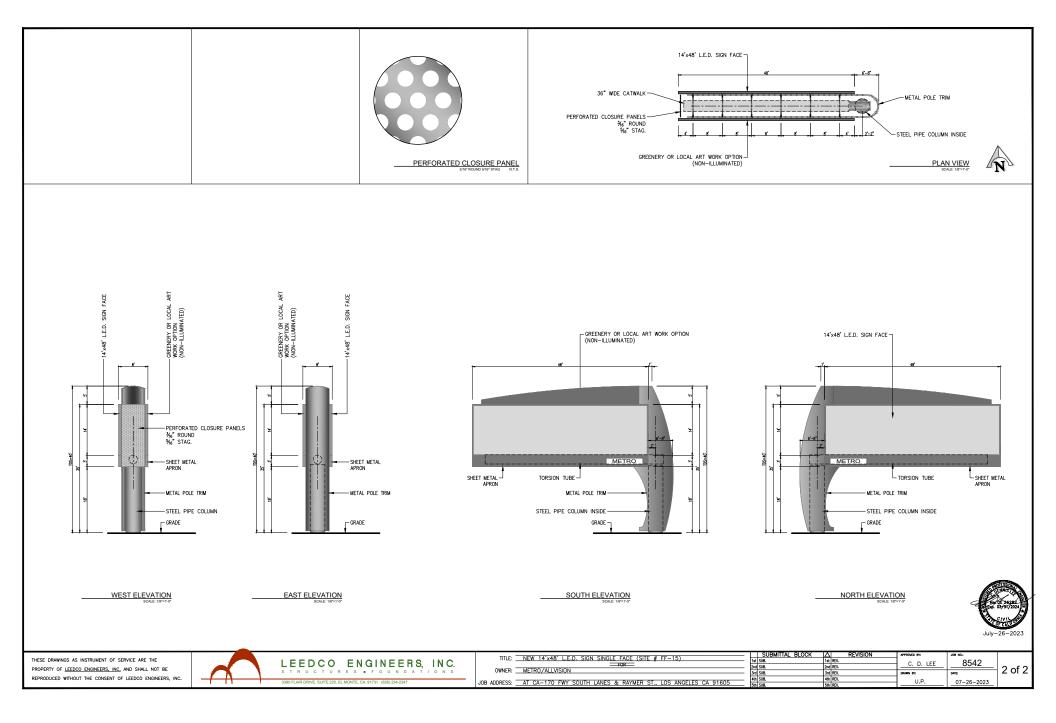
# FF-15

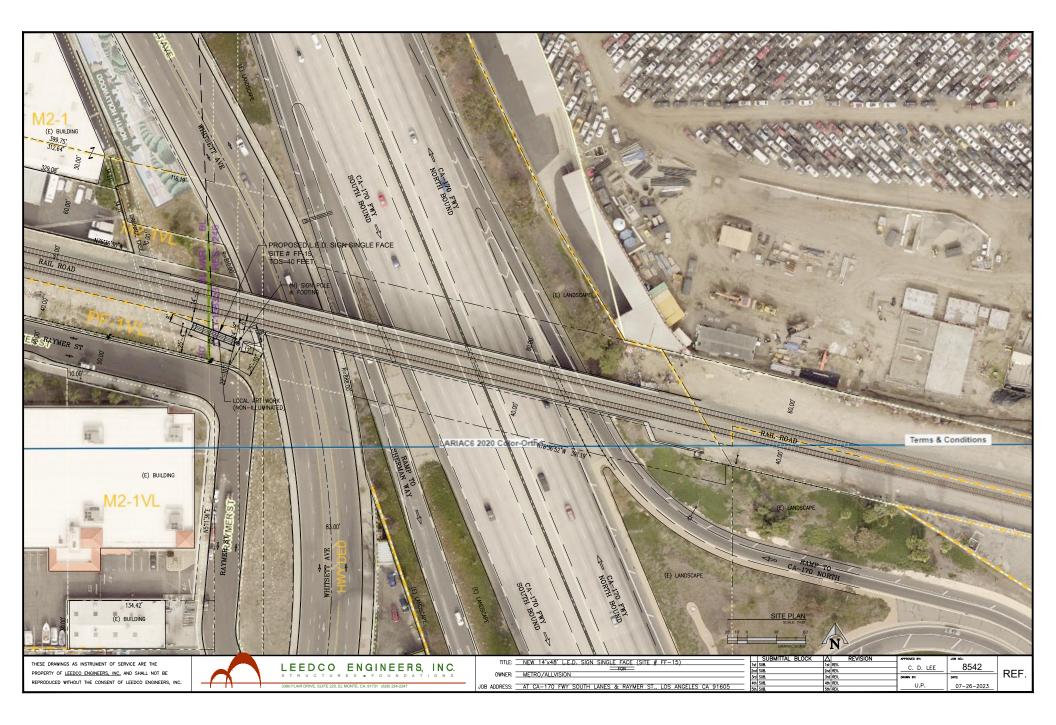
170 Freeway South at Raymer Street North Hollywood - Valley Village

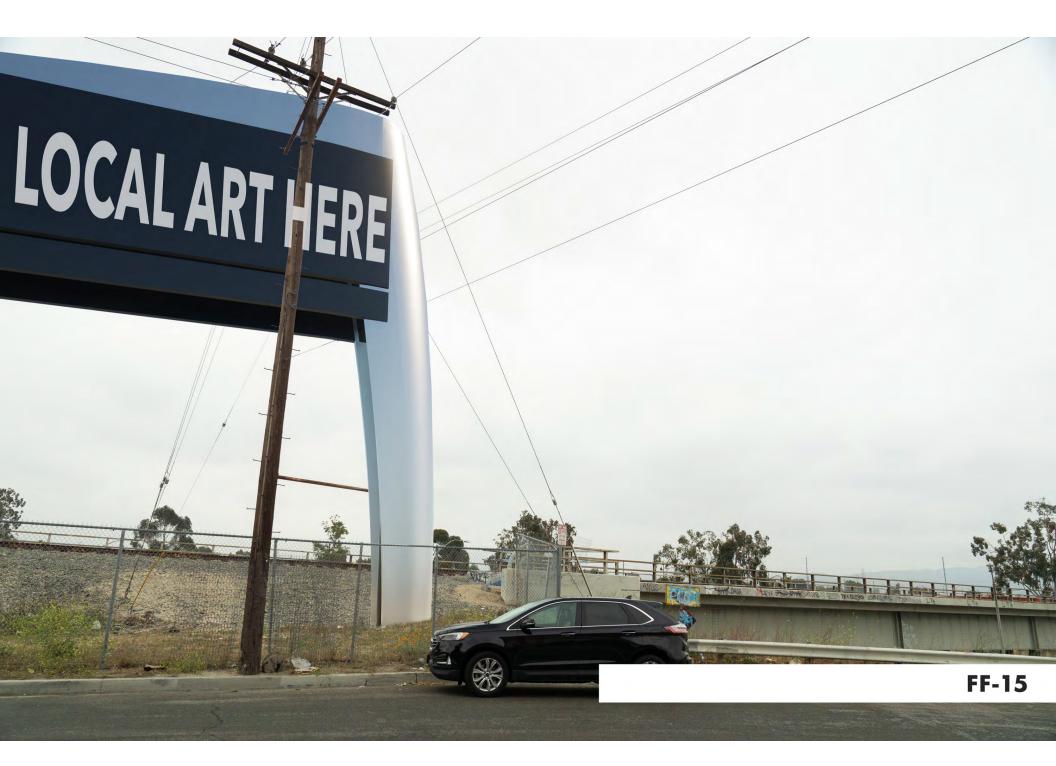
#### FF-15 - APN: 2324002901









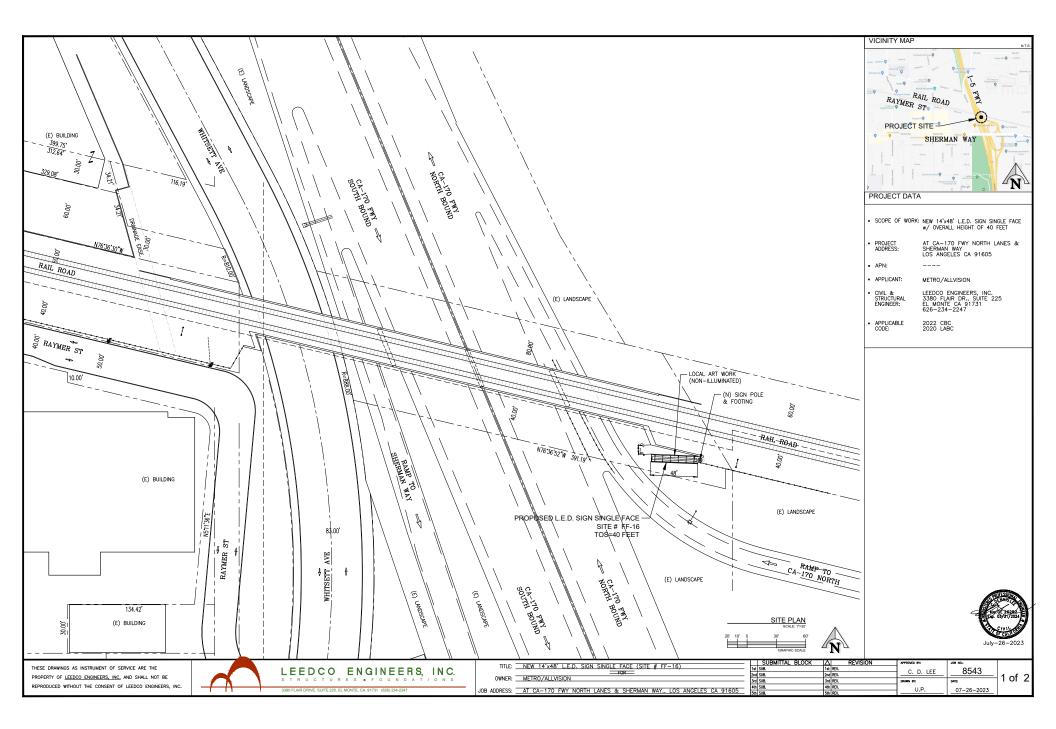


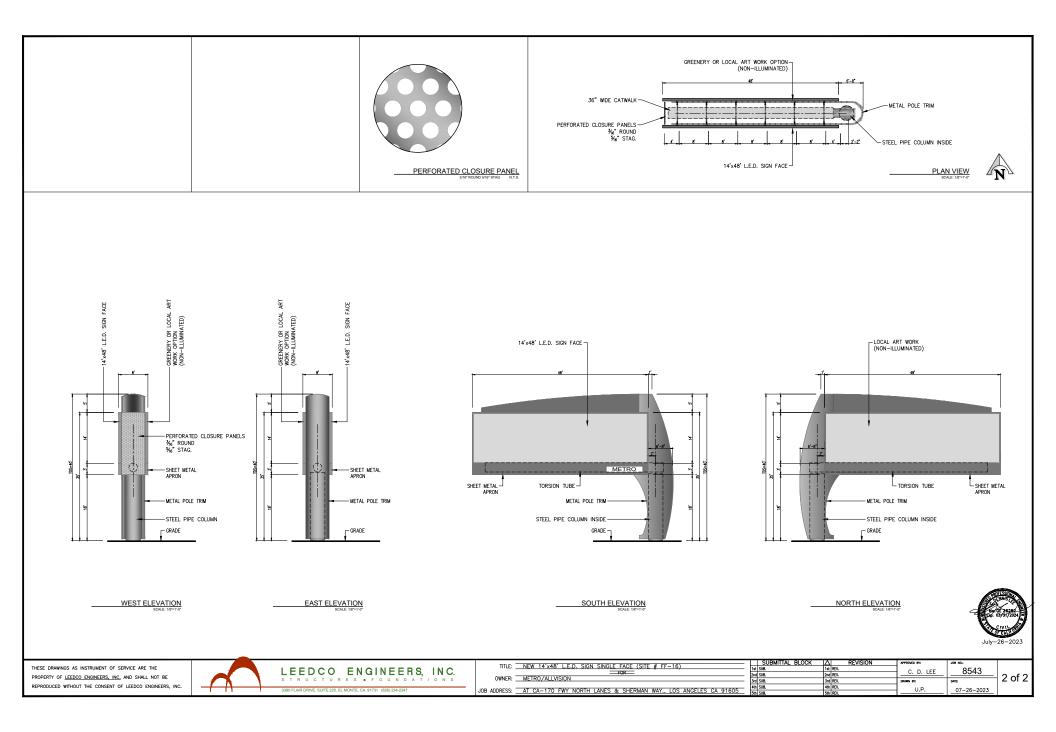


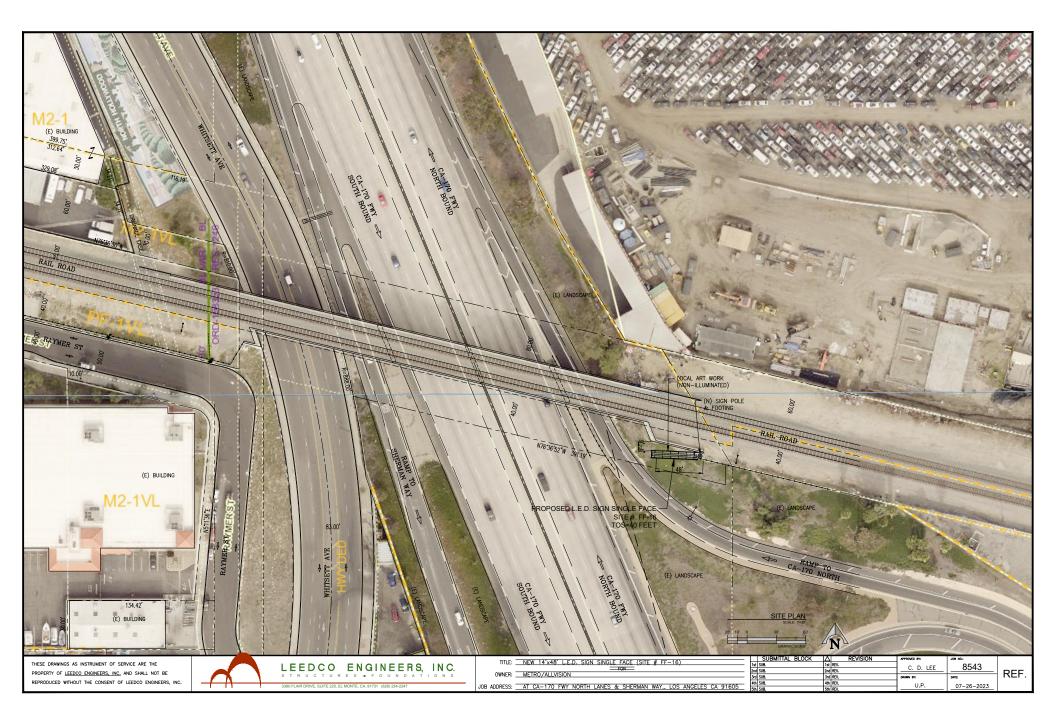
170 Freeway North at Sherman Way North Hollywood - Valley Village

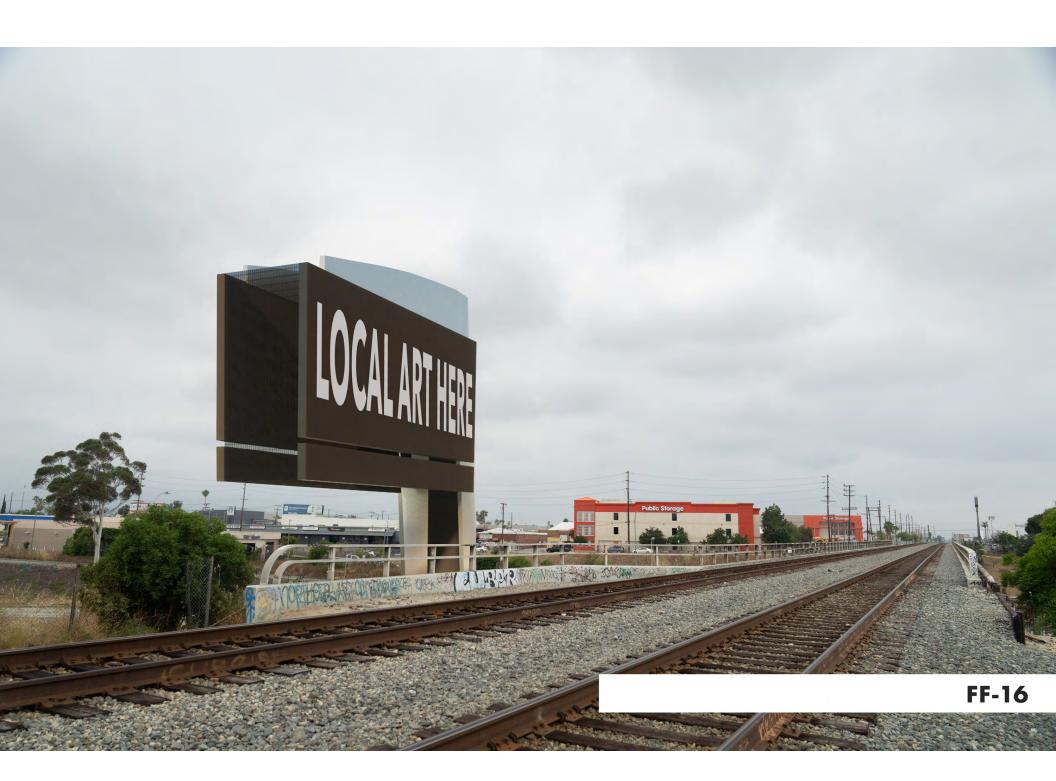
#### FF-16 - APN: 2307021901

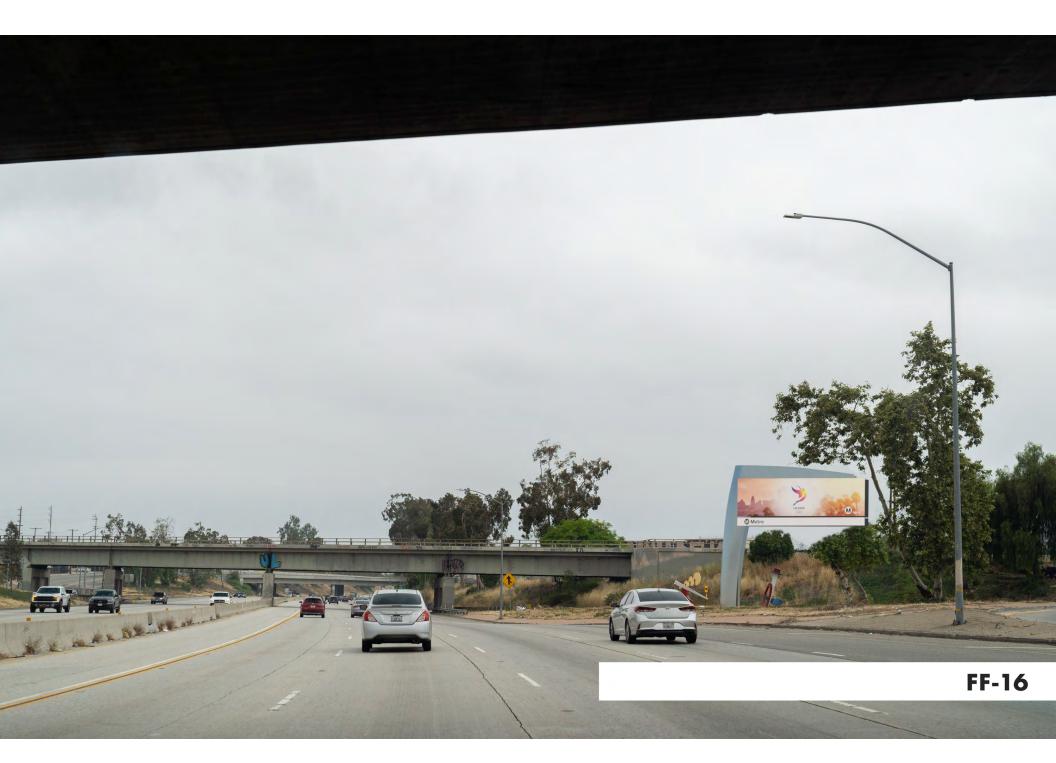




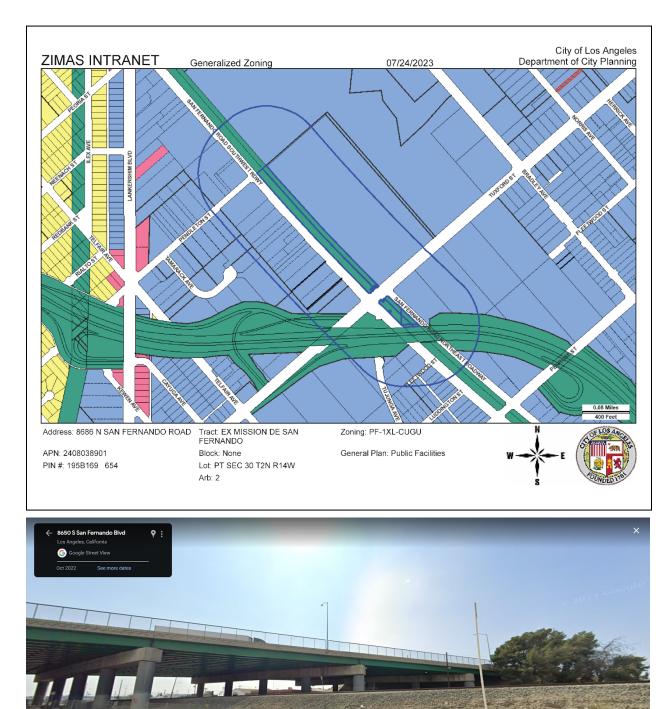






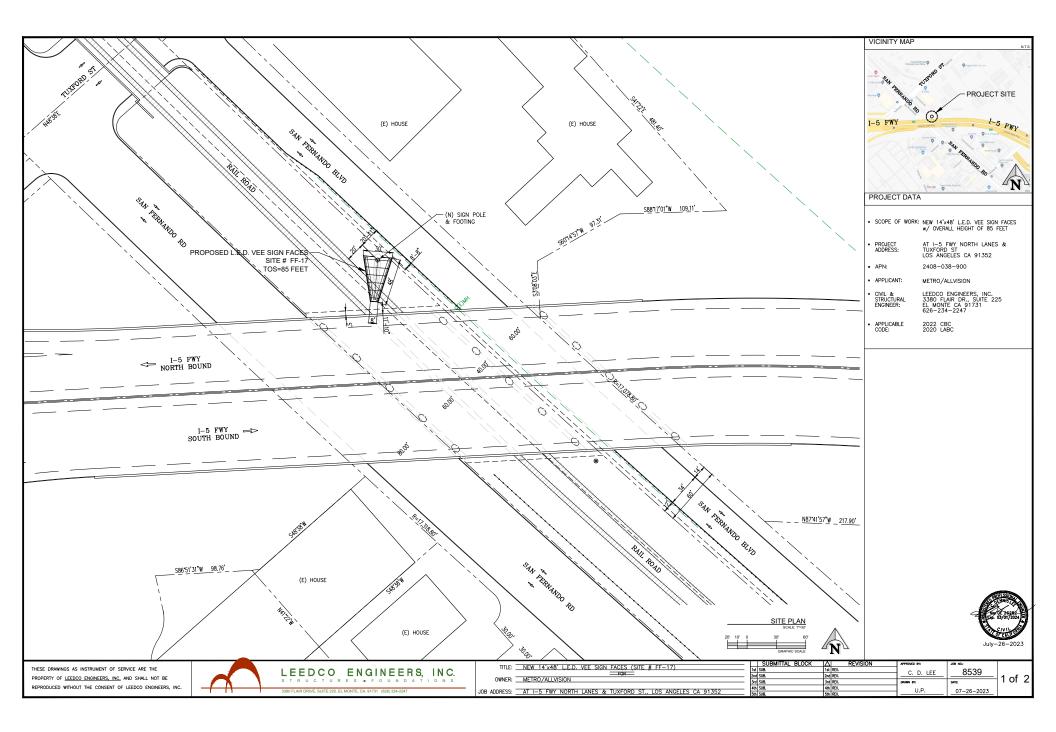


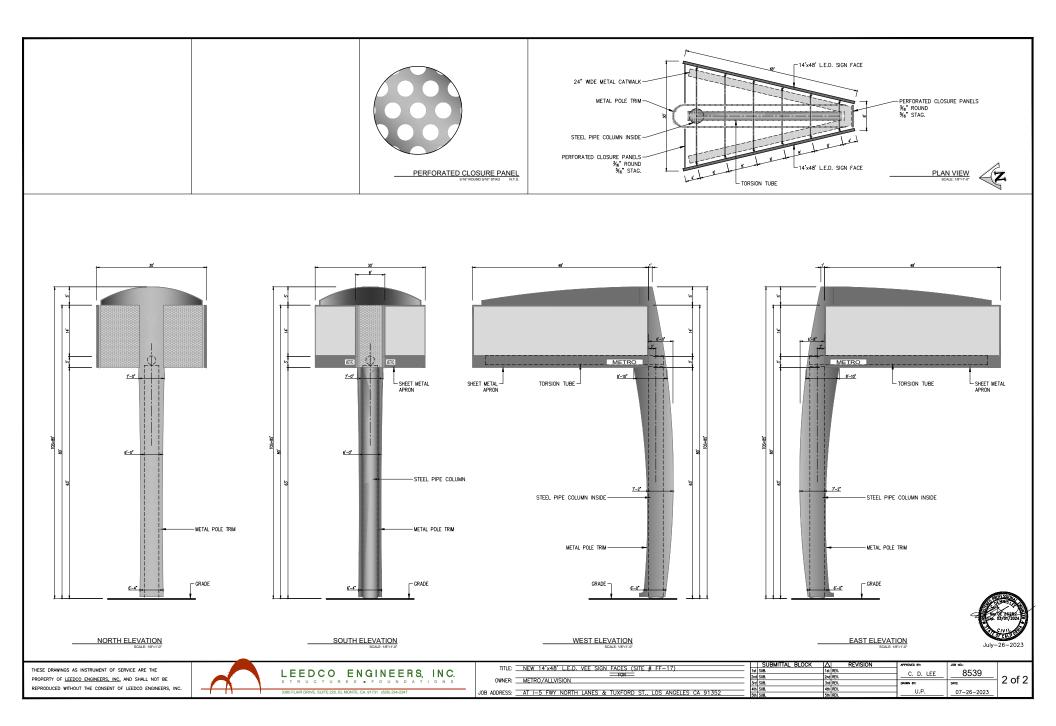
5 Freeway North at Tuxford Street Sun Valley - La Tuna Canyon - North Valley

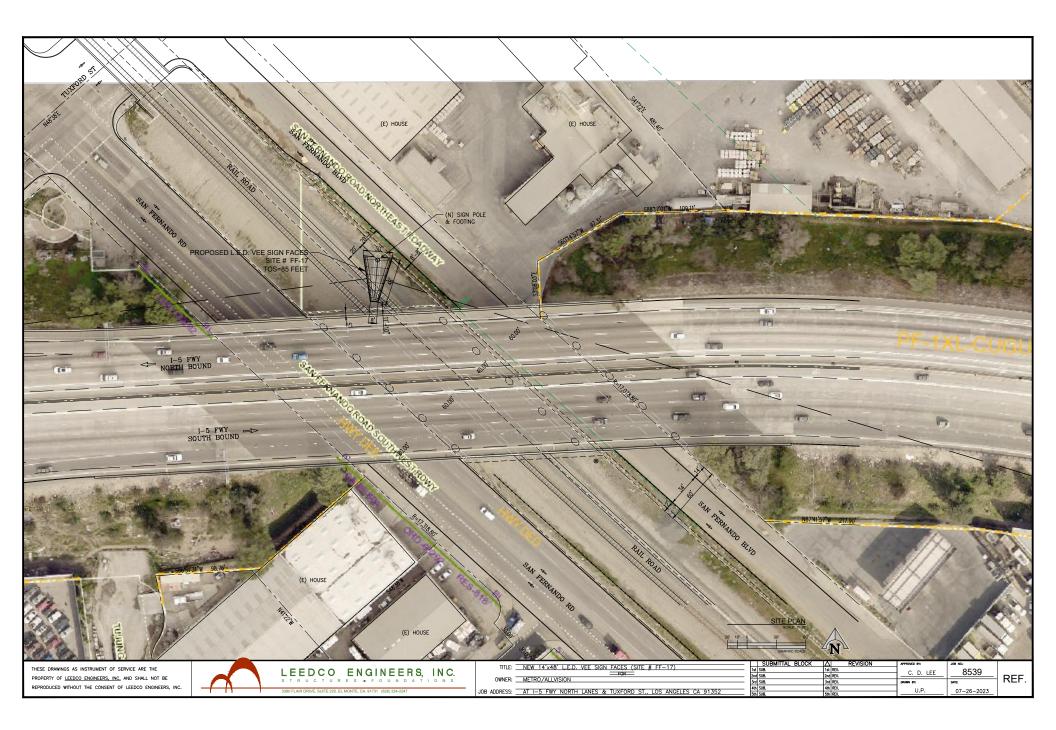


#### FF-17 - APN: 2408038900, 2408038901

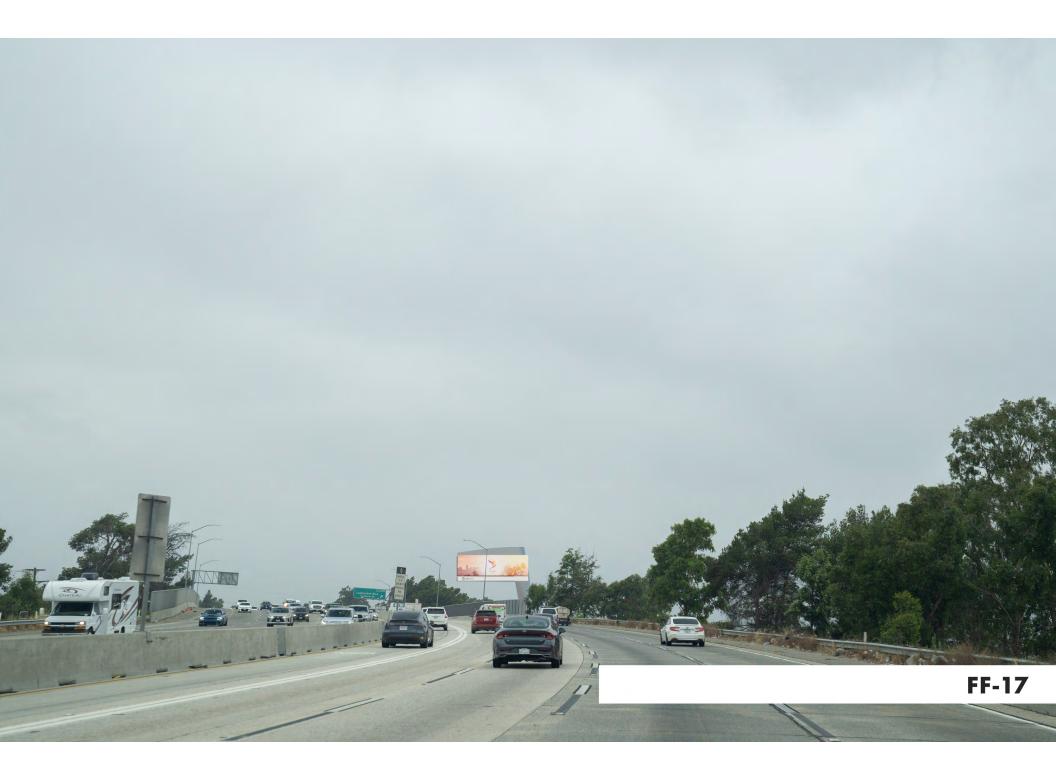
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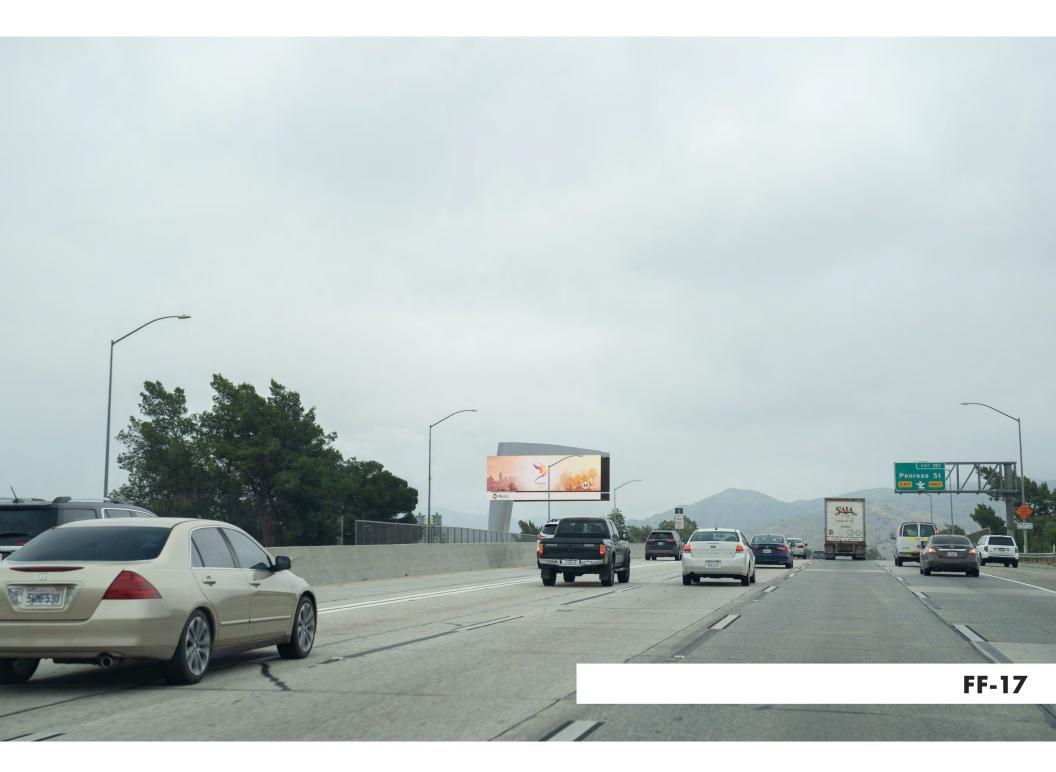




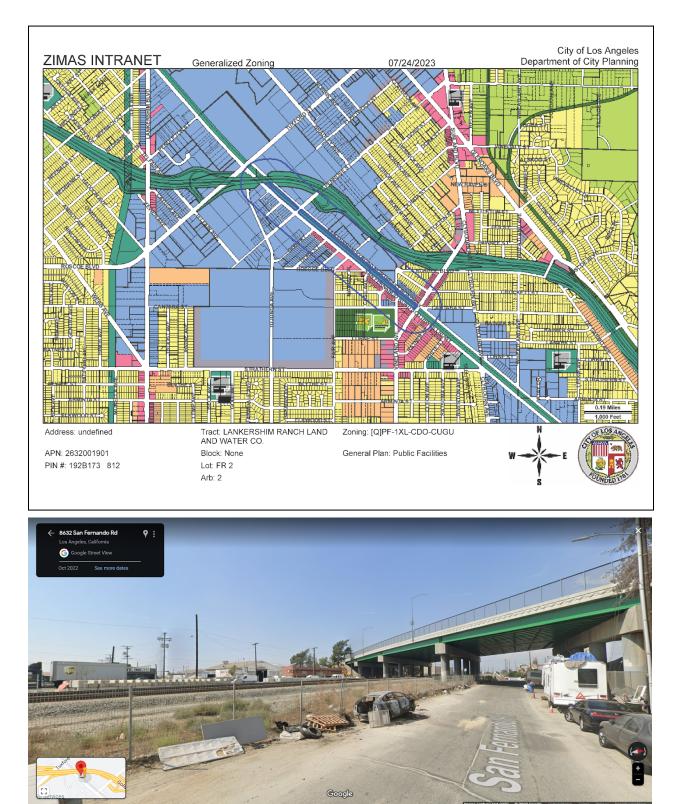




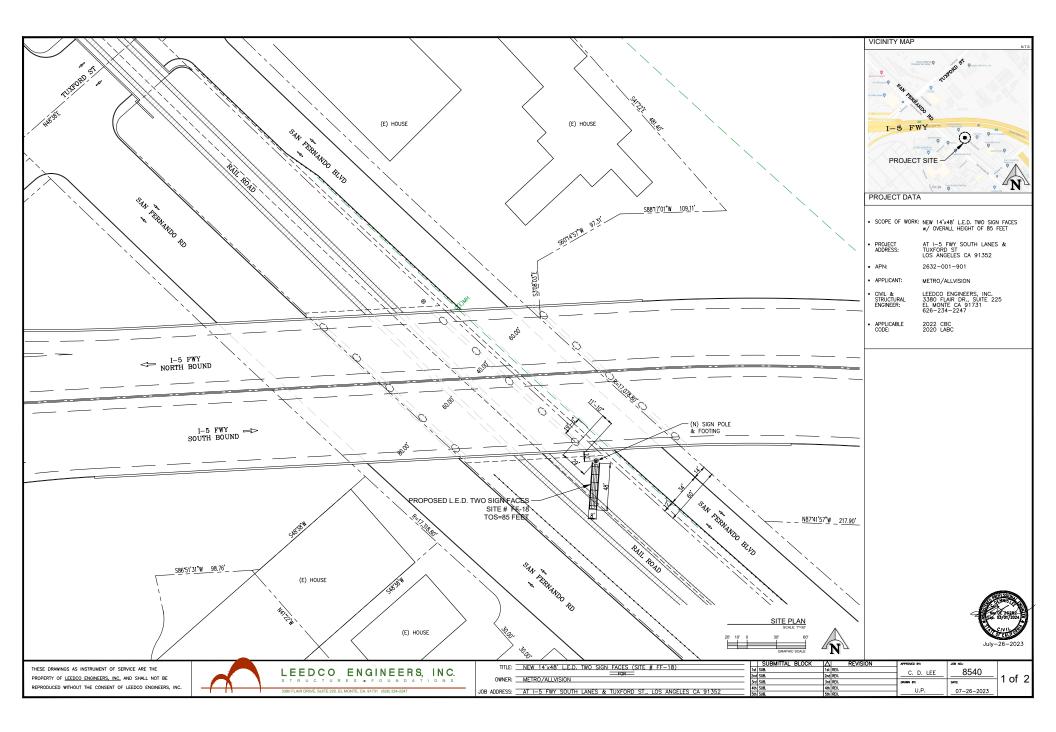


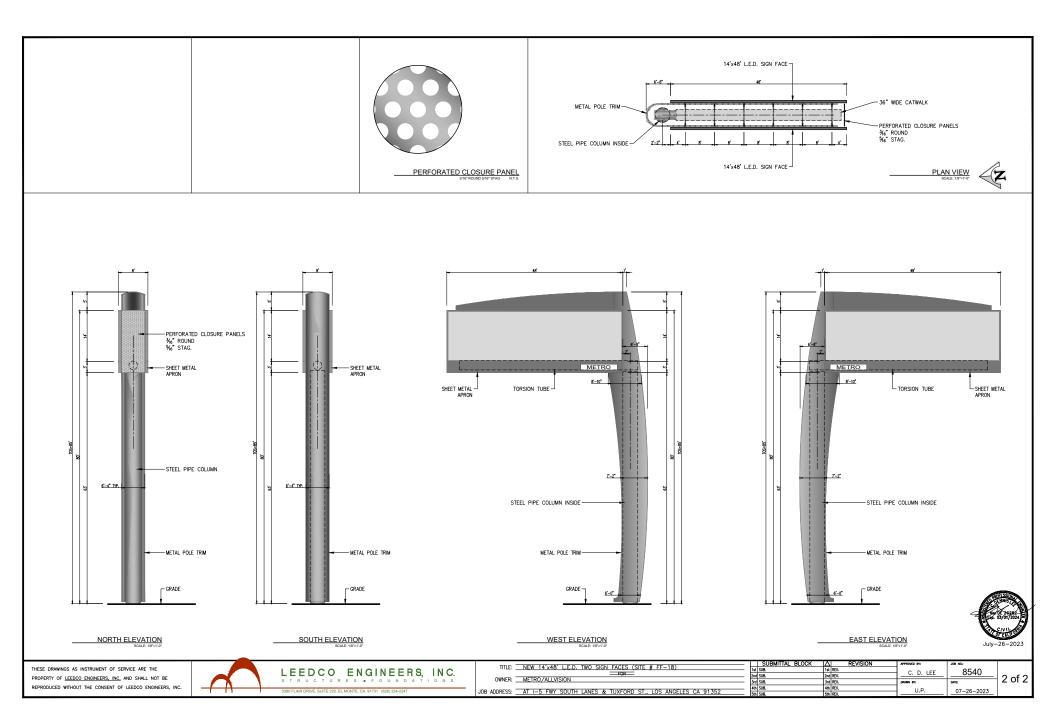


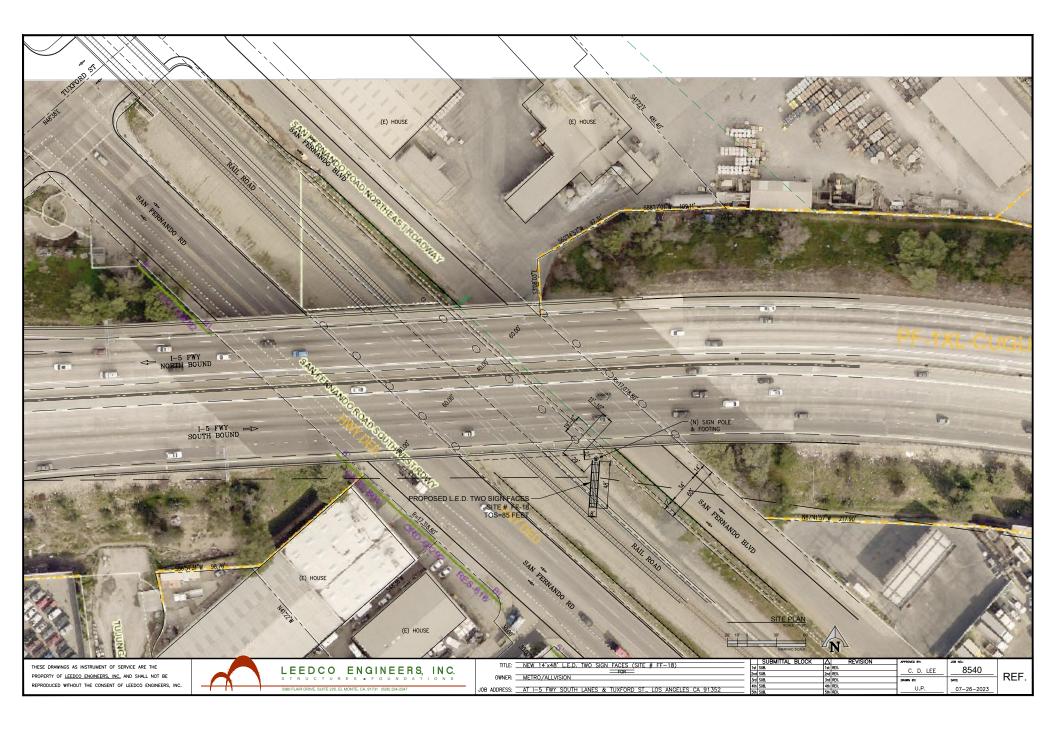
5 Freeway South at Tuxford Street Sun Valley - La Tuna Canyon - North Valley



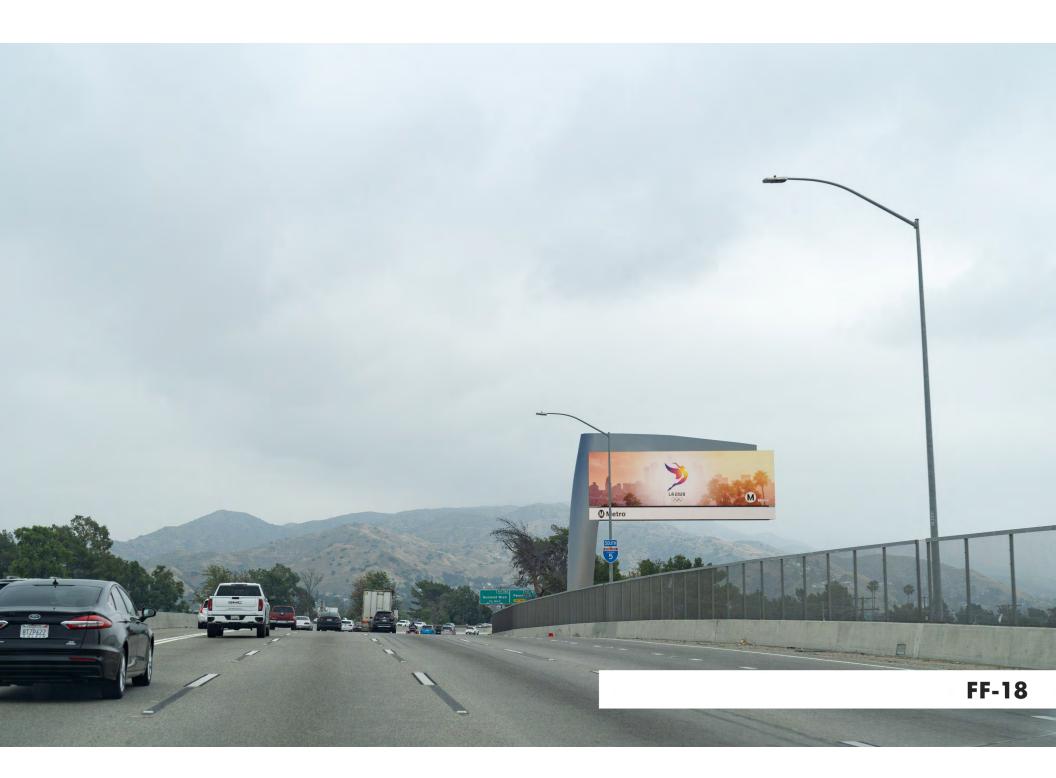
#### FF-18 - APN: 2632001901, 2632001900

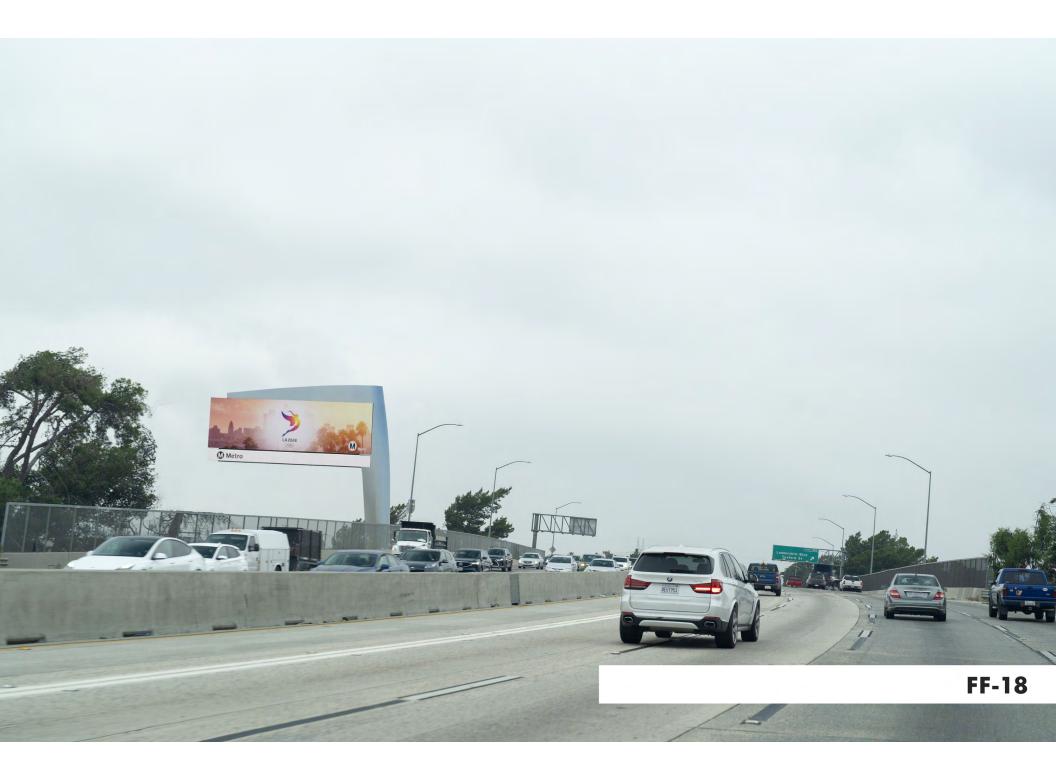










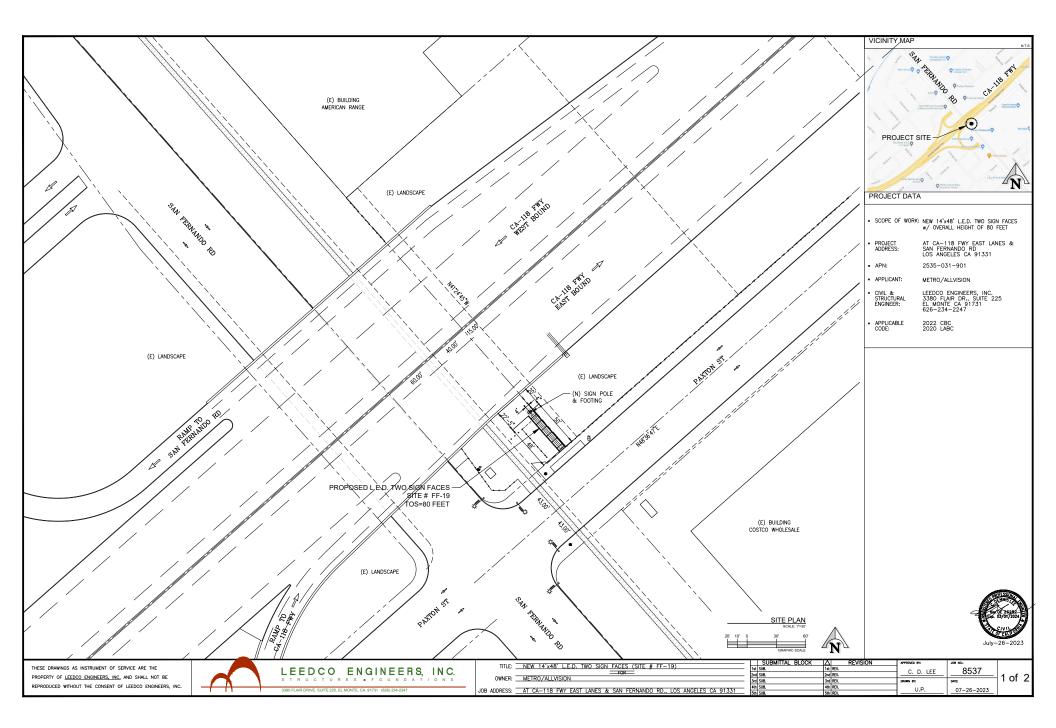


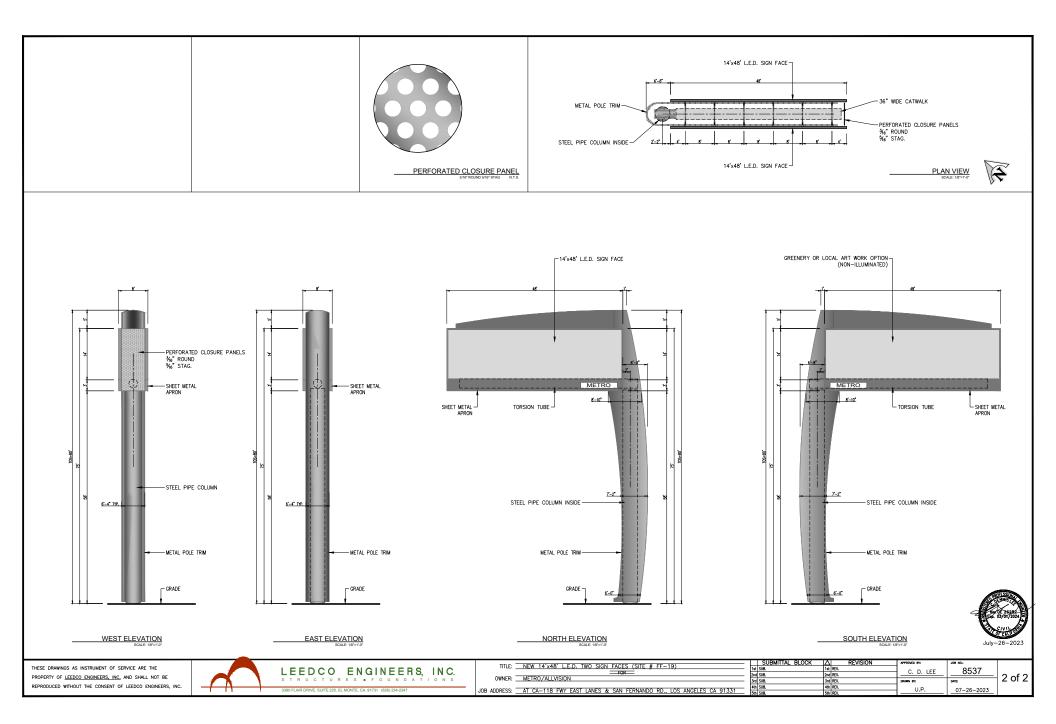
### 118 Freeway East at San Fernando Road Arleta - Pacoima

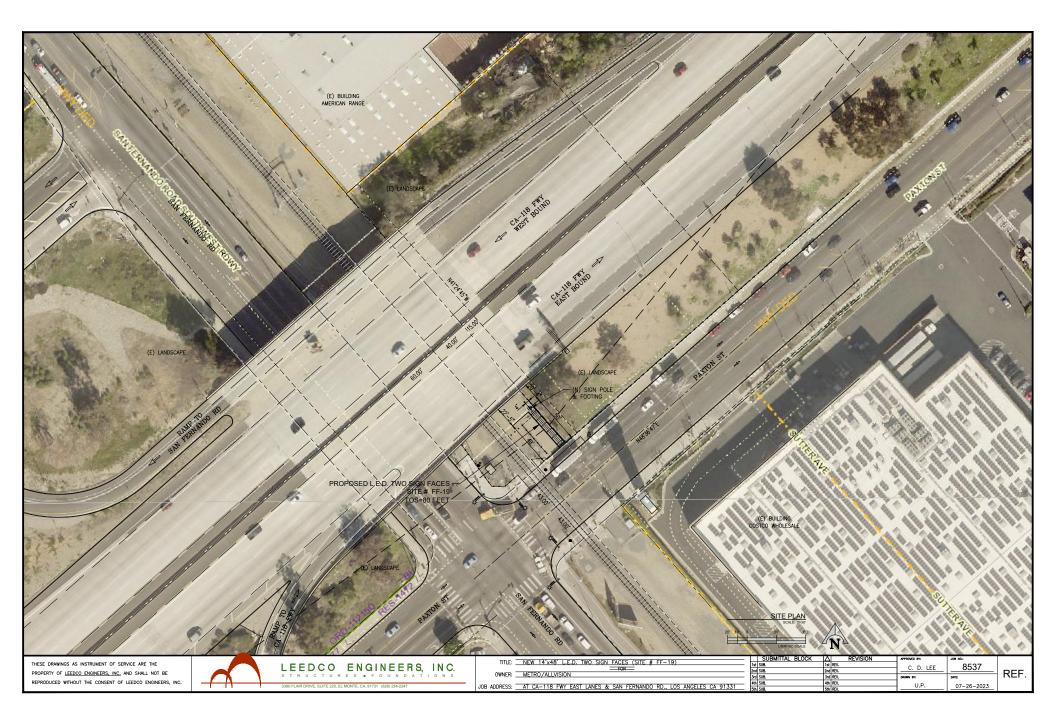


#### FF-19 - APN: 2523001900, 2523001901

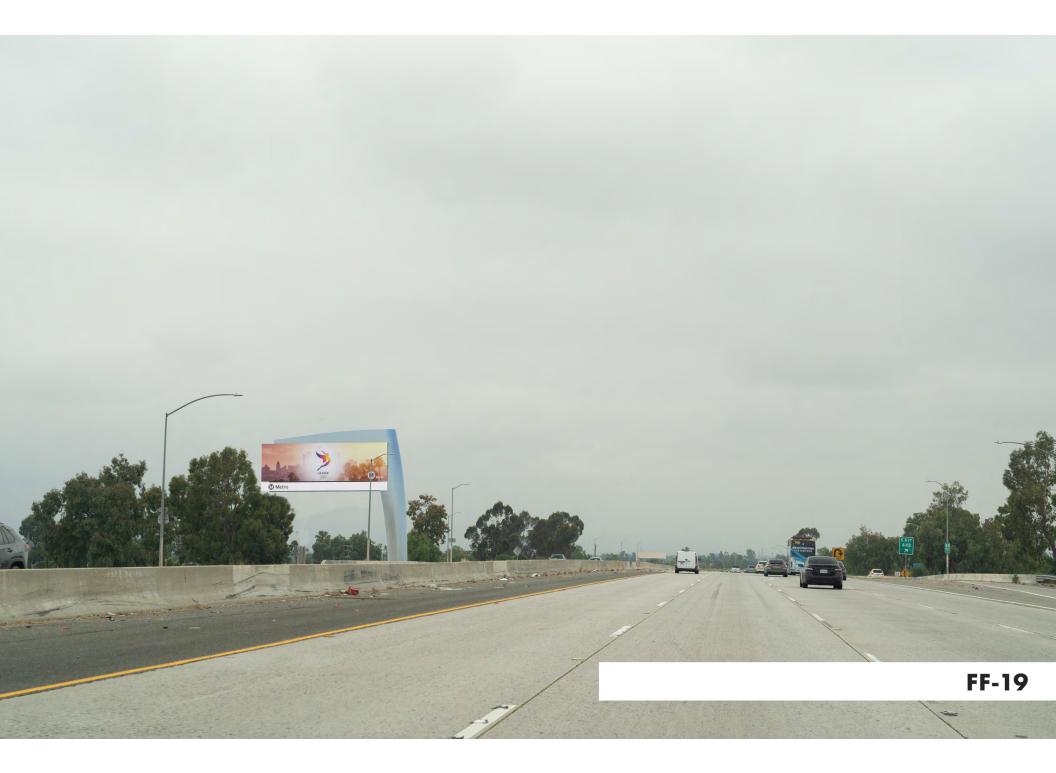


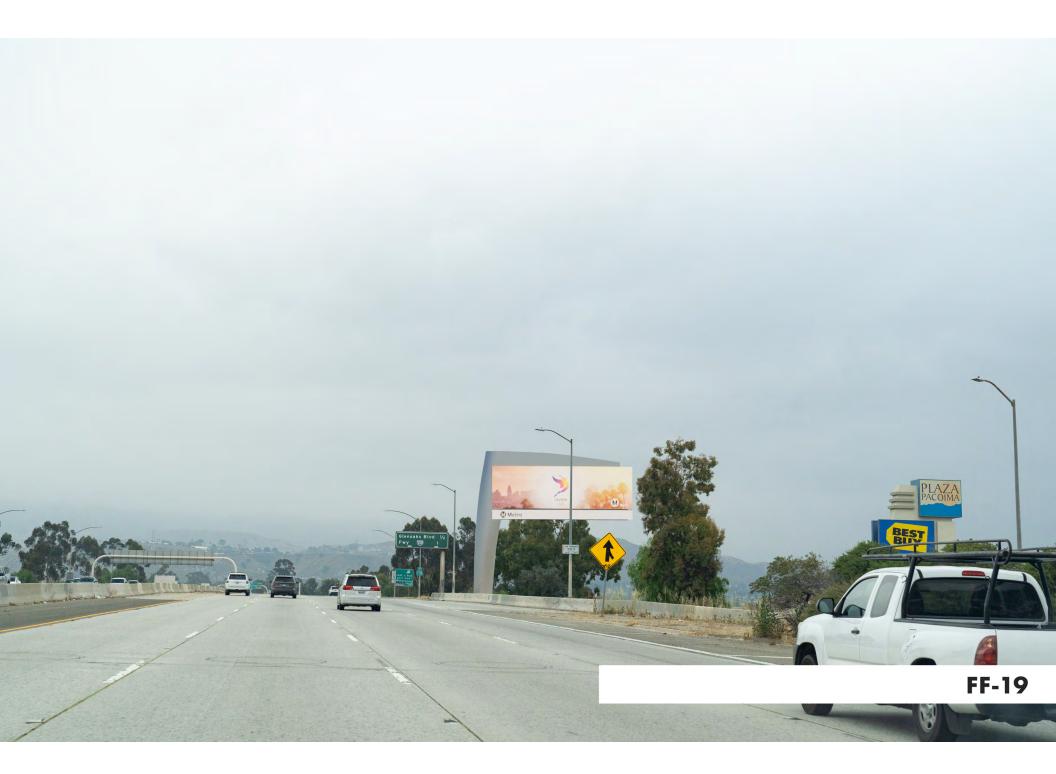












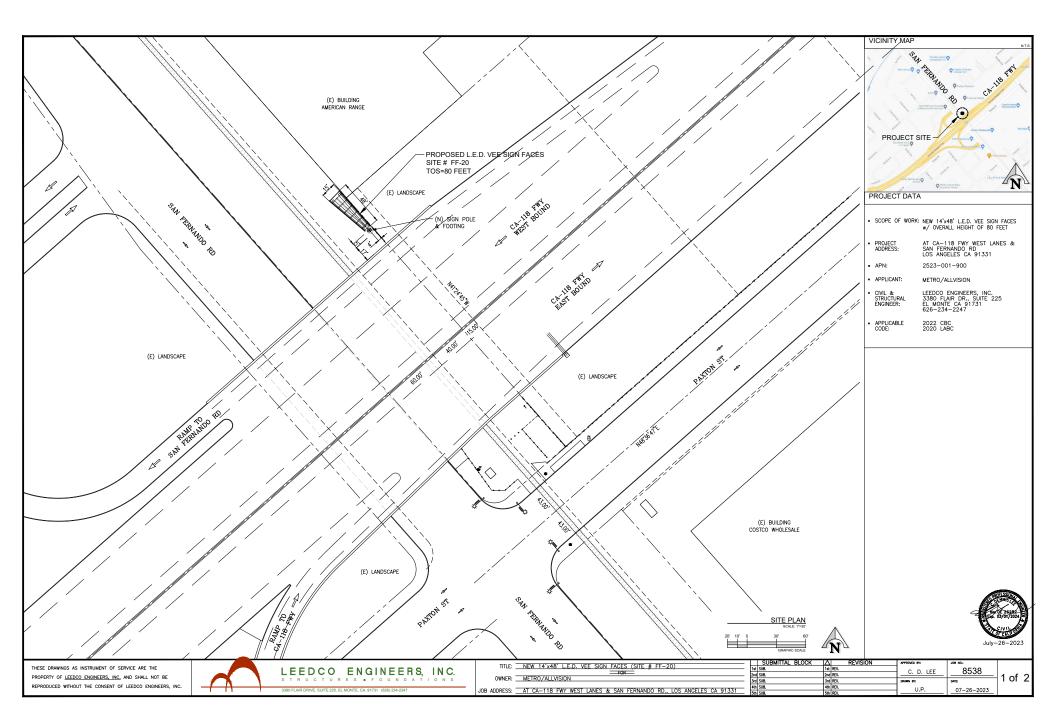
### 118 Freeway West at San Fernando Road Arleta - Pacoima

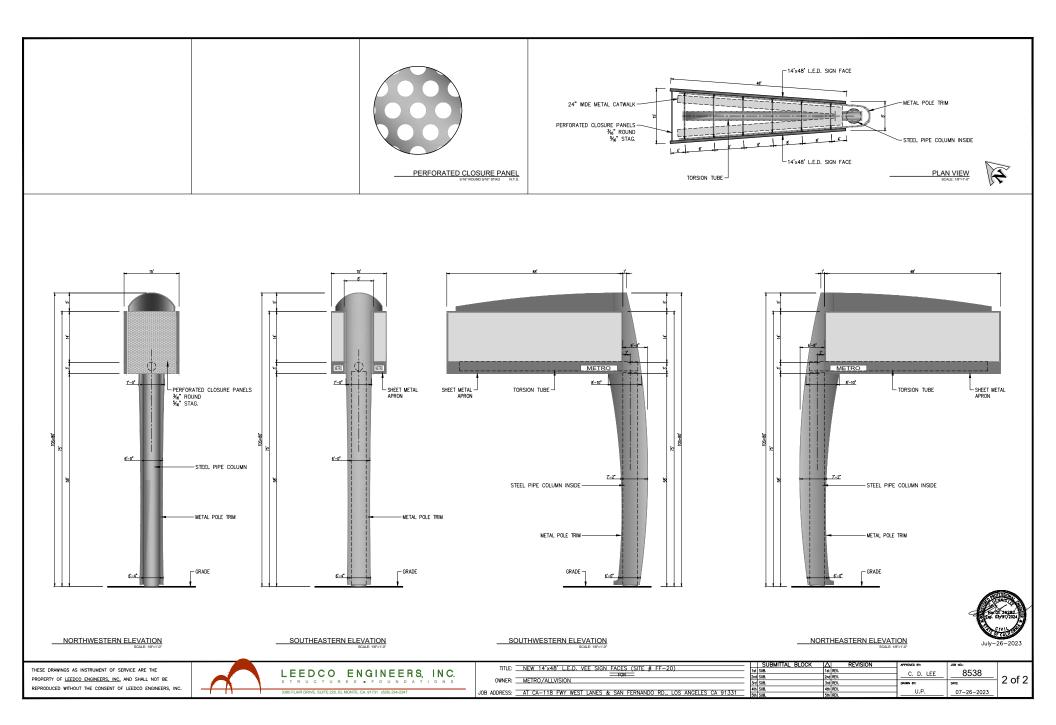


Google

### FF-20 - APN: 2523001900, 2523001901

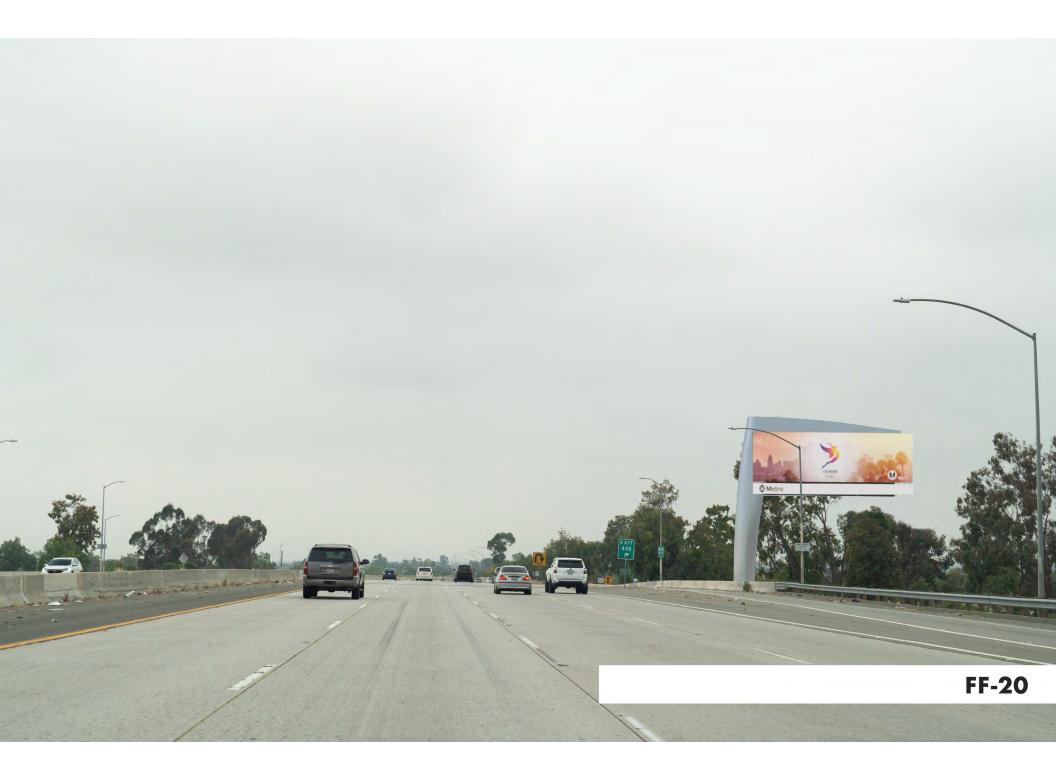
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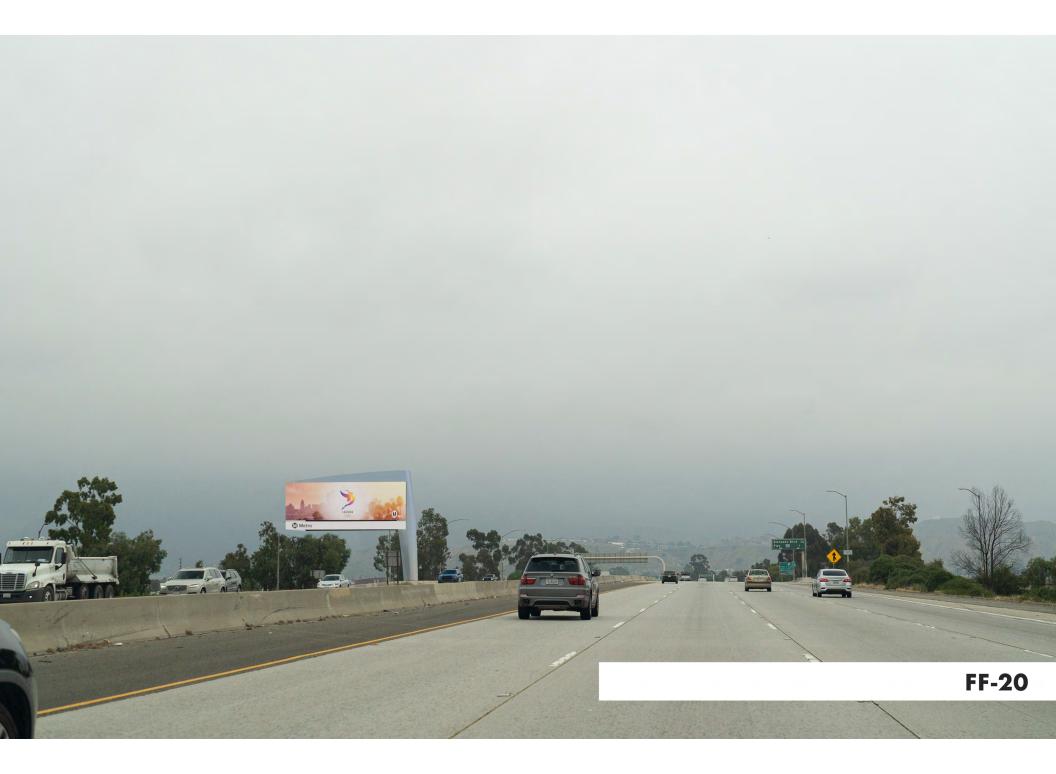












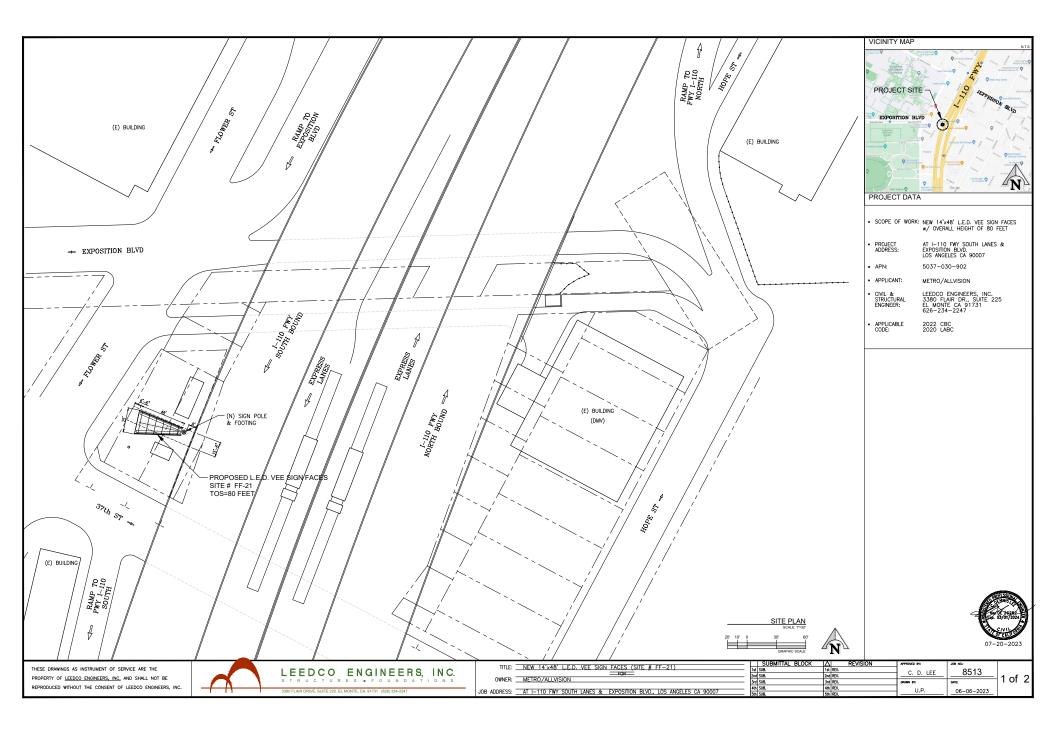
# FF-21

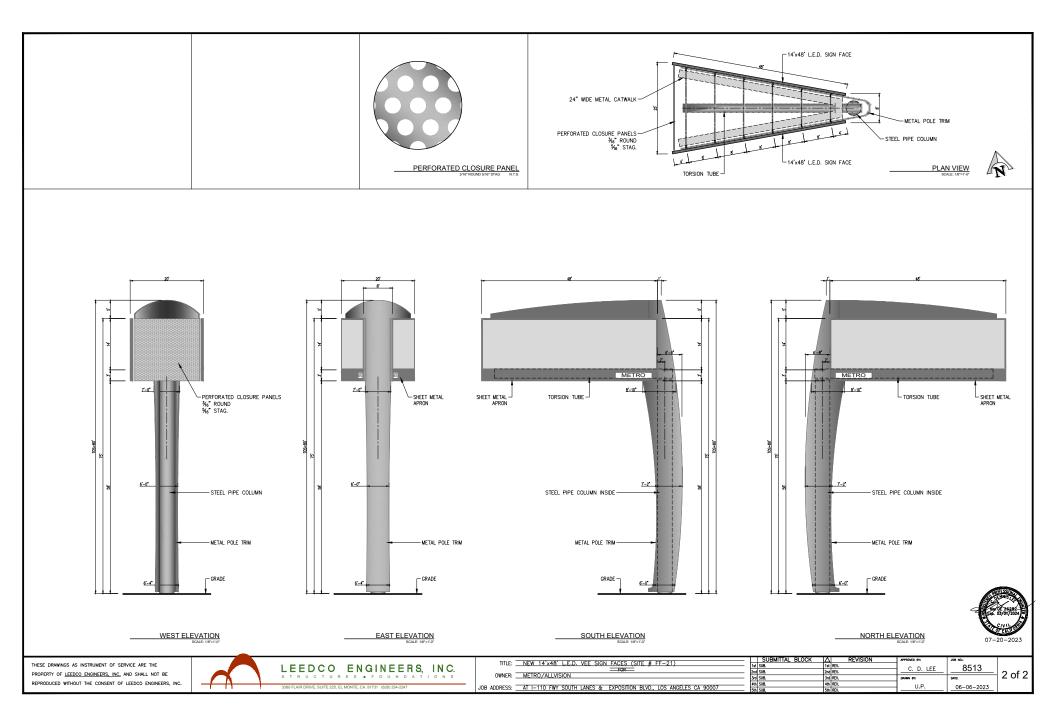
# 110 Freeway South at Exposition Boulevard South Los Angeles



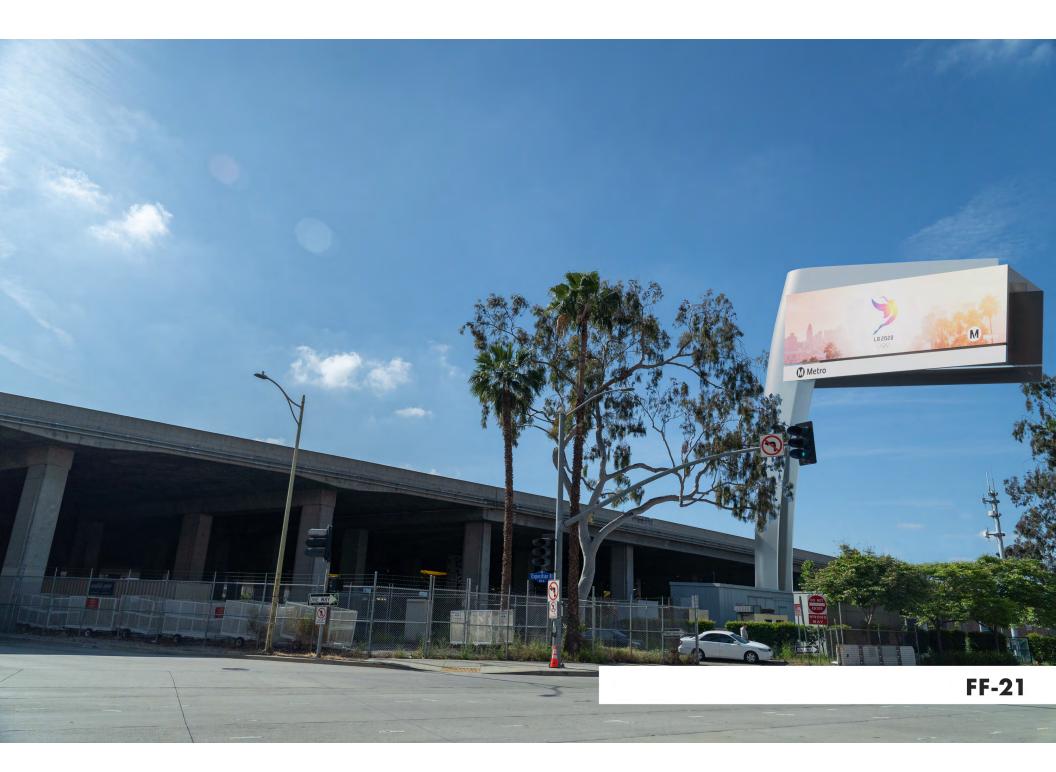
### FF-21 - APN: 5037030902, 5037030900

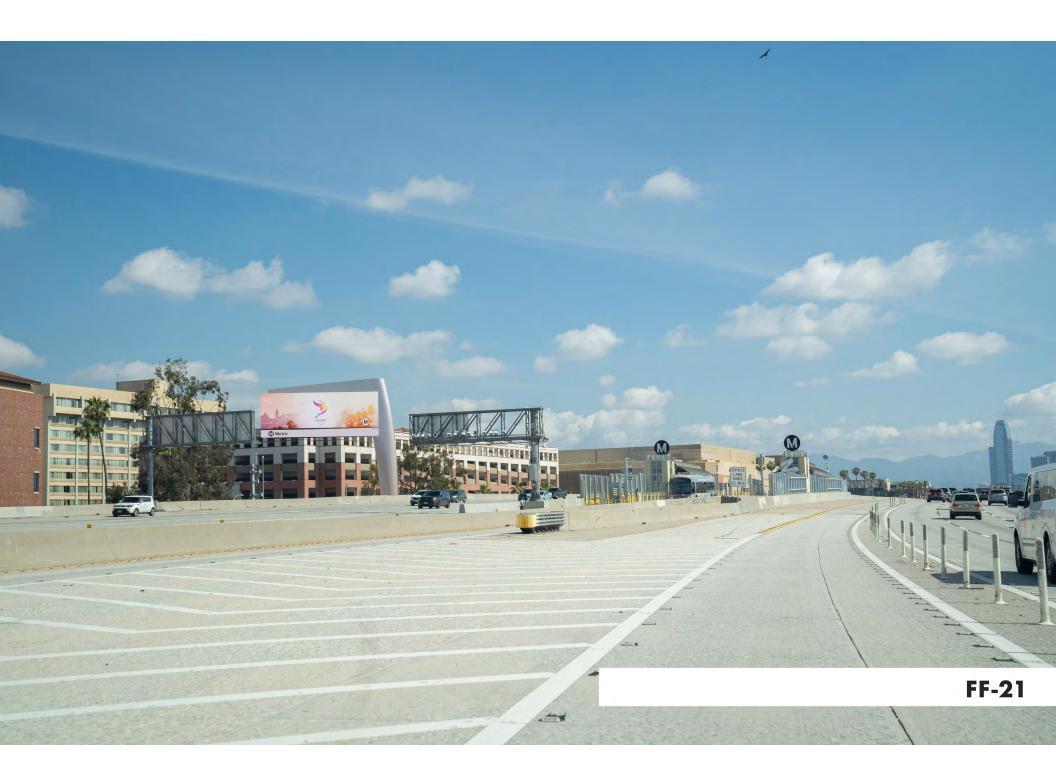


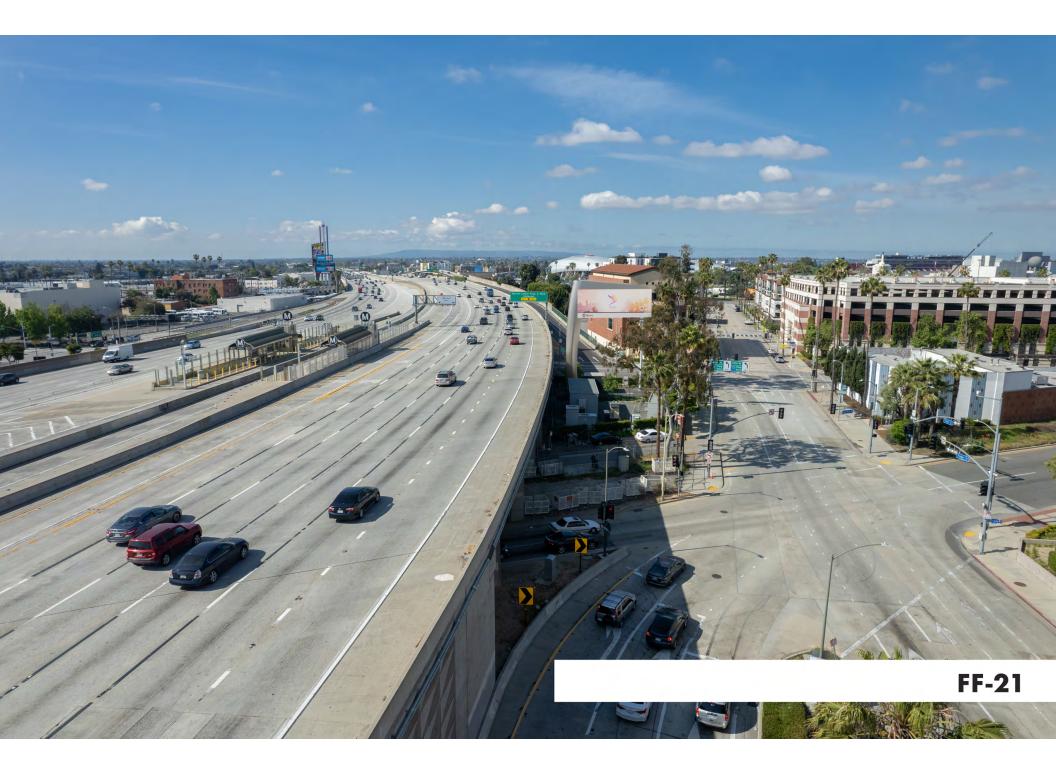






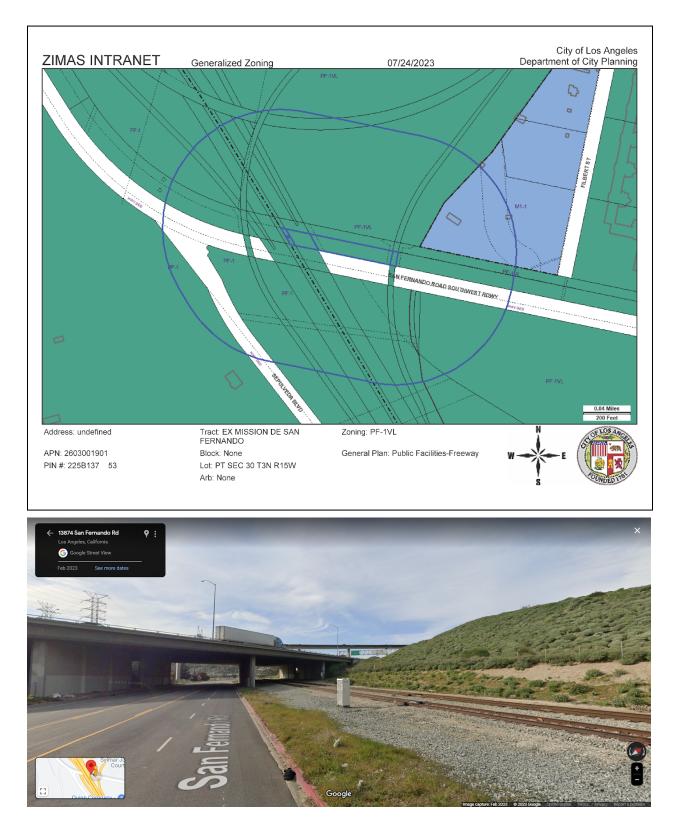


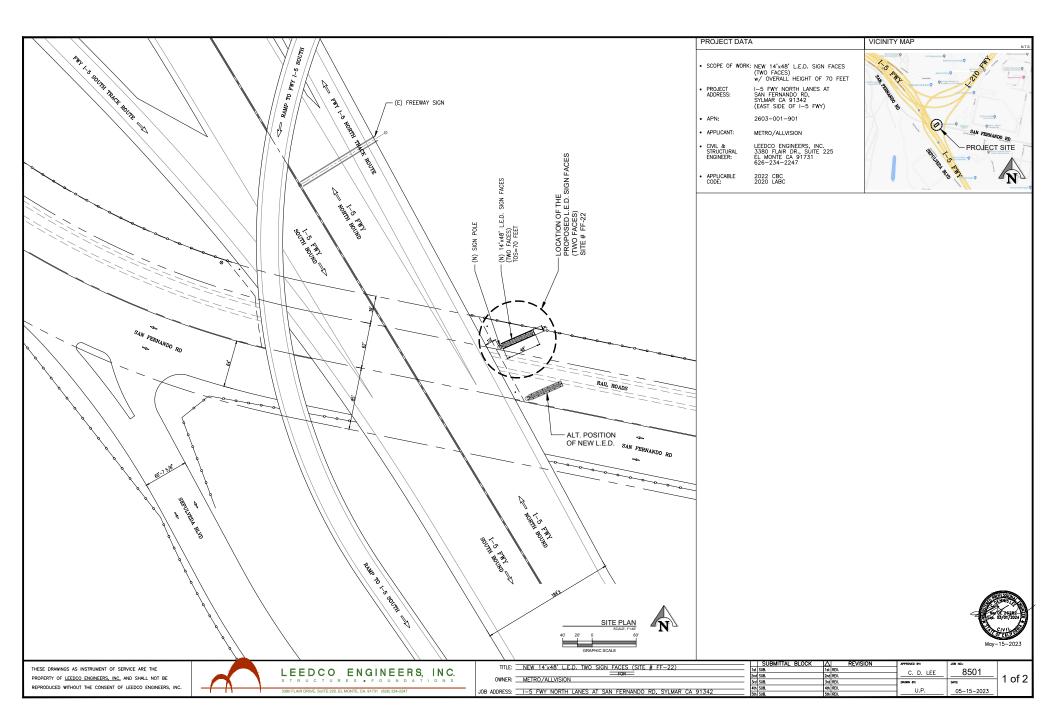


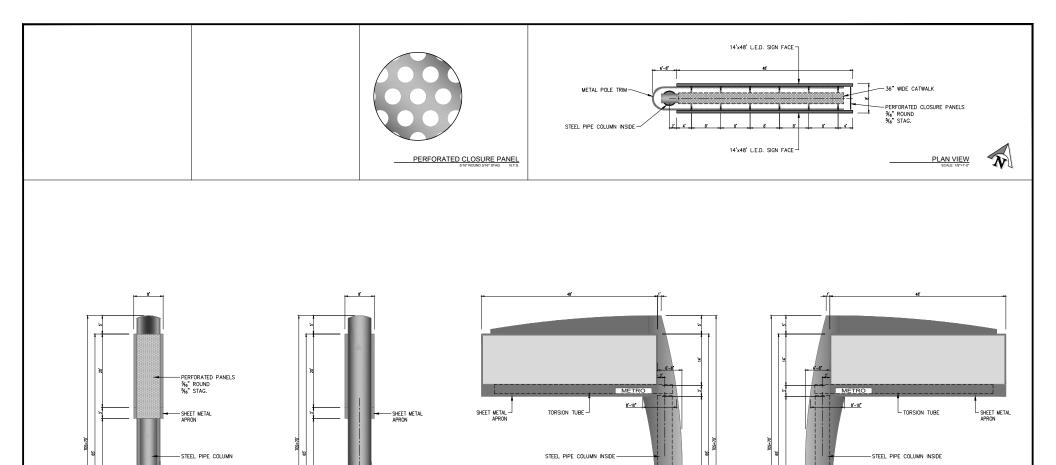


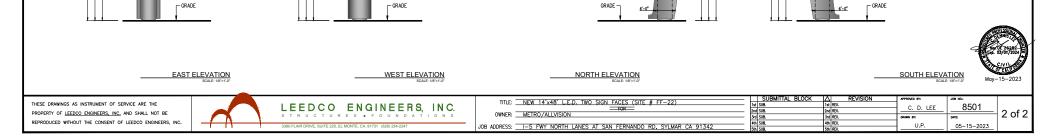
## **FF-22** 5 Freeway North at San Fernando Road and Sepulveda Boulevard Sylmar

#### FF-22 - APN: 2603001901









7-2\*

METAL POLE TRIM-

7-2

-METAL POLE TRIM

6-4 TYP

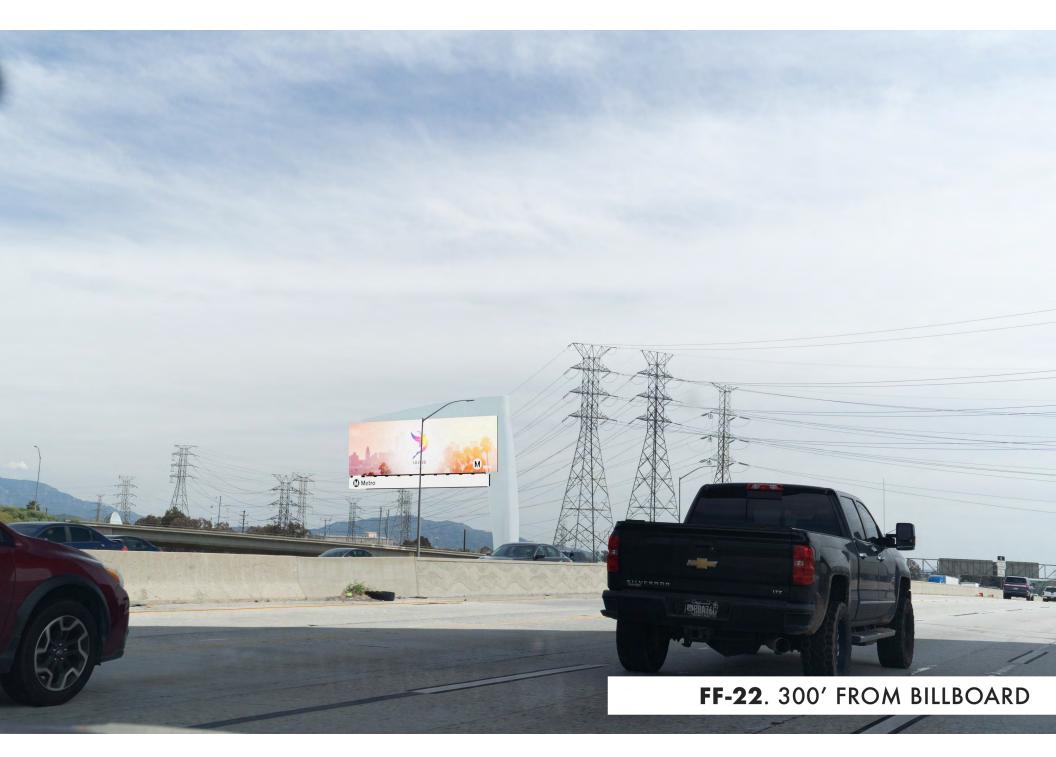
METAL POLE TRIM

6'-4" TYP.

-METAL POLE TRIM





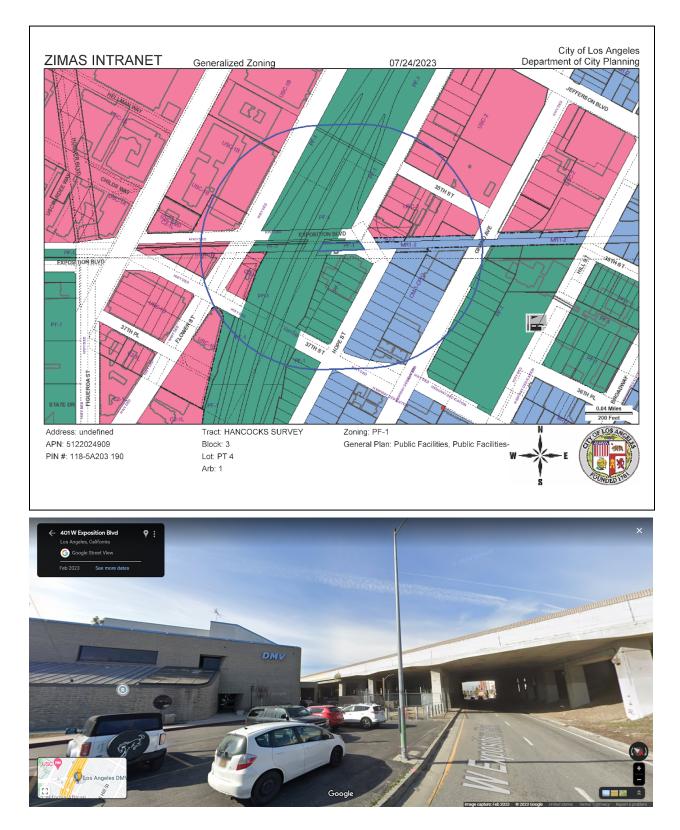


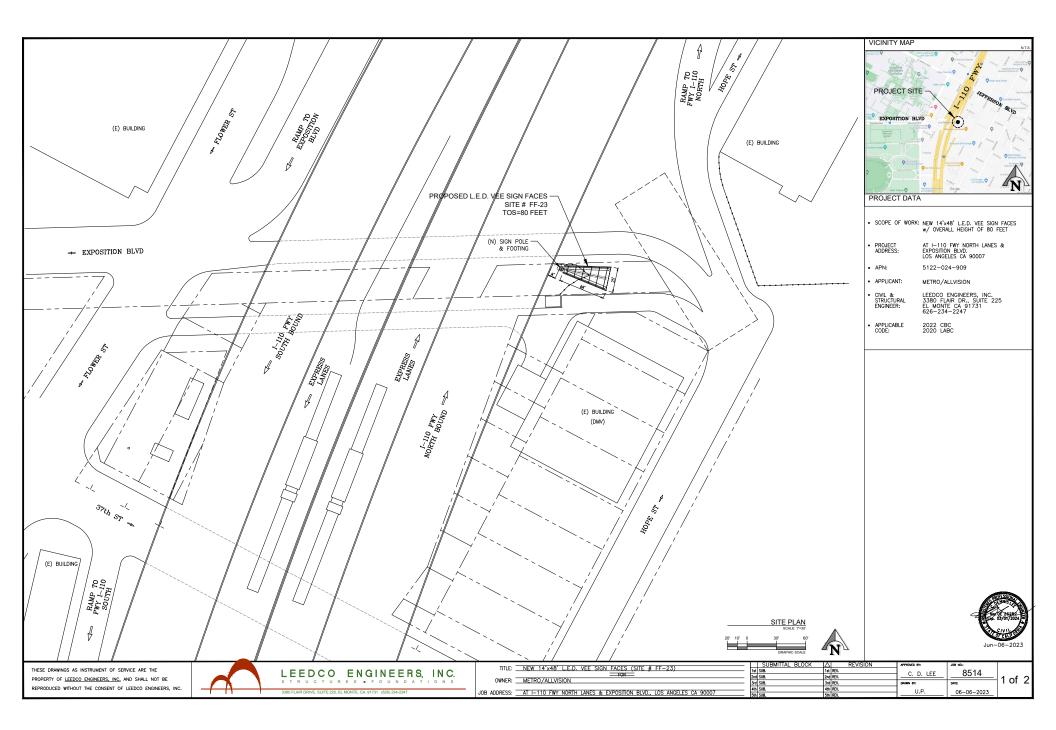
FF-22. 500' FROM BILLBOARD

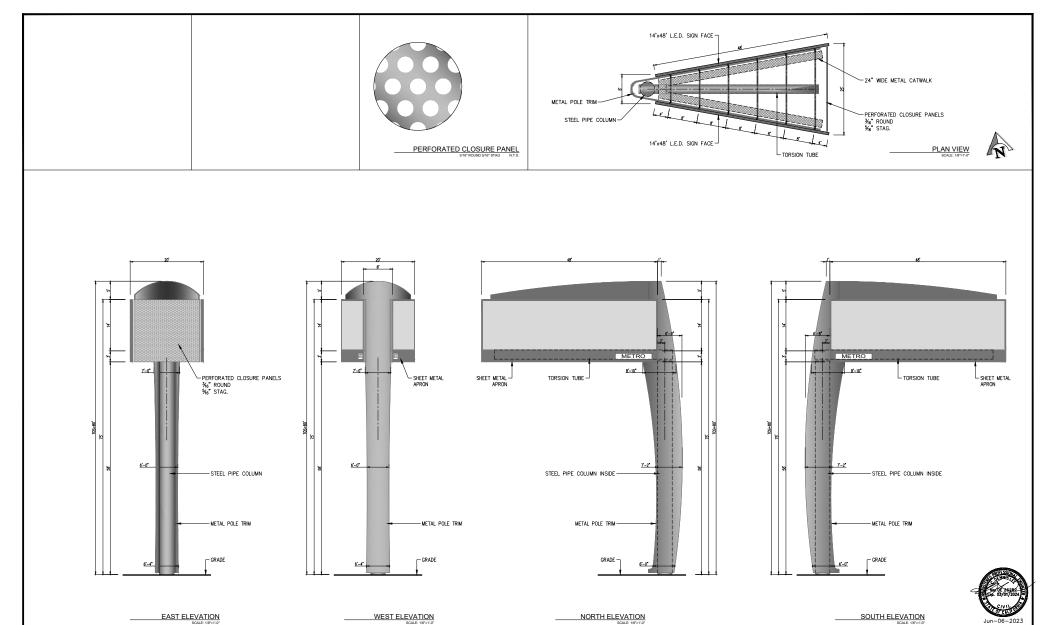
# FF-23

110 Freeway North at Exposition Boulevard Southeast Los Angeles

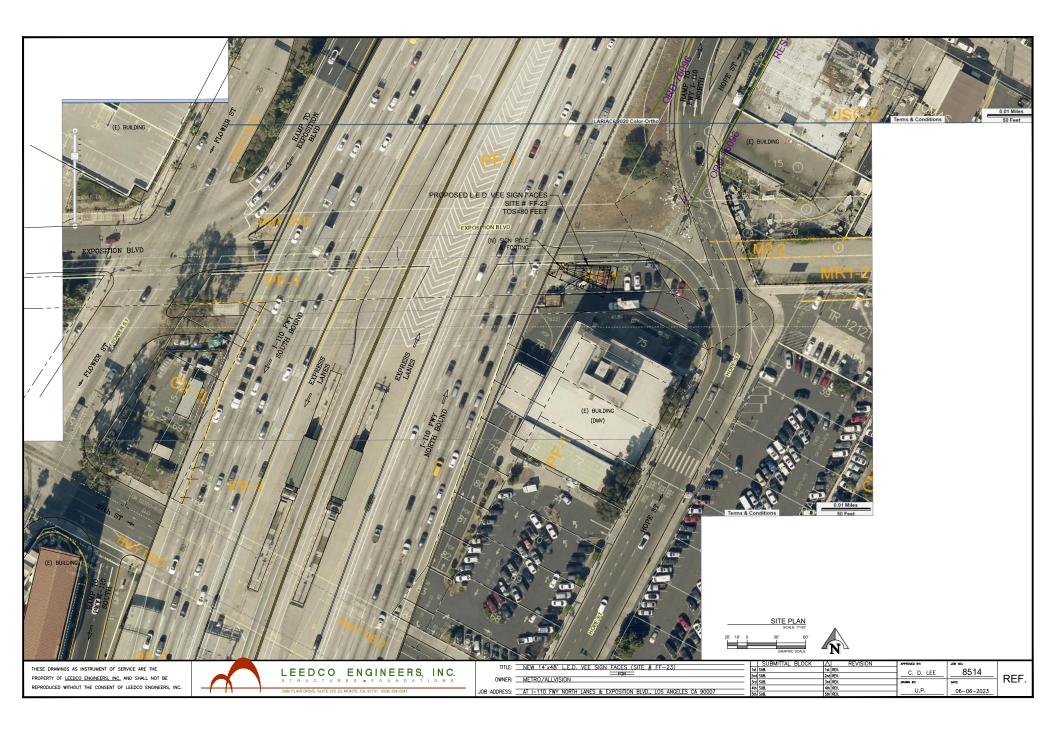
#### FF-23 - APN: 5122024909

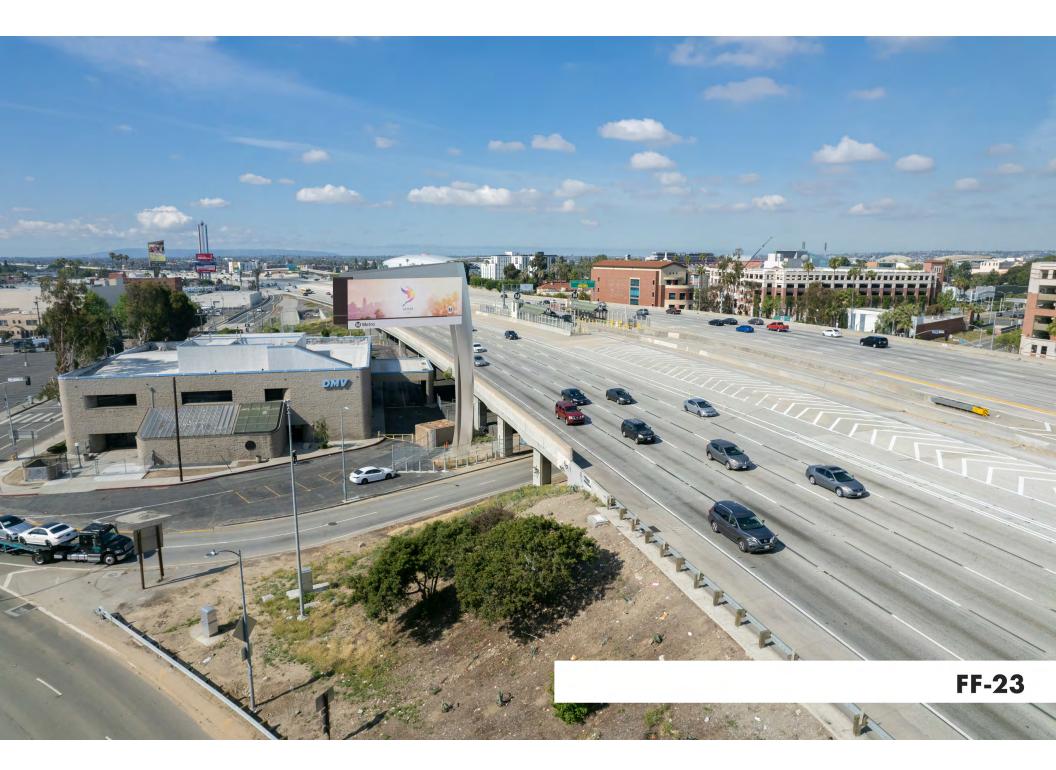


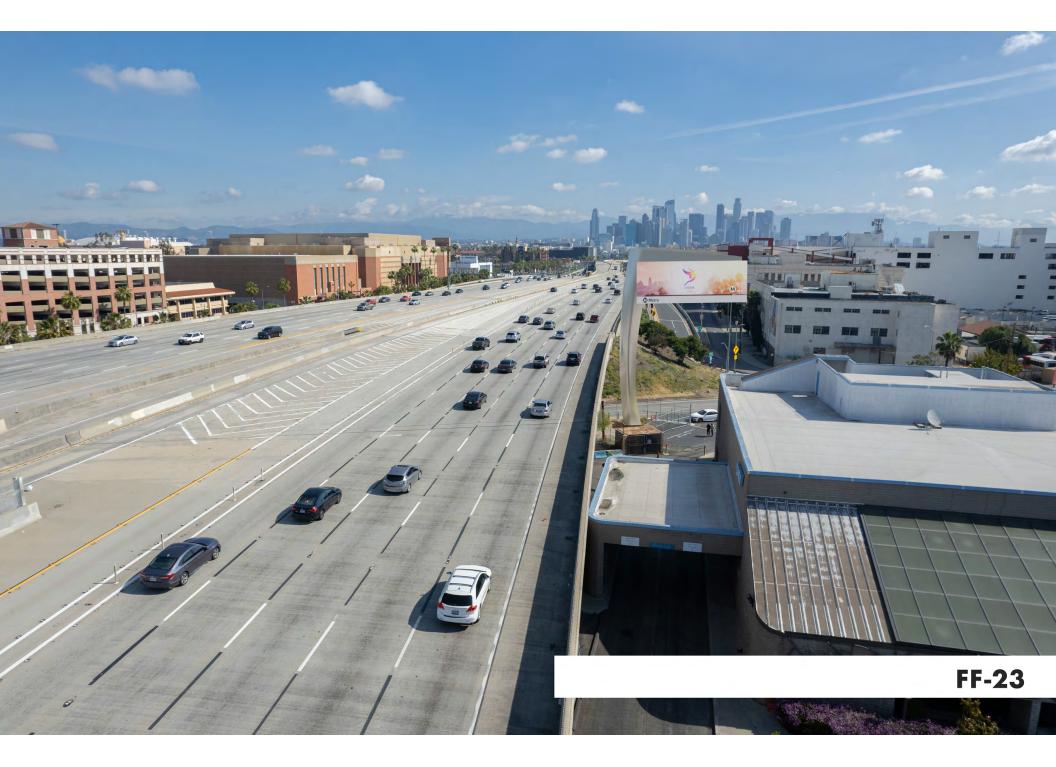




SUBMITTAL BLOCK 1st SUB. 2rd SUB. 3rd SUB. 4th SUB. 5th SUB. TITLE: NEW 14'x48' L.E.D. VEE SIGN FACES (SITE # FF-23) ⊥ 1st REV. REVISION PROVED BY: THESE DRAWINGS AS INSTRUMENT OF SERVICE ARE THE LEEDCO ENGINEERS, INC. C. D. LEE 8514 FOR PROPERTY OF LEEDCO ENGINEERS, INC. AND SHALL NOT BE 2nd REV. 3rd REV. 4th REV. 2 of 2 OWNER: METRO/ALLVISION DRAWN BY: REPRODUCED WITHOUT THE CONSENT OF LEEDCO ENGINEERS, INC. 3380 FLAIR DRIVE, SUITE 225, EL MONTE, CA. 91731 (628) 234-224 U.P. 06-06-2023 JOB ADDRESS: \_\_\_\_AT I-110 FWY NORTH LANES & EXPOSITION BLVD., LOS ANGELES CA 90007

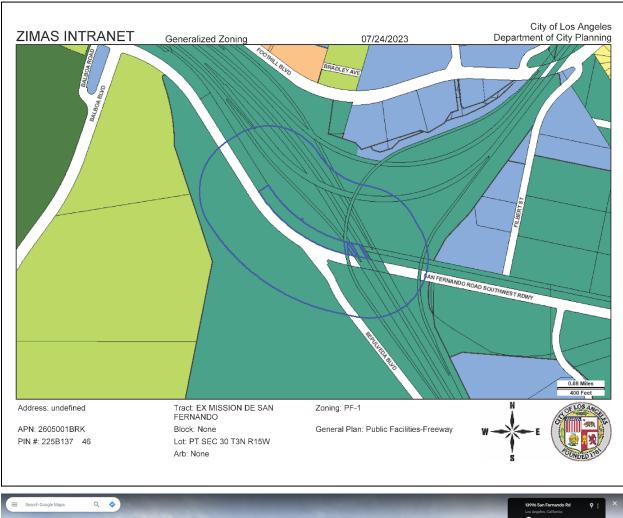






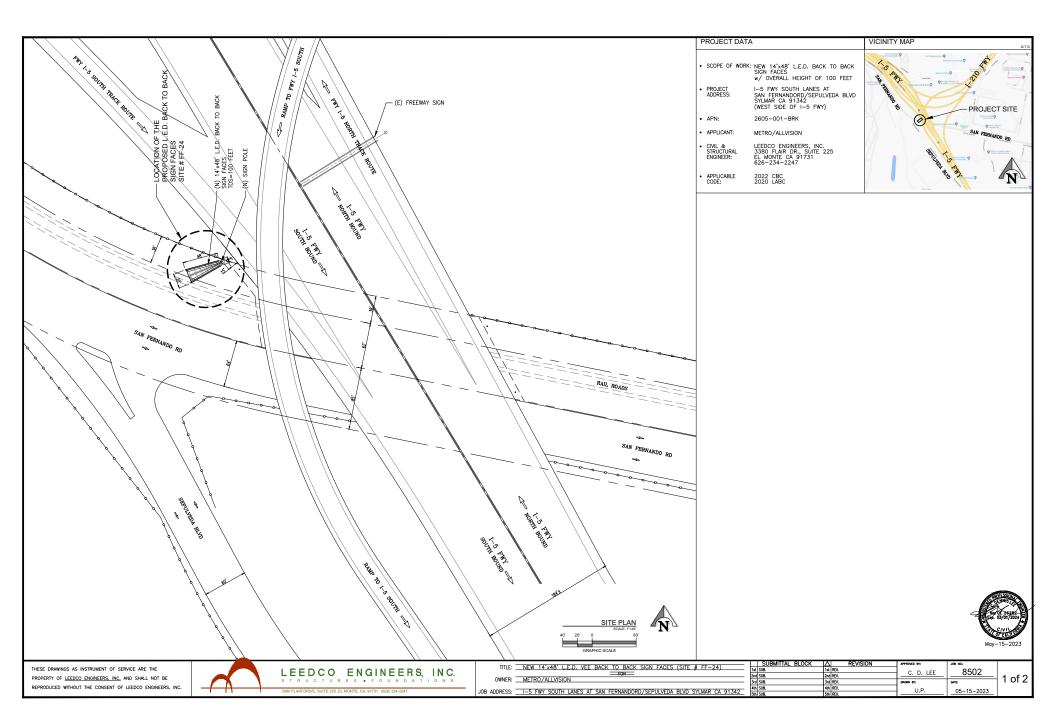
# FF-24

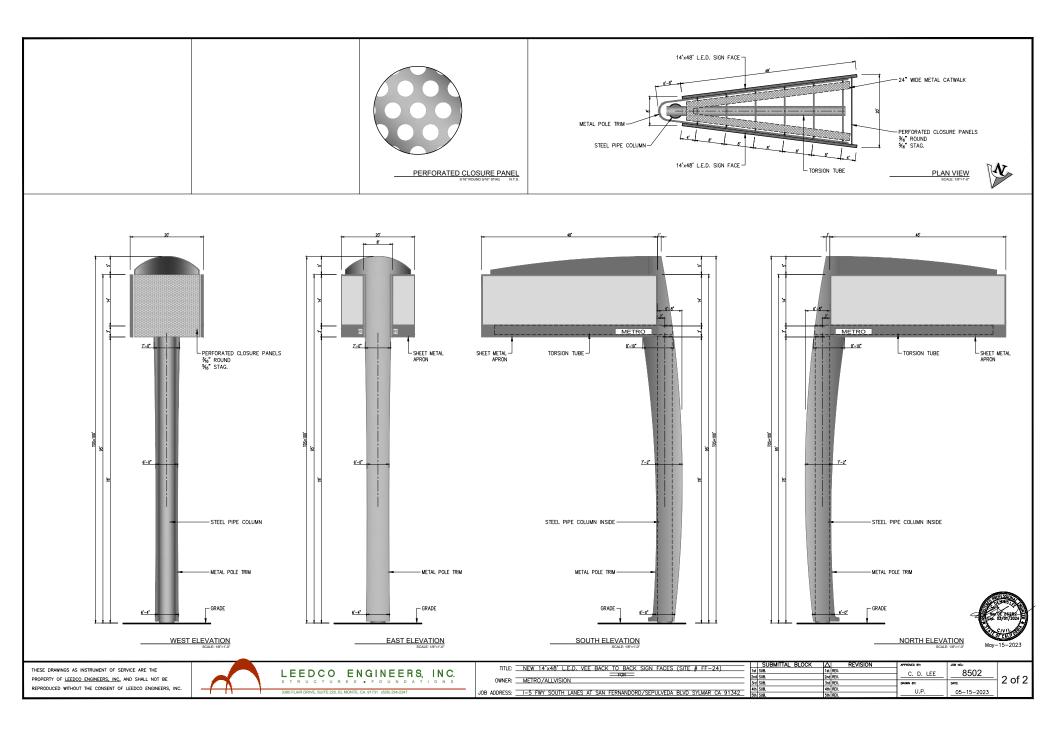
5 Freeway South at San Fernando Road and Sepulveda Boulevard Granada Hills - Knollwood



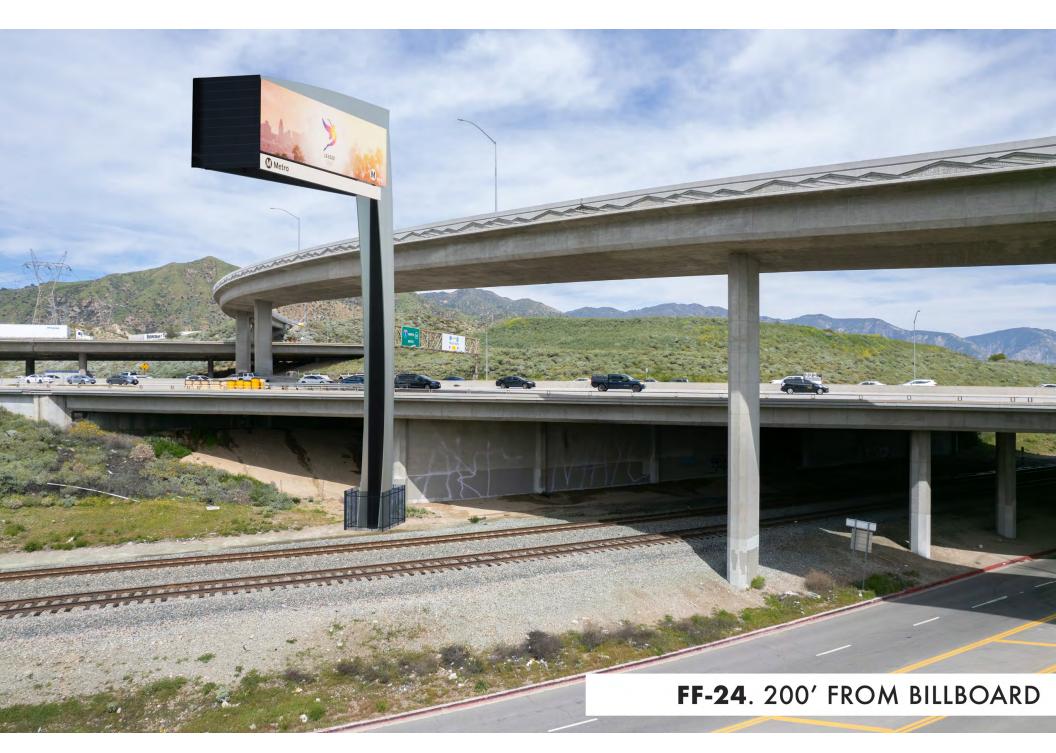
## FF-24 - APN: 2605001912, 2605001916













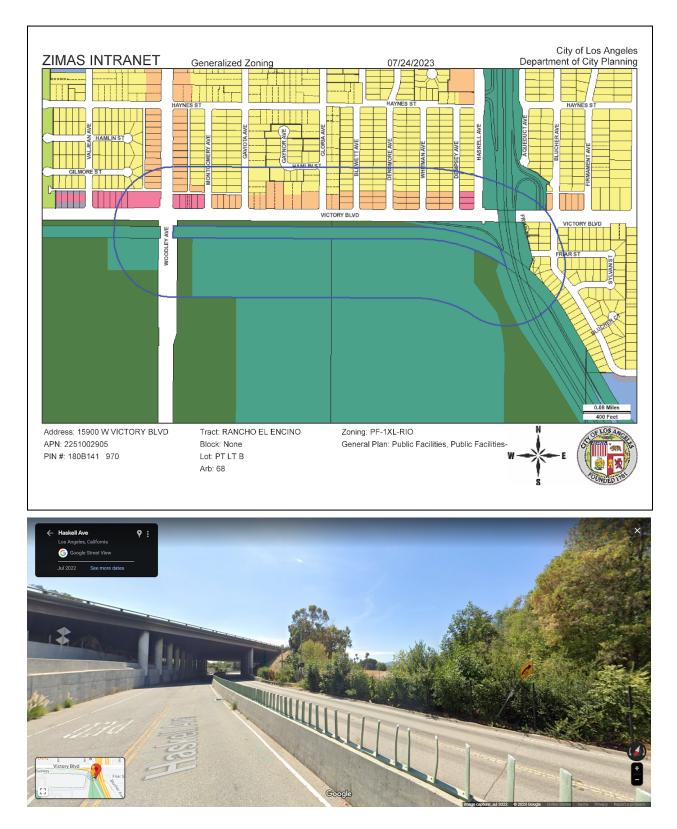


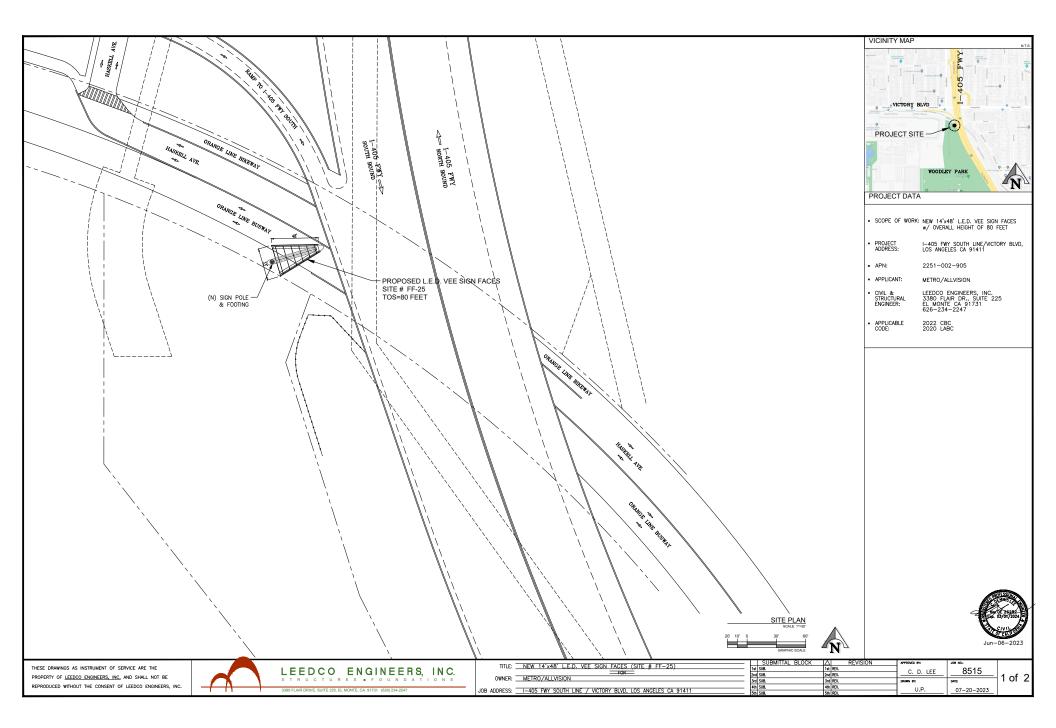


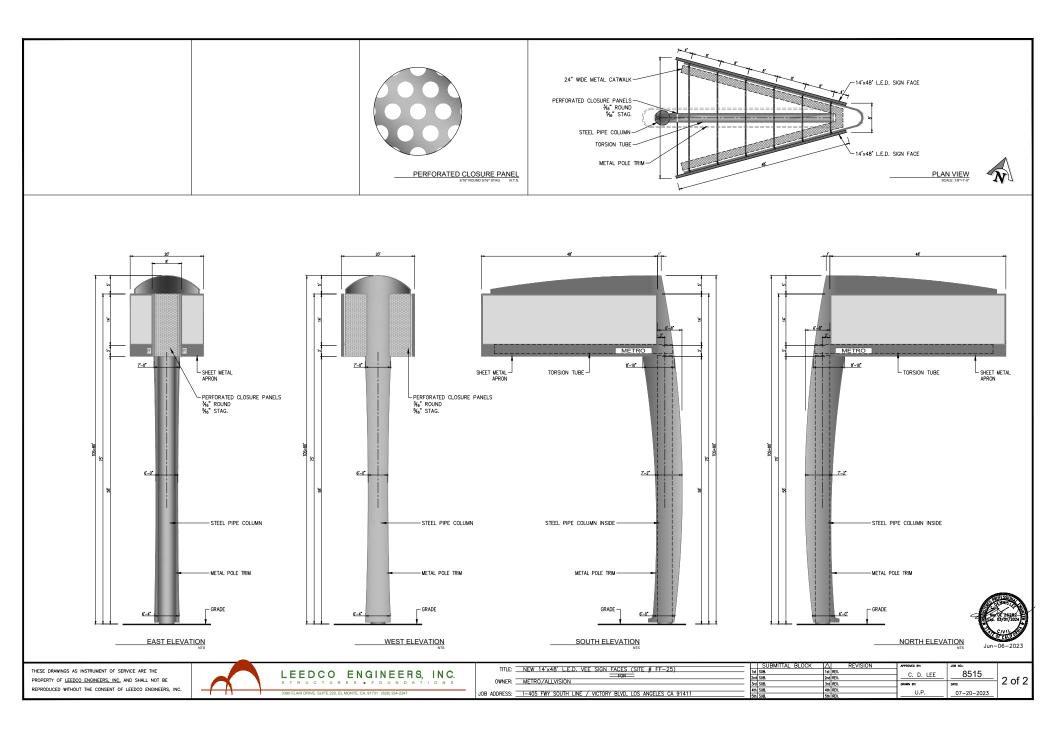


405 Freeway South at Victory Boulevard Encino - Tarzana

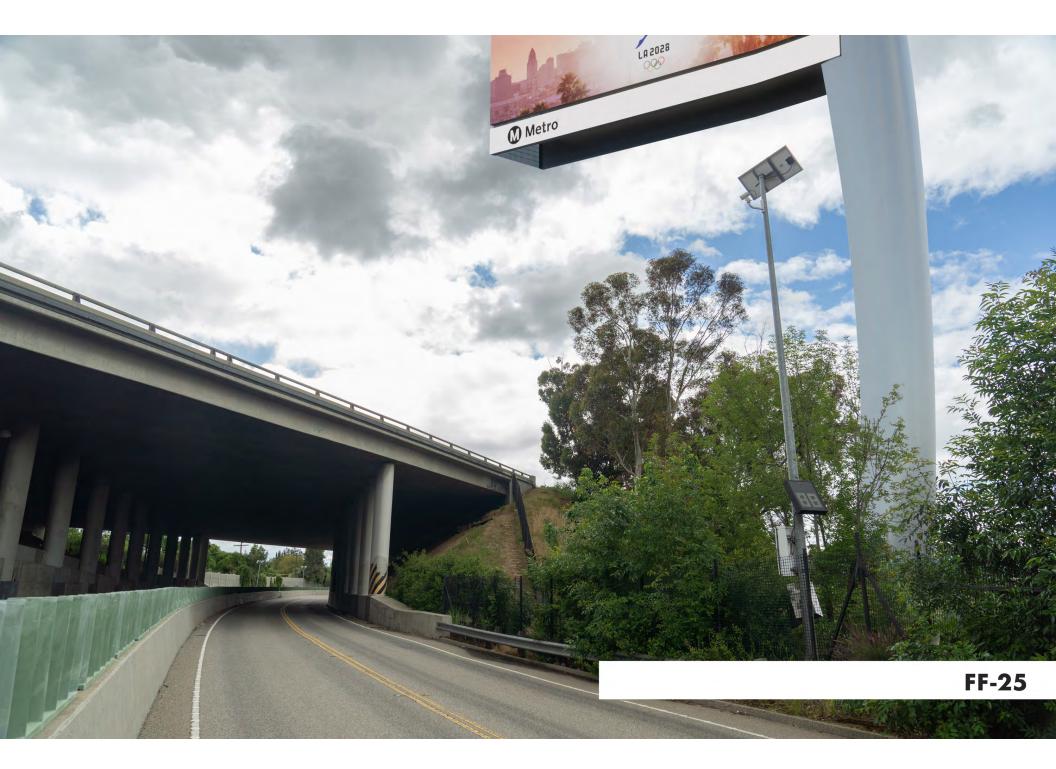
### FF-25 - APN: 2251002905



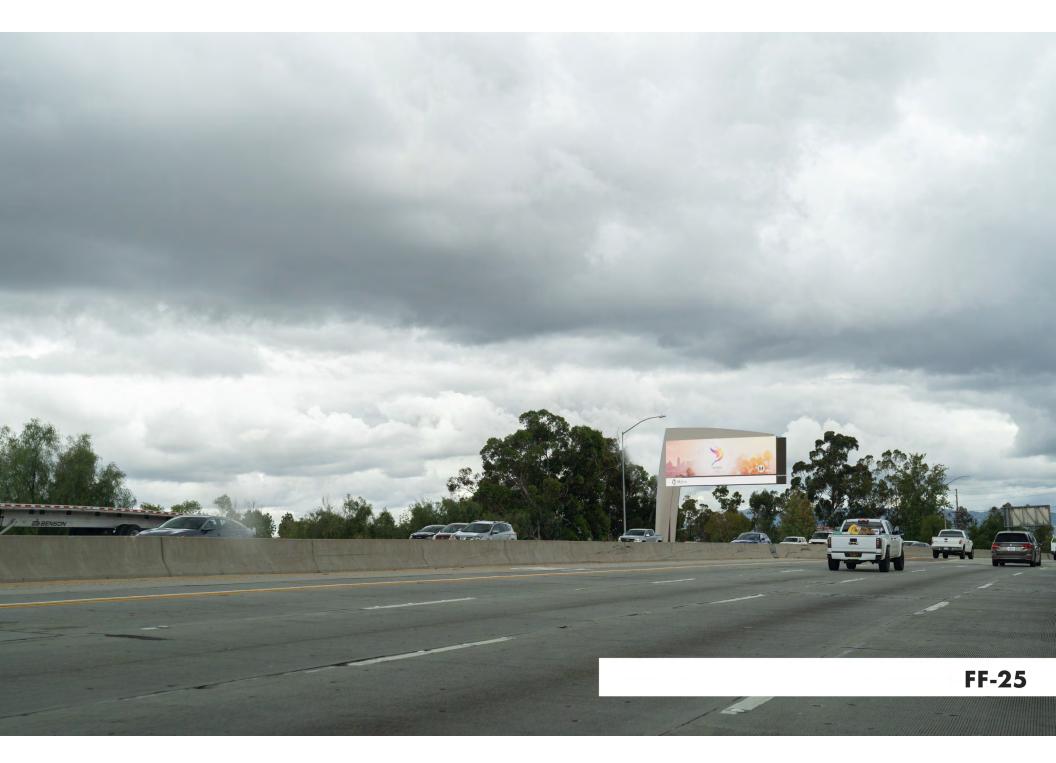








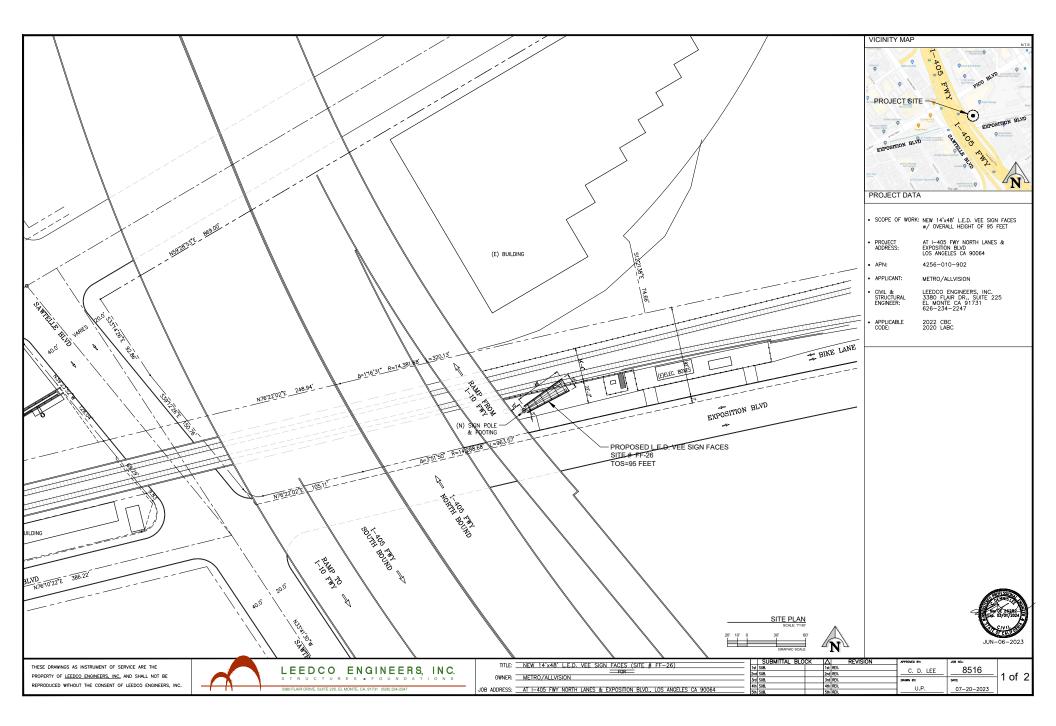


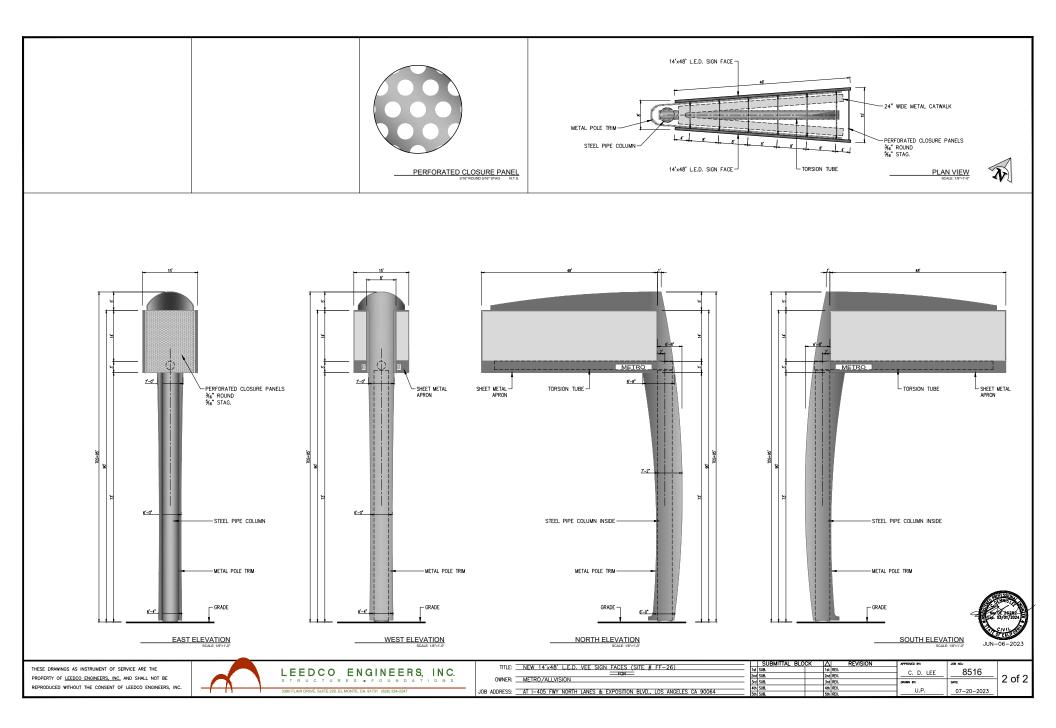


## 405 Freeway North at Exposition Boulevard West Los Angeles

#### FF-26 - APN: 4256010902

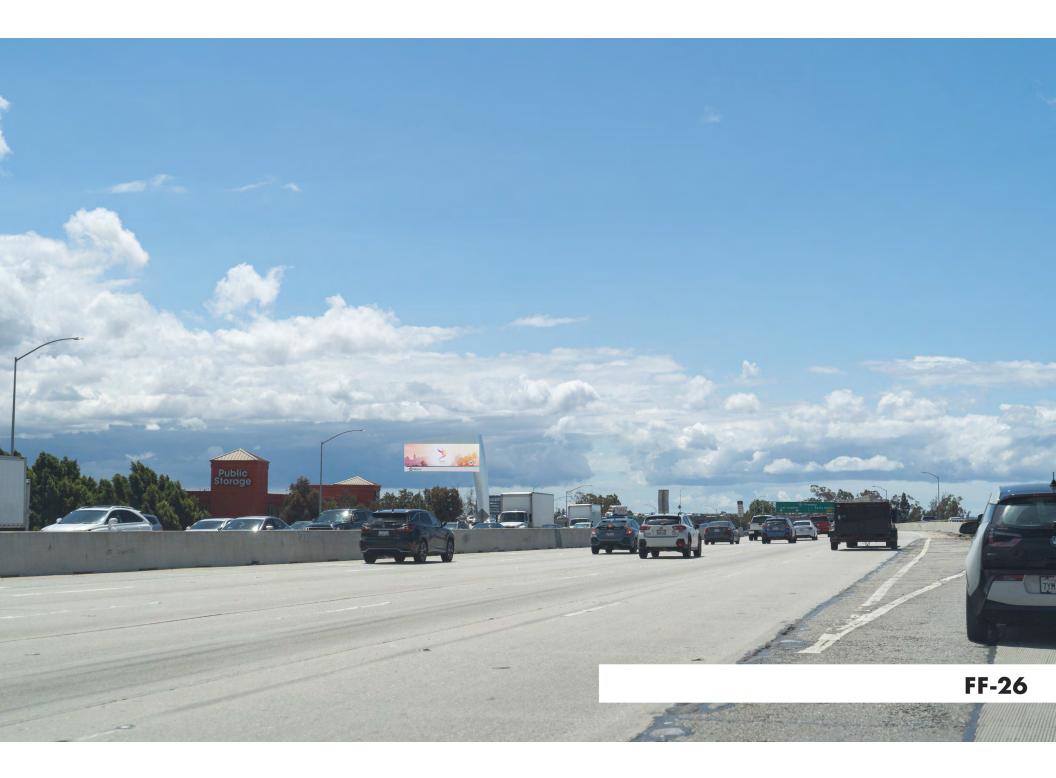


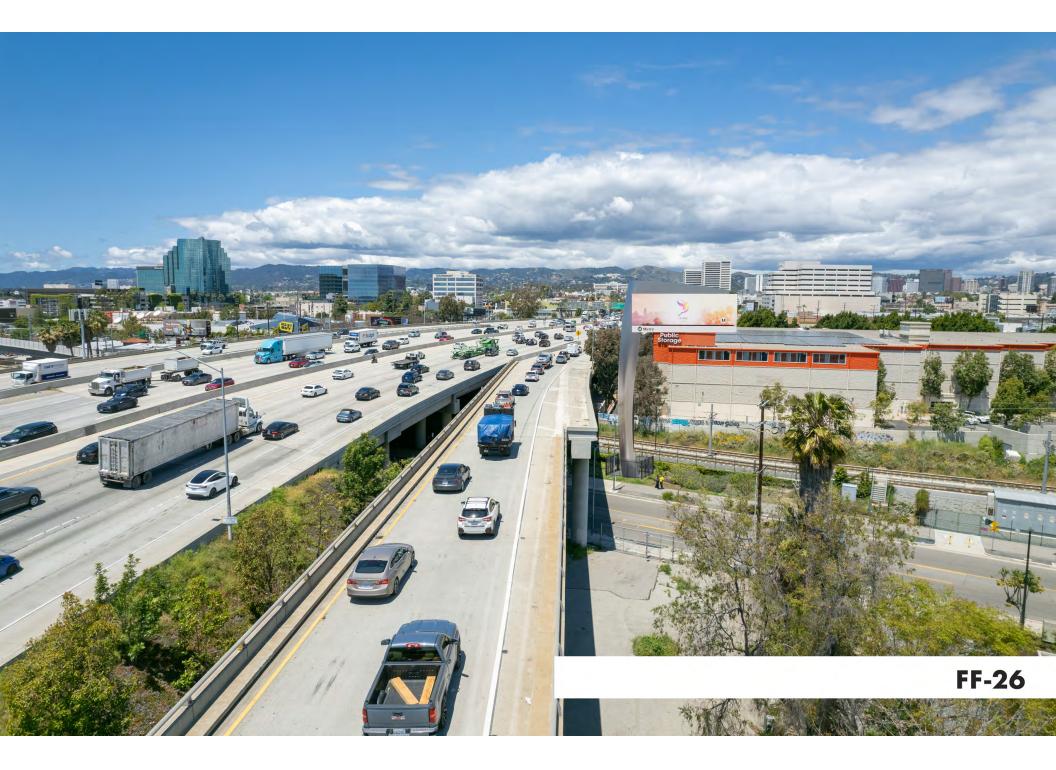






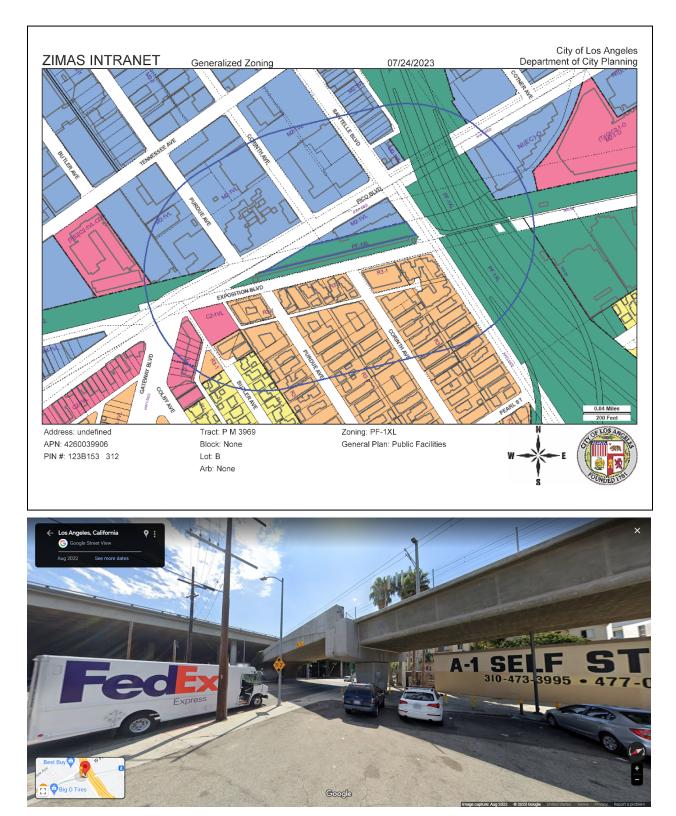


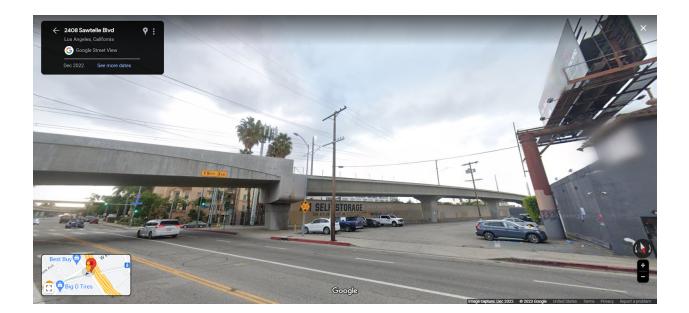


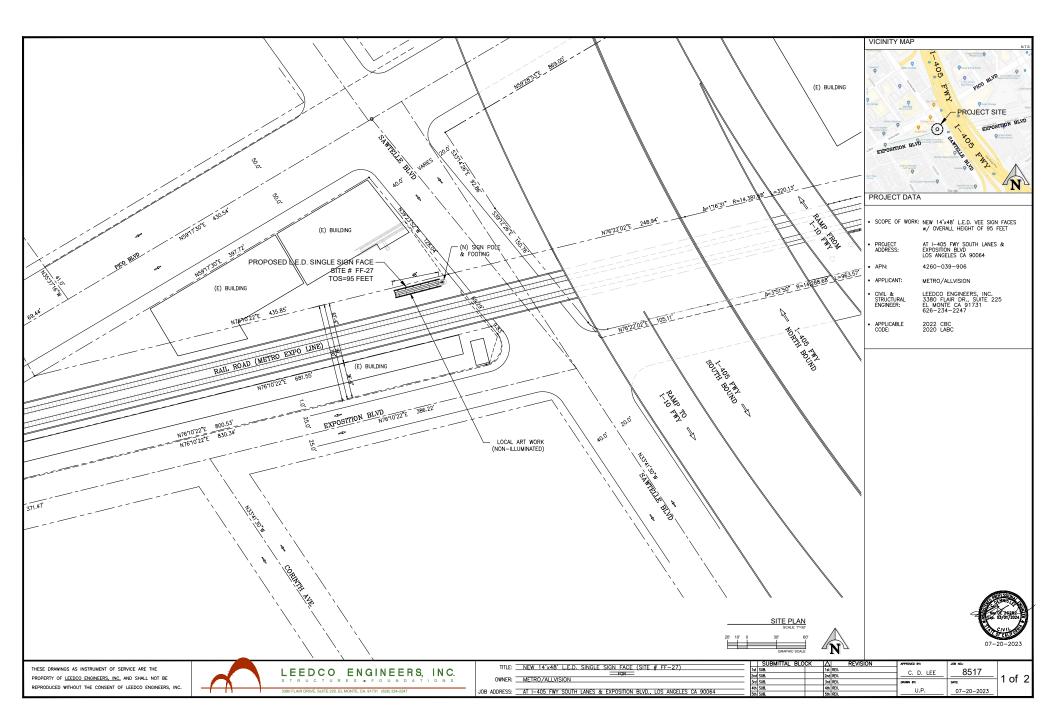


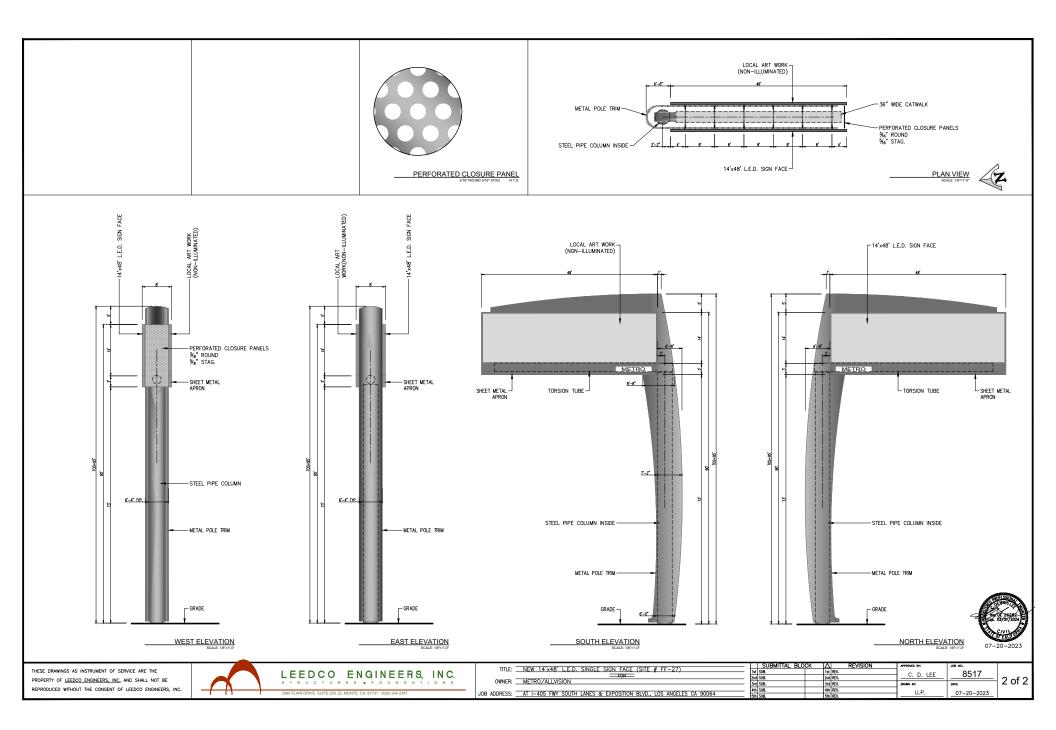
### 405 Freeway South at Exposition Boulevard West Los Angeles

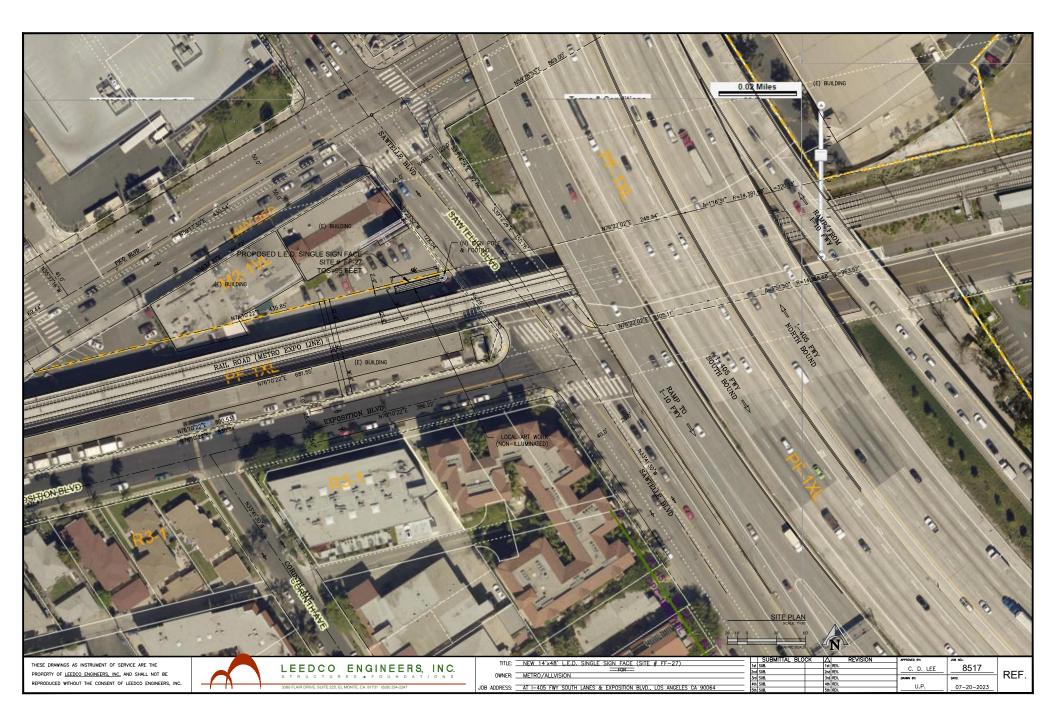
#### FF-27 - APN: 4260039906



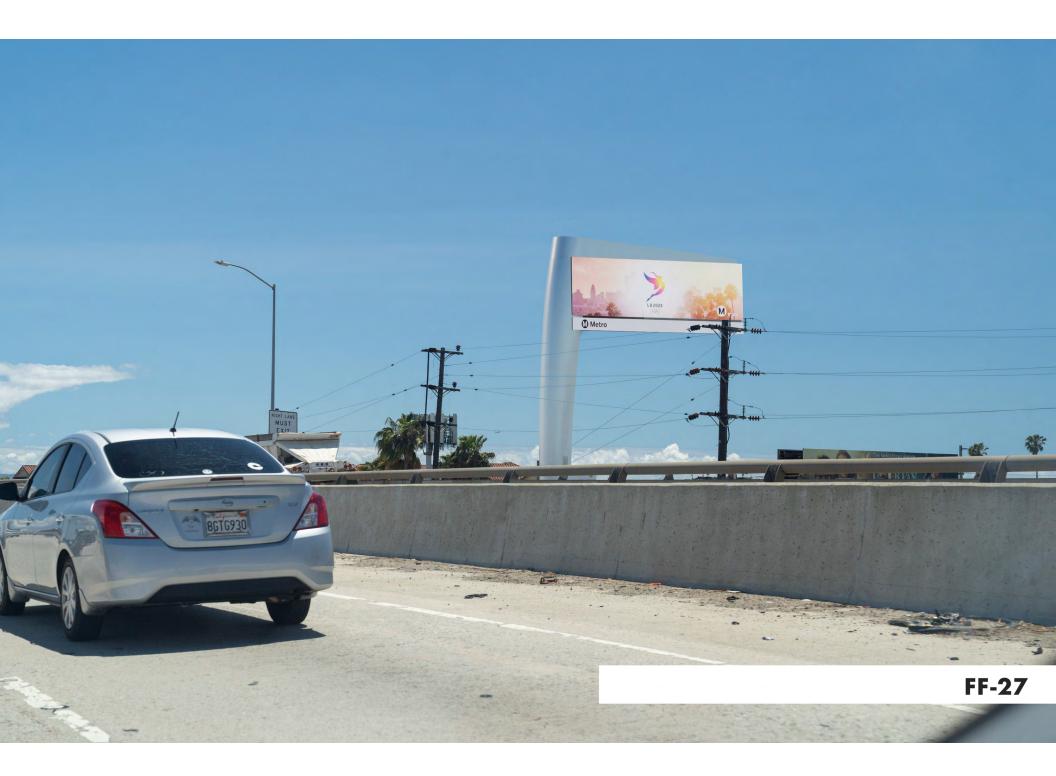








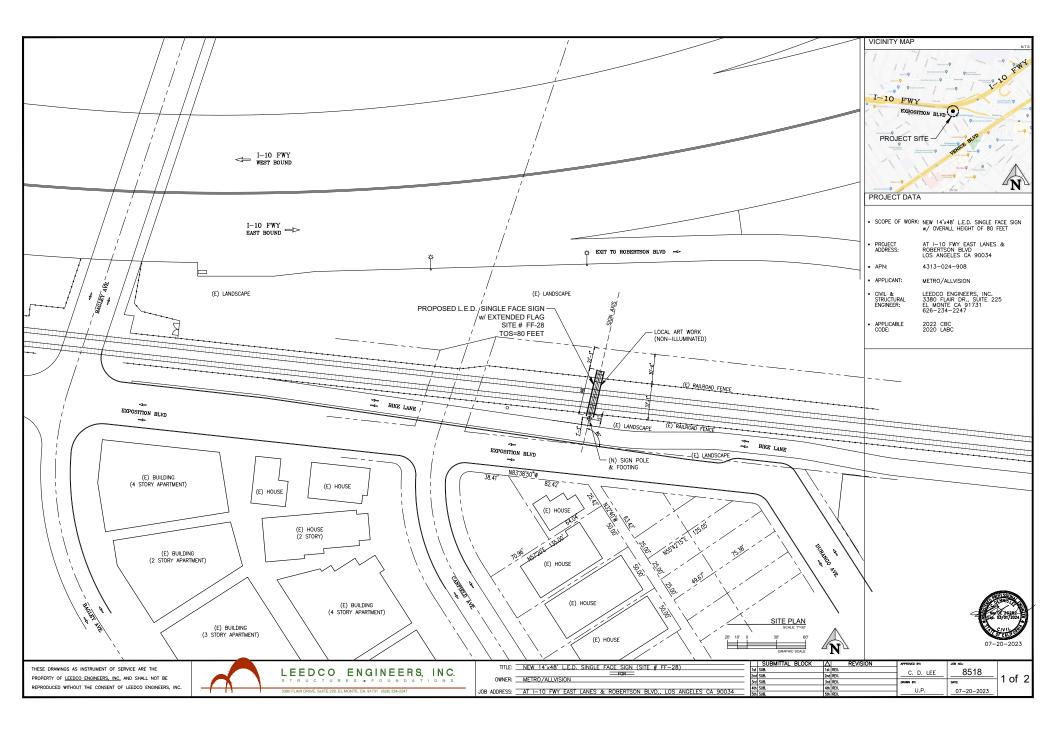


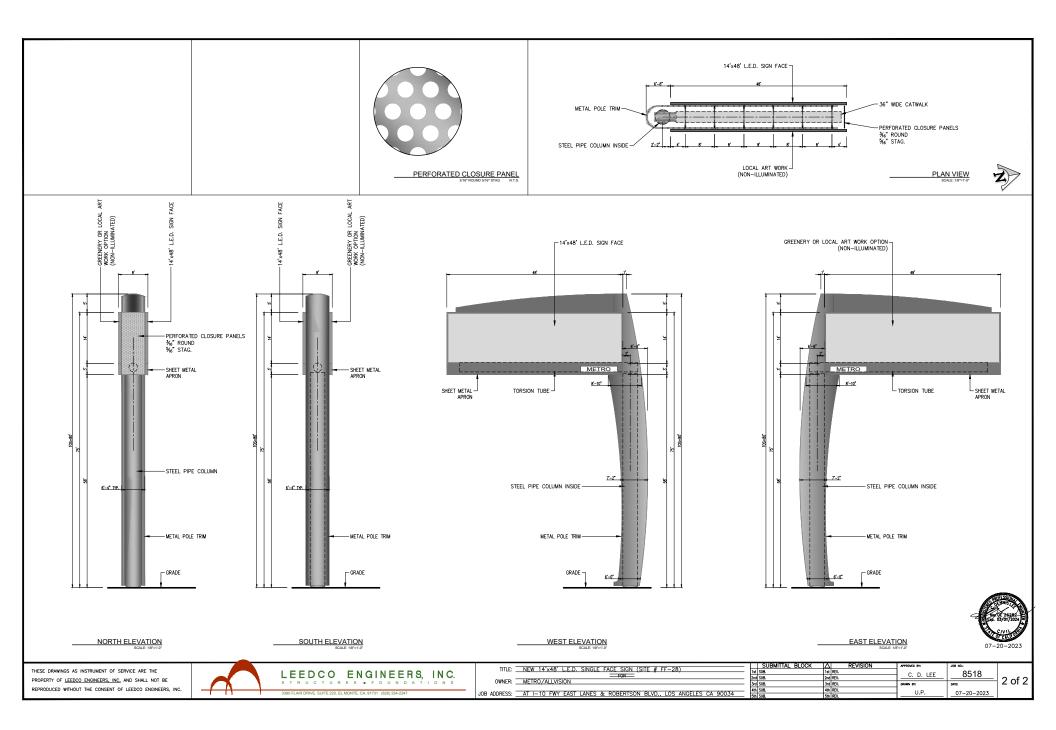


### 10 Freeway West at Robertson Boulevard West Los Angeles

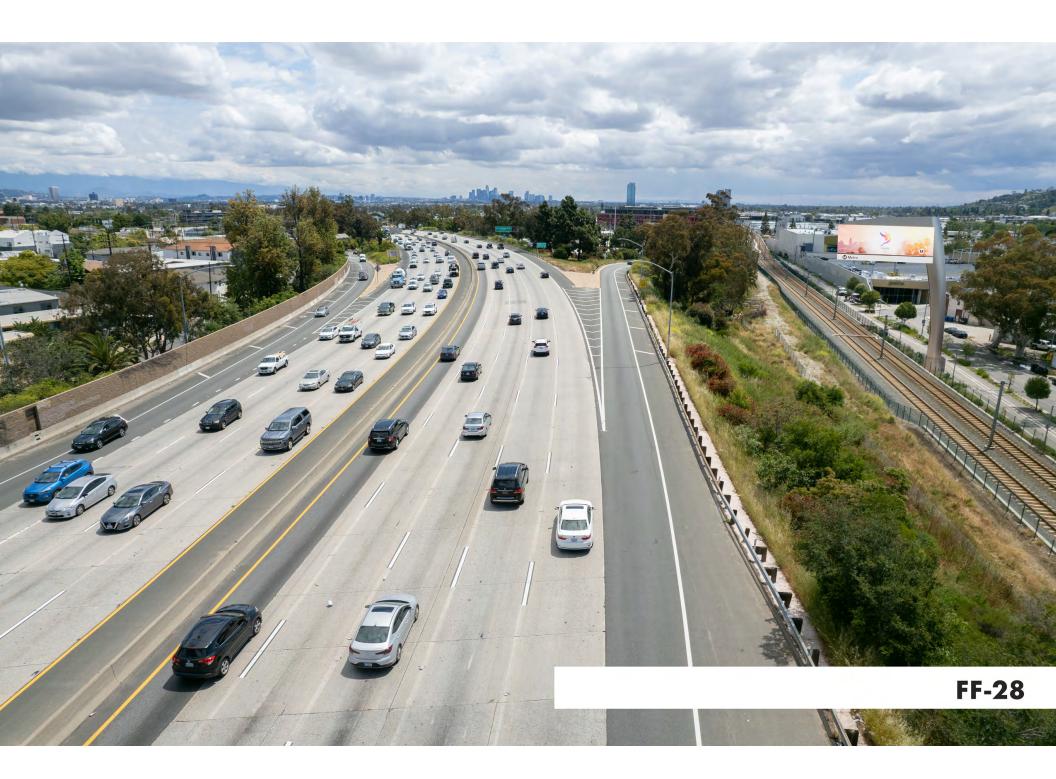
### FF-28 - APN: 4313024908









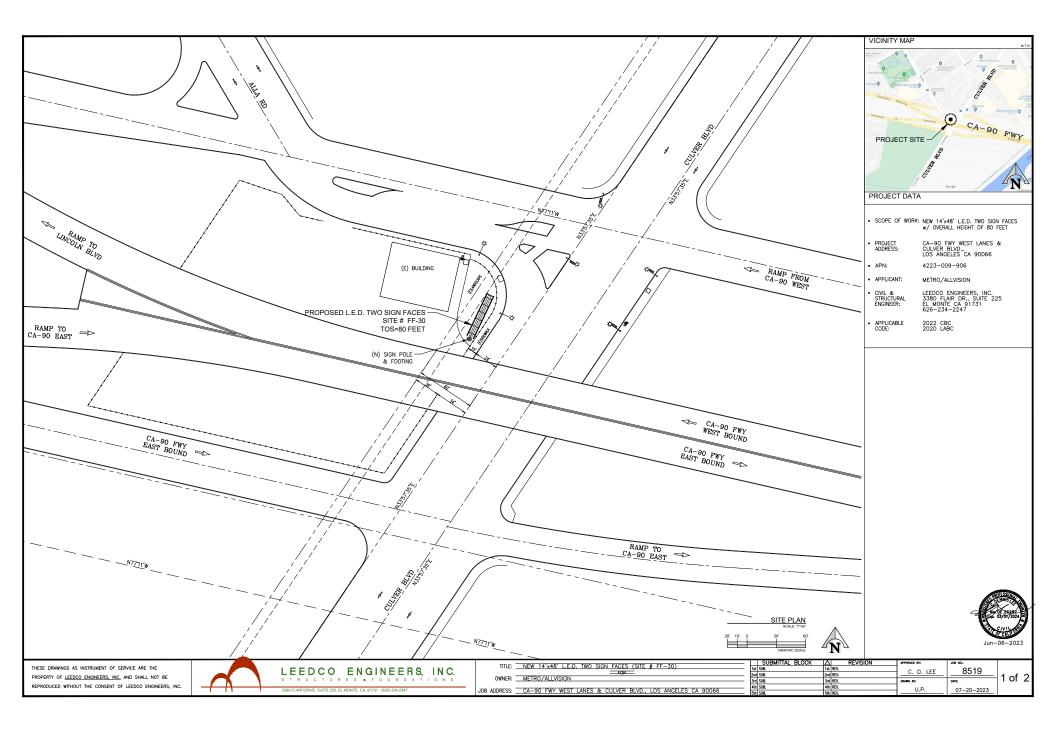


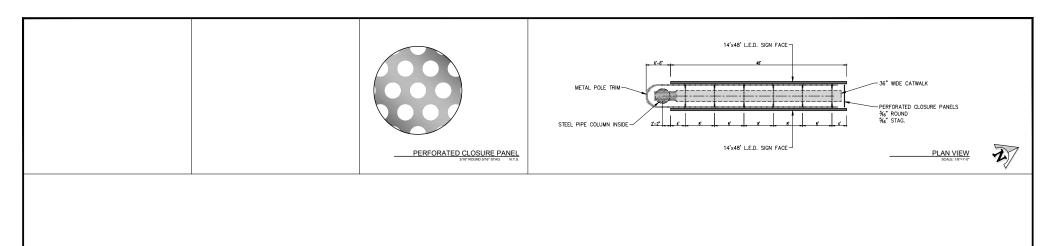
FF-29 Removed by Metro

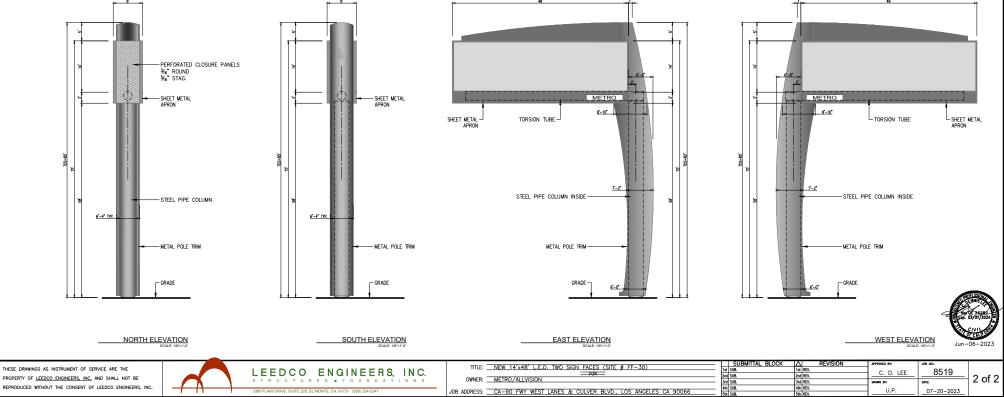
90 Freeway West at Culver Boulevard Palms - Mar Vista - Del Rey

#### FF-30 - APN: 4223009906



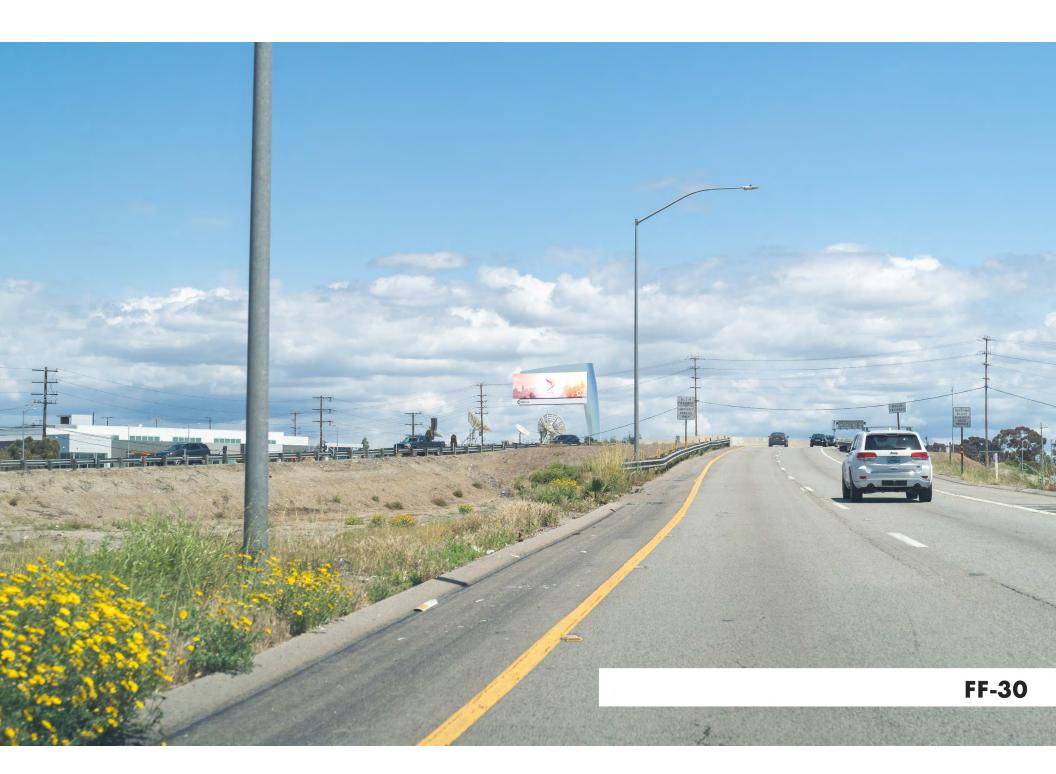


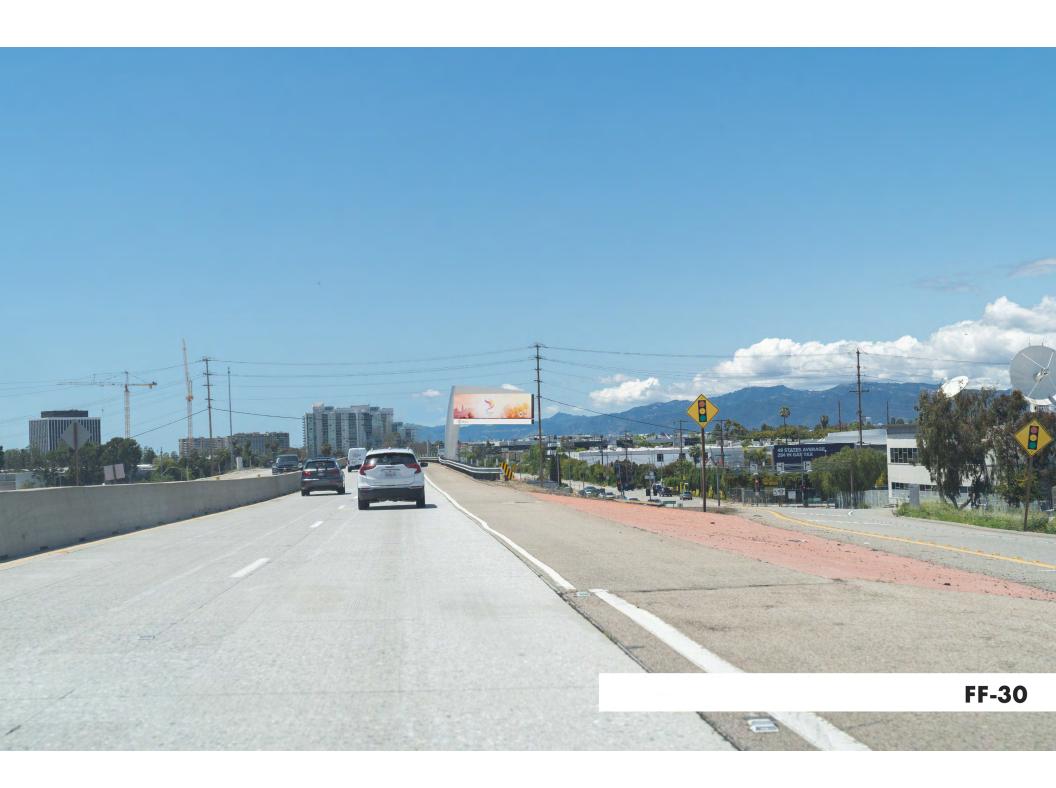








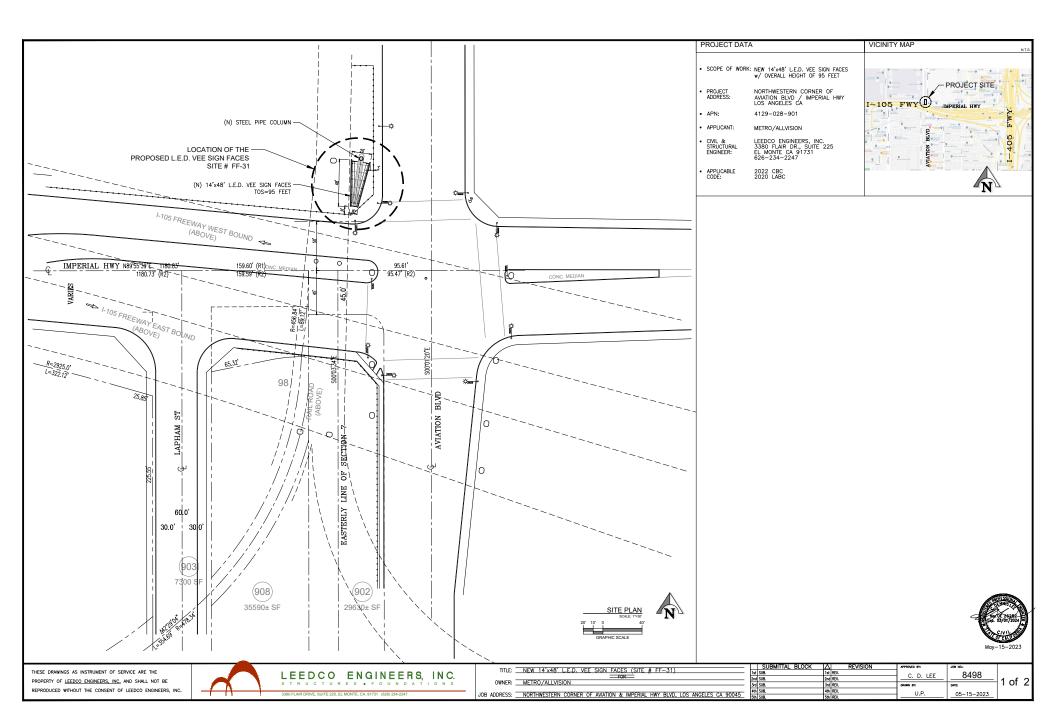


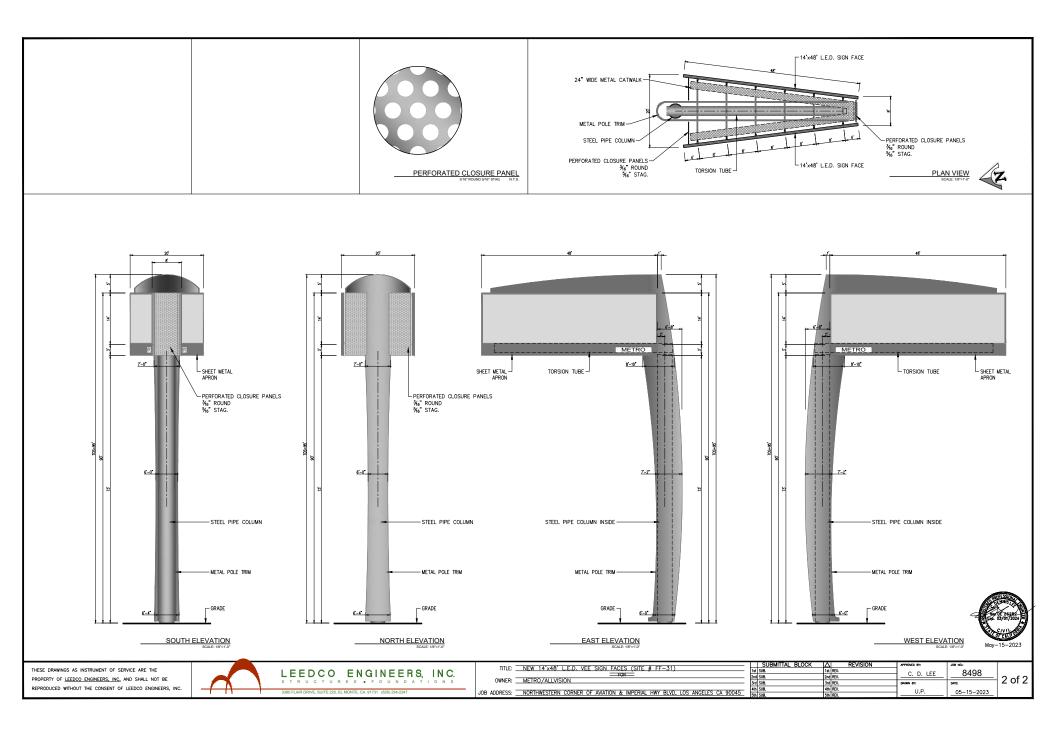


105 Freeway West at Aviation Boulevard Los Angeles International Airport

### FF-31 - APN: 4129028901



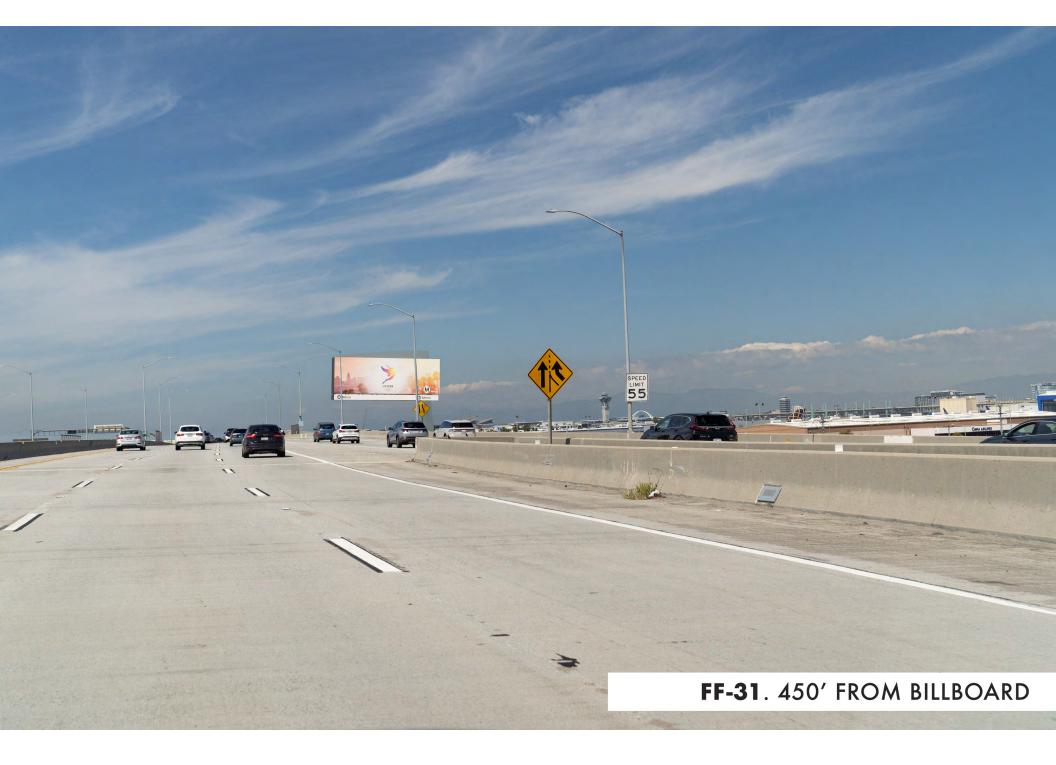












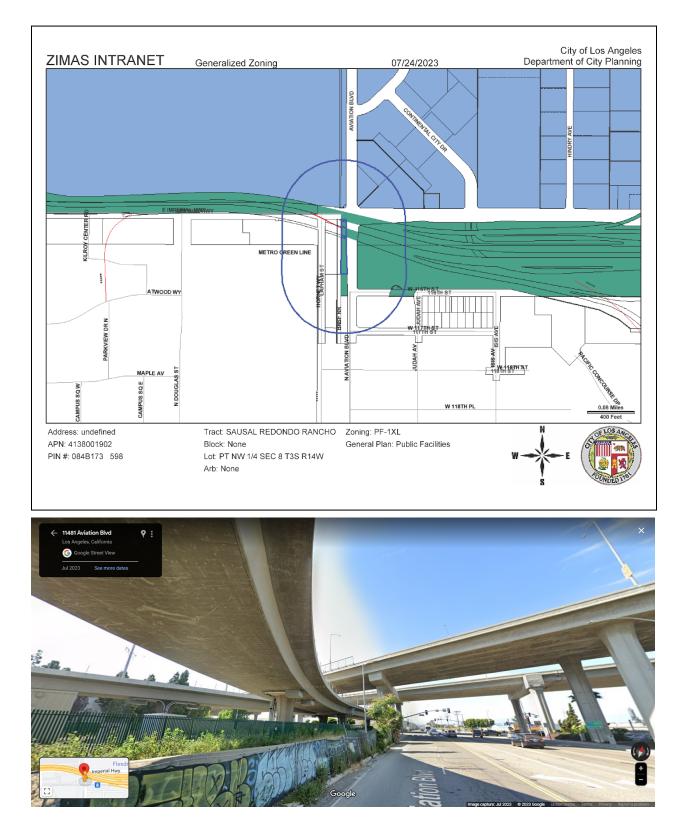
FF-31. 600' FROM BILLBOARD

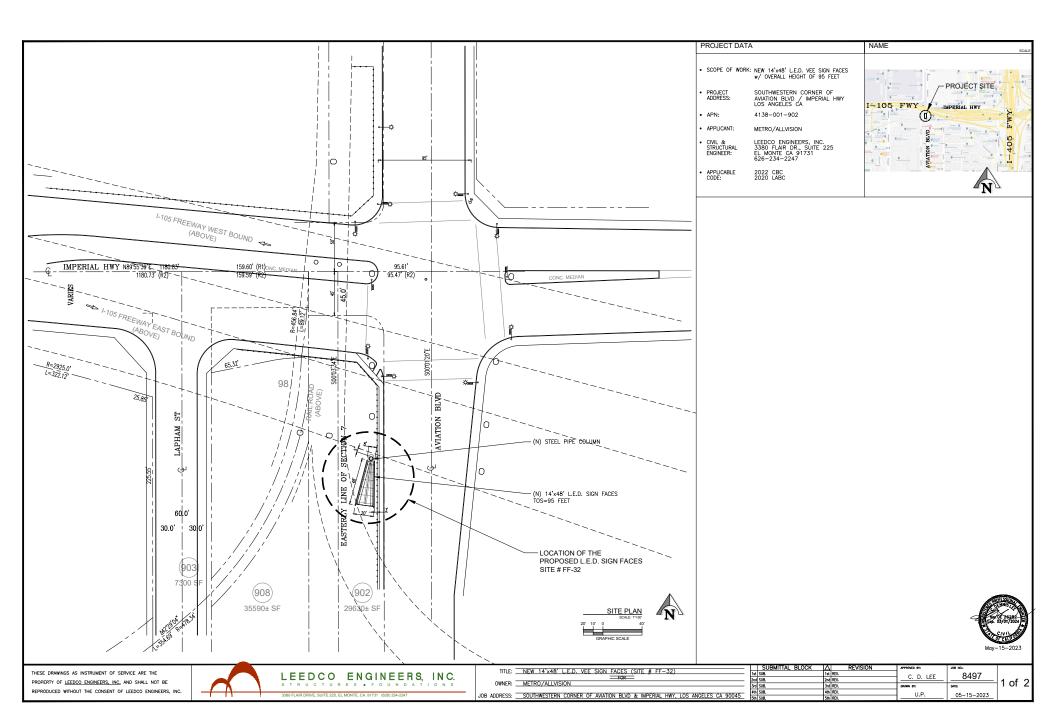
E.S

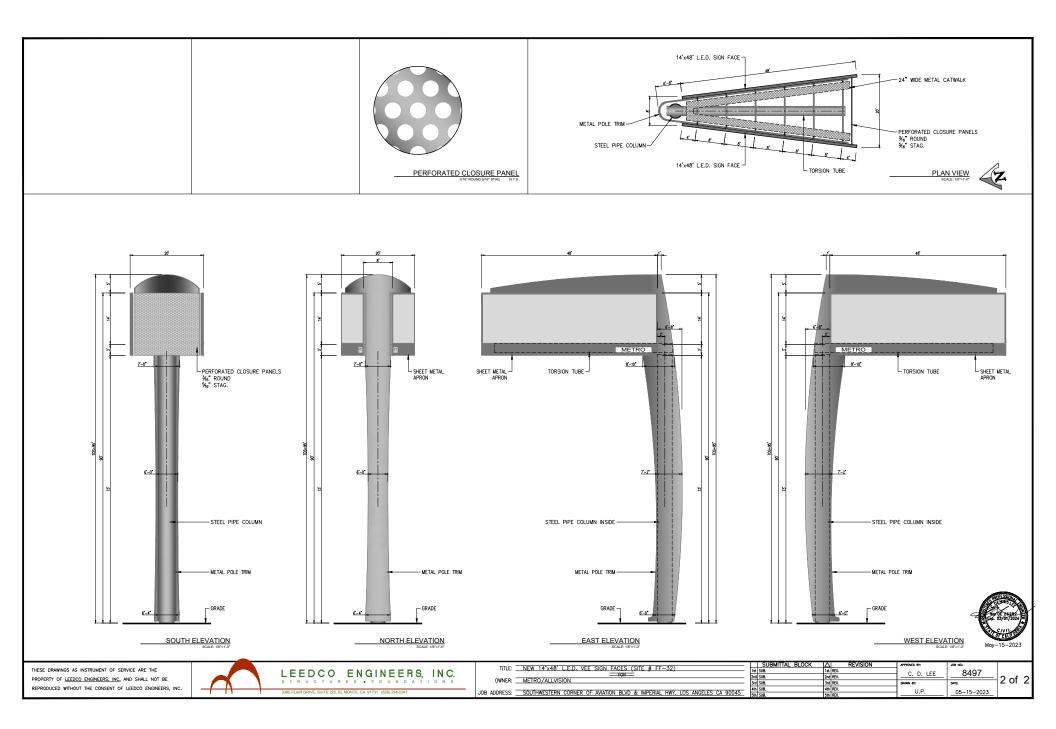


### 105 Freeway East at Aviation Boulevard Westchester - Playa Vista

### FF-32 - APN: 4138001902











# FF-32. 250' FROM BILLBOARD



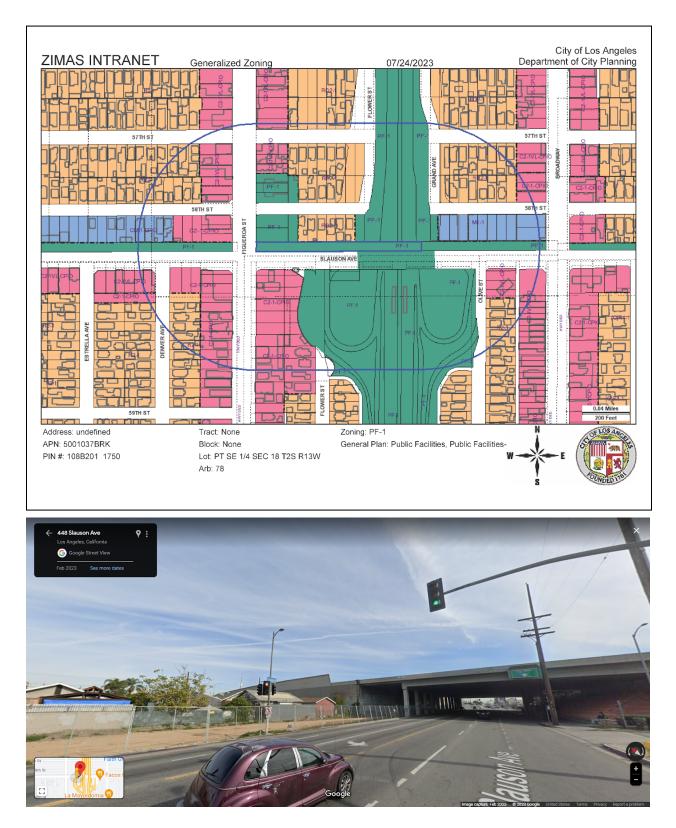
FF-32. 300' FROM BILLBOARD

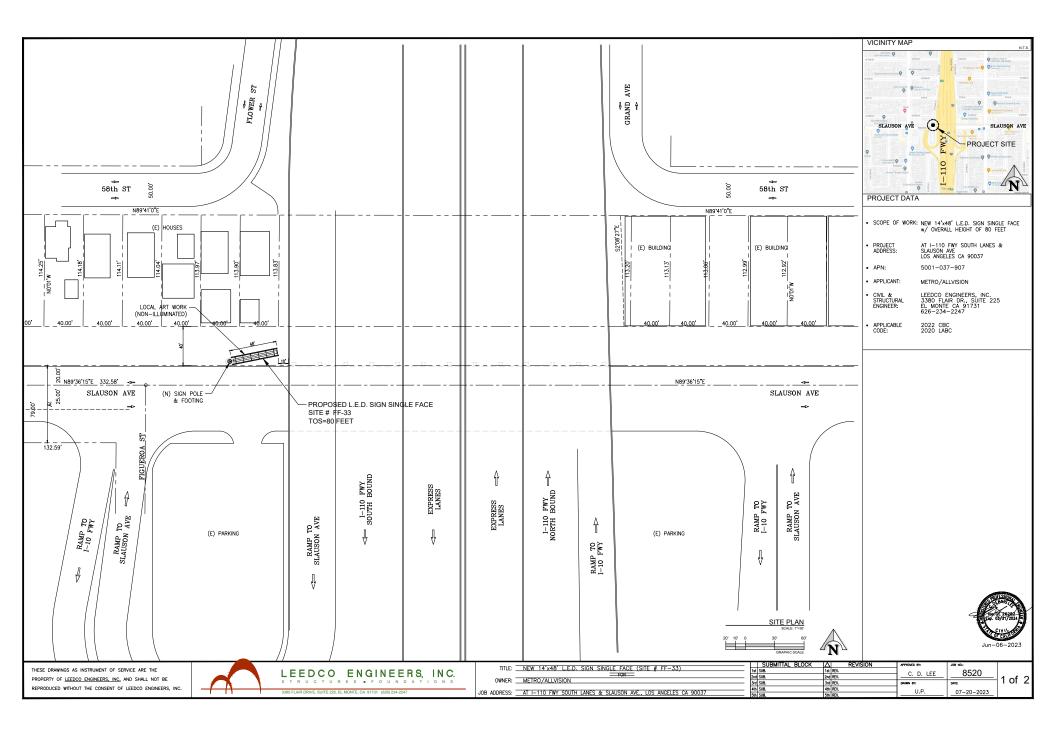
Metro

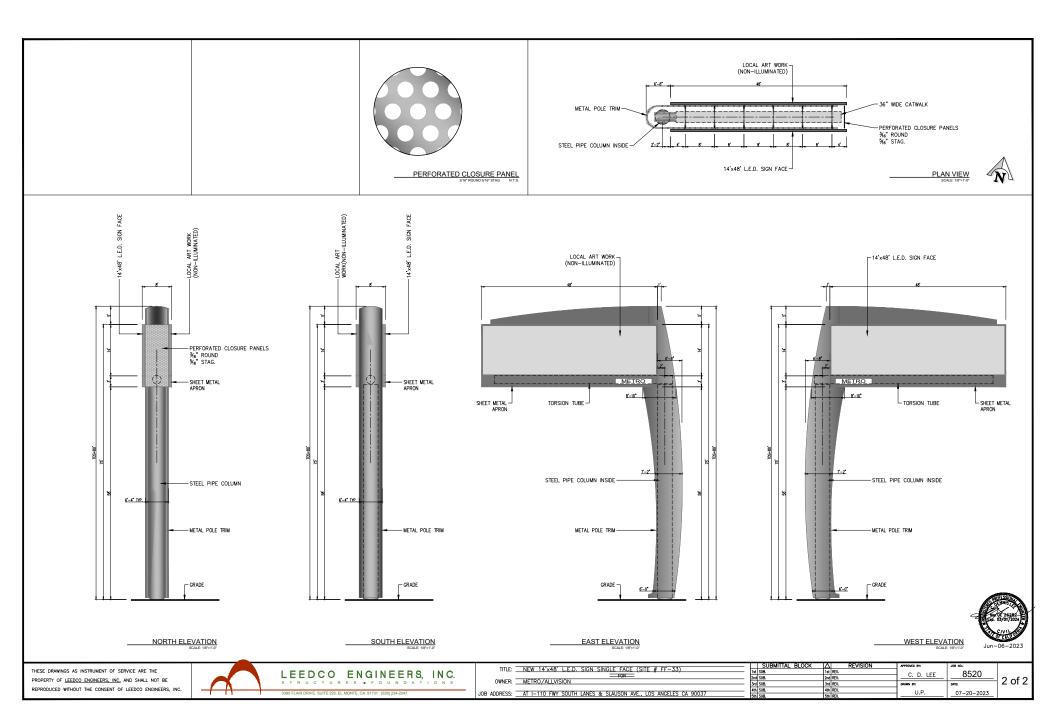


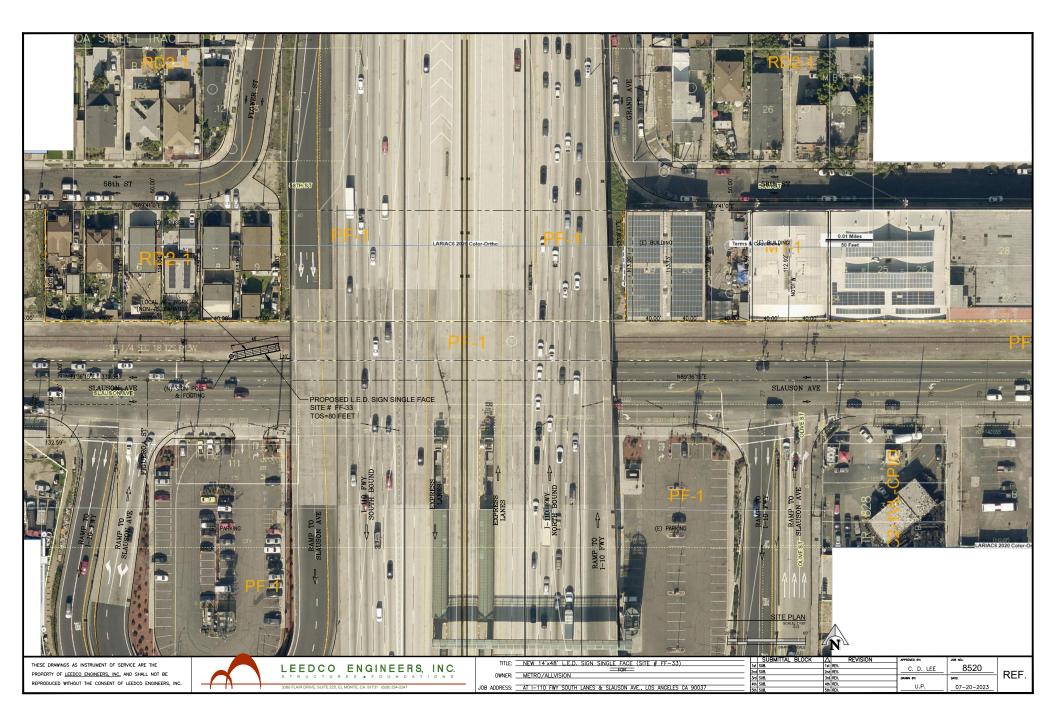
## 110 Freeway South at Slauson Avenue South Los Angeles

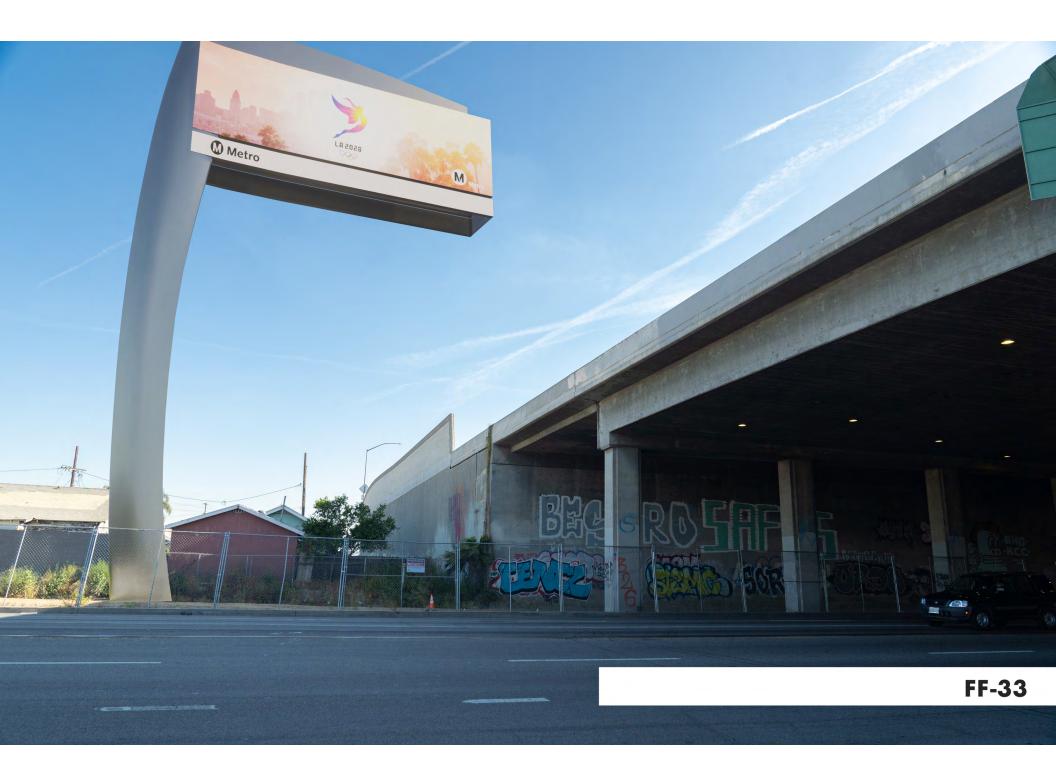
### FF-33 - APN: 5001037907

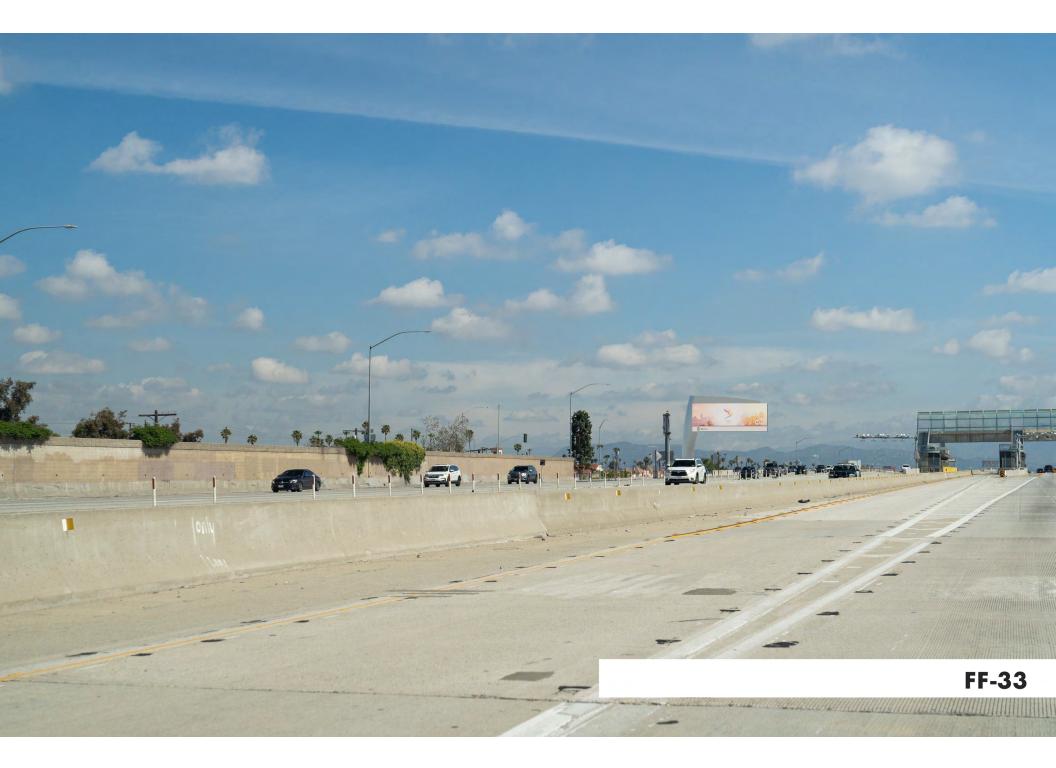






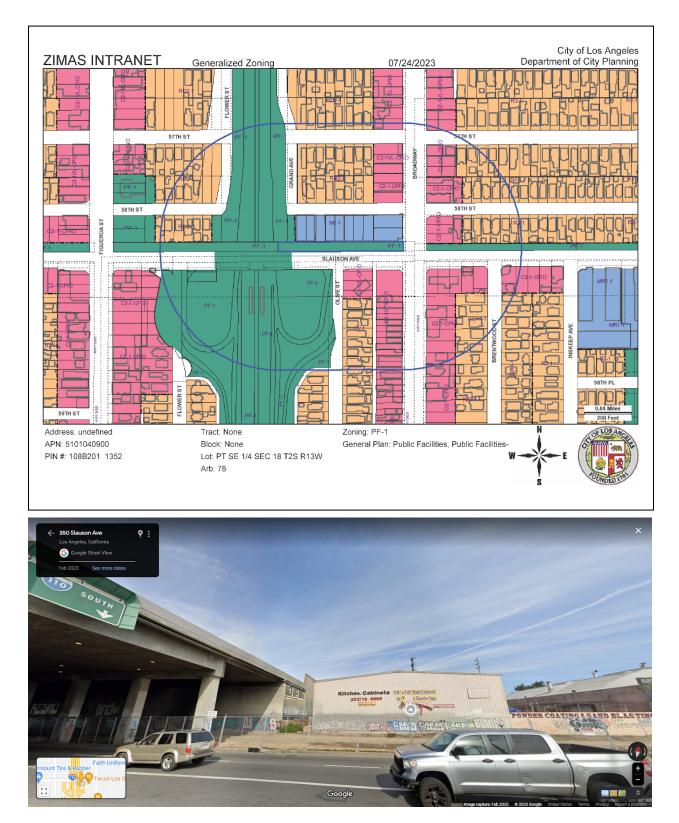


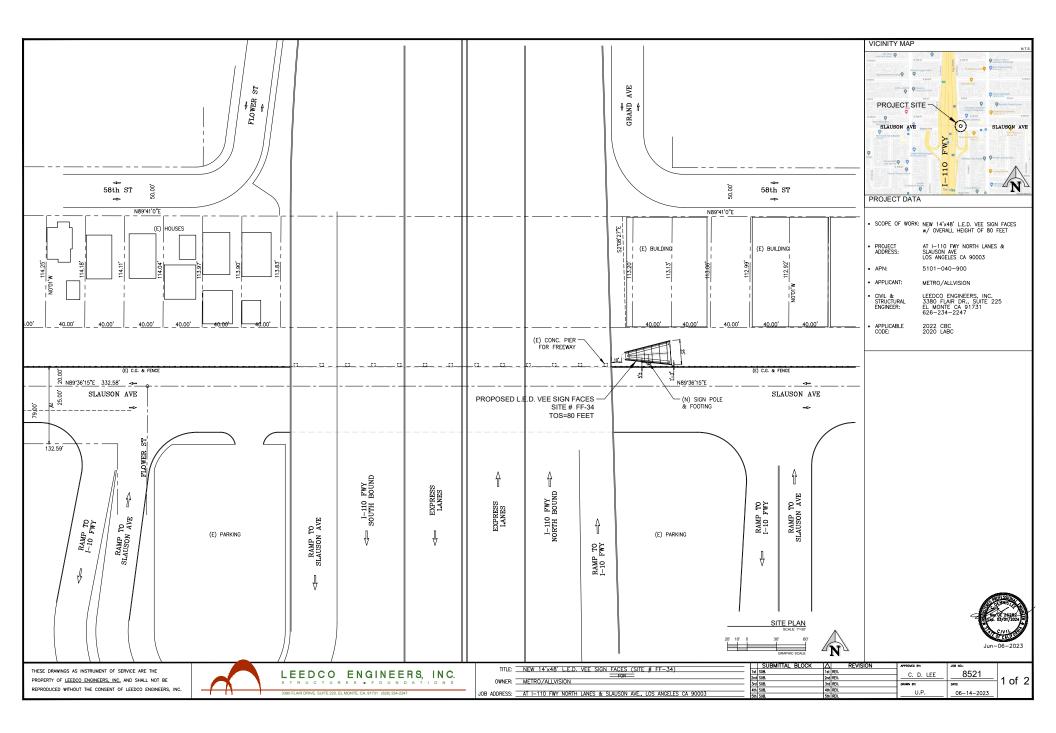


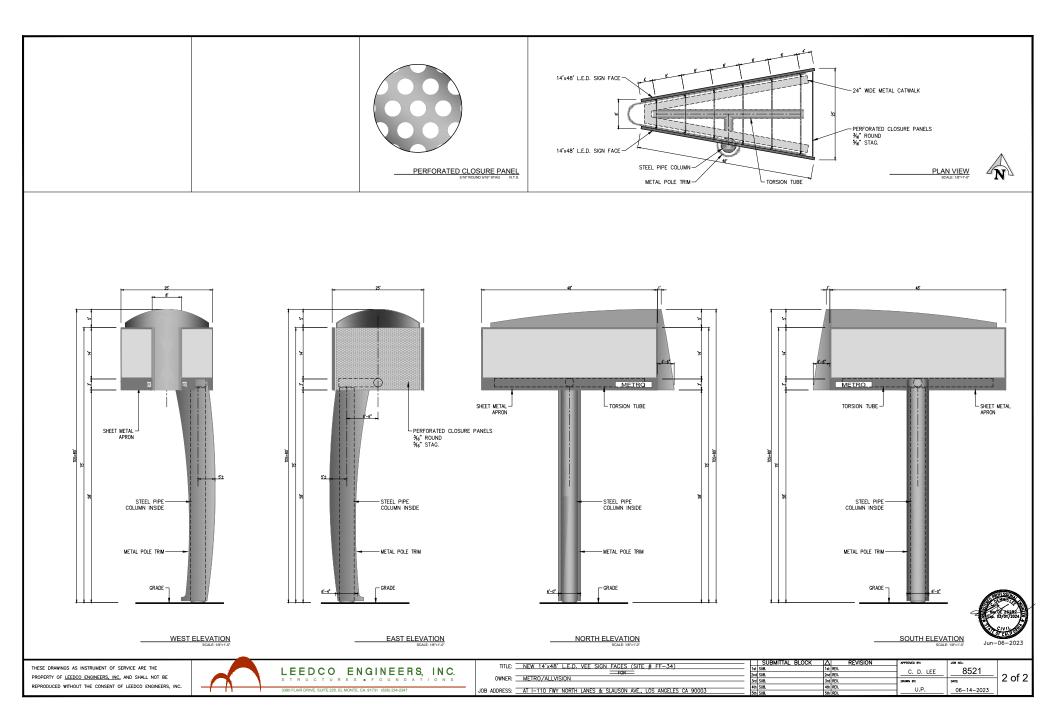


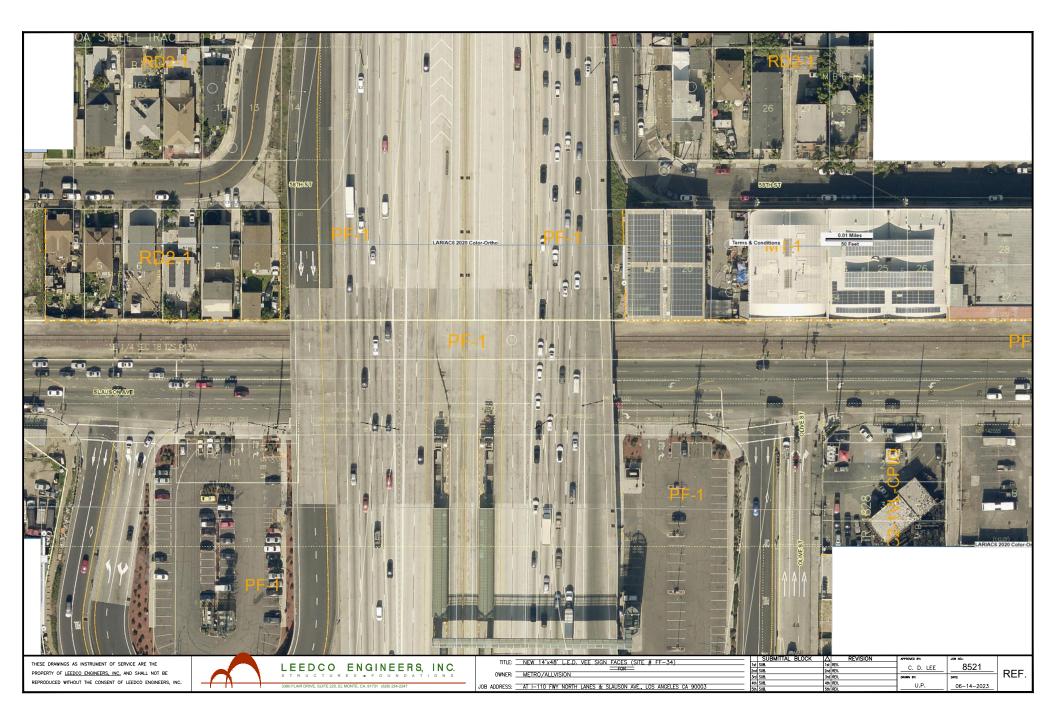
110 Freeway North at Slauson Avenue Southeast Los Angeles

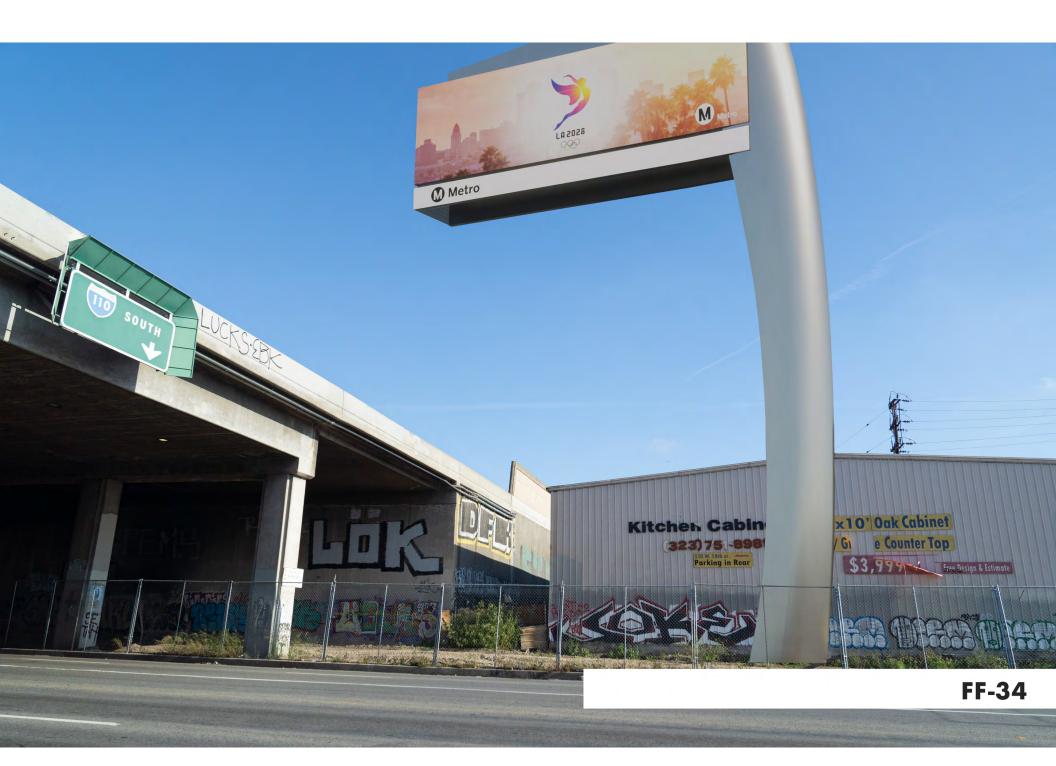
### FF-34 - APN: 5101040900

















## Vermont Avenue and Sunset Boulevard Hollywood

#### NFF-1 - APN: 5542015900



Google

## NFF-2 Removed by Metro

## NFF-3 Removed by Metro

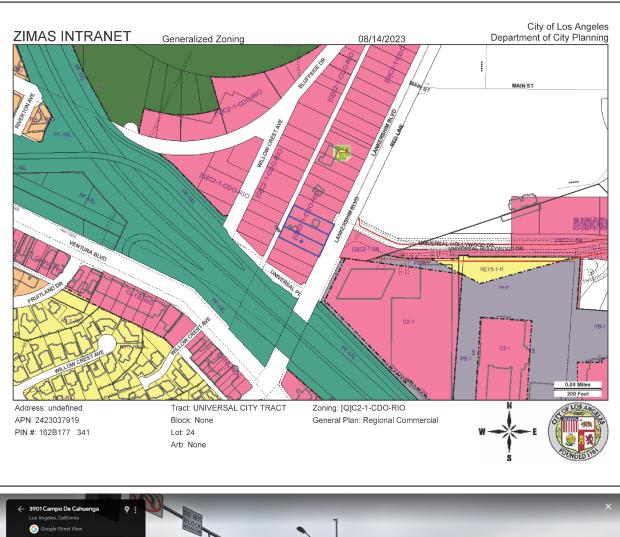
Lankershim Boulevard and Campo de Cahuenga (northwest corner) Sherman Oaks - Studio City - Toluca Lake - Cahuenga Pass

#### NFF-4 - APN: 2423037902, 2423037908





Lankershim Boulevard and Campo de Cahuenga (southwest corner) Sherman Oaks - Studio City - Toluca Lake - Cahuenga Pass



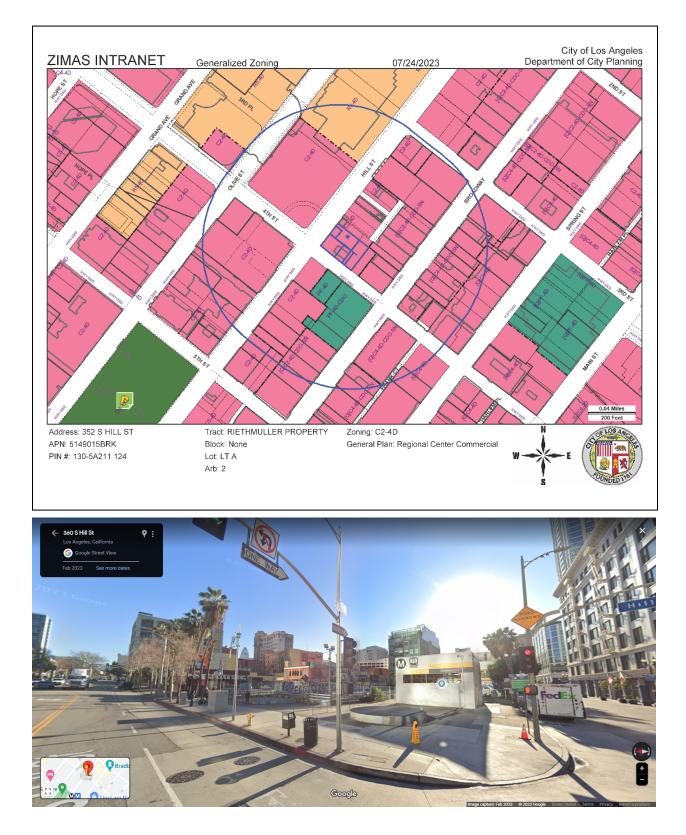
#### NFF-5 - APN: 2423037912, 2423037911, 2423037919





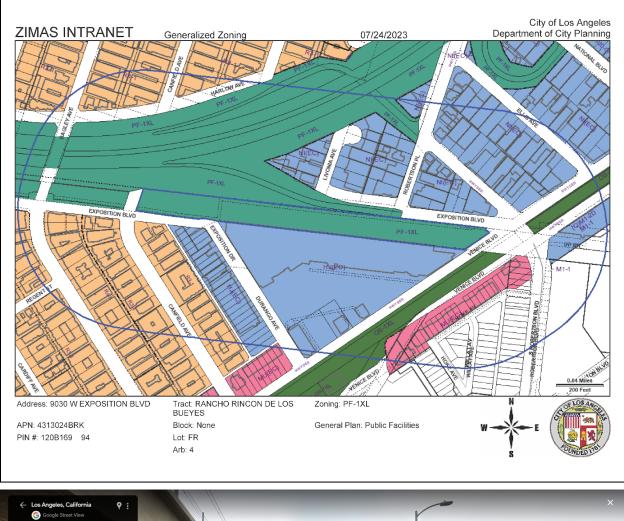
### NFF-6 Hill Street and 4th Street Central City

#### NFF-6 - APN: 5149015902



### Robertson Boulevard and Venice Boulevard West Los Angeles

#### NFF-7 - APN: 4313024909







Alameda Street and Commercial Street Central City North

#### NFF-8 - APN: 5173001901

STINZY



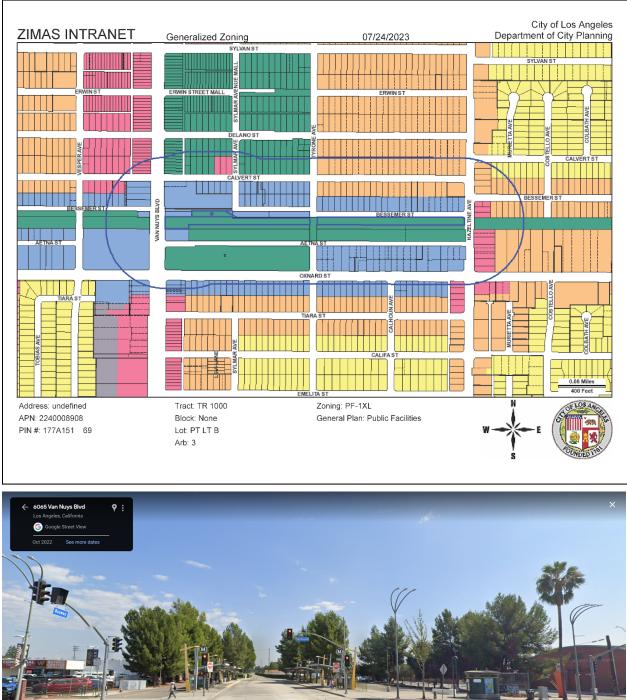
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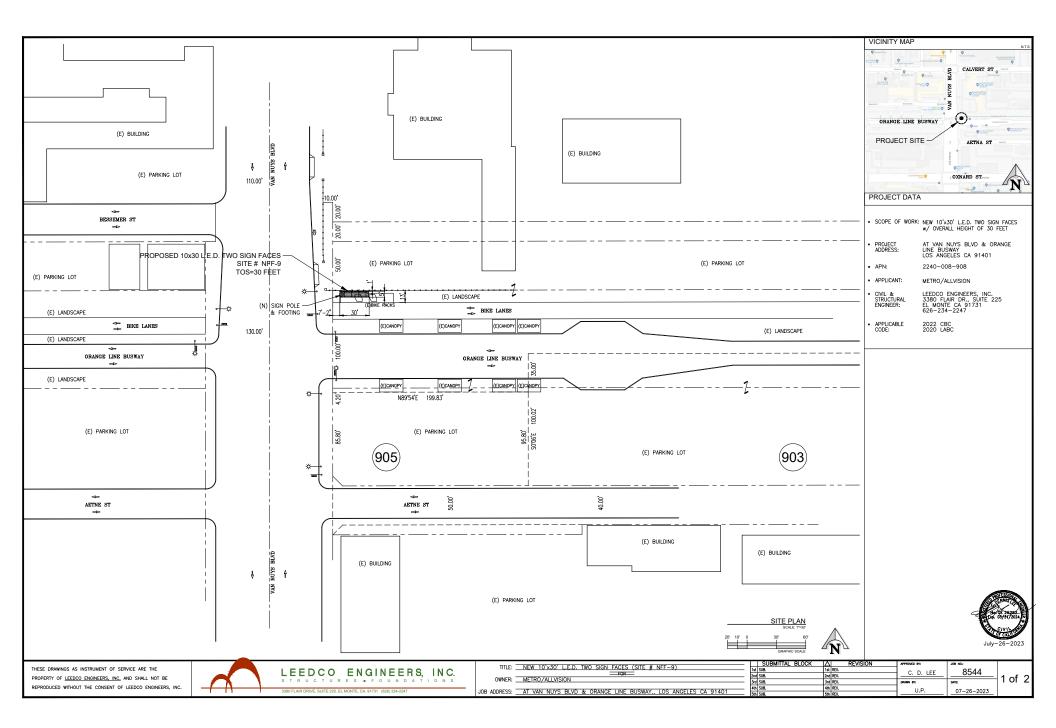
Metro G Line at Van Nuys Boulevard Van Nuys - North Sherman Oaks

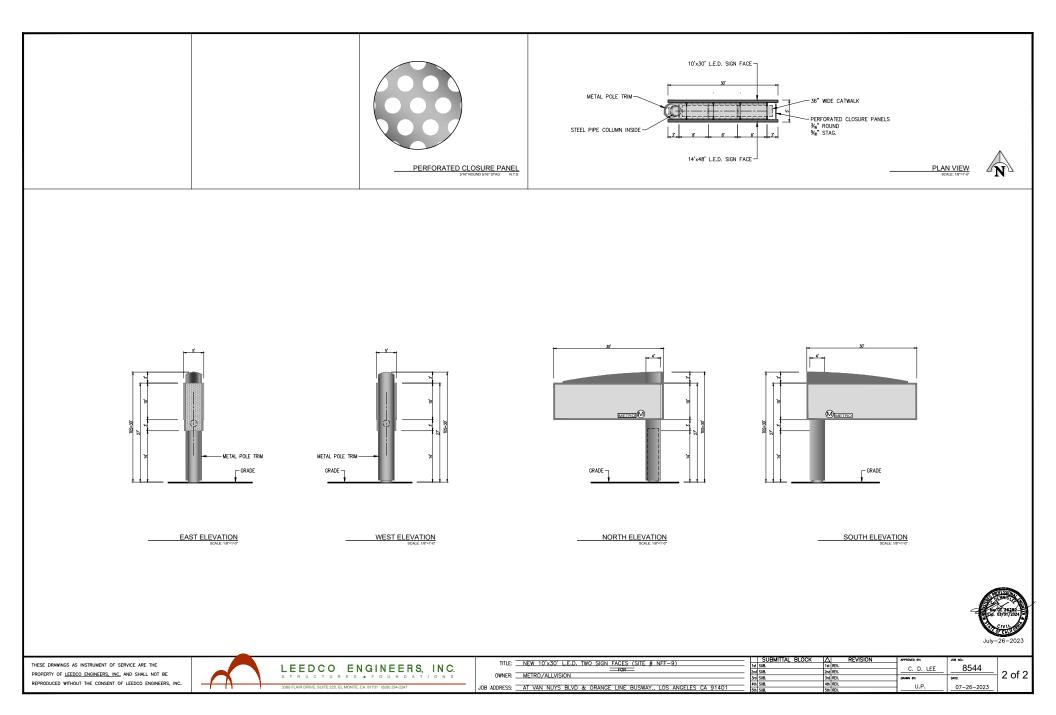
#### NFF-9 - APN: 2240008908

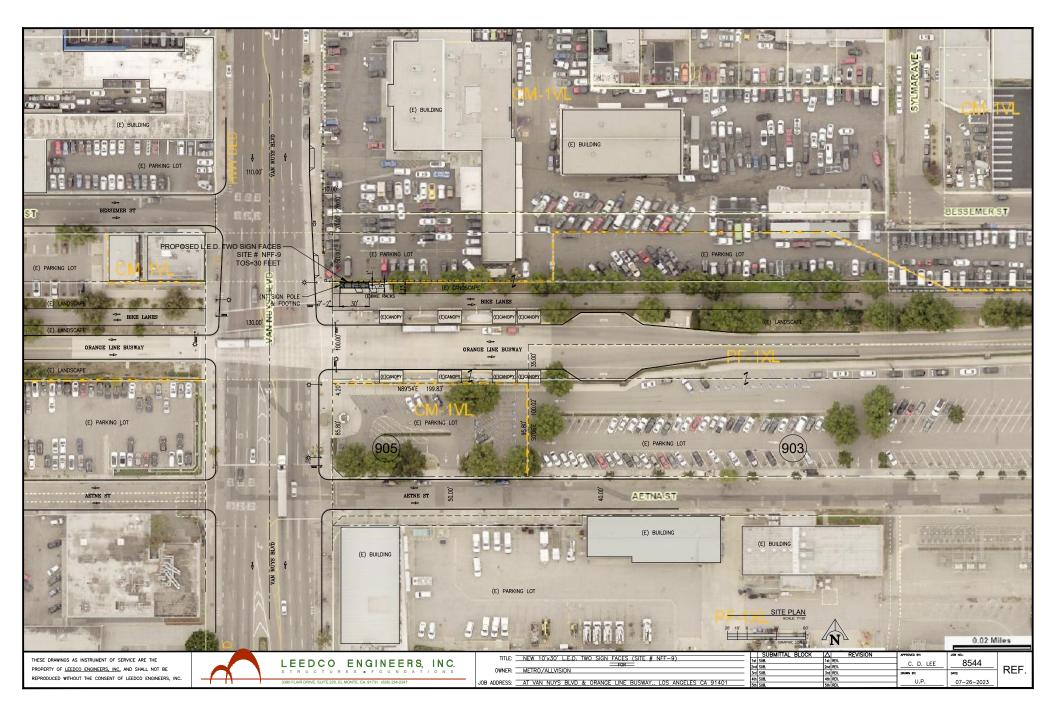
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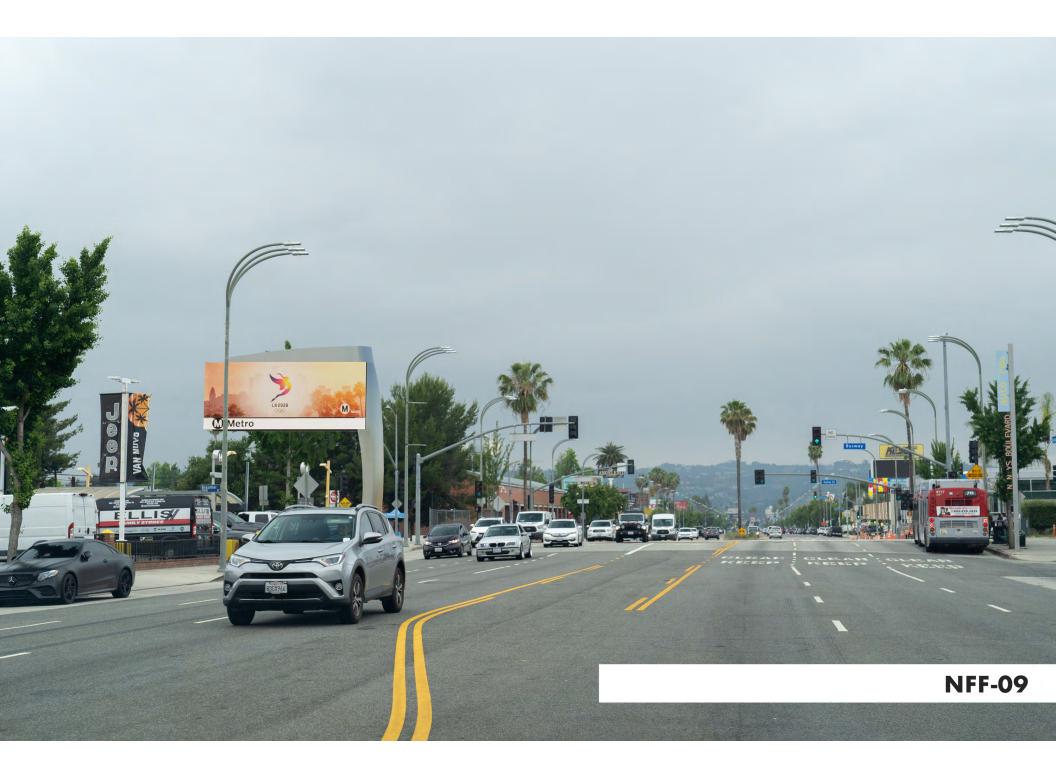
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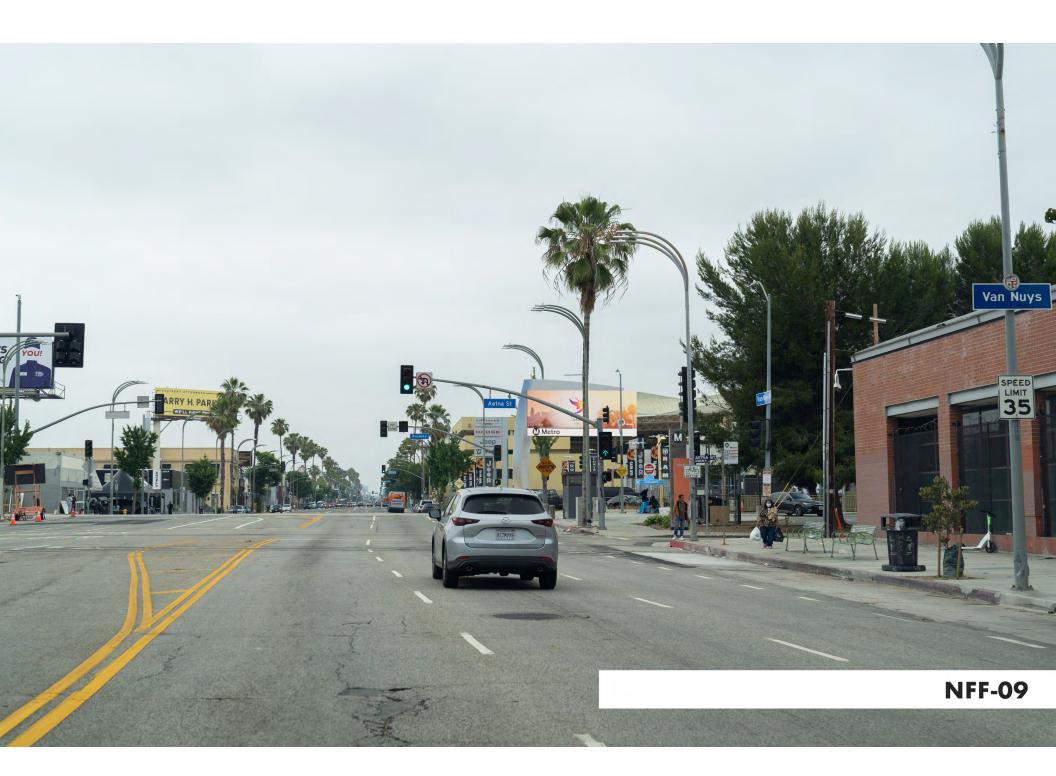












Metro G Line at Sepulveda Boulevard Van Nuys - North Sherman Oaks

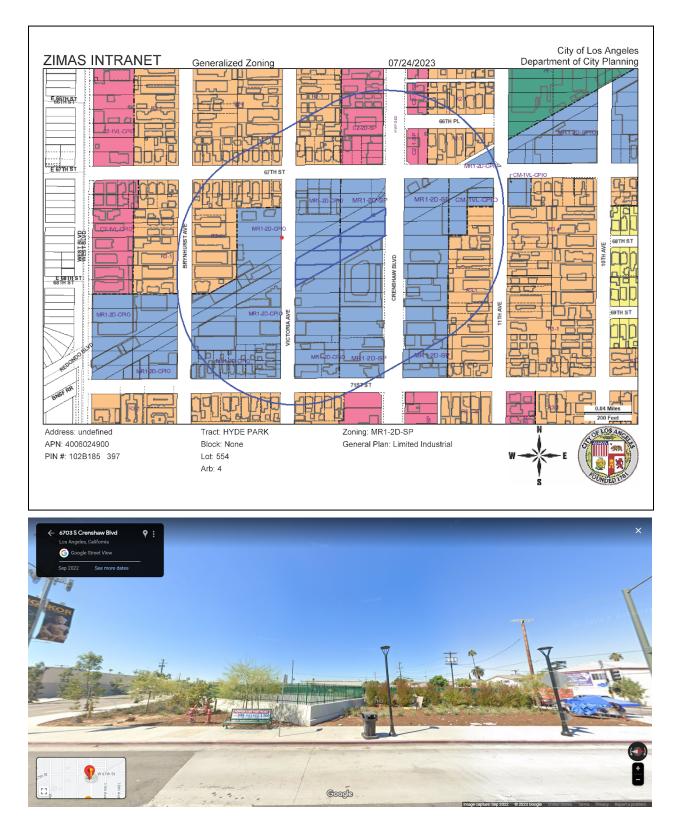


#### NFF-10 - APN: 2242001902, 2242001904

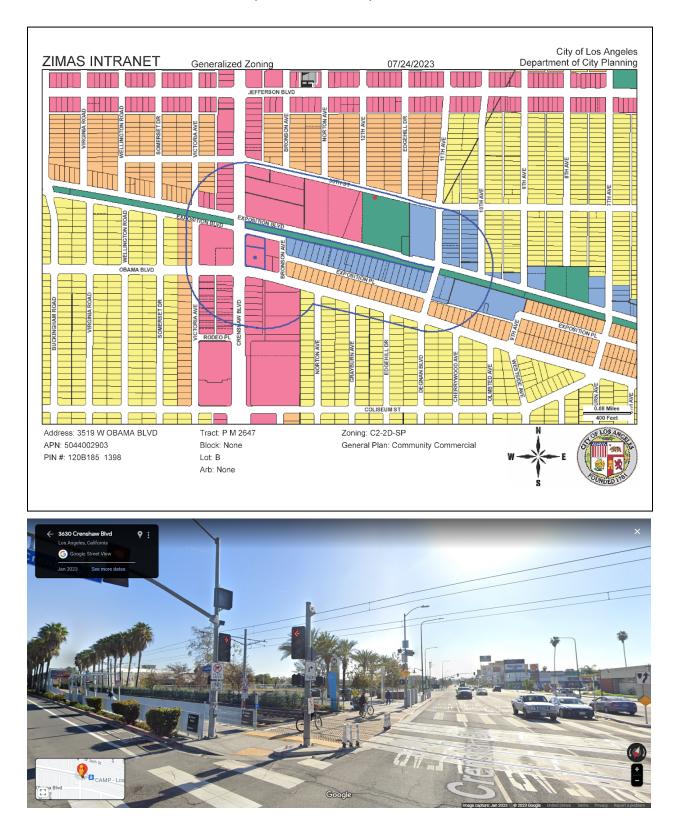


Crenshaw Boulevard and 67th Street West Adams - Baldwin Hills - Leimert

#### NFF-11 - APN: 4006024900



Crenshaw Boulevard and Exposition Boulevard West Adams - Baldwin Hills - Leimert



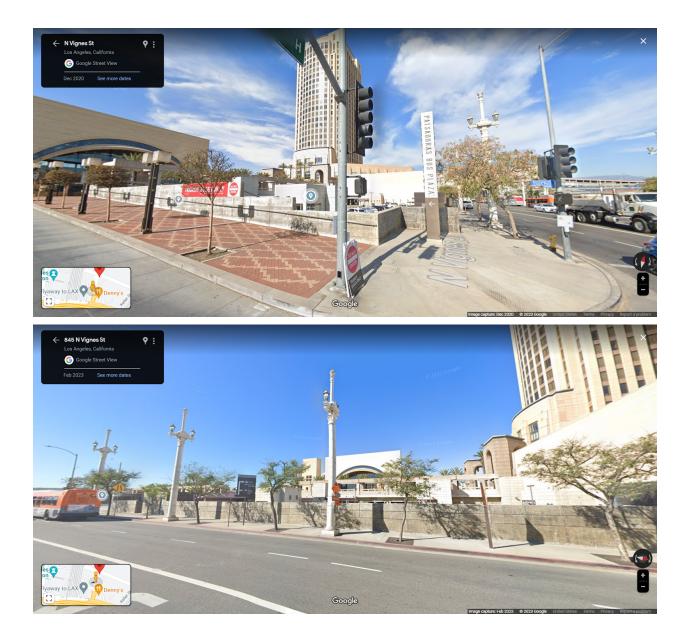
#### NFF-12- APN: 5044002900, 5044002901, 5044002903



### Vignes Street and Cesar Chavez Avenue Central City North

#### NFF-13 - APN: 5409025905





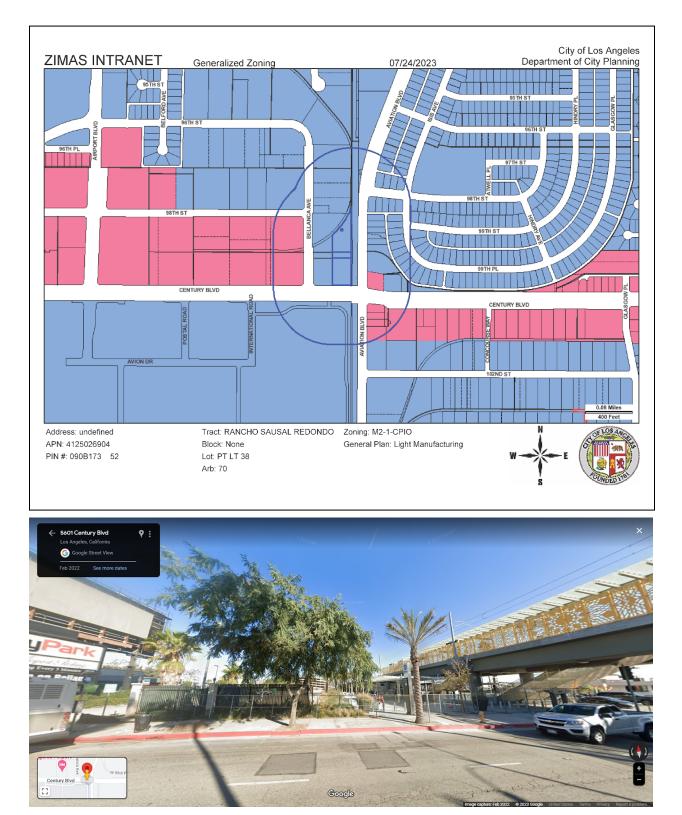
### NFF-14 Removed by Metro

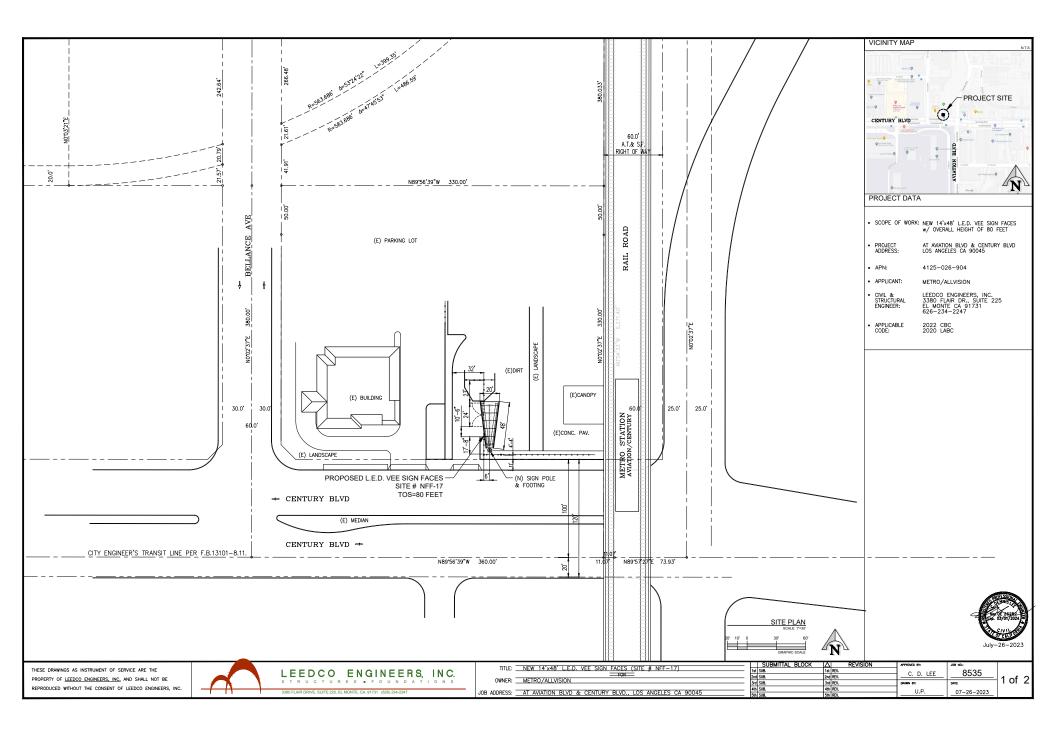
### NFF-15 Removed by Metro

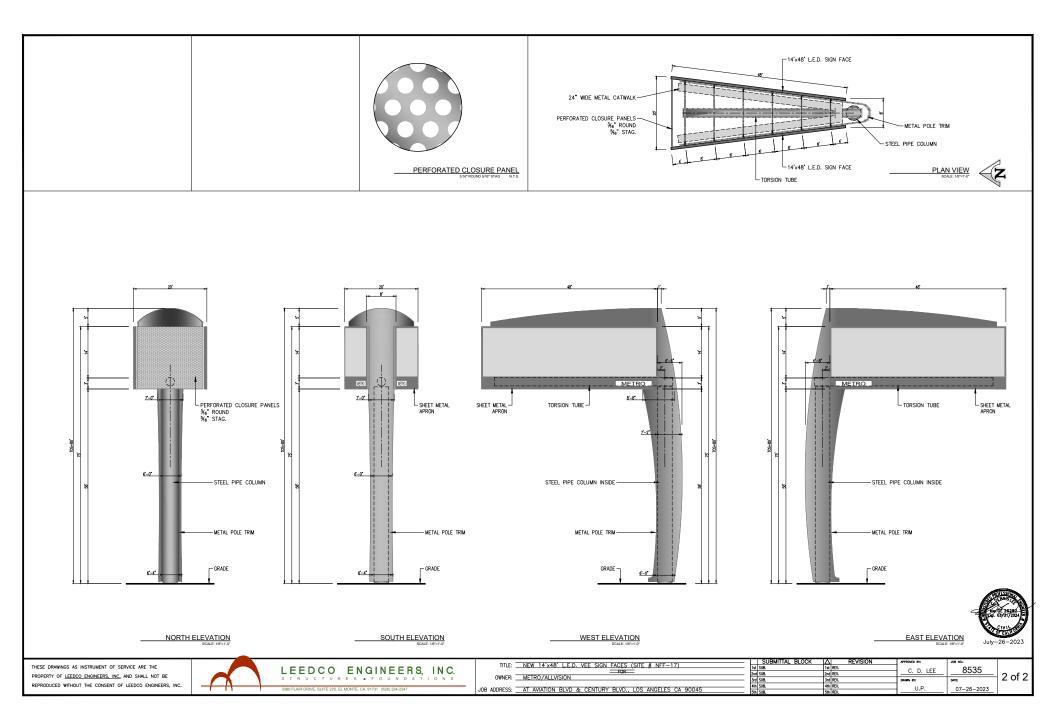
### NFF-16 Removed by Metro

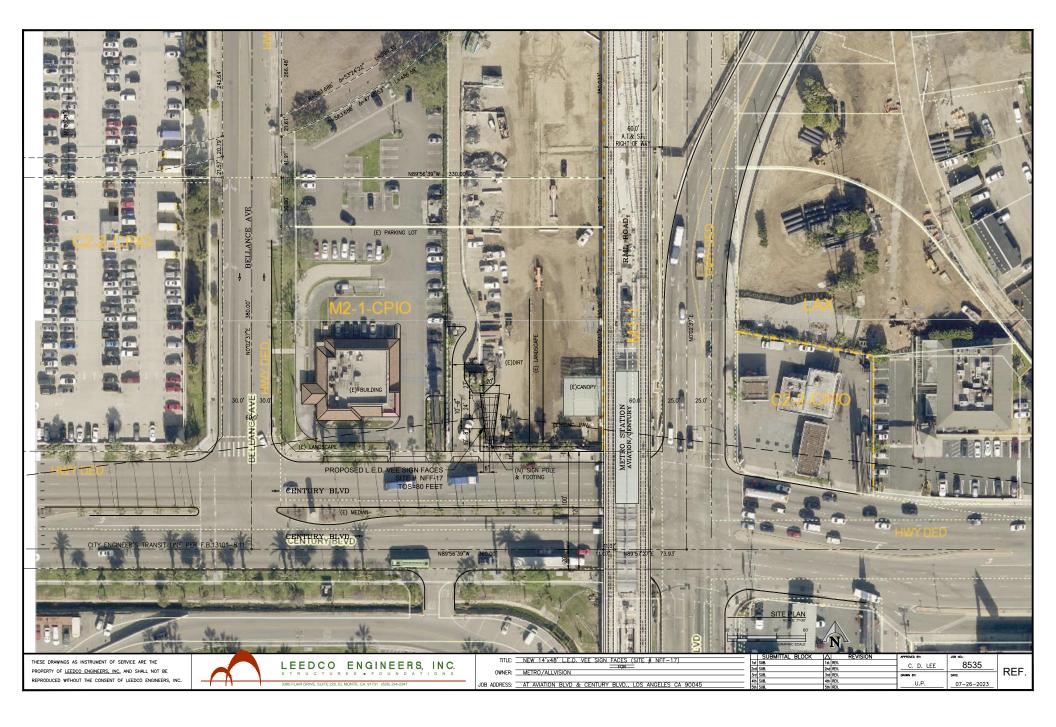
#### Aviation Boulevard and Century Boulevard Westchester - Playa Vista

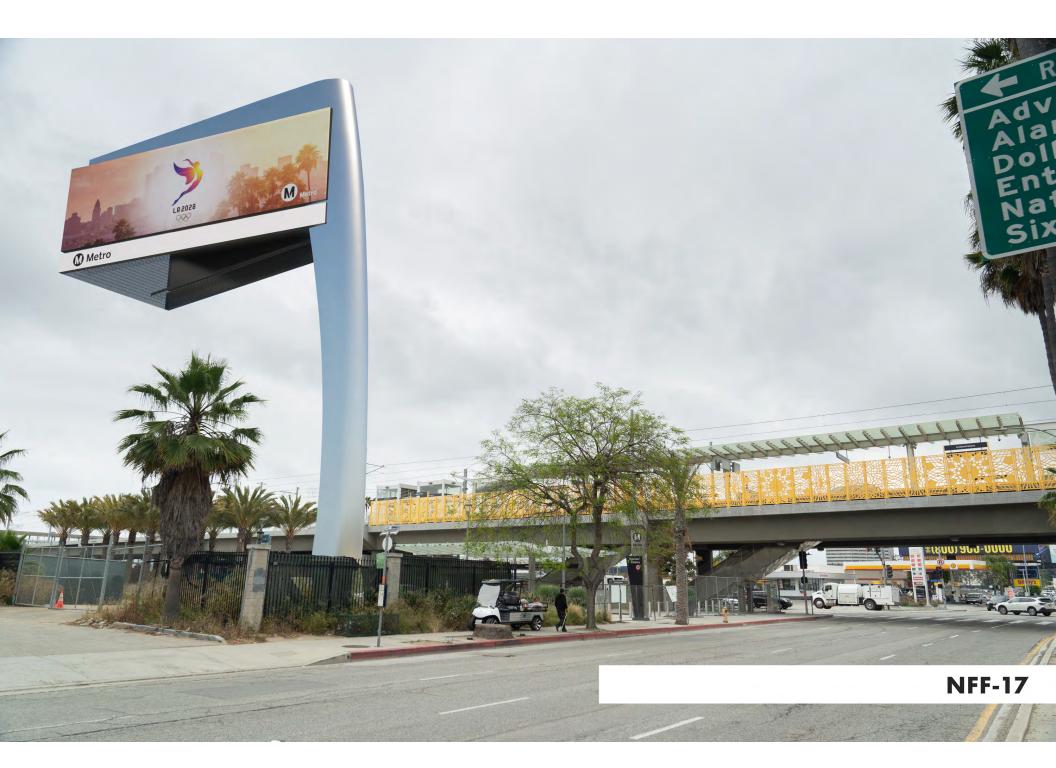
#### NFF-17 - APN: 4125026904

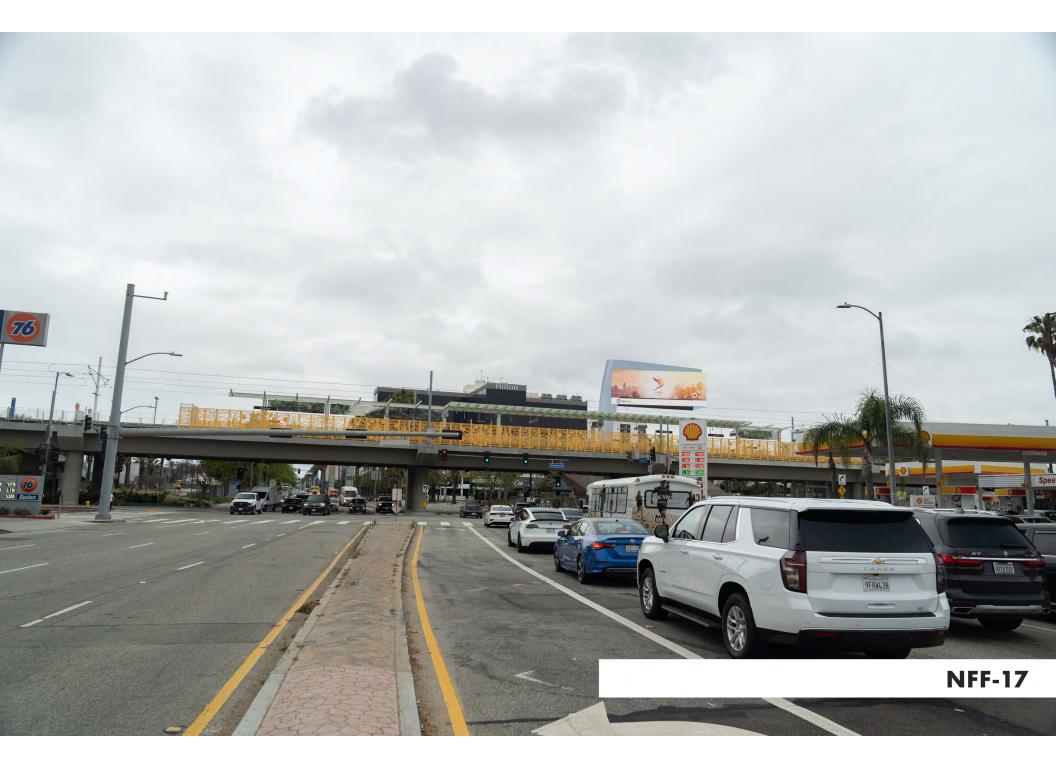


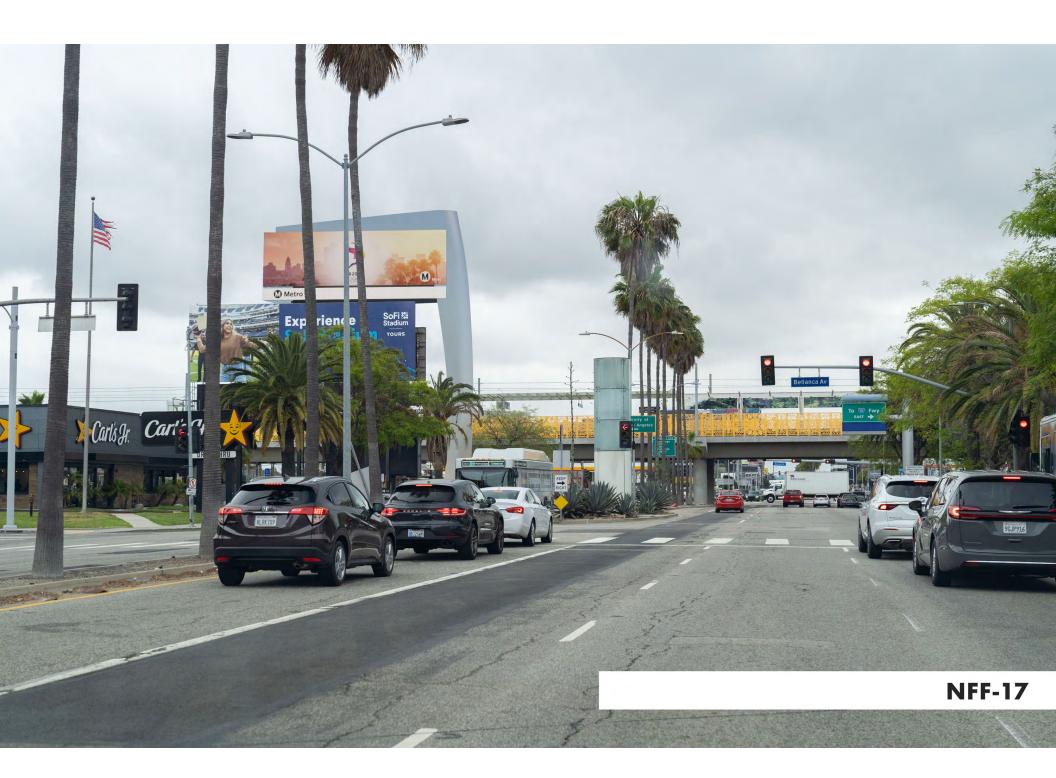








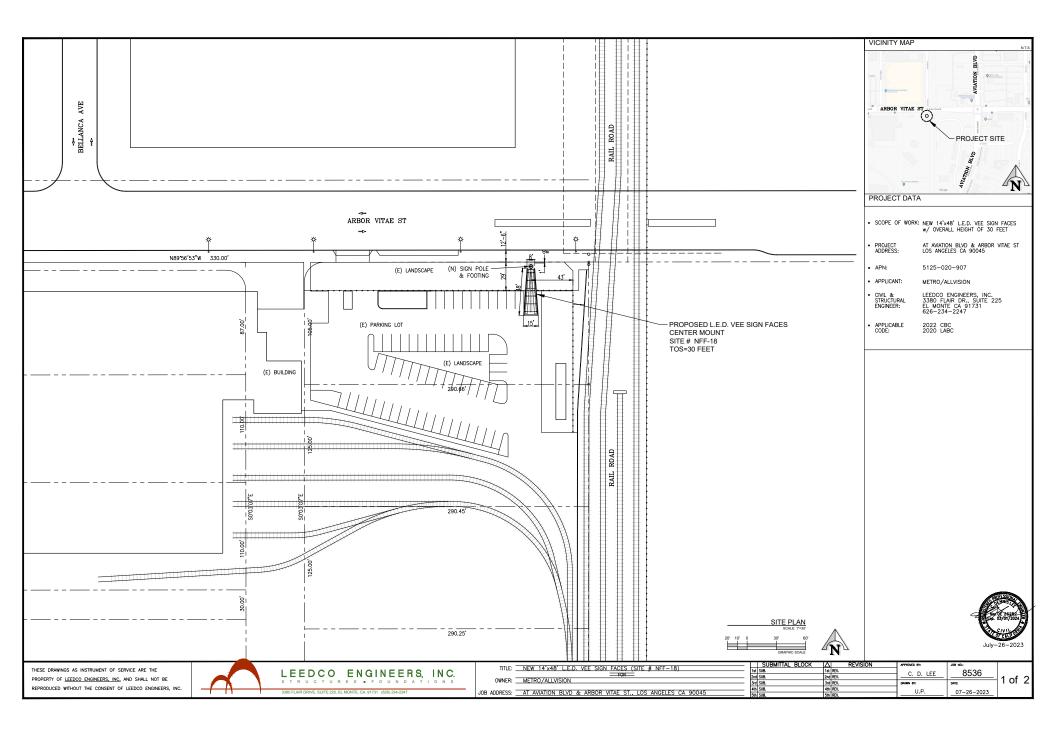


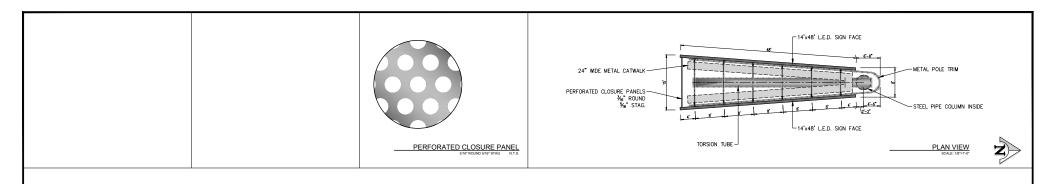


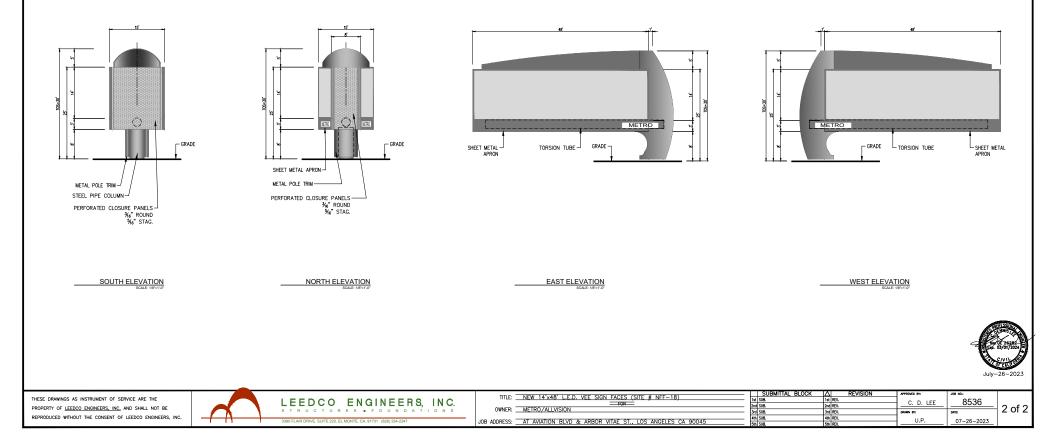
#### Bellance Avenue and Arbor Vitae Street Westchester - Playa Vista

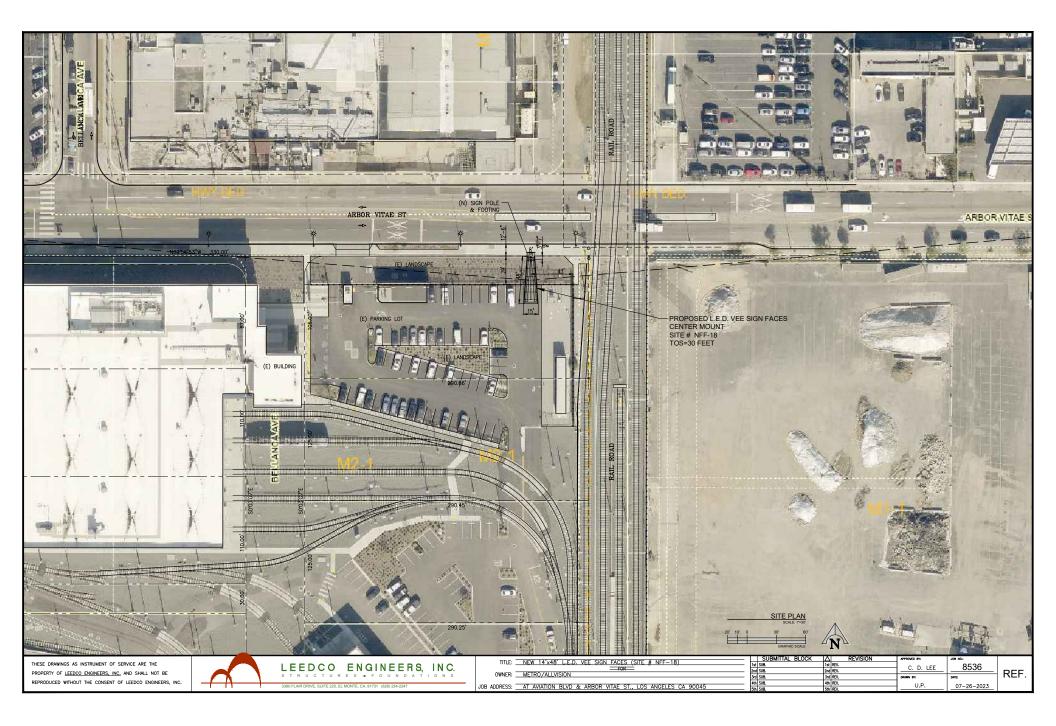
#### NFF-18 - APN: 4125020907

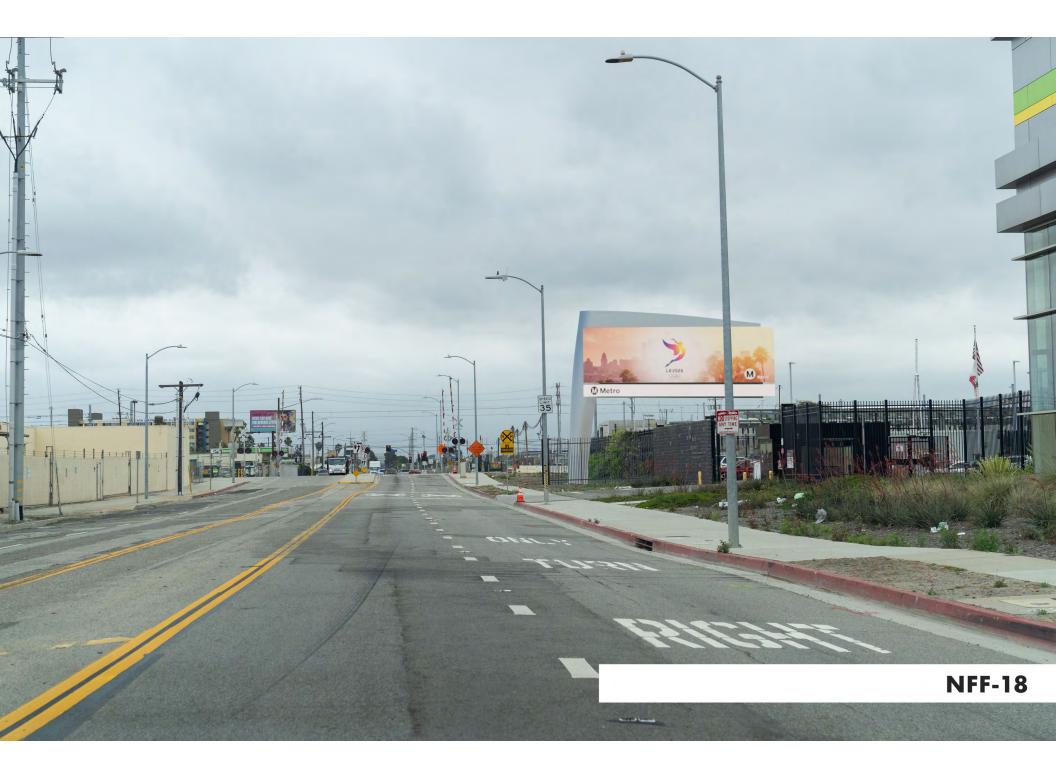


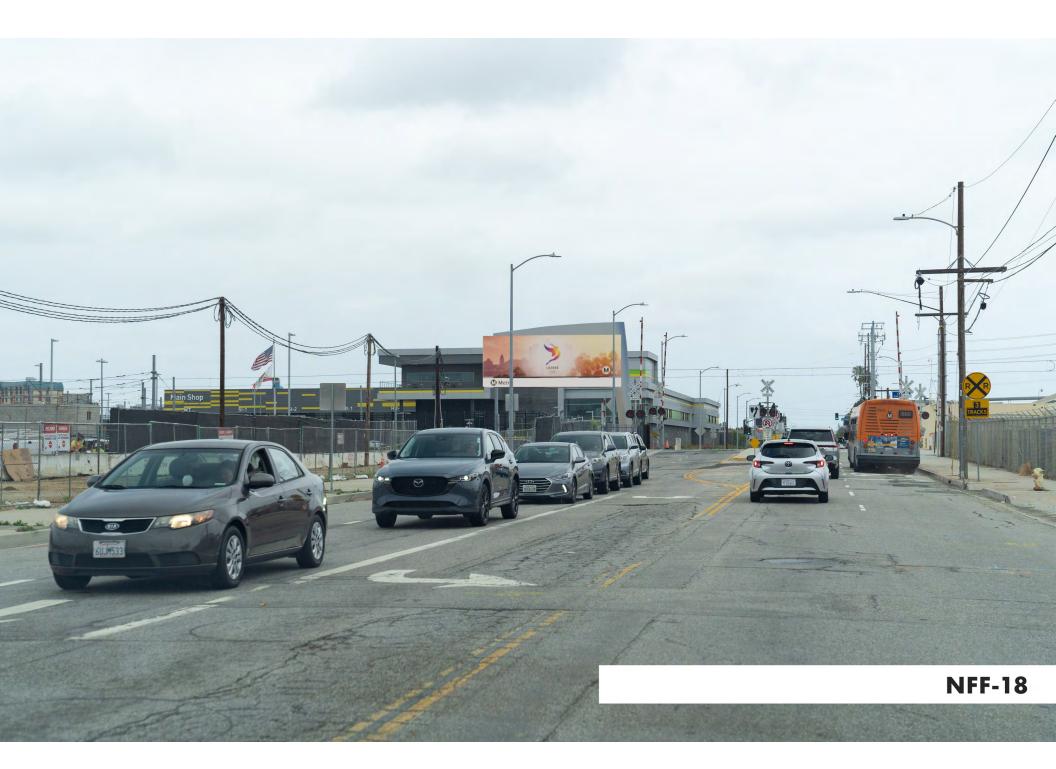












#### Vermont Avenue and Beverly Boulevard Wilshire



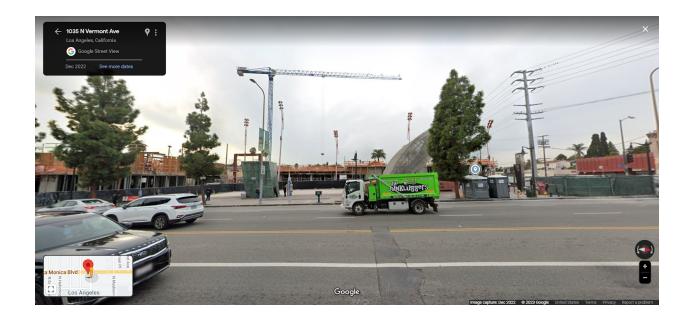
#### NFF-19 - APN: 5520019900, 5520019902



### Vermont Avenue and Santa Monica Boulevard Hollywood

#### NFF-20 - APN: 5538022909





### NFF-21 Removed by Metro

Alameda Street and 7th Street Central City

#### NFF-22 - APN: 5147035904





# Exhibit D

# Metro Transportation Communication Network (TCN) - Original Draft Ordinances (June 2023)

#### ORDINANCE NO. \_\_\_\_\_

A proposed ordinance amending Article 3 of Chapter 1 of the Los Angeles Municipal Code to add a new Section 13.11.1 that would permit the establishment of a non-contiguous Supplemental Use District, called the Transportation Communication Network, on property owned by a publicly-owned regional transportation authority in Los Angeles County for the purpose of permitting signs with digital displays.

#### THE PEOPLE OF THE CITY OF LOS ANGELES DO ORDAIN AS FOLLOWS:

**Section 1.** Subdivision 2 of Subsection S of Section 12.32 of Chapter 1 of the Los Angeles Municipal Code is amended to read as follows:

2. **Districts.** In order to carry out the provisions of this article, the following districts are established:

"O"	Oil Drilling District
"S"	Animal Slaughtering District
"G"	Surface Mining District
"RPD"	Residential Planning Development District
"K"	Equinekeeping District
"CA"	Commercial and Artcraft District
"POD"	Pedestrian Oriented District
"CDO"	Community Design Overlay District
"MU"	Mixed Use District
"FH"	Fence Height District
"SN"	Sign District
<u>"TCN"</u>	Transportation Communication Network District
"RFA"	Residential Floor Area District
"NSO"	Neighborhood Stabilization Overlay District
"CPIO"	Community Plan Implementation Overlay District
"HS"	Hillside Standards Overlay District
"MPR"	Modified Parking Requirement District
"RIO"	River Improvement Overlay District
"CUGU"	Clean Up Green Up Overlay District
"RG"	Rear Detached Garage District
"HCR"	Hillside Construction Regulation District

These districts and their boundaries are shown on portions of the "Zoning Map" as provided for in Section 12.04 and made a part thereof by a combination of the zone and district symbols. This map and the notations, references and other information shown on it which pertain to the boundaries of these districts are made a part of this article as if

fully described here. Reference is hereby made to those maps, notations, references and other information for full particulars.

**Sec. 2.** Paragraph (b) of Subdivision 3 of Subsection S of Section 12.32 of Chapter 1 of the Los Angeles Municipal Code is amended to read as follows:

(b) Additional Requirements for Application. Except for CPIO Districts and <u>TCN Districts</u>, which may not be established through the application procedure, one or more of the owners or lessees of property within the boundaries of the proposed district may submit a verified application for the establishment of a district. An application for the establishment of a Commercial and Artcraft District, a Pedestrian Oriented District, an Equinekeeping District, a Community Design Overlay District, a Mixed Use District, a Sign District, a Residential Floor Area District, a Neighborhood Stabilization Overlay District, a Hillside Standards Overlay District, or a Clean Up Green Up Overlay District shall contain the signatures of at least 75 percent of the owners or lessees of property within the proposed district. An application for the establishment of a Fence Height District shall contain the signatures of at least 50 percent of the owners or lessees of property within the proposed district. An application shall be accompanied by any information deemed necessary by the Department.

If establishment of a district is initiated by the City Council, City Planning Commission or Director of Planning, the signatures of the property owners or lessees shall not be required.

**Sec. 3.** Subparagraph (3) of Paragraph (c) of Subdivision 3 of Subsection S of Section 12.32 of Chapter 1 of the Los Angeles Municipal Code is amended to read as follows:

(3) **Time for Commission to Act on Application.** The City Planning Commission shall act on an application to establish an "O", "S", "G", "K", "CA", "POD", "CDO", "MU", "FH", "SN", <u>"TCN"</u>, "RFA", "NSO", "CPIO", "HS", "MPR", "RIO", or "CUGU" District within 75 days from the date of the filing of the application. The City Planning Commission shall act on an application to establish an "RPD" District within 75 days from receipt of the Subdivision Committee report and recommendation. The City Planning Commission shall act on proceedings initiated by the Council within 75 days of receipt of that action from the Council, or within the time that the Council may otherwise specify.

**Sec. 4.** Paragraph (c) of Subdivision 4 of Subsection S of Section 12.32 of Chapter 1 of the Los Angeles Municipal Code is amended to read as follows:

(c) **Procedures**. An applicant for a Project that complies with the provisions of an adopted Commercial and Artcraft District, Pedestrian Oriented District, Community Design Overlay District, Mixed Use District, Community Plan Implementation Overlay District, River Improvement Overlay District, <del>or</del> Or Clean Up Green Up Overlay District, or Transportation Communication Network District if permitted with in the "TCN" Supplemental Use District ordinance, shall submit plans to the Director for an Administrative Clearance. The Director or his/her designee shall review the Project for compliance with the applicable Supplemental Use District development regulations. A Project that does not qualify for Administrative Clearance shall follow the procedures set forth in the applicable Supplemental Use District.

**Sec. 5.** Article 3 of Chapter 1 of the Los Angeles Municipal Code is amended to add a new Section 13.11.1:

## ARTICLE 3 SPECIFIC PLAN – ZONING SUPPLEMENTAL USE DISTRICTS

#### Section

- 13.01 "O" Oil Drilling Districts.
- 13.02 "S" Animal Slaughtering Districts.
- 13.03 "G" Surface Mining Operations Districts.
- 13.04 "RPD" Residential Planned Development Districts.
- 13.05 "K" Equinekeeping Districts.
- 13.06 Commercial and Artcraft Districts.
- 13.07 Pedestrian Oriented District.
- 13.08 "CDO" Community Design Overlay District.
- 13.09 Mixed Use District.
- 13.10 Fence Heights District.
- 13.11 "SN" Sign District.
- 13.11.1"TCN" Transportation Communication Network District.
- 13.12 "NSO" Neighborhood Stabilization Overlay District.
- 13.13 "RFA" Residential Floor Area District.
- 13.14 "CPIO" Community Plan Implementation Overlay District.
- 13.15 "MPR" Modified Parking Requirement District.
- 13.16 "HS" Hillside Standards Overlay District.
- 13.17 "RIO" River Improvement Overlay District.
- 13.18 "CUGU" Clean Up Green Up Overlay District.
- 13.19 "RG" Rear Detached Garage District.
- 13.20 "HCR" Hillside Construction Regulation District.
- 13.21 Violation.

**Sec. 6.** A new Section 13.11.1 is added to Article 3 of Chapter 1 of the Los Angeles Municipal Code to read as follows:

## SECTION. 13.11.1. "TCN" TRANSPORTATION COMMUNICATION NETWORK DISTRICT.

A. Purpose. This section sets forth procedures and standards for the establishment of a Transportation Communication Network "TCN" District the unique characteristic of which can be enhanced by the imposition of special sign regulations designed to facilitate the implementation of Los Angeles County Metropolitan Transit Authority's (LACMTA) Transportation Communication Network (TCN) program citywide which will provide intelligent transportation technology, public and commercial messaging, service alerts, revenue generation, and blight reduction through a city-wide sign reduction program.

## B. Establishment of Districts.

1. The City Council, the City Planning Commission, and the Director of Planning shall have the authority to initiate, establish, or adjust the boundaries of a Transportation Communication Network (TCN) District. Applications for the establishment or expansion of a TCN shall not be permitted.

2. The procedures set forth in Section 12.32 S of this Code shall be followed for the initiation of the TCN, however, the TCN District shall only include parcels that are zoned C, M, PF, or an equivalent specific plan zone, and that are owned by the LACMTA at time of district initiation.

3. A TCN District may encompass an area which is designated, in whole or in part, as a Specific Plan. If the provisions of the TCN conflict with any City-wide regulations in the Los Angeles Municipal Code, specific plan, or supplemental use districts, other than a Historic Preservation Overlay Zone, then the requirements of the TCN District shall prevail.

4. The TCN may include non-contiguous parcels. Precise parcel and district boundaries are required at the time of initiation to create or expand a TCN District.

## C. Development Regulations.

1. The only signs and sign structures that a TCN District shall be permitted to authorize, above and beyond those signs and sign structures authorized by the signage regulations in Article 4.4, shall be digital display signs and associated sign structures. These signs may permit off-site advertising, and the applicability of Article 4.4 to those signs permitted by the TCN District shall be outlined in the ordinance establishing the TCN District.

2. The ordinance establishing the TCN District shall specify the height limitations, maximum sign area, and operational standards, including but not limited to hours of operation,

digital display refresh rates, and monitoring, allowed for each of the proposed signs. Furthermore, the ordinance shall include requirements for off-site sign reduction that, at minimum, results in a net reduction in off-site signs citywide.

**D. Conformance.** The Department of Building and Safety shall not issue a building permit for a sign within a TCN unless the Director issues an Administrative Clearance or other approval indicating the sign conforms to the regulations set forth in the specific TCN District Ordinance.

# ORDINANCE NO. \_\_\_\_\_

A proposed ordinance amending Article 8 of Chapter 1A of the Los Angeles Municipal Code to add a new Section 8.2.3.1 that would permit the establishment of a non-contiguous Sign District on property owned by a publicly-owned regional transportation authority in Los Angeles County for the purpose of permitting signs with digital displays.

# THE PEOPLE OF THE CITY OF LOS ANGELES DO ORDAIN AS FOLLOWS:

**Sec. 1.** Amend Subdivision 2. (Limitations on Supplemental Districts) of Subsection B. (Applicability) of Sec. 8.2.1. (General) of Div. 8.2. (Supplemental Districts) of Article 8 (Specific Plans, Supplemental & Special Districts) of Chapter 1A of the Los Angeles Municipal Code amended to read as follows:

## 2. Limitations of Supplemental Districts

The Supplemental Districts established in Division 8.2. (Supplemental Districts) shall not supersede any Zoning District, as established in Sec. 1.4.2.A.1. (Zoning Districts). Sign Districts and Transportation Communication Network Districts may supersede the sign regulations established by Development Standards Districts, and Oil Drilling Districts may supersede the use regulations regarding resource extraction in Use Districts.

**Sec. 2.** Add a new Section 8.2.3.1 to Div. 8.2. (Supplemental Districts) of Article 8 (Specific Plans, Supplemental & Special Districts) of Chapter 1A of the Los Angeles Municipal Code to read as follows:

# SEC. 8.2.8. TRANSPORTATION COMMUNICATION NETWORK DISTRICTS (TCN)

# A. Intent

The Transportation Communication Network (TCN) District is intended to impose special sign regulations designed to facilitate the implementation of Los Angeles County Metropolitan Transit Authority's (LACMTA) Transportation Communication Network (TCN) program citywide, which will provide intelligent transportation technology, public messaging, service alerts, revenue generation, and blight reduction through a city-wide sign reduction program.

## **B.** Applicability

## 1. Definition of Project

A TCN District project involves the erection, construction, addition to, or exterior structural modification of any sign, on-site or off-site, located within a TCN District, and is subject to the regulations outlined in the TCN District in which it is located, in accordance with the adopted TCN District standards established pursuant to this Section.

## 2. Reconciling Provisions

In the event that the provisions of a TCN District conflict with any provision of the Zoning Districts of a lot, Specific Plan or other Supplemental District, the TCN District shall prevail. However, the standards for a TCN District do not supersede the regulations of a Specific Plan or Supplemental District, as established in this Article, or any zoning regulation needed to implement the provisions of an approved Development Agreement.

## C. District Standards

The TCN District standards shall be determined at the time the district is established. The sign regulations shall enhance the character of the district by addressing the location, number, square footage, height, light illumination, hours of illumination, sign reduction program, duration of signs, design and types of signs permitted, as well as other characteristics, and may include murals, supergraphics, and other on-site and off-site signs.

## 1. Sign Permissions

TCN Districts shall be subject to the sign regulations of the applied Development Standards District (Part 4B), but may allow for digital display signs and associated sign structures, and off-site advertising.

## 2. Cumulative Number & Area of Signs

At no time shall the cumulative number of digital display signs permitted within the TCN District exceed 49 digital display signs structures and or equal to 51,000 square feet of sign area and the associated sign support structures.

## 3. Net Reduction in Off-Site Signs

The ordinance shall include requirements for off-site sign reduction that, at minimum, results in a net reduction in off-site signs citywide.

## D. Procedures

## 1. Establishing a TCN District

TCN District boundaries and standards are established and amended in accordance with *Sec. 13B.1.2. (Specific Plan Adoption/Amendment)*, and are represented as part of the third bracket set of the zone of a lot with the acronym "TCN."

## a. Applicable Lots

The TCN District shall only apply to parcels that are in the Commercial, Industrial, Public District, or an equivalent specific plan zone and that are owned by the LACMTA.

## b. Boundary

The TCN may include non-contiguous parcels. Precise parcel and/or district boundaries are required at the time of application to create or expand a TCN.

## 2. Issuance of Building Permits

The Department of Building and Safety may approve and issue sign permits for any project within a TCN Sign District that conforms to the applicable TCN Sign District standards.

## 3. Review of Projects

A project shall be reviewed in conformance with the procedures established in each TCN District.

ORDINANCE NO. \_\_\_\_\_

## THE PEOPLE OF THE CITY OF LOS ANGELES DO ORDAIN AS FOLLOWS:

# Section 1. ESTABLISHMENT OF THE TRANSPORTATION COMMUNICATION NETWORK (TCN) DISTRICT.

The City Council hereby establishes The Transportation Communication Network (TCN) District, which shall be applicable to that area of the City shown within the heavy dashed line on Exhibits A1 - A49, comprising of 49 non-contiguous parcels owned solely, at the time of district adoption, by the Los Angeles County Metropolitan Transit Authority within the boundaries of the City of Los Angeles.

#### Section 2. PURPOSES.

The TCN District is intended to:

- A. Enable the regulation of Signs within the Transportation Communication Network District area located solely on noncontiguous Los Angeles County Metropolitan Transit Authority parcels in the City by incorporating unique sign regulations and substantial off-site sign reduction requirements.
- B. Create a unique and recognizable identity utilizing digital signage elements, to draw visitors to the City of Los Angeles to benefit the local economy;
- C. Assist in management and communication regarding transit and freeways for residents, employees, and visitors citywide, especially during special events;
- D. Ensure timely communications of public safety alerts, emergency management messaging, and intelligent transportation messages to the general public;
- E. Permit new off-site digital display messages that will result in revenue generation to support projects throughout the City of Los Angeles;
- F. Enable a visual blight reduction program associated with the new off-site digital display signs that will result in a overall reduction in static off-site signs citywide and in proximity to the proposed digital display signs resulting a net reduction in overall off-site signs;

#### Section 3. APPLICATION OF SUPPLEMENTAL USE DISTRICT REGULATIONS

A. This Ordinance regulates signs within the TCN District. The regulations of this ordinance are in addition to those set forth in the Chapter 1, or when applicable Chapter 1A,of the Los Angeles Municipal Code (Code). Except as specifically provided for in this ordinance, these regulations do not convey any rights not otherwise granted under the provisions and procedures contained in the Code or other relevant ordinances.

- B. Relationship to the Los Angeles Municipal Code (LAMC). Wherever this Ordinance contains provisions which establish regulations that are different from, more restrictive than or more permissive than would be allowed pursuant to the provisions contained in the Code, Supplemental Use District, Specific Plan or ordinance this Ordinance shall prevail and supersede the applicable provisions. Unless otherwise specified in this Ordinance to the contrary, all signs shall comply with the following provisions of the LAMC: Chapter I, Article 4.4 (Sign Regulations) or when applicable Chapter 1A, Section 4C.11 (Signs); Chapter VI, Article 7, (Outdoor Advertising Structures, Accessory Signs, Post Signs and Advertising Statuary); and Chapter IX, Article 1, Division 62 (Signs).
- **C. On-Site and Off-Site Signs.** For the purposes of this Ordinance, a TCN District shall permit both On-Site and Off-Site signs as such terms are defined in this Ordinance. This Ordinance governs all aspects of signs that are Off-Site Signs within the District.

## Section 4. DEFINITIONS.

The following terms, when used in this Ordinance, are defined below or cross-referenced to definitions used in the Code. To the extent that other terms used in this ordinance are not listed below but are defined in the Code, those definitions shall apply. The definitions set forth in this section are intended to encompass future technologies and materials which may be utilized in the construction or implementation of the signs permitted.

**Animation.** Movement, including, but not limited to, flashing, changing, moving, streaming, scrolling, blinking of any part of a sign, including, but not limited to, images, parts, or illumination at a rate of more than once every 24 Hours.

**Digital Display.** A sign face, building face, and/or any building or structural component that displays still images, scrolling images, moving images, or flashing images, including video and animation, through the use of grid lights, cathode ray projections, light emitting diode displays, plasma screens, liquid crystal displays, fiber optics, or other electronic media or technology that is either independent of or attached to, or integrated into a building or structural component, and that may be changed remotely through electronic means.

Caltrans. California Department of Transportation

**Controlled Refresh Rate**. Restriction for any type of Sign that contains images, text, parts of illumination which flash, change, move, blink or otherwise refresh, in whole or in part, at a maximum of one refresh event per eight seconds (i.e., must stay static for a minimum of eight seconds before refreshing). Each refresh event shall be an instant transition.

**Freeway.** A highway that the owners or those in possession of a abutting land have no right or easement of access to or from their abutting lands or that owners have only limited or restricted right or easement of access, and that is declared to be a freeway, in compliance with the Streets and Highways Code of the State of California.

**Freeway Facing Sign**. A sign viewed primarily from a freeway on a lot non-contiguous with other lots within the TCN program for the purposes of this ordinance.

LACMTA (Metro). Los Angeles County Metropolitan Transportation Authority

LADBS. Los Angeles Department of Building and Safety.

LED. Light Emitting Diodes.

**Maximum Individual Sign Area**. The maximum sign area of each individual sign, which shall be set forth in Table(s) 8-1 and 8-2.

**Non-Freeway Facing Sign**. A sign intended to be viewed primarily from a roadway other than a freeway, on a parcel non-contiguous with other sites within the TCN program.

**Off-Site Sign**. A sign that displays any message directing attention to a business, product, service, profession, commodity, activity, event, person, institution or any other commercial message, which is generally conducted, sold, manufactured, produced, offered or occurs elsewhere than on the premises where the sign is located.

**On-Site Sign**. A sign that is other than an Off-Site Sign.

**Sign**. Any whole or part of a display board, wall, screen or object used to announce, declare, demonstrate, display or otherwise present a message and attract the attention of the public.

**Sign Area**. An area circumscribed by the smallest geometric shape created with a maximum of eight straight lines, which will enclose all words, letters, figures, symbols, designs and pictures, together with all framing, background material, colored or illuminated areas and attention-attracting devices, forming an integral part of an individual message except that:

1. For spherical, cylindrical or other three-dimensional signs the area of the sign shall be computed from the smallest two-dimensional geometrical

shape or shapes, which will best approximate the greatest actual surface area visible from any one direction.

2. Transportation Communication Network Support Structures are excluded from the Sign Area calculation if neutral in color.

Sign Face. The surface upon which the Sign message is placed.

**Total Sign Area.** The right granted by this Ordinance to construct up to 51,000 square feet of digital signage in accordance with the requirements of this ordinance.

**Transportation Communication Network Support Structure**. A structure erected, used or maintained for a digital display sign upon which a commercial or non-commercial message may be placed, that further incorporates transportation related technologies including but not limited to real-time traffic updates, transit and emergency system alerts and updates and includes off-site advertising.

**Transportation Communication Network Program (TCN Program).** A program implemented by the Los Angeles County Metropolitan Transportation Authority (LACMTA) (Metro), consisting of a network of structures with Digital Displays informing the traveling public regarding matters of public interest and safety, and also allowing for off-site advertising. Signs that are part of the TCN Program shall be identified as Freeway Facing and Non-Freeway Facing signs.

## Section 5. PROCEDURAL REQUIREMENTS

#### A. Overvieww

LADBS shall not issue any permit for a Sign, a Transportation Communication Network Support Structure, Digital Display Sign Face or alteration of an existing Sign within the TCN Sign District unless the sign complies with:

- 1. The requirements of this Ordinance as determined by the Director; and
- 2. Applicable requirements of the LAMC that are not otherwise superseded by this Ordinance as determined by the Director.

#### **B.** Development Review Process

This TCN District project review process consists of an Administrative Clearance for Freeway Facing Structures and a Project Permit Compliance review for Non-Freeway Facing Structures:

- Administrative Clearance. Freeway Facing Structures complying with all regulations of this ordinance shall require an Administrative Clearance pursuant to Section 12.32 S.4 of Chapter 1, or when applicable Section 13B.3.1 of Chapter 1A, of the Code. An Applicant requesting review for conformance with this ordinance shall submit the following:
  - a. Photographs of all existing site conditions, including any existing signs (if any); and
  - b. Architectural renderings of proposed Transportation Communication Network support structures and digital display sign faces.
  - c. A Sign plan drawn to scale, indicating the type, height, placement, lettering styles, materials, colors and lighting methods.
  - d. A scaled plot plan or site plan showing the location and size of all existing and proposed signs: and
  - e. Elevations for all sides of the Transportation Communication Network Support structure with digital display sign faces showing the maximum heights, all views must be labeled, including which side of the project is being illustrated (North, South, East and/or West elevations);
  - f. Identification of the illumination standards, refresh rate, hours of operation and any other information required by the Director of Planning to determine conformance.
- Project Permit Compliance. All Non-Freeway Facing Transportation Communication support structures and digital display sign faces require a Project Permit Compliance pursuant to Section 11.5.7 of Chapter 1, or when applicable Section 13B.4.2 of Chapter 1A, of the LAMC.

**a. Application.** An application for Project Permit Compliance shall comply with the procedures set forth in Section 11.5.7 C of Chapter 1, or when applicable Section 13B.4.2 of Chapter 1A, of the Code. The application may be inclusive of all proposed signage within a given Community Plan Area or by individual proposed structures. The application shall be include:

- (i) Photographs of all existing site conditions, including any existing signs (if any); and
- (ii) Architectural renderings of proposed Transportation Communication Network support structures and digital display sign faces.

- (iii) Sign plan drawn to scale, indicating the type, height, placement, lettering styles, materials, colors and lighting methods.
- (iv) A scaled plot plan or site plan showing the location and size of all existing and proposed signs: and
- Elevations for all sides of the Transportation Communication Network Support structure with digital display sign face showing the maximum heights, and all views must be labeled, including which side of the project is being illustrated (North, South, East and/or West elevations);
- (vi) Identify the refresh rate, hours of operation and include an illumination plan for the proposed sign(s), prepared by a lighting design expert to ensure compliance with the regulations set forth in Section of this Ordinance.

**b.** Findings. The Director shall make the following findings in addition to those required in Section 11.5.7 C.2 of Chapter 1, or when applicable Section 13B.4.2.E of Chapter 1A, of the Code. Such findings shall be used to condition the project that otherwise meets the requirements of this Ordinance and Section 13.11.1 of the LAMC:

(i) The requested TCN Sign District is in conformance with the purposes, intent and provisions of the City of Los Angeles General Plan.

(ii) The TCN Sign District would conform to public necessity, convenience, general welfare and good zoning practice.

**c. Requests for Deviations from Regulations.** The procedures for modifications, adjustments, and exceptions to this Ordinance shall follow Sections 11.5.7 D-F of Chapter 1, or when applicable Section 13B.4.4-5 of Chapter 1A, respectively, and in addition, shall make the following finding:

(i) a modification, adjustment or exception, as applicable, would not constitute a grant of special privilege.

No Project Permit Compliance, Project Permit Adjustment or any exception, shall be required for: (a) maintenance, repair, or in-kind replacement of any previously approved sign, (b) any construction for which a permit is required in order to comply with an order issued by LADBS to repair or replace an unsafe or substandard conditions.

**d. Appeal Authority.** The appeal rights set forth in Section 11.5.7 of Chapter 1, or when applicable Section 13B.4.2 of Chapter 1A, of the Code shall apply to applications made under this Ordinance, except as otherwise modified by this Ordinance. Notwithstanding the provisions of Sections 11.5.7 B through E of Chapter 1, or when applicable 13B.4.2.G.2, 13B.4.4.G2, or 13B.4.5.G2 of Chapter 1A, of the LAMC, in each case where the Area Planning Commission has the authority for appeal of a request for Project Permit Compliance, Project Permit Adjustment, modification to a Project Permit Compliance, or an exception, amendment or interpretation of this ordinance, such authority shall be vested in the City Planning Commission in place of the Area Planning Commission.

**C. Exempt Signs.** No signs are exempt from review under the regulations of the TCN Sign District.

**D. Plan Approval and Five-Year Update.** No later than five (5) years from the date of the issuance of a final permit for the Transportation Communication Network Program as authorized by this Ordinance, the applicant shall file a Plan Approval application for review by the Zoning Administrator pursuant to the procedures set forth in Section 12.24 M of Chapter 1, or when applicable Section 13B.6.1 of Chapter 1A, of the Code for Non-Freeway Facing Structures. The operator shall collect annual collision data where the digital display sign(s)are visible to motorists over a period of five years. The Los Angeles Department of Transportation (LADOT) will review the collision data and provide recommendations to the Director of City Planning. Upon this review, the Director may modify, add or delete conditions, and if warranted, require changes to the illumination standards, refresh rate, hours of operation, or other operational conditions.

## E. Termination of Sign Rights.

- 1. The rights and privileges associated with this ordinance and the existence and operation of each permitted Transportation Communication Network Support Structure with a Digital Display shall be term limited and will cease and expire on January 13, 2042. At the date of termination, all Transportation Communication Network Support Structures with a Sign Face(s) shall immediately cease all operations and shall be dismantled, demolished or otherwise removed within 180 days of the January 13, 2042 termination date. This provision shall be enumerated and conditioned in all associated TCN approvals and permits.
- 2. The rights and privileges associated with this ordinance and the existence and operation of each permitted Transportation Communication Network Support Structure with a Digital Display shall be contingent on the maintenance of ownership by LACMTA. If at any time any properties listed within this ordinance are sold or ownership is transferred to an entity not controlled by LACMTA then the rights and privileges associated with this ordinance and the existence and

operation of any permitted Transportation Communication Network Support Structure with a Digital Display on said property shall be terminated and severed from this ordinance. All Transportation Communication Network Support Structures with a Sign Face(s) shall immediately cease all operations and shall be dismantled, demolished or otherwise removed within 180 days of the sale or transfer of said property.

### Section 6. GENERAL REQUIREMENTS

**A. General Requirements of the LAMC**. Unless specified in this ordinance to the contrary, the general sign requirements set forth in Chapter 1, or when applicable Chapter 1A, of the Code shall apply to this TCN Sign District for permits, plans, design and construction, materials, street address numbers, identification, maintenance, prohibited locations and sign illumination. Notwithstanding the foregoing, any combined area, height, frontage, and location restrictions in Article 4.4 of Chapter 1, or when applicable Section 4C.11 of Chapter 1A, of the Code shall not apply to signs within the TCN District.

**B. Permitted Signs.** Notwithstanding Section 14.4.4 B of Chapter 1, or when applicable Section 4C.11.1.C.8. Of Chapter 1A, of the LAMC, Freeway Facing TCN support structures with digital display sign faces, Non-Freeway Facing TCN support structures with digital display sign faces, all signs otherwise permitted by the Code or previously legally permitted signs shall be permitted within the TCN Sign District.

All Transportation Communication Network support structures with digital display sign faces authorized by this Ordinance shall be determined to be property of the underlying property owner at the time of sign installation and time of sign termination.

**C. Prohibited Signs.** Except as otherwise provided, in addition to the prohibitions listed in Section 14.4.4 B of Chapter 1 of the LAMC and Section 4C.11.1.C.8. Of Chapter 1A of the LAMC the following Signs shall be prohibited:

- 1. Any TCN support structure with a digital display sign face(s) that has unrestricted animation.
- 2. Emit audible sounds, odor or visible matter.
- 3. No TCN support structure shall be placed over the exterior surface of any opening of a building, doors, vent, or any operable or inoperable window, fixed glass panel or other openings that serve occupants of buildings.
- 4. Any TCN support structure and digital display sign face not specifically authorized by this ordinance or by the code.

**D.** Zoning and Ownership Limitations. The TCN Sign District shall only contain parcels that are zoned C, M, PF or rezoned from C, M, or PF to a new specific plan zone, or when applicable, only parcels that are zoned Commercial, Industrial, Public District or rezoned from Commercial, Industrial, or Public District to a new specific plan zone. Furthermore, only property owned, at the time of adoption, by LACMTA will be eligible for inclusion in the TCN Sign District. For the purposes of this ordinance, any parcel zoned PF or Public District shall be considered equivalent to a C (Commercial) zone.

**E. Total Sign Area.** The Total Sign Area for all TCN support structures with a digital display sign face shall not exceed a maximum of 51,000 square feet of total sign area.

**F. Permitted Signs by Community Plan Area.** A maximum total of 49 Transportation Communication Network Support Structures shall be permitted citywide with a maximum total of 86 Digital Displays sign faces. The Transportation Communication Network Support Structures and Digital Displays shall be limited to the following Community Plan Areas, further limited to only the enumerated Assessor Parcel Numbers (APN) listed therein and further limited as to the number of Transportation Communication Network Support Structures and Digital Display Signs Faces for each parcel:

## 1. Arleta - Pacoima Community Plan

APN: 2523001900 or 2523001901. Maximum of 2 Transportation Communication Network Support Structures and maximum of 4 Digital Display Sign Faces. The Transportation Communication Network Support Structure and Digital Display Sign Faces permitted herein shall be limited to only one APN.

## 2. Boyle Heights Community Plan

APN: 5410009905. Maximum of 1 Transportation Communication Network Support Structure and maximum of 2 Digital Display Sign Faces.

APN: 5410009901. Maximum of 1 Transportation Communication Network Support Structure and maximum of 2 Digital Display Sign Faces.

APN: 5171024908. Maximum of 1 Transportation Communication Network Support Structure and maximum of 2 Digital Display Sign Faces.

APN: 5170010901. Maximum of 1 Transportation Communication Network Support Structure and maximum of 2 Digital Display Sign Faces.

## 3. Central City Community Plan

APN: 5132029905. Maximum of 1 Transportation Communication Network Support Structure and maximum of 2 Digital Display Sign Faces.

APN: 5149015902. Maximum of 1 Transportation Communication Network Support Structure and maximum of 1 Digital Display Sign Face.

APN: 5147035904. Maximum of 1 Transportation Communication Network Support Structure and maximum of 2 Digital Display Sign Faces.

#### 4. Central City North Community Plan.

APN: 5173001901. Maximum of 1 Transportation Communication Network Support Structure and maximum of 2 Digital Display Sign Faces.

APN: 5409023941. Maximum of 1 Transportation Communication Network Support Structure and maximum of 1 Digital Display Sign Face.

APN: 5409025905. Maximum of 1 Transportation Communication Network Support Structure and maximum of 2 Digital Display Sign Faces.

APN: 5173019901. Maximum of 1 Transportation Communication Network Support Structure and maximum of 2 Digital Display Sign Faces.

APN: 5409021902. Maximum of 1 Transportation Communication Network Support Structure and maximum of 2 Digital Display Sign Faces.

#### 5. Encino - Tarzana Community Plan

APN: 2251002905. Maximum of 1 Transportation Communication Network Support Structure and maximum of 2 Digital Display Sign Faces.

#### 6. Granada Hills - Knollwood Community Plan

APN: 2605001912 or 2605001916. Maximum of 1 Transportation Communication Network Support Structure and maximum of 2 Digital Display Sign Faces. The Transportation Communication Network Support Structure and Digital Display Sign Faces permitted herein shall be limited to only one APN.

#### 7. Hollywood Community Plan

APN: 5538022909. Maximum of 1 Transportation Communication Network Support Structure and maximum of 2 Digital Display Sign Faces.

APN: 5542015900. Maximum of 1 Transportation Communication Network Support Structure and maximum of 2 Digital Display Sign Faces.

#### 8. Los Angeles International Airport Plan

APN: 4129028901. Maximum of 1 Transportation Communication Network Support Structure and maximum of 2 Digital Display Sign Faces.

#### 9. Northeast Los Angeles Community Plan

APN: 5436033906. Maximum of 1 Transportation Communication Network Support Structure and maximum of 2 Digital Display Sign Faces.

APN: 5442001900. Maximum of 1 Transportation Communication Network Support Structure and maximum of 2 Digital Display Sign Faces.

APN: 5415002801. Maximum of 1 Transportation Communication Network Support Structure and maximum of 2 Digital Display Sign Faces.

APN: 5445007903. Maximum of 1 Transportation Communication Network Support Structure and maximum of 2 Digital Display Sign Faces.

#### 10. North Hollywood - Valley Village Community Plan

APN: 2324002901. Maximum of 1 Transportation Communication Network Support Structure and maximum of 1 Digital Display Sign Face.

APN: 2307021901. Maximum of 1 Transportation Communication Network Support Structure and maximum of 1 Digital Display Sign Face.

#### 11. Palms - Mar Vista - Playa del Rey Community Plan

APN: 4223009906. Maximum of 1 Transportation Communication Network Support Structure and maximum of 2 Digital Display Sign Faces.

# 12. Sherman Oaks - Studio City - Toluca Lake - Cahuenga Pass Community Plan

APN: 2423037910 or 2423037914 or 2423037915 or 2423038902 or 2423038965. Maximum of 1 Transportation Communication Network Support Structure and maximum of 2 Digital Display Sign Faces. The Transportation Communication Network Support Structure and Digital Display Sign Faces permitted herein shall be limited to only one APN.

APN: 2423037903. Maximum of 1 Transportation Communication Network Support Structure and maximum of 1 Digital Display Sign Face.

APN: 2423037912. Maximum of 1 Transportation Communication Network Support Structure and maximum of 1 Digital Display Sign Face.

#### 13. Southeast Los Angeles Community Plan

APN: 5122024909. Maximum of 1 Transportation Communication Network Support Structure and maximum of 2 Digital Display Sign Faces.

APN: 5101040900. Maximum of 1 Transportation Communication Network Support Structure and maximum of 2 Digital Display Sign Faces.

#### 14. South Los Angeles Community Plan

APN: 5037030900 or 5037030902. Maximum of 1 Transportation Communication Network Support Structure and maximum of 2 Digital Display Sign Faces. The Transportation Communication Network Support Structure and Digital Display Sign Faces permitted herein shall be limited to only one APN.

APN: 5001037907. Maximum of 1 Transportation Communication Network Support Structure and maximum of 1 Digital Display Sign Face.

#### 15. Silver Lake - Echo Park - Elysian Valley Community Plan

APN: 5160024904. Maximum of 1 Transportation Communication Network Support Structure and maximum of 2 Digital Display Sign Faces.

#### 16. Sun Valley - La Tuna Canyon Community Plan

APN: 2408038900 or 2428038901. Maximum of 1 Transportation Communication Network Support Structure and maximum of 2 Digital Display Sign Faces. The Transportation Communication Network Support Structure and Digital Display Sign Faces permitted herein shall be limited to only one APN. APN: 2632001900 or 2632001901. Maximum of 1 Transportation Communication Network Support Structure and maximum of 2 Digital Display Sign Faces. The Transportation Communication Network Support Structure and Digital Display Sign Faces permitted herein shall be limited to only one APN.

#### 17. Sylmar Community Plan

APN: 2603001900 or 2603001901. Maximum of 1 Transportation Communication Network Support Structure and maximum of 2 Digital Display Sign Faces. The Transportation Communication Network Support Structure and Digital Display Sign Faces permitted herein shall be limited to only one APN.

#### 18. Van Nuys - North Sherman Oaks Community Plan

APN: 2240008908. Maximum of 1 Transportation Communication Network Support Structure and maximum of 2 Digital Display Sign Faces.

APN: 2242001902. Maximum of 1 Transportation Communication Network Support Structure and maximum of 1 Digital Display Sign Face.

#### 19. West Adams - Baldwin Hills - Leimert Community Plan

APN: 4006024900. Maximum of 1 Transportation Communication Network Support Structure and maximum of 1 Digital Display Sign Face.

APN: 5044002900 or 2044002901 or 2044002903. Maximum of 1 Transportation Communication Network Support Structure and maximum of 2 Digital Display Sign Faces. The Transportation Communication Network Support Structure and Digital Display Sign Faces permitted herein shall be limited to only one APN.

#### 20. Westchester - Playa del Rey Community Plan

APN: 4138001902. Maximum of 1 Transportation Communication Network Support Structure and maximum of 2 Digital Display Sign Faces.

APN: 4125026904. Maximum of 1 Transportation Communication Network Support Structure and maximum of 2 Digital Display Sign Faces.

APN: 4128001008. Maximum of 1 Transportation Communication Network Support Structure and maximum of 2 Digital Display Sign Faces.

## 21. West Los Angeles Community Plan

APN: 4260039906, Maximum of 1 Transportation Communication Network Support Structure and maximum of 2 Digital Display Sign Faces.

APN: 4313024908, Maximum of 1 Transportation Communication Network Support Structure and maximum of 1 Digital Display Sign Face.

APN: 4256010902, Maximum of 1 Transportation Communication Network Support Structure and maximum of 2 Digital Display Sign Faces.

APN: 4313024909, Maximum of 1 Transportation Communication Network Support Structure and maximum of 1 Digital Display Sign Face.

## 22. Wilshire Community Plan

APN: 5520019900. Maximum of 1 Transportation Communication Network Support Structure and maximum of 2 Digital Display Sign Faces.

**G. General Sign Location Requirements**. The location of signage is subject to the standards identified in Section 7 of this Ordinance and Section 14.4.4.C of Chapter 1, or when applicable Section 4C.11.1 C.9 of Chapter 1A, of the Code. In addition:

 Location. Signage shall only be located on properties zoned C, M, PF, ADP and LAX and designated on an adopted community plan as "Community Commercial", "Highway Oriented Commercial", "Neighborhood Commercial", "Neighborhood Office Commercial", "Regional Commercial", "Regional Center Commercial", "Public Facilities", "Hybrid Industrial", "Commercial Manufacturing", "Light Manufacturing", "Limited Manufacturing", "Heavy Manufacturing" or "Airport Airside". Signage shall be installed in substantial conformance with approximated locations as identified by the Assessor Parcel Numbers as listed in Section 7.C.

## 2. Prohibited Locations:

- a. Signs shall not be located within 200 feet of an ecological preserve as defined by California Fish and Wildlife Code Section 1584, or a state or national park.
- b. The face of any sign shall be oriented away from residential zones within 200 feet, including residential zones across an adjoining alley or street.

- c. Signs shall not be located on a site within 200 feet, as measured from the centerline of a roadway designated as a scenic highway, scenic parkway, scenic corridor or scenic route as designated by the State of California Department of Transportation or an element of the General Plan.
- d. Signs with a Digital Display shall be at least 500 feet away from any other digital off-site sign on the same side of any portion of a highway. This shall not be construed to prohibit digital off-site signs with double-faced signs oriented toward opposing directions of the highway. Furthermore, measurements will be taken between the TCN Sign Structures.

## H. Further Applicable Regulations

- 1. **Materials**. All new Transportation Communication Network Support Structures and Digital Display shall be in conformance with the Los Angeles Building Code and the Los Angeles Fire Code.
- 2. **Hazard Review**. Signs shall conform to the Hazard Determination review procedures in Section 14.4.5 of Chapter 1, or when applicable Section 4C.11.1.C.5 of Chapter 1A, of the Code.
- 3. **Freeway Exposure**. Signs that adhere to the regulations outlined in this Ordinance shall be exempt from the Freeway Exposure regulations in Code Section 14.4.6 of Chapter 1, or when applicable Section 4C.11.1.C.5 of Chapter 1A, of the Code. All signs shall continue to be subject to Caltrans approval, where applicable.
- 4. **Outdoor Advertising Act.** All Signs shall continue to be subject to the Outdoor Advertising Act, Cal. Business & Professions Code Section 5200, et seq., where applicable.
- 5. **Street Address**. All non-freeway facing Signs must have a street address in accordance with Section 63.113 of the LAMC as a prerequisite to the placement of any sign on the property.
- 6. **New Technologies**. The Director may permit the use of any technology or material that did not exist prior to the effective date of this Ordinance, provided that the material is approved by LADBS, utilizing the Director's Interpretation procedures outlined in Section 11.5.7.H of Chapter 1, or when applicable Section 4C.11.1.C.5 of Chapter 1A of the Code, if the Director finds that such technology or material is consistent with the regulations described herein.

## I. Illumination.

- 1. **General**. Signs within the TCN Sign District may be illuminated internally. Methods of signage illumination may include, but are not limited to: electric lamps, such as neon tubes; fiber optic; incandescent lamps; cathode ray tubes exposed directly to view; shielded spot lights and wall fixtures.
- 2. **Regulations.** Signs shall meet the following criteria with respect to illumination.
  - a. All illuminated Signs shall have a brightness or light intensity limitations of 0.3 foot candles above ambient lighting.
  - b. All illuminated Signs shall be designed, located and or screened so as to minimize light travel onto the exterior walls and windows of residential and commercial buildings, including those on the same site as the Sign. If Signs are to be externally lit, the source of the external illumination shall be shielded from public view at nearby residential uses.
  - c. All illuminated Signs shall have a nighttime brightness no greater than 300 candelas per square meter and a daytime brightness no greater than 6000 candelas.
  - d. The brightness of any Sign that includes neon, neon-like or LED elements shall be fully dimmable and controlled by an automatic light meter and timer which shall be maintained in good working order.
  - e. No Sign shall use highly reflective materials such as mirrored glass.
  - f. Digital Display Signs shall make a smooth transition at a consistent rate between the permitted daytime to nighttime brightness levels beginning 45 minutes prior to sunset and concluding 45 minutes after sunset.
  - g. All light emitting diodes (LED) used within any illuminated Sign shall have a maximum horizontal beam spread of 165 degrees. The maximum or peak light output of any Sign shall be at or below horizontal.
  - h. Light mitigation technology shall be incorporated into the Signs utilizing horizontal shading LED Louvers. These louvers shall control the viewing angle of billboards by keeping light focused on its intended target without spillage onto adjacent environments.

3. **Illumination Testing Protocol for Digital Displays**. Prior to the operation of any Digital Display, the applicant shall conduct testing to indicate compliance with the illumination regulation of this Ordinance, and provide a copy of the results, along with a certification from LADBS approved testing agency, to the Director

and to LADBS stating that the testing results demonstrate compliance with the Ordinance. The testing shall be at the applicant's expense.

**J. Refresh Rate**. All Sign Faces on Transportation Communication Network Support Structures shall be subject to the minimum required Controlled Refresh Rate as follows:

1. The Controlled Refresh Rate shall be no more frequent than one refresh every eight (8) seconds with an instant transition between the images. The Sign image must remain static between refreshes.

**K. Maintenance & Monitoring**. All signs shall be maintained to meet the following criteria at all times:

- 1. All Transportation Communication Network Support Structures and Digital Displays and their Sign Faces shall be kept in good repair and free from graffiti. Furthermore, any building or ground area around the Signs shall be properly maintained, including but not limited to debris, rubbish, garbage, trash, overgrown vegetation or other similar material, pursuant to Section 91.8104. All unused mounting structures, hardware and perforations from any abandoned Sign shall be removed, and all surfaces shall be restored to their original condition.
- 2. Razor wire, barbed, wire, concertina wire, or other barriers preventing unauthorized access to any Sign, if any, shall be hidden from public view.
- 3. No access platform, ladder, or other service appurtenance, visible from the sidewalk, street, or public right-of-way, shall be installed or attached to any Transportation Communication Network Support Structure.
- 4. Any Sign testing and measurements required by the Department of City Planning or the Department of Building and Safety shall be performed by a testing agency approved by the Department of Building and Safety, and shall be paid for and submitted by the operator of the Sign when requested by either Department.

## Section 7. STANDARDS FOR SPECIFIC TYPES OF SIGNS.

#### A. Digital Display - Freeway Facing Signs.

1. **Sign Area.** The area of any single Sign Face of a Freeway Facing Sign shall not exceed 672 square feet, with the exception of one (1) sign that may not exceed a maximum of 1,200 square feet as proscribed in Table 8-1.

- 2. **Height.** Maximum heights for all proposed Freeway Facing Signs, inclusive of Sign Faces, shall be proscribed in Table 7-1. Transportation Communication Network Support Structures may include permanent architectural design features that shall be permitted to extend an additional five (5) feet in height above those described in Table 7-1.
- 3. **Hours of Operation.** Hours of operation for all Freeway Facing Signs shall be limited to 7am to 12 midnight daily.
- 4. **Maximum Number of Signs**. A maximum total of 33 Freeway Facing Sign faces shall be permitted. Freeway Facing Signs may be either single-faced or double-faced. A maximum total of 60 Sign Faces shall be permitted.

Assessor Parcel Number (APN)	Maximum Square Feet of individual Digital Display & Maximum Number of Digital Display Sign Faces	Maximum Sign Height (from adjacent grade)
5409023941	1200 (1)	55
5173019901	672 (2)	72
5409021902	672 (2)	72
5160024904	672 (2)	75
2423037910 or 2423037914 or 2423037915 or 2423038902 or 2423038965	672 (2)	65
5415002801	672 (2)	88
5445007903	672 (2)	85
5410009905	672 (2)	85
5410009901	672 (2)	50
5171024908	672 (2)	90
5170010901	672 (2)	90
5132029905	672 (2)	80
5436033906	672 (2)	85
5442001900	672 (2)	85
2324002901	672 (1)	40
2307021901	672 (1)	40
2408038900 or 2408038901	672 (2)	85

#### Table 7-1

Freeway Facing Digital Display

Assessor Parcel Number (APN)	Maximum Square Feet of individual Digital Display & Maximum Number of Digital Display Sign Faces	Maximum Sign Height (from adjacent grade)
2632001900 or 2632001901	672 (2)	85
2523001900 or 2523001901	672 (2)	80
2523001900 or 2523001901	672 (2)	80
5037030900 or 5037030902	672 (2)	80
2603001900 or 2603001901	672 (2)	65
5122024909	672 (2)	80
2605001912 or 2605001916	672 (2)	100
2251002905	672 (2)	80
4256010902	672 (2)	95
4260039906	672 (1)	95
4313024908	672 (1)	80
4223009906	672 (2)	80
4129028901	672 (2)	90
4138001902	672 (2)	90
5001037907	672 (1)	80
5101040900	672 (2)	80

## B. Digital Display - Non-Freeway Facing

- 1. Sign Area. The area of any single Sign Face of a Non-Freeway Facing Sign shall not exceed 300 square feet, with the exception of four (4) Signs that may not exceed a maximum of 672 square feet as proscribed in Table 8-2.
- 2. Height. Maximum heights for all proposed Non-Freeway Facing Signs, inclusive of Sign Faces, shall be proscribed in Table 7-2. Transportation Communication Network Support Structures may include permanent architectural design features that shall be permitted to extend an additional five feet in height above those described in Table 7-2.

- **3. Hours of Operation.** Hours of operation for all Non-Freeway Facing Signs shall be limited to 7am to 12 Midnight daily.
- 4. Maximum Number of Signs. A maximum total of 16 Non-Freeway Facing Sign Faces shall be permitted. Non-Freeway Facing Sign structures may be either single-faced or double-faced. A maximum total of 26 Sign Faces shall be permitted.

#### Table 7-2

Assessor Parcel Number (APN)	Maximum Square Foot Size of Digital Display & Maximum Number of Digital Display Sign Faces	Maximum Sign Height (from adjacent grade)
5542015900	300 (2)	30
2423037902	300 (1)	30
2423037912	300 (1)	30
5149015902	300 (1)	30
4313024909	300 (1)	30
5173001901	672 (2)	60
2240008908	300 (2)	30
2242001902	300 (1)	30
4006024900	300 (1)	30
5044002900 or 5044002901 or 5044002903	300 (2)	30
5409025905	300 (2)	30
4125026904	672 (2)	65
4125020907	672 (2)	30
5520019900	300 (2)	30
5538022909	300 (2)	30
5147035904	300 (2)	30

#### **Non-Freeway Facing Digital Display**

#### Section 8. SIGN REDUCTION.

Sign reduction shall be required prior to the issuance of building permits for Signs permitted within this Ordinance. An applicant shall seek approval of a sign reduction plan by filing an application with the Director pursuant to Section 12.32 S.4 of Chapter 1, or when

applicable Section 13B.3.1 of Chapter 1A, of the Code, which may happen concurrently with an application for approval of any new Sign permitted herein. The application shall demonstrate compliance with the following requirements:

**A. Removal of Off-Site Signage**. LACMTA shall be permitted to install the proposed Digital Display Sign and Transportation Communication Network Support Structure only if the applicant demonstrates the removal of existing, legally permitted Off-Site Signs, including nonconforming Off-Site Signs, in existence at the time of application of the sign reduction plan, based upon the following sign reduction requirements:

- 1. A one-time removal of two hundred (200) Off-Site Signs, inclusive of associated sign structures, located on LACMTA property, within the legal boundaries of the City of Los Angeles shall be removed before the issuance of any approval for a new Freeway Facing Sign.
- 2. For Non-Freeway Facing Signs each square foot of Sign Area of a new Sign shall be offset by a reduction of a minimum of 3 square feet of Off-Site Sign area within 2640 feet of the proposed new Sign. The 2640 feet radius may be expanded up to a 5280feet radius around the proposed new Sign if the inventory of signs is inadequate for the purposes of effectuating this requirement. This requirement shall apply to each individual proposed Non-Freeway Facing Sign and shall be completed prior to the issuance of a permit for each proposed sign.

**B. Proof of Legal Status, Removal Rights and Indemnification.** Sign reduction credits shall not be awarded unless the applicant submits the following with the application form:

- 1. **Valid Building Permit**. A building permit demonstrating that the sign to be removed constitutes a legal use including the height, area, orientation and location of the sign.
- 2. **LACMTA Ownership.** Verification of LACMTA ownership of the parcel where an off-site sign is being removed. This requirement is only applicable to those off-site signs being removed under Subdivision 1 of Subsection A of this Section.
- 3. Property Owner's Statement. A written statement from the owner of the property from which the Sign(s) will be removed attesting that the owner has the legal right to permanently remove the Sign(s) and consents that the sign reduction credits shall be applied to the designated new Digital Display on the same site or on a different specified parcel. The statement shall advise that

once a sign is removed for the purpose of obtaining a sign credit, it may not be reinstalled. This written statement must be signed under penalty of perjury and notarized.

4. **Indemnification**. An executed agreement from the applicant promising to defend and indemnify the City against any and all legal challenges filed by a third party relating to the removal of the Sign(s).

**C. Proof of Sign Removal.** The applicant shall submit a final demolition permit and photographic evidence that existing Off-Site Signs have been removed pursuant to Section 8 prior to the issuance of a new building permit for a Digital Display Sign.

**Section 9. SEVERABILITY.** If any provision of this ordinance is declared unconstitutional or otherwise invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions of this ordinance that can be implemented without the invalid provision. To this end, the provisions of this ordinance are severable.

# Exhibit E

# Metro Transportation Communication Network (TCN) - Revised Proposed Ordinances (August 2023)

#### ORDINANCE NO.

A proposed Ordinance amending Article 3 of Chapter 1 of the Los Angeles Municipal Code to add a new Section 13.11.1 that would permit the establishment of a non-contiguous Supplemental Use District, called the Transportation Communication Network, on property owned by a publicly-owned regional transportation authority in Los Angeles County for the purpose of permitting Signs with Digital Displays.

## THE PEOPLE OF THE CITY OF LOS ANGELES DO ORDAIN AS FOLLOWS:

**Section 1.** Subdivision 2 of Subsection S of Section 12.32 of Chapter 1 of the Los Angeles Municipal Code is amended to read as follows:

2. **Districts.** In order to carry out the provisions of this article, the following districts are established:

"O" "S" "RPD" "K" "CA" "POD" "CDO" "MU" "FH" "SN"	Oil Drilling District Animal Slaughtering District Surface Mining District Residential Planning Development District Equinekeeping District Commercial and Artcraft District Pedestrian Oriented District Community Design Overlay District Mixed Use District Fence Height District Sign District
<u>"TCN"</u>	Transportation Communication Network District
"RFA"	Residential Floor Area District
"NSO"	Neighborhood Stabilization Overlay District
"CPIO"	Community Plan Implementation Overlay District
"HS"	Hillside Standards Overlay District
"MPR"	Modified Parking Requirement District
"RIO"	River Improvement Overlay District
"CUGU"	Clean Up Green Up Overlay District
"RG"	Rear Detached Garage District
"HCR"	Hillside Construction Regulation District

These districts and their boundaries are shown on portions of the "Zoning Map" as provided for in Section 12.04 and made a part thereof by a combination of the zone and

district symbols. This map and the notations, references and other information shown on it which pertain to the boundaries of these districts are made a part of this article as if fully described here. Reference is hereby made to those maps, notations, references and other information for full particulars.

**Section 2.** Paragraph (b) of Subdivision 3 of Subsection S of Section 12.32 of Chapter 1 of the Los Angeles Municipal Code is amended to read as follows:

(b) Additional Requirements for Application. Except for CPIO Districts and <u>TCN Districts</u>, which may not be established through the application procedure, one or more of the owners or lessees of property within the boundaries of the proposed district may submit a verified application for the establishment of a district. An application for the establishment of a Commercial and Artcraft District, a Pedestrian Oriented District, an Equinekeeping District, a Community Design Overlay District, a Mixed Use District, a Sign District, a Residential Floor Area District, a Neighborhood Stabilization Overlay District, a Hillside Standards Overlay District, or a Clean Up Green Up Overlay District shall contain the signatures of at least 75 percent of the owners or lessees of property within the proposed district. An application for the establishment of a Fence Height District shall contain the signatures of at least 50 percent of the owners or lessees of property within the proposed district. An application shall be accompanied by any information deemed necessary by the Department.

If establishment of a district is initiated by the City Council, City Planning Commission or Director of Planning, the signatures of the property owners or lessees shall not be required.

Section 3. Subparagraph (3) of Paragraph (c) of Subdivision 3 of Subsection S of Section 12.32 of Chapter 1 of the Los Angeles Municipal Code is amended to read as follows:

(3) **Time for Commission to Act on Application.** The City Planning Commission shall act on an application to establish an "O", "S", "G", "K", "CA", "POD", "CDO", "MU", "FH", "SN", <u>"TCN"</u>, "RFA", "NSO", "CPIO", "HS", "MPR", "RIO", or "CUGU" District within 75 days from the date of the filing of the application. The City Planning Commission shall act on an application to establish an "RPD" District within 75 days from receipt of the Subdivision Committee report and recommendation. The City Planning Commission shall act on proceedings initiated by the Council within 75 days of receipt of that action from the Council, or within the time that the Council may otherwise specify.

**Section 4.** Paragraph (c) of Subdivision 4 of Subsection S of Section 12.32 of Chapter 1 of the Los Angeles Municipal Code is amended to read as follows:

(c) **Procedures**. An applicant for a Project that complies with the provisions of an adopted Commercial and Artcraft District, Pedestrian Oriented District, Community Design Overlay District, Mixed Use District, Community Plan Implementation Overlay District, River Improvement Overlay District, <del>or</del> Oriented Up Green Up Overlay District, or <u>Transportation Communication Network District if</u> permitted within the <u>"TCN" Supplemental Use District Ordinance</u>, shall submit plans to the Director for an Administrative Clearance. The Director or his/her designee shall review the Project for compliance with the applicable Supplemental Use District development regulations. A Project that does not qualify for Administrative Clearance shall follow the procedures set forth in the applicable Supplemental Use District.

**Section 5.** Article 3 of Chapter 1 of the Los Angeles Municipal Code is amended to add a new Section 13.11.1:

## ARTICLE 3 SPECIFIC PLAN – ZONING SUPPLEMENTAL USE DISTRICTS

## Section

- 13.01 "O" Oil Drilling Districts.
- 13.02 "S" Animal Slaughtering Districts.
- 13.03 "G" Surface Mining Operations Districts.
- 13.04 "RPD" Residential Planned Development Districts.
- 13.05 "K" Equinekeeping Districts.
- 13.06 Commercial and Artcraft Districts.
- 13.07 Pedestrian Oriented District.
- 13.08 "CDO" Community Design Overlay District.
- 13.09 Mixed Use District.
- 13.10 Fence Heights District.
- 13.11 "SN" Sign District.
- 13.11.1"TCN" Transportation Communication Network District.
- 13.12 "NSO" Neighborhood Stabilization Overlay District.
- 13.13 "RFA" Residential Floor Area District.
- 13.14 "CPIO" Community Plan Implementation Overlay District.
- 13.15 "MPR" Modified Parking Requirement District.
- 13.16 "HS" Hillside Standards Overlay District.
- 13.17 "RIO" River Improvement Overlay District.
- 13.18 "CUGU" Clean Up Green Up Overlay District.

- 13.19 "RG" Rear Detached Garage District.
- 13.20 "HCR" Hillside Construction Regulation District.
- 13.21 Violation.

**Section 6.** A new Section 13.11.1 is added to Article 3 of Chapter 1 of the Los Angeles Municipal Code to read as follows:

## SECTION. 13.11.1. "TCN" TRANSPORTATION COMMUNICATION NETWORK DISTRICT.

**A. Purpose.** This section sets forth procedures and standards for the establishment of a Transportation Communication Network "TCN" District, the unique characteristic of which can be enhanced by the imposition of special Sign regulations designed to facilitate the implementation of the Los Angeles County Metropolitan Transportation Authority's (LACMTA) Transportation Communication Network (TCN) program citywide, which will provide intelligent transportation technology, public and commercial messaging, service alerts, revenue generation, and blight reduction through a city-wide Sign reduction program.

## B. Establishment of Districts.

1. The City Council, the City Planning Commission, and the Director of Planning shall have the authority to initiate, establish, or adjust the boundaries of a Transportation Communication Network (TCN) District. Applications for the establishment or expansion of a TCN District shall not be permitted.

2. The procedures set forth in Section 12.32 S of this Code shall be followed for the initiation of the TCN District; however, a TCN District shall only include parcels that are zoned C, M, PF, or an equivalent specific plan zone, and that are owned by LACMTA at the time of district initiation.

3. A TCN District may encompass an area which is subject to, in whole or in part, a Specific Plan. If the provisions of the TCN conflict with any City-wide regulations in the Los Angeles Municipal Code, specific plan, or supplemental use districts, other than a Historic Preservation Overlay Zone, then the requirements of the TCN District shall prevail.

4. A TCN District may include contiguous and non-contiguous parcels. Precise parcel and district boundaries are required at the time of initiation to create or expand a TCN District.

## C. Development Regulations.

<u>1. The only Signs and Sign Support Structures that a TCN District shall be</u> permitted to authorize, above and beyond those Signs and Sign Support Structures authorized by the signage regulations in Article 4.4, shall be Digital Display Sign Faces and associated Sign Support Structures. These Signs may display off-site advertising, and the applicability of Article 4.4 to those Signs permitted by a TCN District shall be outlined in the Ordinance establishing the TCN District.

2. The Ordinance establishing a TCN District shall specify the height limitations, maximum Sign Area, and operational standards, including but not limited to hours of operation, Digital Display refresh rates, and monitoring, allowed for each of the proposed Signs. Furthermore, the Ordinance shall include requirements for Off-Site Sign reduction that, at minimum, results in a net reduction in Off-Site Signs citywide.

**D. Conformance.** The Department of Building and Safety shall not issue a building permit for a Sign within a TCN District unless the Director issues an Administrative Clearance or other approval indicating the Sign conforms to the regulations set forth in the specific TCN District Ordinance.

#### ORDINANCE NO.

A proposed Ordinance amending Article 8 of Chapter 1A of the Los Angeles Municipal Code to add a new Section 8.2.3.1 that would permit the establishment of a non-contiguous Sign District on property owned by a publicly-owned regional transportation authority in Los Angeles County for the purpose of permitting Signs with Digital Displays.

#### DO ORDAIN AS FOLLOWS:

## THE PEOPLE OF THE CITY OF LOS ANGELES

**Sec. 1.** Amend Subdivision 2. (Limitations on Supplemental Districts) of Subsection B. (Applicability) of Sec. 8.2.1. (General) of Div. 8.2. (Supplemental Districts) of Article 8 (Specific Plans, Supplemental & Special Districts) of Chapter 1A of the Los Angeles Municipal Code amended to read as follows:

#### 2. Limitations of Supplemental Districts

The Supplemental Districts established in Division 8.2. (Supplemental Districts) shall not supersede any Zoning District, as established in Sec. 1.4.2.A.1. (Zoning Districts). Sign Districts and Transportation Communication Network Districts may supersede the Sign regulations established by Development Standards Districts, and Oil Drilling Districts may supersede the use regulations regarding resource extraction in Use Districts.

**Sec. 2.** Amend Paragraph b. (Other Supplemental Districts) of Subdivision 3. (Reconciling Provisions) of Subsection B. (Applicability) of Sec. 8.2.2. (Community Plan Implementation Overlay (CPIO)) of Div. 8.2. (Supplemental Districts) of Article 8 (Specific Plans, Supplemental & Special Districts) of Chapter 1A of the Los Angeles Municipal Code amended to read as follows:

#### b. Other Supplemental Districts

In the event that the provisions of a CPIO conflict with provisions of another Supplemental District, the more restrictive provision shall prevail, except that where the provisions of a CPIO conflict with those of a Historic Preservation Overlay Zone or Transportation Communication Network District, then the provisions of the Historic Preservation Overlay Zone or Transportation Communication Network District shall prevail.

**Sec. 3.** Amend Subdivision 2. (Reconciling Provisions) of Subsection B. (Applicability) of Sec. 8.2.3. (Sign Districts (SN)) of Div. 8.2. (Supplemental Districts) of Article 8 (Specific Plans,

Supplemental & Special Districts) of Chapter 1A of the Los Angeles Municipal Code amended to read as follows:

#### 2. Reconciling Provisions

In the event that the provisions of a Sign District conflict with any provision of the Zoning Districts of a lot, Specific Plan or other Supplemental District, the Sign District shall prevail, except that where the provisions of a Sign District conflict with those of a Transportation Communication Network District, then the provisions of the Transportation Communication Network District shall prevail. However, the standards for a Sign District do not supersede the regulations of a Specific Plan or Supplemental District, as established in Article 8. (Specific Plans, Supplemental & Special Districts), or any zoning regulation needed to implement the provisions of an approved Development Agreement.

**Sec. 4.** Amend Paragraph b. (Other Supplemental Districts) of Subdivision 3. (Reconciling Provisions) of Subsection B. (Applicability) of Sec. 8.2.5. (Community Design Overlay (CDO)) of Div. 8.2. (Supplemental Districts) of Article 8 (Specific Plans, Supplemental & Special Districts) of Chapter 1A of the Los Angeles Municipal Code amended to read as follows:

#### b. Other Supplemental Districts

In the event that the provisions of a CDO conflict with provisions of another Supplemental District, the more restrictive provision shall prevail, except that where the provisions of a CDO conflict with those of a Historic Preservation Overlay Zone, then the provisions of the Historic Preservation Overlay Zone shall prevail.

**Sec. 5.** Add a new Section 8.2.8. to Div. 8.2. (Supplemental Districts) of Article 8 (Specific Plans, Supplemental & Special Districts) of Chapter 1A of the Los Angeles Municipal Code to read as follows:

#### SEC. 8.2.8. TRANSPORTATION COMMUNICATION NETWORK DISTRICTS (TCN)

#### A. Intent

<u>The Transportation Communication Network District</u> (TCN District) is intended to impose special Sign regulations designed to facilitate the implementation of the Los Angeles County Metropolitan Transportation Authority's (LACMTA) Transportation Communication Network (TCN) program citywide, which will provide intelligent transportation technology, public messaging, service alerts, emergency and public safety alerts, revenue generation, and visual blight reduction through a city-wide Off-Site Sign reduction program.

#### **B.** Applicability

#### 1. Definition of Project

A TCN District project includes <u>site modification</u> or <u>facade modification</u> that involves the erection, construction, addition to, or exterior structural modification an <u>On-Site Sign</u> or <u>Off-Site Sign</u> located within a TCN District, and is subject to the regulations outlined in the TCN District in which it is located, in accordance with the adopted TCN District standards established pursuant to this Section.

#### 2. Reconciling Provisions

In the event that any provision of a TCN District conflicts with Sign regulations of an applied Development Standards Districts (*Part 4C*) or Sign regulations established in *Div. 4C.11. (Signs)*, or any provision of a Specific Plan or other Supplemental District, the TCN District provision shall prevail, with the exception of <u>Historic Preservation Overlay</u> <u>Zones</u> (HPOZ) and <u>Conservation Districts</u> (CD). In the event that any provision of a TCN district conflicts with any provision of a Historic Preservation Overlay Zone (HPOZ) or Conservation District (CD), the more restrictive provision shall prevail. However, the provisions for a TCN District do not supersede any <u>Specific Plan</u> regulation, <u>Supplemental District</u> regulation, or zoning regulation that is needed to implement the provisions of an approved Development Agreement.

#### C. District Standards

The TCN District standards shall be determined at the time the District is established. TCN District standards shall consist of Sign regulations that enhance the character of the district by addressing the location, number, square footage, height, light illumination, hours of illumination, Sign reduction program, duration of Signs, design and types of Signs permitted, as well as other characteristics, and may include murals, supergraphics, and other <u>On-Site</u> <u>Signs</u> and <u>Off-Site Signs</u>.

#### 1. Cumulative Number & Area of Signs

At no time shall the cumulative number of TCN Support Structures with Digital Display Sign Faces permitted within all TCN Districts exceed 49 Support Structures, and such Digital Display Sign Faces shall be limited to a maximum of 51,000 square feet of cumulative Sign Area.

#### 2. Net Reduction in Off-Site Signs

The Ordinance shall include requirements for <u>Off-Site Sign</u> reduction that, at minimum, results in a net reduction in <u>Off-Site Sign</u>s citywide.

#### **D.** Procedures

#### 1. Establishing a TCN District

TCN District boundaries and standards are established and amended in accordance with *Sec. 13B.1.2. (Specific Plan Adoption/Amendment)*, and are represented as part of the third bracket set of the zone of a lot with the acronym "TCN."

#### a. Applicable Lots

The TCN District shall only apply to parcels that are in the Commercial, Industrial, Public District, or an equivalent specific plan zone and that are owned by Los Angeles County Metropolitan Transportation Authority.

#### b. Boundaries

The TCN District may include contiguous and non-contiguous parcels. Precise parcel and/or district boundaries are required at the time of application to create or expand a TCN District.

#### 2. Issuance of Building Permits

The Department of Building and Safety may approve and issue sign permits for any project within a TCN District that conforms to the applicable TCN District standards.

#### 3. Review of Projects

A project shall be reviewed in conformance with the procedures established in each TCN District.

ORDINANCE NO.

#### THE PEOPLE OF THE CITY OF LOS ANGELES DO ORDAIN AS FOLLOWS:

# Section 1. ESTABLISHMENT OF THE TRANSPORTATION COMMUNICATION NETWORK (TCN) DISTRICT.

The City Council hereby establishes the Transportation Communication Network (TCN) District, which shall be applicable to that area of the City shown within the heavy dashed line on the accompanying Zone Change map at the time of district adoption, by the Los Angeles County Metropolitan Transportation Authority within the boundaries of the City of Los Angeles.

#### Section 2. PURPOSES.

The TCN District is intended to:

- A. Enable the regulation of Signs within the Transportation Communication Network (TCN) District area located on contiguous and noncontiguous Los Angeles County Metropolitan Transportation Authority parcels in the City by incorporating unique Sign regulations and substantial Off-Site Sign reduction requirements.
- B. Assist in management and communication regarding transit and freeways for residents, employees, and visitors citywide, including for special events;
- C. Ensure timely communications of public safety alerts, emergency management messaging, and intelligent transportation messages to the general public;
- D. Permit new off-site digital display messages that will generate revenue to support transportation projects throughout the City of Los Angeles; and
- E. Enable a visual blight reduction program associated with new Off-Site Digital Display Signs that will result in an overall reduction in static Off-Site Signs citywide, many in proximity to the proposed Digital Display Signs resulting in a net reduction in overall Off-Site Signs and Sign Area.

#### Section 3. APPLICATION OF SUPPLEMENTAL USE DISTRICT REGULATIONS

A. This Ordinance regulates Signs within the TCN District. The regulations of this Ordinance are in addition to those set forth in Chapter 1, or, in areas subject to Chapter 1A, Chapter 1A of the Los Angeles Municipal Code (Code). Except as specifically provided for in this Ordinance, these regulations do not convey any rights not otherwise granted under the provisions and procedures contained in the Code or other relevant Ordinances.

- B. Relationship to the Los Angeles Municipal Code (LAMC). Wherever this Ordinance contains provisions which establish regulations that are different from, more restrictive than or more permissive than would be allowed pursuant to the provisions contained in the Code, Supplemental Use District, Specific Plan or other Ordinance, this Ordinance shall prevail and supersede those otherwise applicable regulations. However, in areas subject to Chapter 1A of the Code, in the event that there is a conflict between the TCN regulations and regulations established in an HPOZ or Conservation District (CD), the more restrictive regulation shall prevail. Unless otherwise specified in this Ordinance to the contrary, in areas subject to zoning established under Chapter 1 of the Code, all Signs shall comply with the following provisions of the Code: Chapter I, Article 4.4 (Sign Regulations), or, in areas subject to Chapter 1A: Chapter 1A, Division 4C.11 (Signs); Chapter VI, Article 7, (Outdoor Advertising Structures, Accessory Signs, Post Signs and Advertising Statuary); and Chapter IX, Article 1, Division 62 (Signs).
- **C. Chapter 1A Citations.** Citation and section references to Chapter 1A of the Code in this document reflect accurate citations at the time of the adoption of this Ordinance. Chapter 1A Section numbers and citations are subject to change as a result of future Code amendments and updates. Section names are provided with each citation in order to aid in finding the correct Chapter 1A code section in the event that section or reference numbers have changed.
- D. **On-Site and Off-Site Signs.** For the purposes of this Ordinance, the TCN District shall permit both On-Site and Off-Site Signs as such terms are defined in this Ordinance. This Ordinance governs all aspects of Signs that are Off-Site Signs within the TCN District.

#### Section 4. DEFINITIONS.

The following terms, when used in this Ordinance, are defined below or cross-referenced to definitions used in the Code. To the extent that other terms used in this Ordinance are not listed below but are defined in the Code, those definitions shall apply. The definitions set forth in this section are intended to encompass future technologies and materials which may be utilized in the construction or implementation of the Signs permitted.

**Animation.** Movement, including, but not limited to, flashing, changing, moving, streaming, scrolling, blinking of any part of a Sign, including, but not limited to, images, parts, or illumination at a rate of more than once every 24 Hours.

**Digital Display.** A Sign face, building face, and/or any building or structural component that displays still images, scrolling images, moving images, or flashing images, including video and animation, through the use of grid lights, cathode ray projections, light emitting diode displays, plasma screens, liquid crystal displays, fiber optics, or other electronic media or technology that is either

independent of or attached to, or integrated into a building or structural component, and that may be changed remotely through electronic means.

Caltrans. California Department of Transportation

**Controlled Refresh Rate**. Restriction for any type of Sign that contains images, text, parts of illumination which flash, change, move, blink or otherwise refresh, in whole or in part, at a maximum of one refresh event per eight seconds (i.e., must stay static for a minimum of eight seconds before refreshing). Each refresh event shall be an instant transition.

**Freeway.** A highway that the owners or those in possession of a abutting land have no right or easement of access to or from their abutting lands or that owners have only limited or restricted right or easement of access, and that is declared to be a freeway, in compliance with the Streets and Highways Code of the State of California.

**Freeway Facing Sign**. An Off-Site Sign that consists of a Digital Display on a Transportation Communication Network Support Structure viewed primarily from a Freeway on a property that is contiguous or non-contiguous with other properties within the TCN District for the purposes of this Ordinance.

LACMTA (Metro). Los Angeles County Metropolitan Transportation Authority

LADBS. Los Angeles Department of Building and Safety.

LED. Light Emitting Diodes.

**Maximum Individual Sign Area**. The maximum Sign Area of each individual Sign, which shall be as set forth in Tables 7-1 and 7-2.

**Non-Freeway Facing Sign**. An Off-Site Sign that consists of a Digital Display on a Transportation Communication Network Support Structure viewed primarily from a roadway other than a freeway, on a property that is contiguous or non-contiguous with other properties within the TCN District.

**Off-Site Sign**. A Sign that displays any message directing attention to a business, product, service, profession, commodity, activity, event, person, institution or any other commercial message, which is generally conducted, sold, manufactured, produced, offered or occurs elsewhere than on the premises where the Sign is located.

**On-Site Sign**. A Sign that is other than an Off-Site Sign.

**Sign**. Any whole or part of a display board, wall, screen or object used to announce, declare, demonstrate, display or otherwise present a message and attract the attention of the public.

**Sign Area**. An area circumscribed by the smallest geometric shape created with a maximum of eight straight lines, which will enclose all words, letters, figures, symbols, designs and pictures, together with all framing, background material, colored or illuminated areas and attention-attracting devices, forming an integral part of an individual message except that:

1. For spherical, cylindrical or other three-dimensional signs the area of the sign shall be computed from the smallest two-dimensional geometrical shape or shapes, which will best approximate the greatest actual surface area visible from any one direction.

Transportation Communication Network Support Structures are excluded from the Sign Area calculation.

Sign Face. The surface upon which the Sign message is placed.

**Transportation Communication Network Support Structure (TCN Support Structure)**. A structure erected, used or maintained for a Digital Display upon which a commercial or non-commercial message may be placed, that further incorporates transportation related technologies, including but not limited to real-time traffic updates and transit and emergency system alerts and updates and includes off-site advertising.

**Transportation Communication Network Program (TCN Program).** A program implemented by the Los Angeles County Metropolitan Transportation Authority (LACMTA) (Metro), consisting of a network of Transportation Communication Network Support Structures with Digital Displays informing the traveling public regarding matters of public interest and safety, and also allowing for off-site advertising. Signs that are part of the TCN Program shall be identified as Freeway Facing Signs and Non-Freeway Facing Signs.

#### Section 5. PROCEDURAL REQUIREMENTS

#### A. Overview

LADBS shall not issue any permit for a Sign, a Transportation Communication Network Support Structure and Digital Display Sign Face or alteration of an existing Sign within the TCN District unless the Sign complies with:

- 1. The requirements of this Ordinance as determined by the Director of Planning through an Administrative Clearance or a Project Permit Compliance; and
- 2. Applicable requirements of the Code that are not otherwise superseded by this Ordinance as determined by the Director.

#### **B.** Development Review Process

The TCN District project review process consists of an Administrative Clearance for Freeway Facing Signs and a Project Permit Compliance review for Non-Freeway Facing Signs:

- 1. Administrative Clearance. Freeway Facing Signs complying with all regulations of this Ordinance shall require an Administrative Clearance pursuant to Section 12.32 S.4 of Chapter 1, or, when applicable, Section 13B.3.1. (Administrative Review) of Chapter 1A, of the Code. An Applicant requesting review for conformance with this Ordinance shall submit the following:
  - a. Photographs of all existing site conditions, including any existing Signs (if any).
  - b. Architectural renderings of proposed Transportation Communication Network Support Structures and Digital Display Sign Faces.
  - c. A Sign plan drawn to scale, indicating the type, height, placement, lettering styles, materials, colors and lighting methods.
  - d. A scaled plot plan or site plan showing the location and size of all existing and proposed Signs on the applicable site.
  - e. Elevations for all sides of the Transportation Communication Network Support Structure with Digital Displays showing the maximum heights, with all views labeled, including which side of the Transportation Communication Network Support Structure and Digital Displays are being illustrated (North, South, East and/or West elevations).
  - f. Identification of the illumination standards, refresh rate, hours of operation and any other information required by the Director of Planning to determine conformance.

- g. Prior to the issuance of an Administrative Clearance, proof of compliance with the Sign Reduction provisions set forth in Section 8 of this Ordinance, as determined by the Director of Planning, shall be submitted.
- h. No Administrative Clearance, shall be required for: (a) maintenance, repair, or in-kind replacement of any previously approved Sign and is in substantial conformance with the previous Administrative Clearance, (b) any construction for which a permit is required in order to comply with an order issued by LADBS to repair or replace an unsafe or substandard conditions.
- 2. Project Permit Compliance. All Non-Freeway Facing Signs require a Project Permit Compliance pursuant to Section 11.5.7 of Chapter 1, or, when applicable, Section 13B.4.2. (Project Compliance) of Chapter 1A, of the Code.

**a. Application.** An application for Project Permit Compliance shall comply with the procedures set forth in Section 11.5.7 C of Chapter 1, or, when applicable, Section 13B.4.2 (Project Compliance) of Chapter 1A, of the Code. The application may be inclusive of all proposed Non-Freeway Facing Signs within a given Community Plan Area or by individually proposed Non-Freeway Facing Signs. The application shall include:

- (i) Photographs of all existing site conditions, including any existing Signs (if any).
- (ii) Architectural renderings of proposed Transportation Communication Network Support Structures and Digital Display Sign Faces.
- (iii) Sign plan drawn to scale, indicating the type, height, placement, lettering styles, materials, colors and lighting methods.
- (iv) A scaled plot plan or site plan showing the location and size of all existing and proposed Signs on the applicable site.
- (v) Elevations for all sides of the Transportation Communication Network Support Structures with Digital Displays showing the maximum heights, and all views must be labeled, including which side of the Transportation Communication Network Support Structure and Digital Display(s) are being illustrated (North, South, East or West elevations).

- (vi) Identify the refresh rate, hours of operation and include an illumination plan for the proposed Transportation Communication Network Support Structure and Digital Displays(s), prepared by a lighting design expert to ensure compliance with the regulations set forth in Section 6 I.2 of this Ordinance.
- (vii) Compliance with the Sign Reduction provisions set forth in Section 8 of this Ordinance, as determined by the Director of Planning, shall be submitted.

**b.** Findings. The Director shall make the following findings in addition to those required in Section 11.5.7 C.2 of Chapter 1, or, when applicable, Subsection E. (Standards for Review and Required Findings) of Section 13B.4.2. (Project Compliance) of Chapter 1A, of the Code. Such findings shall be used to condition the project that otherwise meets the requirements of this Ordinance and Section 13.11.1 of Chapter 1, or, in areas subject to Chapter 1A, Section 8.2.8 (Transportation Communication Network Districts (TCN)) of Chapter 1A:

(i) The requested Non-Freeway Facing Sign is in conformance with the purposes, intent and provisions of the City of Los Angeles General Plan.

**c. Requests for Deviations from Regulations.** The procedures for modifications, adjustments, and exceptions to this Ordinance shall follow Sections 11.5.7 D-F of Chapter 1, or, when applicable, Section 13B.4.4. (Project Adjustment) or Section 13B.4.5. (Project Exception) of Chapter 1A, respectively, and in addition, shall make the following finding:

- (i) a modification, adjustment or exception, as applicable, would not constitute a grant of special privilege.
- (ii) No Project Permit Compliance, Project Permit Adjustment or any exception, shall be required for: (a) maintenance, repair, or in-kind replacement of any previously approved Sign and is in substantial conformance with the previous approval, or (b) any construction for which a permit is required in order to comply with an order issued by LADBS to repair or replace an unsafe or substandard conditions.

**d. Appeal Authority.** The appeal rights set forth in Section 11.5.7 of Chapter 1, or, when applicable, Section 13B.4.2 (Project Compliance) of Chapter 1A of the Code shall apply to applications made under this Ordinance, except as otherwise modified by this Ordinance. Notwithstanding the provisions of Sections 11.5.7 B through E of Chapter 1, or, when applicable, Subdivision 2 (Decision Maker) of Subsection G of Section 13B.4.2. (Project Compliance), Subdivision 2 (Decision Maker) of Subsection G of Section 13B.4.2. (Project Compliance), Subdivision 2 (Decision Maker) of Subsection G of Section 13B.4.4. (Project Adjustment), or Subdivision 2 (Decision Maker) of Subsection G of Section 13B.4.5. (Project Exception) of Chapter 1A of the Code, in each case where the Area Planning Commission has the authority for appeal of a request for Project Permit Compliance, Project Permit Adjustment, modification to a Project Permit Compliance, or an exception, amendment or interpretation of this Ordinance, such authority shall be vested in the City Planning Commission in place of the Area Planning Commission.

**C. Exempt Signs.** No Signs are exempt from review under the regulations of the TCN District.

**D. Plan Approval and Five-Year Update.** No later than five (5) years from the date of the issuance of a final permit for the Transportation Communication Network Program as authorized by this Ordinance, the applicant shall file a Plan Approval application for review by the Zoning Administrator pursuant to the procedures set forth in Section 12.24 M of Chapter 1, or, when applicable, Section 13B.6.1. (Evaluation of Non-Compliance) of Chapter 1A, of the Code for Non-Freeway Facing Structures. The operator shall collect annual collision data where the Digital Display Signs are visible to motorists over a period of five years. The Los Angeles Department of Transportation (LADOT) will review the collision data and provide recommendations to the Director of City Planning. Upon this review, the Director may modify, add or delete conditions, and if warranted, require changes to the illumination standards, refresh rate, hours of operation, or other operational standards.

#### E. Termination of Sign Rights.

- The rights and privileges associated with this Ordinance and the existence and operation of each permitted Transportation Communication Network Support Structure with a Digital Display shall be term limited and will cease and expire on January 13, 2042. At the date of termination, all Transportation Communication Network Support Structures with a Sign Face(s) shall immediately cease all operations and shall be dismantled, demolished or otherwise removed within 180 days of the January 13, 2042 termination date. This provision shall be enumerated and conditioned in all associated TCN approvals and permits.
- 2. The rights and privileges associated with this Ordinance and the existence and operation of each permitted Transportation Communication Network Support Structure with a Digital Display shall be contingent on the maintenance of ownership by LACMTA. If at any time any properties listed within this Ordinance

are sold or ownership is transferred to an entity not controlled by LACMTA then the rights and privileges associated with this Ordinance and the existence and operation of any permitted Transportation Communication Network Support Structure with a Digital Display on said property shall be terminated and severed from this Ordinance. All Transportation Communication Network Support Structures with a Sign Face(s) shall immediately cease all operations and shall be dismantled, demolished or otherwise removed within 180 days of the sale or transfer of said property.

#### Section 6. GENERAL REQUIREMENTS

**A. General Requirements of the Code.** Unless specified in this Ordinance to the contrary, the general Sign requirements set forth in Chapter 1, or, in areas subject to Chapter 1A, Chapter 1A, of the Code shall apply to this TCN Sign District for permits, plans, design and construction, materials, street address numbers, identification, maintenance, prohibited locations and Sign illumination. Notwithstanding the foregoing, any combined area, height, frontage, and location restrictions in Article 4.4 of Chapter 1, or, in areas subject to Chapter 1A, Div. 4C.11 (Signs) of Chapter 1A, of the Code shall not apply to TCN Support Structures and Digital Display Sign Faces that are authorized by this Ordinance.

**B. Permitted Signs.** Notwithstanding Section 14.4.4 B of Chapter 1, or, in areas subject to Chapter 1A, Section 4C.11.1.C.8 (Prohibited Signs) of Chapter 1A, of the Code, Freeway Facing TCN Support Structures with Digital Display Sign Faces, Non-Freeway Facing TCN Support Structures with Digital Display Sign Faces, all Signs otherwise permitted by the Code, or previously legally permitted Signs shall be permitted within the TCN District.

All Transportation Communication Network Support Structures with Digital Displays Sign Faces authorized by this Ordinance shall be determined to be property of the underlying property owner at the time of Sign installation and time of Sign termination.

**C. Prohibited Signs.** Except as otherwise provided, in addition to the prohibitions listed in Section 14.4.4 B of Chapter 1 or, in areas subject to Chapter 1A, Section 4C.11.1.C.8. (Prohibited Signs) of Chapter 1A, of the Code the following Signs shall be prohibited:

- 1. Any TCN Support Structure with a Digital Display Sign Face(s) that has unrestricted Animation.
- 2. Emit audible sounds, odor or visible matter.
- 3. No TCN Support Structure shall be placed over the exterior surface of any opening of a building, doors, vent, or any operable or inoperable window, fixed glass panel or other openings that serve occupants of buildings.

4. Any TCN Support Structure and Digital Display Sign Face not specifically authorized by this Ordinance or by the Code.

**D.** Zoning and Ownership Limitations. Only parcels owned by LACMTA at the time of adoption of the Ordinance shall be included in the TCN Sign District. For the purposes of this Ordinance, any parcel zoned PF in areas subject to Chapter 1 of the Code or with a Public Use District (Division 5B.9 (Public Districts) of Chapter 1A) in areas subject to Chapter 1A of the Code, PF or P (Public) shall be considered equivalent to a C (Commercial) zone.

**E. Total Sign Area.** The Total Sign Area for all TCN support structures with a Digital Display Sign Face shall not exceed a maximum of 51,000 square feet of total Sign Area.

**F. Permitted Signs by Community Plan Area.** A maximum total of 49 Transportation Communication Network Support Structures shall be permitted citywide with a maximum total of 86 Digital Displays Sign Faces. The Transportation Communication Network Support Structures and Digital Displays shall be limited to the following Community Plan Areas, further limited to only the enumerated Assessor Parcel Numbers (APN) listed therein and further limited as to the number of Transportation Communication Network Support Structures and Digital Display Signs Faces for each parcel or set of parcels:

#### 1. Arleta - Pacoima Community Plan

APN: 2523001900 and 2523001901. Maximum of 2 Transportation Communication Network Support Structures and maximum of 4 Digital Display Sign Faces.

#### 2. Boyle Heights Community Plan

APN: 5410009905. Maximum of 1 Transportation Communication Network Support Structure and maximum of 2 Digital Display Sign Faces.

APN: 5410009901. Maximum of 1 Transportation Communication Network Support Structure and maximum of 2 Digital Display Sign Faces.

APN: 5171024908. Maximum of 1 Transportation Communication Network Support Structure and maximum of 2 Digital Display Sign Faces.

APN: 5170010901. Maximum of 1 Transportation Communication Network Support Structure and maximum of 2 Digital Display Sign Faces.

#### 3. Central City Community Plan

APN: 5132029905. Maximum of 1 Transportation Communication Network Support Structure and maximum of 2 Digital Display Sign Faces.

APN: 5149015902. Maximum of 1 Transportation Communication Network Support Structure and maximum of 1 Digital Display Sign Face.

APN: 5147035904. Maximum of 1 Transportation Communication Network Support Structure and maximum of 2 Digital Display Sign Faces.

#### 4. Central City North Community Plan.

APN: 5173001901. Maximum of 1 Transportation Communication Network Support Structure and maximum of 2 Digital Display Sign Faces.

APN: 5409023941. Maximum of 1 Transportation Communication Network Support Structure and maximum of 1 Digital Display Sign Face.

APN: 5409025905. Maximum of 1 Transportation Communication Network Support Structure and maximum of 2 Digital Display Sign Faces.

APN: 5173019901. Maximum of 1 Transportation Communication Network Support Structure and maximum of 2 Digital Display Sign Faces.

APN: 5409021902. Maximum of 1 Transportation Communication Network Support Structure and maximum of 2 Digital Display Sign Faces.

#### 5. Encino - Tarzana Community Plan

APN: 2251002905. Maximum of 1 Transportation Communication Network Support Structure and maximum of 2 Digital Display Sign Faces.

#### 6. Granada Hills - Knollwood Community Plan

APN: 2605001912 and 2605001916. Maximum of 1 Transportation Communication Network Support Structure and maximum of 2 Digital Display Sign Faces.

#### 7. Hollywood Community Plan

APN: 5538022909. Maximum of 1 Transportation Communication Network Support Structure and maximum of 2 Digital Display Sign Faces.

APN: 5542015900. Maximum of 1 Transportation Communication Network Support Structure and maximum of 2 Digital Display Sign Faces.

#### 8. Los Angeles International Airport Plan

APN: 4129028901. Maximum of 1 Transportation Communication Network Support Structure and maximum of 2 Digital Display Sign Faces.

#### 9. Northeast Los Angeles Community Plan

APN: 5436033906. Maximum of 1 Transportation Communication Network Support Structure and maximum of 2 Digital Display Sign Faces.

APN: 5442001900. Maximum of 1 Transportation Communication Network Support Structure and maximum of 2 Digital Display Sign Faces.

APN: 5415002801. Maximum of 1 Transportation Communication Network Support Structure and maximum of 2 Digital Display Sign Faces.

APN: 5445007903. Maximum of 1 Transportation Communication Network Support Structure and maximum of 2 Digital Display Sign Faces.

#### 10. North Hollywood - Valley Village Community Plan

APN: 2324002901. Maximum of 1 Transportation Communication Network Support Structure and maximum of 1 Digital Display Sign Face.

APN: 2307021901. Maximum of 1 Transportation Communication Network Support Structure and maximum of 1 Digital Display Sign Face.

#### 11. Palms - Mar Vista - Playa del Rey Community Plan

APN: 4223009906. Maximum of 1 Transportation Communication Network Support Structure and maximum of 2 Digital Display Sign Faces.

12. Sherman Oaks - Studio City - Toluca Lake - Cahuenga Pass Community Plan

APN: 2423037910 and 2423037914 and 2423037915 and 2423038902 and 2423038965. Maximum of 1 Transportation Communication Network Support Structure and maximum of 2 Digital Display Sign Faces.

APN: 2423037903. Maximum of 1 Transportation Communication Network Support Structure and maximum of 1 Digital Display Sign Face.

APN: 2423037912. Maximum of 1 Transportation Communication Network Support Structure and maximum of 1 Digital Display Sign Face.

#### 13. Southeast Los Angeles Community Plan

APN: 5122024909. Maximum of 1 Transportation Communication Network Support Structure and maximum of 2 Digital Display Sign Faces.

APN: 5101040900. Maximum of 1 Transportation Communication Network Support Structure and maximum of 2 Digital Display Sign Faces.

#### 14. South Los Angeles Community Plan

APN: 5037030900 and 5037030902. Maximum of 1 Transportation Communication Network Support Structure and maximum of 2 Digital Display Sign Faces.

APN: 5001037907. Maximum of 1 Transportation Communication Network Support Structure and maximum of 1 Digital Display Sign Face.

#### 15. Silver Lake - Echo Park - Elysian Valley Community Plan

APN: 5160024904. Maximum of 1 Transportation Communication Network Support Structure and maximum of 2 Digital Display Sign Faces.

#### 16. Sun Valley - La Tuna Canyon Community Plan

APN: 2408038900 and 2428038901. Maximum of 1 Transportation Communication Network Support Structure and maximum of 2 Digital Display Sign Faces.

APN: 2632001900 and 2632001901. Maximum of 1 Transportation Communication Network Support Structure and maximum of 2 Digital Display Sign Faces.

#### **17. Sylmar Community Plan**

APN: 2603001900 and 2603001901. Maximum of 1 Transportation Communication Network Support Structure and maximum of 2 Digital Display Sign Faces.

#### 18. Van Nuys - North Sherman Oaks Community Plan

APN: 2240008908. Maximum of 1 Transportation Communication Network Support Structure and maximum of 2 Digital Display Sign Faces.

APN: 2242001902. Maximum of 1 Transportation Communication Network Support Structure and maximum of 1 Digital Display Sign Face.

#### 19. West Adams - Baldwin Hills - Leimert Community Plan

APN: 4006024900. Maximum of 1 Transportation Communication Network Support Structure and maximum of 1 Digital Display Sign Face.

APN: 5044002900 and 2044002901 and 2044002903. Maximum of 1 Transportation Communication Network Support Structure and maximum of 2 Digital Display Sign Faces.

#### 20. Westchester - Playa del Rey Community Plan

APN: 4138001902. Maximum of 1 Transportation Communication Network Support Structure and maximum of 2 Digital Display Sign Faces.

APN: 4125026904. Maximum of 1 Transportation Communication Network Support Structure and maximum of 2 Digital Display Sign Faces.

APN: 4128001008. Maximum of 1 Transportation Communication Network Support Structure and maximum of 2 Digital Display Sign Faces.

#### 21. West Los Angeles Community Plan

APN: 4260039906, Maximum of 1 Transportation Communication Network Support Structure and maximum of 2 Digital Display Sign Faces.

APN: 4313024908, Maximum of 1 Transportation Communication Network Support Structure and maximum of 1 Digital Display Sign Face.

APN: 4256010902, Maximum of 1 Transportation Communication Network Support Structure and maximum of 2 Digital Display Sign Faces.

APN: 4313024909, Maximum of 1 Transportation Communication Network Support Structure and maximum of 1 Digital Display Sign Face.

#### 22. Wilshire Community Plan

APN: 5520019900. Maximum of 1 Transportation Communication Network Support Structure and maximum of 2 Digital Display Sign Faces.

**G. General Sign Location Requirements.** The location of signage is subject to the standards identified in Section 7 of this Ordinance and Section 14.4.4.C of Chapter 1, or, in areas subject to Chapter 1A, Section 4C.11.1.C.9. (Prohibited Locations) of Chapter 1A, of the Code. In addition:

- **1. Location.** TCN Sign Structures and associated Digital Displays shall only be located on:
  - a. Parcels zoned C, M, PF, CW, CX, IX, I, P, ADP and LAX or parcels rezoned from aforementioned zones to a specific plan zone;
  - b. Signage shall be installed in substantial conformance with approximated locations as identified by the Assessor Parcel Numbers as listed in Section 7.; and
  - c. For the purposes of this Ordinance, any parcel zoned PF in areas subject to Chapter 1 of the Code or with a Public Use District (Division 5B.9 (Public Districts) of Chapter 1A) in areas subject to Chapter 1A of the Code shall be considered equivalent to a C (Commercial) zone.

#### 2. Prohibited Locations:

- a. Signs shall not be located within 200 feet of an ecological preserve as defined by California Fish and Wildlife Code Section 1584, or a state or national park.
- b. The face of any Sign shall be oriented away from residential zones in areas subject to Chapter 1 of the Code or Residential Use Districts (Division 5B.3 (Residential Districts) of Chapter 1A) in areas subject to Chapter 1A of the Code that are located within 200 feet, including residential zones or Residential Use Districts across an adjoining alley or street.
- c. Signs shall not be located on a site within 200 feet, as measured from the centerline of a roadway designated as a scenic highway, scenic parkway, scenic corridor or scenic route as designated by the State of California Department of Transportation or an element of the General Plan.
- d. TCN Support Structures with a Digital Display shall be at least 1000 feet away from any other digital Off-Site Sign with a Digital Display on the same side of any portion of a Freeway or other roadway. This shall not be construed to prohibit Off-Site Signs with double-faced Signs with Digital Displays oriented toward opposing directions of the Freeway or other roadway. Furthermore, compliance will be verified with measurements taken between the TCN Support Structures or other applicable Off-Site Signs with a Digital Display.

#### H. Further Applicable Regulations

- 1. **Materials.** All new Transportation Communication Network Support Structures and Digital Display shall be in conformance with the Los Angeles Building Code and the Los Angeles Fire Code.
- 2. **Hazard Review.** Signs shall conform to the Hazard Determination review procedures in Section 14.4.5 of Chapter 1, or, in areas subject to Chapter 1A, Section 4C.11.1.C.5 (Hazard to Traffic), of Chapter 1A, of the Code.
- 3. **Freeway Exposure.** Signs that adhere to the regulations outlined in this Ordinance shall be exempt from the Freeway Exposure regulations in Code Section 14.4.6 of Chapter 1, or, in areas subject to Chapter 1A, Section 4C.11.1.C.6. (Freeway Exposure) of Chapter 1A, of the Code. All Signs shall continue to be subject to Caltrans approval, where applicable.

- 4. **Outdoor Advertising Act.** All Signs shall continue to be subject to the Outdoor Advertising Act, Cal. Business & Professions Code Section 5200, et seq., where applicable.
- 5. **Street Address.** All Non-Freeway Facing Signs must have a street address in accordance with Section 63.113 of the Code as a prerequisite to the placement of any Sign on the property.
- 6. **New Technologies.** The Director may permit the use of any technology or material that did not exist prior to the effective date of this Ordinance, provided that the material is approved by LADBS, utilizing the Director's Interpretation procedures outlined in Section 11.5.7 H of Chapter 1, or, in areas subject to Chapter 1A, Section 13B.4.6 of Chapter 1A of the Code, if the Director finds that such technology or material is consistent with the regulations described herein.

#### I. Illumination.

- 1. **General.** Signs within the TCN Sign District may be illuminated internally. Methods of signage illumination may include, but are not limited to: electric lamps, such as neon tubes; fiber optics; incandescent lamps; cathode ray tubes exposed directly to view; shielded spot lights and wall fixtures.
- 2. **Regulations.** Signs shall meet the following criteria with respect to illumination.
  - a. All illuminated Digital Display Signs shall have a brightness or light intensity limitations of 0.3 foot candles above ambient lighting measured from the property line of the nearest residentially zoned parcel.
  - b. All illuminated Digital Display Signs shall be designed, located and or screened so as to minimize light travel onto the exterior walls and windows of residential and commercial buildings, including those on the same site as the Digital Display Sign. If Digital Display Signs are to be externally lit, the source of the external illumination shall be shielded from public view at nearby residential uses.
  - c. All illuminated Digital Display Signs shall have a nighttime brightness no greater than 300 candelas per square meter and a daytime brightness no greater than 6000 candelas per square meter.
  - d. The brightness of any Digital Display Sign that includes neon, neon-like or LED elements shall be fully dimmable and controlled by an automatic light meter and timer which shall be maintained in good working order.

- e. No Digital Display Sign shall use highly reflective materials such as mirrored glass.
- f. Digital Display Signs shall make a smooth transition at a consistent rate between the permitted daytime to nighttime brightness levels beginning no earlier than 45 minutes prior to sunset and concluding no later than 45 minutes after sunset.
- g. All light emitting diodes (LEDs) used within any illuminated Digital Display Sign shall have a maximum horizontal beam spread of 165 degrees. The maximum or peak light output of any Digital Display Sign shall be at or below horizontal.
- h. Light reducing technology shall be incorporated into:
  - i. All Digital Display Signs by utilizing state-of-the-art louvers with horizontal shading and;
  - ii. Digital Displays operated within Assessor Parcel Numbers 5436-033-906, 5442-001-900, 2251-002-905 and 4223-009-906, by utilizing state-of-the-art louvers with horizontal and vertical shading LED Louvers. These louvers shall to control the viewing angle of such Digital Displays by keeping light focused on its intended target without spillage onto such adjacent residential or other sensitive uses, such that the light trespass illuminance from any such Digital Display at the property line of any such residential or other sensitive use does not exceed 0.02 foot-candle.

3. **Illumination Testing Protocol for Digital Displays**. Prior to the operation of any Digital Display, the applicant shall conduct testing to indicate compliance with the illumination regulation of this Ordinance, and provide a copy of the results, along with a certification from LADBS approved testing agency, to the Director and to LADBS stating that the testing results demonstrate compliance with the Ordinance. The testing shall be at the applicant's expense.

**J. Refresh Rate.** All Digital Display Sign Faces on Transportation Communication Network Support Structures shall be subject to the minimum required Controlled Refresh Rate as follows:

1. The Controlled Refresh Rate shall be no more frequent than one refresh every eight (8) seconds with an instant transition between the images. The Sign image must remain static between refreshes.

2. A minimum of an eight (8) second message within a sixty-four (64) second refresh cycle shall be utilized solely for non-commercial messages by Metro.

**K. Maintenance & Monitoring.** All Signs shall be maintained to meet the following criteria at all times:

- 1. All Transportation Communication Network Support Structures and Digital Displays and their Sign Faces shall be kept in good repair and free from graffiti. Furthermore, any building or ground area around the Signs shall be properly maintained, including but not limited to debris, rubbish, garbage, trash, overgrown vegetation or other similar material, pursuant to Section 91.8104. All unused mounting structures, hardware and perforations from any abandoned Sign shall be removed, and all surfaces shall be restored to their original condition.
- 2. Razor wire, barbed, wire, concertina wire, or other barriers preventing unauthorized access to any Sign, if any, shall be hidden from public view.
- 3. No access platform, ladder, or other service appurtenance, visible from the sidewalk, street, or public right-of-way, shall be installed or attached to any Transportation Communication Network Support Structure.
- 4. Any Digital Display Sign testing and measurements required by the Department of City Planning or the Department of Building and Safety shall be performed by a testing agency approved by the Department of Building and Safety, and shall be paid for and submitted by the operator of the Sign when requested by either Department.

#### Section 7. STANDARDS FOR SPECIFIC TYPES OF SIGNS.

#### A. Digital Display - Freeway Facing Signs.

**1. Sign Area.** The area of any single Sign Face of a Freeway Facing Sign shall not exceed 672 square feet, with the exception of one (1) Sign that may not exceed a maximum of 1,200 square feet as set forth in Table 7-1.

**2. Height.** Maximum heights for all proposed Freeway Facing Signs, inclusive of Sign Faces, shall be as set forth in Table 7-1. Transportation Communication Network Support Structures may include permanent architectural design features that shall be permitted to extend an additional five (5) feet in height above the maximum height limits set forth in Table 7-1.

**3. Hours of Operation.** Hours of operation for all Freeway Facing Signs shall be limited to 5 a.m. to 12 midnight daily.

**4. Maximum Number of Signs.** A maximum total of 33 Freeway Facing Sign Faces shall be permitted. Freeway Facing Signs may be either single-faced or double-faced. A maximum total of 60 Sign Faces shall be permitted on the Freeway Facing Signs.

Table	7-1

Freeway Facing Signs

Sign ID	Assessor's Parcel Number (APN)	Maximum Square Feet of Individual Digital Display & Maximum Number of Digital Display Sign Faces	Maximum Sign Height (from adjacent grade)
FF-1	5409023941	1200 (1)	55
FF-2	5173019901	672 (2)	72
FF-3	5409021902	672 (2)	72
FF-4	5160024904	672 (2)	72
FF-5	2423037910 2423037914 2423037915 2423038902 2423038965	672 (2)	65
FF-6	5415002801	672 (2)	88
FF-7	5445007903	672 (2)	85
FF-8	5410009905	672 (2)	85
FF-9	5410009901	672 (2)	50
FF-10	5171024908	672 (2)	95
FF-11	5170010901	672 (2)	95
FF-12	5132029905	672 (2)	80
FF-13	5436033906	672 (2)	85
FF-14	5442001900	672 (2)	85
FF-15	2324002901	672 (1)	40
FF-16	2307021901	672 (1)	40
FF-17	2408038900 2408038901	672 (2)	85
FF-18	2632001900 2632001901	672 (2)	85
FF-19	2523001900 2523001901	672 (2)	80
FF-20	2523001900 2523001901	672 (2)	80
FF-21	5037030900 5037030902	672 (2)	80

Sign ID	Assessor's Parcel Number (APN)	Maximum Square Feet of Individual Digital Display & Maximum Number of Digital Display Sign Faces	Maximum Sign Height (from adjacent grade)
FF-22	2603001900 2603001901	672 (2)	65
FF-23	5122024909	672 (2)	80
FF-24	2605001912 2605001916	672 (2)	100
FF-25	2251002905	672 (2)	80
FF-26	4256010902	672 (2)	95
FF-27	4260039906	672 (1)	95
FF-28	4313024908	672 (1)	80
FF-30	4223009906	672 (2)	80
FF-31	4129028901	672 (2)	95
FF-32	4138001902	672 (2)	95
FF-33	5001037907	672 (1)	80
FF-34	5101040900	672 (2)	80

#### B. Digital Display - Non-Freeway Facing Signs

**1. Sign Area.** The area of any single Sign Face of a Non-Freeway Facing Sign shall not exceed 300 square feet, with the exception of four (4) Signs that may not exceed a maximum of 672 square feet as set forth in Table 7-2.

**2. Height.** Maximum heights for all proposed Non-Freeway Facing Signs, inclusive of Sign Faces, shall be as set forth in Table 7-2. Transportation Communication Network Support Structures may include permanent architectural design features that shall be permitted to extend an additional five feet in height above the maximum height limits set forth in Table 7-2.

**3. Hours of Operation.** Hours of operation for all Non-Freeway Facing Signs shall be limited to 5 a.m. to 12 Midnight daily.

**4. Maximum Number of Signs.** A maximum total of 16 Non-Freeway Facing Sign Faces shall be permitted. Non-Freeway Facing Sign structures may be either single-faced or double-faced. A maximum total of 26 Sign Faces shall be permitted on the Non-Freeway Facing Signs.

#### Table 7-2

#### Non-Freeway Facing Signs

Sign No.	Assessor Parcel Number (APN)	Maximum Square Foot Size of Digital Display & Maximum Number of Digital Display Sign Faces	Maximum Sign Height (from adjacent grade)
NFF-1	5542015900	300 (2)	30
NFF-4	2423037902	300 (1)	30
NFF-5	2423037912	300 (1)	30
NFF-6	5149015902	300 (1)	30
NFF-7	4313024909	300 (1)	30
NFF-8	5173001901	672 (2)	60
NFF-9	2240008908	300 (2)	30
<b>NFF-10</b>	2242001902	300 (1)	30
NFF-11	4006024900	300 (1)	30
NFF-12	5044002900, 5044002901 5044002903	300 (2)	30
NFF-13	5409025905	300 (2)	30
NFF-17	4125026904	672 (2)	80
NFF-18	4125020907	672 (2)	30
NFF-19	5520019900	300 (2)	30
NFF-20	5538022909	300 (2)	30
NFF-22	5147035904	300 (2)	30

#### Section 8. SIGN REDUCTION.

Sign reduction shall be required prior to the issuance of building permits for Signs permitted within this Ordinance. An applicant shall seek an Administrative Clearance of a Sign reduction plan by filing an application with the Director pursuant to Section 12.32 S.4 of Chapter 1, or, when applicable, Section 13B.3.1. (Administrative Review) of Chapter 1A, of the Code,

which shall occur prior to or concurrently with an application for approval of any new Sign permitted herein. The application shall demonstrate compliance with the following requirements:

**A. Removal of Off-Site Signage**. LACMTA shall be permitted to install the proposed Digital Display Sign and Transportation Communication Network Support Structure only if the applicant demonstrates the removal of existing, legally permitted Off-Site Signs, including nonconforming Off-Site Signs, in existence at the time of application of the Sign reduction plan, based upon the following Sign reduction requirements:

- A one-time removal of two hundred (200) static Off-Site Sign Faces, inclusive of associated Sign Structures, located on LACMTA property, within the legal boundaries of the City of Los Angeles shall be removed before the issuance of any approval for a new Freeway Facing Sign.
- 2. For Non-Freeway Facing Signs each square foot of Sign Area of a new Sign shall be offset by a reduction of a minimum of 3 square feet of Off-Site Sign Area within 2,640 feet of the proposed new Sign. The 2,640-foot radius may be expanded up to a 5,280-foot radius around the proposed new Sign if the inventory of Off-Site Signs within the 2,640-foot radius will not result in a reduction of a minimum of 3 square feet of Off-Site Sign Area for the purposes of effectuating this requirement. This requirement shall apply to each individual proposed Non-Freeway Facing Sign and shall be completed prior to or concurrently with the Project Permit Compliance approval for each proposed Non-Freeway Facing Sign.

B. Proof of Legal Status, Removal Rights and Indemnification. Sign reduction credits shall not be awarded unless the applicant submits the following with the application form:

- 1. **Valid Building Permit**. A building permit demonstrating that the Sign to be removed constitutes a legal use including the height, area, orientation and location of the Sign.
- 2. **LACMTA Ownership.** Verification of LACMTA ownership of the parcel where an Off-Site Sign is being removed. This requirement is only applicable to those Off-Site Signs being removed under Subdivision 1 of Subsection A of this Section.
- 3. **Property Owner's Statement**. A written statement from the owner of the property from which the Sign(s) will be removed

attesting that the owner has the legal right to permanently remove the Sign(s) and consents that the Sign reduction credits shall be applied to the designated new Digital Display on the same site or on a different specified parcel. The statement shall advise that once a Sign is removed for the purpose of obtaining a Sign credit, it may not be reinstalled. This written statement must be signed under penalty of perjury and notarized.

 Indemnification. An executed agreement from the applicant promising to defend and indemnify the City against any and all legal challenges filed by a third party relating to the removal of the Sign(s).

**C. Proof of Sign Removal.** The applicant shall submit a final demolition permit and photographic evidence that existing Off-Site Signs have been removed pursuant to Section 8 prior to the issuance of a new building permit for a Digital Display Sign.

**Section 9. SEVERABILITY.** If any provision of this Ordinance is declared unconstitutional or otherwise invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions of this Ordinance that can be implemented without the invalid provision. To this end, the provisions of this Ordinance are severable.

## Exhibit F

# Metro Transportation Communication Network (TCN) - Environmental Impact Report (EIR)

# Environmental Impact Report (EIR) https://www.metro.net/projects/transportationcommunication-network/

## Exhibit G

# Metro Transportation Communication Network (TCN) - EIR Addendum (August 2023)





### Addendum to the Final Environmental Impact Report for the LA Metro Transportation Communication Network

State Clearinghouse No. 2022040363

**PREPARED FOR:** The City of Los Angeles Department of City Planning

**PREPARED BY:** Eyestone Environmental, LLC

APPLICANT: Los Angeles County Metropolitan Transportation Authority

August 2023

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### 1. Introduction

This document is an addendum (Addendum) to the previously certified Final Environmental Impact Report (Certified Final EIR) for the Transportation Communication Network (TCN) Program, State Clearinghouse No. 20220403636, which was certified by the Los Angeles County Metropolitan Transportation Authority (Metro) in January 2023. As analyzed in the Certified Final EIR, the TCN Program included the installation of 56 transportation communication network support structures and digital displays (collectively, TCN Structures) with 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 of Los Angeles (City). The Certified Final EIR analyzed the installation of up to 34 Freeway Facing (FF) TCN Structures and 22 Non-Freeway Facing (NFF) TCN Structures with a total of 97 digital displays, all on Metro-owned property.<sup>1</sup> The corresponding total maximum amount of digital signage associated with digital displays on the TCN Structures was approximately 55,000 square feet. The sign-reduction component of the TCN Program included the removal of at least 110,000 square feet (based on a 2:1 square footage removal ratio) of existing off-site static signs.<sup>2</sup> Signage to be removed included a minimum of approximately 200 off-site, static signs located within the City. The project as analyzed in the Certified Final EIR is herein referred to as the EIR Project.

This Addendum includes minor modifications and clarifications to the Certified Final EIR to address the proposed modifications to the EIR Project. These project modifications would reduce the total number of TCN Structures from 56 to 49, reduce the number of digital displays from 97 to 86, make minor height revisions for three TCN Structures compared to the EIR Project, a revision to the dimensions for one TCN Structure (sign area would remain the same), modify the static signage reduction requirements, and modify the assessor parcel numbers (APNs) for 21 TCN Structures. These updates to the APNs do not reflect any changes in the general locations of the TCN Structures but, instead, correctly identify the APNs as the location analyzed in the Certified Final EIR, or would allow for minor adjustments in the placement of the proposed TCN Structures. The project, as so modified, is referred to as the Modified Project.

<sup>&</sup>lt;sup>1</sup> A copy of the Certified Final EIR for the Metro Transportation Communication Network Project can be found at Metro.net/TCN.

<sup>&</sup>lt;sup>2</sup> Off-site advertising would include information related to a business, commodity, industry or other activity which is sold, offered or conducted elsewhere than on the premises upon which the TCN Structure is located.

This addendum clarifies or amplifies the information contained in the Certified Final EIR and demonstrates that none of the conditions described in the California Environmental Quality Act (CEQA) as identified in California Public Resource Code (PRC) Section 21166 and CEQA Guidelines Section 15162 requiring the preparation of a subsequent or supplemental EIR have occurred. In particular, the analysis in this Addendum demonstrates that: (1) there are no new significant environmental effects or substantial increase in the severity of previously identified significant effects associated with the Modified Project; (2) there are no known mitigation measures or alternatives that were previously considered infeasible but are now considered feasible that would substantially reduce one or more significant effects on the environment previously identified in the Certified Final EIR; and (3) there are no known mitigation measures or alternatives that are considerably different than those required by the Certified Final EIR that would substantially reduce one or more significant effects on the environment identified in the Certified Final EIR that mould substantially reduce one or more significant effects on the environment identified in the Certified Final EIR that mould substantially reduce one or more significant effects on the environment identified in the Certified Final EIR that mould substantially reduce one or more significant effects on the environment identified in the Certified Final EIR.

### 2. CEQA Authority for an Addendum

CEQA establishes the type of environmental documentation required when changes to a project occur after an EIR is certified. Specifically, CEQA Guidelines Section 15164(a) states the following:

The lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.

CEQA Guidelines Section 15162 requires the preparation of a subsequent EIR when an EIR has been certified or a negative declaration has been adopted for a project and one or more of the following circumstances exist:

- Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- 2. Substantial changes occur with respect to the circumstances under which the project is undertaken, which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

- 3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
  - a. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
  - b. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
  - c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
  - d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Likewise, PRC Section 21166 states that unless one or more of the following events occur, no supplemental or subsequent EIR shall be required by the lead agency or by any responsible agency:

- Substantial changes are proposed in the project which will require major revisions of the environmental impact report;
- Substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report; or
- New information, which was not known and could not have been known at the time the EIR was certified as complete, becomes available.

As demonstrated by the analysis herein, the Modified Project would not result in any new significant impacts or substantially increase the severity of previously identified significant impacts. Furthermore, the Modified Project would be subject to all applicable and feasible mitigation measures. Therefore, the changes resulting from the Modified Project do not meet the standards for a supplemental or subsequent EIR.

### 3. Certified Final EIR and Approved Project

On January 26, 2023, the Metro Board certified the Final EIR, and approved the TCN Program with minor changes to the EIR Project. As analyzed in the Certified Final EIR, the original TCN Program included the installation of 56 TCN Structures with 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. The Certified Final EIR analyzed the installation of up to 34 Freeway Facing (FF) TCN Structures and 22 Non-Freeway Facing (NFF) TCN Structures with a total of 97 digital displays, all on Metro-owned property.<sup>3</sup> The corresponding total maximum amount of digital signage associated with digital displays on the TCN Program included the removal of at least 110,000 square feet (based on a 2:1 square footage sign-reduction ratio) of existing off-site static signs.<sup>4</sup> Signage to be removed included, a minimum of approximately 200 off-site, static signs located within the City.

The FF TCN Structures include digital displays that would be viewed from freeways, while NFF TCN Structures would be viewed from major arterial streets. Each TCN Structure would have one or two digital display faces depending on the location and line-ofsight visibility. The digital display faces would be designed to provide efficient and effective illumination while minimizing light spillover, reducing skyglow, and improving nighttime visibility through glare reduction. The digital displays on the TCN Structures would use light emitting diodes (LED) lighting with a daytime maximum up to 6,000 maximum candelas and 300 maximum candelas at nighttime, with some locations having specific standards for luminance. Louvers would be installed to shade the LED lights from creating unintentional light spillage and assist in reducing reflection, and in turn would create a sharper image. Further, the digital displays would be set to refresh every eight seconds and transition instantly with no motion, moving parts, flashing, or scrolling messages. Illumination of the digital displays would conform to applicable federal and State regulations for signs oriented towards roadways and freeways. The digital displays would be in compliance with Metro's System Advertising Content Restrictions, which prohibits advertisement of alcohol, smoking, and cannabis, and any content containing violence, obscenities, and other related subject matters. In addition, each TCN Structure would include security features, including elevated ladders at surface grade. Additionally, the

<sup>&</sup>lt;sup>3</sup> A copy of the Certified Final EIR for the Metro Transportation Communication Network Project can be found at Metro.net/TCN.

<sup>&</sup>lt;sup>4</sup> Off-site static signs include advertising related to a business, commodity, industry or other activity which is sold, offered or conducted elsewhere than on the premises.

TCN Structures and related digital displays would be constructed to incorporate environmentally sustainable features and construction protocols required by Metro's Green Construction Policy, the Los Angeles Green Building Code, the California Green Building Standards (CALGreen) Code, and the California Code of Regulations (CCR) Title 24 standards (as adopted by the City).

As part of the necessary approvals for the TCN Program, the City must amend its sign regulations in Chapters I and IA of the Los Angeles Municipal Code (Zoning Code) through zoning ordinances to create a mechanism to establish the TCN Program and review and approve the TCN Structures, including related digital displays (such amendments to the Zoning Code are collectively defined as the Zoning Ordinance). The Zoning Ordinance would not authorize new signage other than the TCN Structures. The Zoning Ordinance 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, such as sign-reduction requirements for the removal of existing static off-site signs. The Zoning Ordinance would create a new class of signage for the TCN Structures given their unique attributes and intelligent technology. However, due to inclusion of off-site advertising as part of the TCN Program, an exception to the City's general ban on new off-site signs outside of Sign Districts, Specific Plans, and Supplemental Use Districts is required.

After certifying the Final EIR, the Metro Board approved the TCN Program but removed TCN Structures FF-29, NFF-14 and NFF-15 from the program (Approved Project). Therefore, the Approved Project consists of 53 TCN Structures and 93 digital displays thereon, rather than 56 TCN Structures and 97 digital displays as included the Certified Final EIR. In its CEQA Findings for the Approved Project, Metro found that the impacts of the Approved Project were adequately analyzed in the Final EIR, and that the modifications will reduce impacts as compared to the TCN Program as described in the Certified Final EIR.

Consistent with CEQA, this Addendum compares the impacts of the proposed Modified Project to the impacts described in the Certified Final EIR.

# 4. Proposed Modified Project

As described above, as part of the City's consideration of the Zoning Ordinance for the TCN Program, the City proposes to modify the EIR Project. Proposed modifications

include the following (described in more detail in <u>Revised</u> Table II-1 and <u>Revised</u> Table II-2 on pages 10 and 12 further below):<sup>5</sup>

- A reduction in the total number of TCN Structures from 56 to 49, eliminating TCN Structures FF-29, NFF-2, NFF-3, and NFF-14, NFF-15, NFF-16, and NFF-21 and reducing the number of digital displays from 97 to 86, which would results a reduction in the total maximum amount of digital display sign area on the TCN Structures from 55,000 square feet to 51,000 square feet.
- Refinements to the sign-reduction elements described in the Certified Final EIR, which included the removal of existing static signs located anywhere in the City at a 2:1 ratio as compared to the proposed digital displays on TCN Structures (i.e., the sign area of removed existing static signs would be twice the sign area associated with the proposed digital displays), which would result in the removal of a minimum of approximately 200 existing static signs. As reflected in the Certified Final EIR, this sign reduction was not necessary to mitigate any significant environmental impact associated with the EIR Project, but was a project benefit that would result in an overall improvement in the City's sign environment.

The Modified Project refines these standards for distinctive application to FF TCN Structures and NFF TCN Structures. Specifically, with respect to the FF TCN Structures, a minimum of 200 existing static signs would be removed including all or substantially all of the existing static signs located on real property owned by Metro within the boundaries of the City, and the balance of the existing static signs would be located within the boundaries of the City.

With respect to NFF TCN Structures, the sign area of the digital displays thereon must be offset by the removal of existing static sign area at a 3:1 ratio. The existing static signs to be removed must be located within a half-mile of an existing or contemplated NFF TCN Structure, to the extent an adequate inventory of such signs exists within such area.

These refined sign-reduction requirements would result in the removal of more signs than contemplated in the Certified Final EIR, and it is anticipated that they would result in the removal of roughly the same amount of sign area as contemplated in the Certified Final EIR. In any event, it is again noted that the removal of existing static signs or sign area is not required to mitigate any

<sup>&</sup>lt;sup>5</sup> This list of modifications identifies the changes made to the EIR Project inclusive of the changes associated with the Approved Project and the Modified Project.

significant environmental impact associated with the proposed TCN Program and rather is just a component of the TCN Program.

- Minor height revisions for TCN Structures FF-1 from 40 feet to 55 feet, FF-6 from 85 to 88 feet, and FF-24 from 95 to 100 feet.
- Revisions to the dimensions of TCN Structure FF-1 from a 30-foot width and 40-foot height to a 20-foot width and 60-foot height (square footage would remain the same).
- Limitations on the hours of nighttime operation of signs.
- As with the EIR Project, the digital displays on the TCN Structures for the Modified Project would use LED lighting with a maximum daytime luminance of 6,000 candelas per square meter and a maximum nighttime luminance of 300 candelas per square meter. Louvers would be installed to shade the LED lights from creating unintentional light spillage and assist in reducing reflection, and in turn would create a sharper image. In particular, Project Design Feature AES-PDF-1 in the Certified Final EIR, as adopted by the Metro Board, continues to require such louvers to be incorporated into the design of the displays for TCN Structures FF-13, FF-14, FF-25, and FF-30 such that the light trespass illuminance on nearby environmentally sensitive properties does not exceed 0.02 foot-candle. This restriction has also been included in the proposed Zoning Ordinance. Furthermore, the digital displays would be set to refresh every eight seconds and transition instantly with no motion, moving parts, flashing, or scrolling messages. In addition, the proposed Zoning Ordinance includes the following illumination standards:
  - The brightness of any digital display that includes neon, neon-like or LED elements shall be fully dimmable and controlled by an automatic light meter and timer which shall be maintained in good working order.
  - No digital display shall use highly reflective materials such as mirrored glass.
  - Digital displays shall make a smooth transition at a consistent rate between the permitted daytime to nighttime brightness levels beginning no earlier than 45 minutes prior to sunset and concluding no later than 45 minutes after sunset.
  - All light emitting diodes (LEDs) used within any illuminated digital display shall have a maximum horizontal beam spread of 165 degrees. The maximum or peak light output of any digital display shall be at or below horizontal.

- Correct the APNs for the location analyzed in the EIR Project, or to allow for minor adjustments in the placement for the TCN Structures during final design, as shown in Revised Table II-1 and Revised Table II-2 on pages 10 and 12 further below. Modifications to the APNs are proposed for several locations that are within Metro's railroad right-of-way or are near an active transit stop. For these locations, TCN Structures must be located so as to not interfere with rail activities and to accommodate circulation constraints. APNs have been added or modified to account for slight adjustments in the precise location of TCN Structures that may be necessary. For example, in some portions of the railroad right-of-way, the two sides of the rail line have different APNs. In those situations, the modifications to the APNs in Revised Table II-1 and Revised Table II-2 on pages 10 and 12 further below clarify that the TCN Structure could be located on either side of the rail line. Other APN modifications or additions account for including adjacent parcels, where other rail infrastructure or transit activity might require slight adjustments to the precise TCN Structure location. More specifically, the following briefly describes the reason for modifying the APNs for each identified TCN Structure location:
  - FF-5—To account for circulation constraints on an active transit stop.
  - FF-6—To account for location in an active railroad right-of-way.
  - FF-8—To account for location in an active railroad right-of-way.
  - FF-10—To account for location in an active railroad right-of-way.
  - FF-17—To account for location in an active railroad right-of-way.
  - FF-18—To account for location in an active railroad right-of-way.
  - FF-19—To account for location in an active railroad right-of-way.
  - FF-20—To account for location in an active railroad right-of-way.
  - FF-21—Included additional area of a Metro-owned parking area.
  - FF-22—To account for location in an active railroad right-of-way.
  - FF-24—To account for location in an active railroad right-of-way.
  - FF-28—To account for location in an active railroad right-of-way.
  - NFF-4—To account for circulation constraints on an active transit stop.
  - NFF-5—To account for circulation constraints on an active transit stop.

- NFF-9—To account for location in an active railroad right-of-way.
- NFF-10—To account for location in an active railroad right-of-way.
- NFF-11—Adjust the location to include adjacent Metro-owned property along Metro's railroad right-of-way.
- NFF-12—To account for circulation constraints on an active transit stop.
- NFF-13—Included additional area of a Metro-owned parking area.
- NFF-19—To account for circulation constraints on an active transit stop.
- NFF-20—To account for circulation constraints on an active transit stop.

To address the changes proposed by the Modified Project and clarify the modifications to the APNs, this addendum replaces Table II-1 and Table II-2 included in Section II, Project Description, of the Certified Final EIR, with <u>Revised</u> Table II-1 and <u>Revised</u> Table II-2 on pages 10 and 12, respectively, of this addendum. The proposed changes apply to the entirety of the Certified Final EIR. Deletions are shown in <u>strikethrough text</u>, and additions are shown in <u>underlined text</u>.

Sign ID	Map No.	Location	Assessor Parcel Number	sf per Digital Display (No. of Digital Display Faces per TCN Structure)	Digital Display Height (ft)	Digital Display Width (ft)	Sign Height (from grade)
FF-1	3	US-101 North Lanes at Union Station	5409023941	1,200 (1)	<del>30</del> 20	4 <del>0</del> 60	4 <del>0</del> 55
FF-2	3	US-101 South Lanes at Center Street	5173019901	672 (2)	14	48	72
FF-3	3	US-101 North Lanes at Keller Street	5409021902	672 (2)	14	48	72
FF-4	3	US-101 South Lanes at Beaudry Street	5160024904	672 (2)	14	48	75
FF-5	1	US-101 North Lanes, Northwest of Lankershim Boulevard	2423038970 2423037915 2423037910 2423037914 2423038902 2423038965	672 (2)	14	48	65
FF-6	3	I-5 South Lanes at North Avenue 19	<del>5415002903</del> <u>5415002801</u>	672 (2)	14	48	<del>85</del> <u>88</u>
FF-7	3	I-5 North Lanes at San Fernando Road	5445007903	672 (2)	14	48	85
FF-8	3	I-5 South Lanes and Exit Ramp to I-10	<del>5410009901</del> <u>5410009905</u>	672 (2)	14	48	85
FF-9	3	I-10 West Lanes (Bus Yard)	5410009901	672 (2)	14	48	50
FF-10	3	I-10 West Lanes and Entrance Ramp from I-5	<del>5170010901</del> 5171024908	672 (2)	14	48	95
FF-11	3	I-10 East Lanes and Exit Ramp to SR-60 and I-5	5170010901	672 (2)	14	48	95
FF-12	3	I-10 West Lanes at Griffin Avenue and East 16th Street	5132029905	672 (2)	14	48	80
FF-13	1	SR-2 South Lanes Northeast of Casitas Avenue	5436033906	672 (2)	14	48	85
FF-14	1	SR-2 North Lanes Northeast of Casitas Avenue	5442001900	672 (2)	14	48	85
FF-15	1	SR-170 South Lanes at Raymer Street	2324002901	672 (1)	14	48	40
FF-16	1	SR-170 North Lanes North of Sherman Way	2307021901	672 (1)	14	48	40
FF-17	1	I-5 North Lanes South of Tuxford Street	2408038900 2408038901	672 (2)	14	48	85
FF-18	1	I-5 South Lanes South of Tuxford Street	2632001901 2632001900	672 (2)	14	48	85
FF-19	1	SR-118 East of San Fernando Road	2523001900 2523001901	672 (2)	14	48	80

<u>Revised</u> Table II-1						
Freeway Facing TCN Structure/Digital Display Locations						

Sign ID	Map No.	Location	Assessor Parcel Number	sf per Digital Display (No. of Digital Display Faces per TCN Structure)	Digital Display Height (ft)	Digital Display Width (ft)	Sign Height (from grade)
FF-20	1	SR-118 East of San Fernando Road	2523001900 2523001901	672 (2)	14	48	80
FF-21	2	I-110 South Lanes at Exposition Boulevard	5037030902 5037030900	672 (2)	14	48	80
FF-22	1	I-5 North Lanes at San Fernando Road	2603001901 <u>2603001900</u>	672 (2)	14	48	65
FF-23	2	I-110 North Lanes at Exposition Boulevard	5122024909	672 (2)	14	48	80
FF-24	1	I-5 South Lanes at San Fernando Road and Sepulveda Boulevard	2605001915 2605001912 2605001916	672 (2)	14	48	<del>95</del> <u>100</u>
FF-25	1	I-405 South Lanes at Victory Boulevard	2251002905	672 (2)	14	48	80
FF-26	2	I-405 North Lanes at Exposition Boulevard	4256010902	672 (2)	14	48	95
FF-27	2	I-405 South Lanes at Exposition Boulevard	4260039906	672 (1)	14	48	95
FF-28	2	I-10 West at Robertson Boulevard	4313024906 4313024908	672 (1)	14	48	80
<del>FF-29</del> ª	2	SR 90 East at Culver Boulevard	4211007907	<del>672 (2)</del>	<del>14</del>	48	<del>80</del>
FF-30	2	SR-90 West at Culver Boulevard	4223009906	672 (2)	14	48	80
FF-31	2	I-105 West Lanes at Aviation Boulevard	4129028901	672 (2)	14	48	95
FF-32	2	I-105 East Lanes at Aviation Boulevard	4138001902	672 (2)	14	48	95
FF-33	2	I-110 South Lanes at Slauson Avenue	5001037907	672 (1)	14	48	80
FF-34	2	I-110 North Lanes at Slauson Avenue	5101040900	672 (2)	14	48	80

#### <u>Revised</u> Table II-1 (Continued) Freeway Facing TCN Structure/Digital Display Locations

sf = square feet

ft = feet

 As described above, subsequent to the certification of the Final EIR, the Metro Board removed TCN Structures FF-29, NFF-14, and NFF-15 from the TCN Program, which comprises the Approved Project.
 Source: Eyestone Environmental, 2023.

Sign ID	Map No.	Location	Assessor Parcel Number	sf per Digital Display (No. of Digital Display Faces per TCN Structure)	Digital Display Height (ft)	Digital Display Width (ft)	Sign Height (from grade)
NFF-1	1	Northeast corner of Vermont Avenue and Sunset Boulevard	5542015900	300 (2)	10	30	30
NFF-2	എ	Spring Street Bridge, 326 feet North of Aurora Street	<del>5409002900</del>	<del>300 (2)</del>	<del>10</del>	<del>30</del>	<del>65</del>
NFF-3	4	Northwest corner of Lankershim Boulevard and Chandler Boulevard	<del>2350016906</del>	<del>300 (1)</del>	<del>10</del>	<del>30</del>	<del>30</del>
NFF-4	1	Northwest corner of Lankershim Boulevard and Universal Hollywood Drive	<del>2423036919</del> <u>2423037902,</u> <u>2423037908</u>	300 (1)	10	30	30
NFF-5	1	Southwest corner of Lankershim Boulevard and Universal Hollywood Drive	2423036919 2423037911 2423037919 2423037912	300 (1)	10	30	30
NFF-6	3	Southwest corner of 4th Street and Hill Street	5149015902	300 (1)	10	30	30
NFF-7	2	Venice Boulevard, 240 feet West of Robertson Boulevard	4313024909	300 (1)	10	30	30
NFF-8	3	Southeast corner of Alameda Street and Commercial Street	5173001901	672 (2)	14	48	60
NFF-9	1	Northeast corner of Van Nuys Boulevard and Orange Line Busline	<del>2240008905</del> 2240008908	300 (2)	10	30	30
NFF-10	1	Southeast corner of Sepulveda Boulevard and Erwin Street	2242001904; <u>2242001902</u>	300 (1)	10	30	30
NFF-11	2	Southwest of Crenshaw Boulevard, 175 feet South of 67th Street	4006025900 4006024900	300 (1)	10	30	30
NFF-12	2	Southeast corner of Crenshaw Boulevard and Exposition Boulevard	5044002900 <u>2044002901</u> 2044002903	300 (2)	10	30	30
NFF-13	3	Southeast corner of East Cesar Chavez Avenue and North Vignes Street	5409023941 5409025905	300 (2)	10	30	30
NFF-14 <sup>a</sup>	2	Pico Boulevard and Exposition Boulevard, South of rail	4 <del>260025902</del>	<del>300 (1)</del>	<del>10</del>	<del>30</del>	<del>30</del>
NFF-15 <sup>a</sup>	2	Pico Boulevard, 445 feet West of Sawtelle Boulevard	4260039906	<del>300 (1)</del>	<del>10</del>	<del>30</del>	<del>30</del>
NFF-16	उ	Southeast corner of South Central Avenue and East 1st Street	<del>5161018903</del>	<del>300 (2)</del>	<del>10</del>	<del>30</del>	<del>30</del>

Revised Table II-2
Non-Freeway Facing TCN Structure Locations

Sign ID	Map No.	Location	Assessor Parcel Number	sf per Digital Display (No. of Digital Display Faces per TCN Structure)	Digital Display Height (ft)	Digital Display Width (ft)	Sign Height (from grade)
NFF-17	2	Century Boulevard, 152 feet West of Aviation Boulevard	4125026904	672 (2)	14	48	80
NFF-18	2	Southwest Aviation Boulevard and South of Arbor Vitae Street	4125020907	672 (2)	14	48	30
NFF-19	2	Northwest corner of Vermont Avenue and Beverly Boulevard	5520019900 <u>5520019902</u>	300 (2)	10	30	30
NFF-20	2	Southwest corner of Santa Monica Boulevard and Vermont Avenue	<del>5538022903</del> 5538022909	300 (2)	10	30	30
NFF-21	3	South of 4th Street 210 feet East of South Santa Fe Avenue	<del>5163017900</del>	<del>300 (2)</del>	<del>10</del>	<del>30</del>	<del>65</del>
NFF-22	3	Northwest corner of East 7th Street and South Alameda Street	5147035904	300 (2)	10	30	30

#### <u>Revised</u> Table II-2 (Continued) Non-Freeway Facing TCN Structure Locations

sf = square feet

ft = feet

As described above, subsequent to the certification of the Final EIR, the Metro Board removed TCN Structures FF-29, NFF-14, and NFF-15 from the TCN Program, which comprises the Approved Project.

Source: Eyestone Environmental, 2023.

## 5. Analysis of Proposed Modifications and Clarifications

The analysis provided below evaluates the proposed modifications to determine whether they would result in any new significant environmental impacts or a substantial increase in the severity of impacts previously evaluated. It should be noted that the Modified Project is substantially similar to Alternative 3 included in the Certified Final EIR. Alternative 3, the Reduced Project—Elimination of All Significant and Unavoidable Impacts Alternative, would eliminate TCN Structures NFF-2, NFF-3, NFF-16, and NFF-21, as well as eliminate or relocate TCN Structures FF-29 and FF-30 outside of the coastal area of the Palms–Mar Vista–Del Rey Community Plan. As described above TCN Structures NFF-2, NFF-3, NFF-16, and NFF-21 would be removed as part of the Modified Project. Additionally, while TCN Structure FF-29 was analyzed in the EIR Project, Metro omitted it from the TCN Program prior to its approval. Furthermore, TCN Structure FF-30 was

determined to be located outside of the Coastal Zone and, therefore, would not cause impacts related to inconsistencies with policies specifically related to the coastal area of the Palms–Mar Vista–Del Rey Community Plan.<sup>6</sup> As such, the impact analysis for the Modified Project below is substantially similar and would result in the same impacts to those of Alternative 3, as described in the Certified Final EIR.

Aesthetics—The Modified Project would reduce the total number of TCN Structures analyzed in the Certified Final EIR from 56 to 49, relatedly reduce the number of digital displays from 97 to 86, include refinements to the sign-reduction requirements, allow for minor modifications to some of the proposed TCN Structures, including minor height revisions for three TCN Structures, revisions to the dimensions for one TCN Structure (the square footage would remain the same), and modify the APNs for 21 TCN Structures. The Certified Final EIR conservatively concluded that the TCN Structures and related digital displays would result in significant impacts associated with views and visual character with respect TCN Structures NFF-2, NFF-3, NFF-16, and NFF-21. Specifically, five historical resources, including the North Spring Street Bridge (Caltrans Bridge No. 53C0859), Lankershim Depot, the Little Tokyo Historic District, the Japanese Village Plaza, and the Fourth Street Bridge (Caltrans Bridge No. 53C0044) are located in close proximity to these TCN Structures. While the TCN Structures and related digital displays would not physically impact any historical resources, the TCN Structures would impede visibility of and, thus, detract from the character-defining features of these five historical resources, which was determined to be a significant aesthetic impact. Therefore, the EIR Project would result in a significant and unavoidable visual impact in relation to historical resources.

The Modified Project eliminates TCN Structures NFF-2, NFF-3 NFF-16, and NFF-21 from the TCN Program, and they would not be constructed. Therefore, the Modified Project would eliminate the significant visual impact related to historical resources identified in the Certified Final EIR. Additionally, the Modified Project would no longer conflict with the Conservation Element's applicable goals, objectives, and policies set forth in the Conservation Element adopted for the purpose of avoiding or mitigating an environmental effect with regard to visual impacts on historic resources.

The Certified Final EIR concluded that the EIR Project, as it relates to TCN Structures FF-29 and FF-30, would be inconsistent with the Palms–Mar Vista–

<sup>&</sup>lt;sup>6</sup> Coastal Zone Boundary Determination 22-2022 by the California Coastal Commission, Assessor Parcel Numbers 4211-007-907 & 4223-009-906, Los Angeles County, November 17, 2022.

Del Rey Community Plan policies regarding placement of off-site signs within the coastal area, which are intended to protect scenic resources and that the operation of those TCN Structures would result in a significant aesthetic impact). After receiving a formal coastal boundary line from the California Coastal Commission, it has been determined with this new information that TCN Structure FF-30 would not be located in the Coastal Zone. Additionally, the Modified Project would eliminate TCN Structure FF-29. Therefore, the Modified Project would no longer conflict with the coastal area development standard of the Palms–Mar Vista–Del Rey Community Plan prohibiting off-site commercial signs in coastal areas. Furthermore, the minor revisions to the APNs would not result in the location of TCN Structures in the Coastal Zone or near historical resources. Overall, the Modified Project's impact related to visual character and consistency with plan policies regarding scenic quality would now be less than significant.

As discussed in the Certified Final EIR, long-range views of visual resources are present in the vicinity of several of the Site Locations. However, these views are limited due to intervening development located along the freeways and roadways. In particular, views of the Santa Monica Mountains, the Verdugo and San Gabriel Mountains, the Kenneth Hahn State Recreation Area, and the Downtown Los Angeles Skyline, are intermittently available along portions of the freeways and major roadways where the Site Locations are proposed. As part of the Modified Project, the heights of three TCN Structures (FF-1, FF-6, and Based on the locations, size, and heights of the FF-24) would increase. proposed structures, the proposed displays would not block views of long-range scenic vistas, such as the mountains or downtown skyline. Rather, the TCN Structures and related digital displays would be oriented to the freeway and roadway, where views of the digital displays would be brief and transitory. In addition, given the limited size and height of the TCN Structures, notwithstanding their obstruction of long-range scenic views from a public area, such as a sidewalk, would still allow for important visual features, be fleeting to motorists, and views would remain unobstructed/visible from other publicly accessible vantage points.

As described in the Certified Final EIR, the TCN Structures would be located within urban areas that have already been developed with roadway infrastructure; surrounding buildings; sources of light; and, in many cases, existing signage. Therefore, long-range views of the TCN Structures themselves would be limited due to the presence of existing surrounding development.

As demonstrated by the detailed light and glare analysis included in Appendices B and B.2 of the Certified Final EIR, potential light and glare impacts associated with implementation of the proposed TCN Program would be less than significant. As with the EIR Project, the digital displays for the Modified Project would be designed to provide efficient and effective illumination while minimizing light spillover, reducing skyglow, and improving nighttime visibility through glare reduction. The digital displays on the TCN Structures would use LED lighting with a daytime maximum up to 6,000 maximum candelas and 300 maximum candelas at nighttime, depending on the location of the TCN Structure. As with the EIR Project, the Modified Project would require the installation of louvers to shade the LED lights from creating unintentional light spillage, assist in reducing reflection, and create a sharper image. Specifically, Project Design Feature AES-PDF-1 would continue to be implemented as part of the Modified Project to require the installation of state-of-the-art louvers or other equivalent design features into the design of TCN Structures FF-13, FF-14, FF-25, and FF-30, such that light trespass illuminance at nearby sensitive habitat locations would not exceed 0.02 foot-candle.

As with the EIR Project, the digital displays would be set to refresh every eight seconds and transition instantly with no motion, moving parts, flashing, or scrolling messages. Illumination of the digital displays would conform to applicable federal and State regulations for signs oriented towards roadways and freeways. Further, the TCN Structures and related digital displays would be located in urban areas with existing light sources used primarily for Metro operations, which include rail corridors, stations, parking, bus depots, and equipment lots. The proposed modifications to the TCN Program include additional requirements for illumination, materials, and displays. The brightness of any digital display that includes LED elements shall be fully dimmable and controlled by an automatic light meter and timer. No digital displays would use highly reflective materials, such as mirror glass. Digital displays would make a smooth transition at a consistent rate between the permitted daytime to nighttime brightness levels beginning no earlier than 45 minutes prior to sunset and concluding no later than 45 minutes after sunset. Additionally, all LEDs would have a maximum horizontal beam spread of 165 degrees. The additional proposed modifications for illumination, materials, and displays would further reduce the Modified Project's less than significant impact compared to the EIR Project.

The Certified Final EIR assumed that the digital displays would operate 24 hours a day. Under the Modified Project, hours of operation of the digital displays would be limited during the nighttime. The limited hours of operation during nighttime and reduction in the number of TCN Structures and related digital displays, would reduce the Modified Project's less-than-significant illumination impact compared to the EIR Project.

In summary, the Modified Project would eliminate the significant unavoidable impacts related to historical and coastal view resources described in the Certified Final EIR (*i.e.*, visual impacts and consistency with the Conservation Element's objectives and policies adopted for the purpose of avoiding or mitigating an environmental effect with regard to historic resources, and a coastal area development standard of the Palms-Mar Vista-Del Rey Community Plan). The Modified Project would not result in any new significant environmental impacts or substantially more severe environmental impacts than were identified in the Certified Final EIR. The Modified Project would not result in any new significant environmental impacts or substantially more severe environmental impacts than were identified in the Certified Final EIR, and modifications to the TCN Program would further reduce impacts identified in the Certified EIR as less than significant. Further, there is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the Final EIR was certified, showing any of the conditions identified in CEQA Guidelines Section 15162(a)(3) exist.

Air Quality—The Modified Project would reduce the total number of TCN • Structures analyzed in the Certified Final EIR from 56 to 49 and relatedly reduce the number of digital displays from 97 to 86, which would reduce excavation activities. Correspondingly, the overall amount of construction activities, along with associated air emissions, would be reduced in comparison to the EIR Project. Additionally, the intensity of construction activities (inclusive of removal of static signs as part of the sign-reduction program and installation of TCN Structures) and associated air emissions on a peak daily basis, which are used for measuring significance, would not increase and would remain similar to the EIR Project. Furthermore, Project Design Feature AIR-PDF-1 would continue to be implemented as part of the Modified Project to reduce the amount of temporary diesel and gasoline generators used during construction. Additionally, under the Modified Project, similar to the EIR Project, maximum construction emissions would not exceed the South Coast Air Quality Management District recommended localized screening thresholds for NO<sub>X</sub>, CO, SO<sub>X</sub>, PM<sub>10</sub>, or PM<sub>2.5</sub>. Further, as with the EIR Project, given the short-term construction schedule, as well as limited construction duration of up to four weeks for installation per location, the Modified Project would not result in a long term (*i.e.*, 70 year) source of Toxic Air Contaminants emissions, and that impact would be reduced in comparison to the EIR Project.

In addition, since fewer TCN Structures and related digital displays would be installed for the Modified Project, the proposed modifications would result in a reduction in the operational air emissions associated with vehicular trips and stationary sources, as compared to the EIR Project.

The determination of Air Quality Management Plan (AQMP) consistency is primarily concerned with the long-term influence of the Modified Project on air guality in the Air Basin. Similar to the EIR Project, the Modified Project would not increase the frequency or severity of an existing air quality violation or cause or contribute to new violations for these pollutants. As the Modified Project would not exceed any of the State and federal air quality standards, the Modified Project would also not delay timely attainment of air quality standards or interim emission reductions specified in the AQMP. In addition, as with the EIR Project, because the Modified Project would not conflict with growth projections that form the basis of the 2016 AQMP, the Modified Project would be consistent with the emissions forecasts in the AQMP. Thus, the Modified Project would not conflict with or obstruct implementation of the AQMP. With regard to the City's policies related to air quality, similar to the EIR Project, the Modified Project would serve to implement applicable goals, objectives, and policies of the City's Air Quality Element pertaining to the Modified Project. Based on the above, as with the EIR Project, the Modified Project would not conflict with or obstruct implementation of the applicable air quality plan.

Impacts related to the other proposed modifications, including minor height revisions for three TCN Structures, revisions to the dimensions for one TCN Structure (square footage would remain the same), refinements to the sign-reduction requirements, and revisions to the APNs for 21 TCN Structures, would be within the envelope of impacts identified in the Certified Final EIR. As such, overall air emissions generated during construction and operation of the Modified Project would be similar to or slightly less than those of the EIR Project and would continue to be less than significant. Therefore, there are no substantial changes in the EIR Project as analyzed in the Certified Final EIR, and the Modified Project would not result in any new significant environmental impacts or substantially more severe environmental impacts than were identified for the EIR Project. Further, there is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the Final EIR was certified, showing any of the conditions identified in CEQA Guidelines Section 15162(a)(3) exist.

• **Biological Resources**—The Modified Project would reduce the total number of TCN Structures analyzed in the Certified Final EIR from 56 to 49 and relatedly reduce the number of digital displays from 97 to 86, which would reduce the extent of construction activities for TCN Structures as compared to the EIR Project. As with the EIR Project, the Modified Project would implement Mitigation Measures BIO-MM-1 through BIO-MM-3 to address potential impacts on biological resources during construction of the proposed TCN Structures and related digital displays. As such, the reduction in the number of TCN Structures and related digital displays would reduce construction impacts to biological

resources, including impacts to riparian habitats, wetlands, and migratory corridors, and impacts would remain less than significant with mitigation. Additionally, as part of the Modified Project, TCN Structure FF-29 would be eliminated from the TCN Program. Potential suitable habitat for special-status plant species is located adjacent to the Biological Study Area (BSA) for TCN Structure FF-29, as well as suitable habitat adjacent to the BSA for Least Bell's Vireo. Therefore, with the removal of TCN Structure FF-29 from the TCN Program, the Modified Project's construction impacts on biological resources would be reduced compared to the EIR Project.

Similar to the EIR Project, the Modified Project includes the installation of louvers to shade the LED lights from creating unintentional light spillage, assist in reducing reflection, and create a sharper image. Specifically, Project Design Feature AES-PDF-1 would continue to be implemented as part of the Modified Project to require the installation of state-of-the-art louvers or other equivalent design features into the design of TCN Structures FF-13, FF-14, FF-25, and FF-30 and related digital displays such that light trespass illuminance at nearby sensitive habitat locations would not exceed 0.02 foot-candle. The Modified Project includes additional standards for the LEDs of digital displays and standards regarding illumination that could further reduce impacts related to biological resources. Further, the proposed TCN Structures and related digital displays would be located in urban areas with existing light sources used primarily for Metro operations, such as rail corridors, stations, parking, bus depots, and equipment lots, as well as near freeways and major arterial roadways. The analysis in the Certified Final EIR assumed that the digital displays would be operating for 24 hours a day. Under the Modified Project, operation of the digital displays would be limited during nighttime hours. The limited hours of operation during nighttime hours and the reduction of TCN Structures and related digital displays would reduce the impact from illumination near potential biological resources as compared to the EIR Project.

The Certified Final EIR explained that existing static signs could provide habitat for special status species, and removal of existing static signs could affect species. Mitigation Measures BIO-MM-1 through BIO-MM-4 would continue to apply to the Modified Project and would reduce impacts from removal of existing signs to a less-than-significant level.

Impacts related to the other proposed modifications, including minor height revisions for three TCN Structures, revisions to the dimensions for one TCN Structure (square footage would remain the same), refinements to the sign-reduction requirements, and modifications to the APNs for 21 TCN Structures, would be within the envelope of impacts identified in the Certified Final EIR. Therefore, there are no substantial changes to the EIR Project, and the Modified Project would not result in any new significant environmental impacts or substantially more severe environmental impacts than were identified for the EIR Project. As with the EIR Project, with implementation of Mitigation Measures BIO-MM-1 through BIO-MM-3 identified in the Certified Final EIR, the Modified Project's impacts on biological resources would continue to be less than significant. Further, there is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the Final EIR was certified, showing any of the conditions identified in CEQA Guidelines Section 15162(a)(3) exist.

Cultural Resources—The Modified Project would reduce the total number of TCN Structures analyzed in the Certified Final EIR from 56 to 49 and relatedly reduce the number of digital displays from 97 to 86, include refinements to the sign-reduction requirements, and allow for minor modifications to some of the proposed TCN Structures, including minor height revisions for three TCN Structures, revisions to the dimensions for one TCN Structure (square footage would remain the same), and modifications to the APNs for 21 TCN Structures. As described in the Certified Final EIR, the construction of TCN Structures NFF-2, NFF-3 NFF-16, and NFF-21 would result in significant and unavoidable impacts related to historical resources. Specifically, five historical resources, including the North Spring Street Bridge (Caltrans Bridge No. 53C0859), Lankershim Depot, the Little Tokyo Historic District, the Japanese Village Plaza, and the Fourth Street Bridge (Caltrans Bridge No. 53C0044) are located in close Therefore, the construction of TCN proximity to these TCN Structures. Structures NFF-2, NFF-3 NFF-16, and NFF-21 would likely result in a significant impact on historical resources by affecting the integrity of setting and feeling with respect to the proximate historical resources. Although these resources are within an urban setting subjected to the visual, atmospheric, and audible effects of the environment on a regular basis, the TCN Structures at these four locations would likely detract from the character-defining features and affect the viewsheds of the resources. As part of the Modified Project, TCN Structures NFF-2, NFF-3, NFF-16, and NFF-21 would be removed from the TCN Program and would not be constructed. Thus, the Modified Project would eliminate the significant and unavoidable impact of the EIR Project on historical resources.

With regard to archaeological resources and human remains, the Modified Project would reduce the total number of TCN Structures from 56 to 49 and, therefore, would reduce the amount of excavation activities as compared to the EIR Project. As such, the potential to encounter archaeological resources and human remains would be reduced. As with the EIR Project, the Modified Project would incorporate Mitigation Measure CUL-MM-1 to address potential impacts on archaeological resources. Additionally, as with the EIR Project, the Modified

Project would comply with existing regulatory requirements in the event human remains were to be discovered.

Impacts related to the other proposed modifications, including minor height revisions for three TCN Structures, revisions to the dimensions for one TCN Structure (square footage would remain the same), refinements to the sign-reduction requirements, and modifications to the APNs for 21 TCN Structures, would be within the envelope of impacts identified in the Certified Final EIR. Therefore, there are no substantial changes in circumstances, and the Modified Project would eliminate the significant unavoidable impacts related to historical resources and would not result in any new significant environmental impacts or substantially more severe environmental impacts than were identified for the EIR Project. As with the EIR Project, with implementation of Mitigation Measure CUL-MM-1, the Modified Project's impact on archaeological resources would continue to be less than significant with mitigation incorporated, and the impact on human remains would continue to be less than significant without mitigation. Further, there is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the Final EIR was certified, showing any of the conditions identified in CEQA Guidelines Section 15162(a)(3) exist.

• Energy and Energy Infrastructure—The Modified Project would reduce the total number of TCN Structures analyzed in the Certified Final EIR from 56 to 49 and relatedly reduce the number of digital displays from 97 to 86 and, therefore, would reduce the amount of energy compared to the EIR Project. Additionally, similar to the EIR Project, the Modified Project would comply with applicable energy requirements to reduce energy usage and ensure energy is not used wastefully, inefficiently, or unnecessarily.

The analysis in the Certified Final EIR assumed that the digital displays would be operating for 24 hours a day. Under the Modified Project, operation of the digital displays would be limited during nighttime hours. The limited hours of operation during nighttime and reduction in the total number of TCN Structures, would reduce the Modified Project's overall total energy consumption when compared to the EIR Project. Accordingly, as with the EIR Project, the existing energy infrastructure would similarly have capacity to support the Modified Project, and the Modified Project would not require the expansion of the existing main infrastructure or require relocation of the infrastructure. Impacts related to the other proposed modifications, including minor height revisions for three TCN Structures, revisions to the dimensions for one TCN Structure (square footage would remain the same), refinements to the sign-reduction requirements, and modifications to the APNs for 21 TCN Structures, would be within the envelope of impacts identified in the Certified Final EIR. The Modified Project's impacts

related to energy consumption and infrastructure would continue to be less than significant and less than those of the EIR Project. Therefore, there are no substantial changes in circumstances, and the Modified Project would not result in any new significant environmental impacts or substantially more severe environmental impacts than were identified for the EIR Project in the Certified Final EIR. Further, there is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the Final EIR was certified, showing any of the conditions identified in CEQA Guidelines Section 15162(a)(3) exist.

Geology and Soils—The Modified Project would reduce the total number of TCN Structures analyzed in the Certified Final EIR from 56 to 49 and relatedly reduce the number of digital displays from 97 to 86 and, therefore, would reduce the amount of excavation activities compared to the EIR Project. Therefore, the number of sites that would be subjected to potential seismic hazards, as well as unstable geologic units or soil or soil erosion, would be reducing an already less than significant impact as determined in the Certified Final EIR. Project Design Feature GEO-PDF-1 would continue to be implemented as part of the Modified Project to incorporate the recommendations of a site location-specific, design-level geologic, and geotechnical investigation for each proposed TCN Structure. Further, the Modified Project would incorporate Mitigation Measure MM-GEO-1 to address potential impacts to paleontological resources. Impacts related to the other proposed modifications, including minor height revisions for three TCN Structures, revisions to the dimensions for one TCN Structure (square footage would remain the same), refinements to the sign-reduction requirements, and modifications to the APNs for 21 TCN Structures, would be within the envelope of impacts identified in the Certified Final EIR.

Therefore, there are no substantial changes in circumstances, and the Modified Project would not result in any new significant environmental impacts or substantially more severe environmental impacts than were identified for the EIR Project. As with the EIR Project, with implementation of Mitigation Measure GEO-MM-1 the Modified Project's impacts related to geology and soils would continue to be less than significant. Further, there is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the Final EIR was certified, showing any of the conditions identified in CEQA Guidelines Section 15162(a)(3) exist.

• **Greenhouse Gas Emissions**—The Modified Project would reduce the total number of TCN Structures analyzed in the Certified Final EIR from 56 to 49 and relatedly reduce the number of digital displays from 97 to 86 and, therefore, would reduce the amount of excavation activities as compared to the EIR

Greenhouse gas (GHG) emissions from a development project are Project. determined in large part by the number of daily vehicle trips generated, as well as by energy consumption from proposed land uses. With the reduction of TCN Structures, the total excavation for the Modified Project would be reduced by 651 cubic yards to 4,557 cubic yards and would therefore reduce the number of truck trips and vehicle miles traveled during construction. Thus, the amount of GHG emissions from construction of TCN Structures with the Modified Project would be reduced as compared to those in the Certified Final EIR. Further, the analysis in the Certified Final EIR assumed that, during operations, the digital displays would be operating for 24 hours a day. Under the Modified Project, operation of the digital displays would be limited during nighttime hours. The limited hours of operation during nighttime and the reduction in the total number of TCN Structures would reduce the Modified Project's overall total energy consumption associated with the Modified Project when compared to the EIR Project. Additionally, as with the EIR Project, the Modified Project would be designed to comply with the requirements of Metro's 2019 Climate Action and Adaptation Plan, CALGreen Code, and the Los Angeles Green Building Code. With compliance with applicable regulations and with implementation of comparable sustainability features as the EIR Project, the Modified Project would similarly be consistent with the GHG reduction goals and objectives included in adopted State, regional, and local regulatory plans. Impacts related to the other proposed modifications, including minor height revisions for three TCN Structures, revisions to the dimensions for one TCN Structure (square footage would remain the same), refinements to the sign reduction requirements, and modifications to the APNs for 21 TCN Structures, would be within the envelope of impacts identified in the Certified Final EIR.

Thus, as with the EIR Project, the Modified Project's impacts related to GHG emissions would continue to be less than significant. Therefore, there are no substantial changes in circumstances, and the Modified Project would not result in any new significant environmental impacts or substantially more severe environmental impacts than were identified for the EIR Project. Further, there is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the Final EIR was certified, showing any of the conditions identified in CEQA Guidelines Section 15162(a)(3) exist.

• **Hazards and Hazardous Materials**—Similar to the EIR Project, hazardous materials, such as fuel and oils associated with construction equipment, as well as coatings, paints, adhesives, caustic or acidic cleaners, and other cleaning products, would be used during construction and operation of the Modified Project and, therefore, would require proper handling and management and, in some cases, disposal. As with the EIR Project, the management of any resultant

hazardous wastes could increase the opportunity for hazardous materials releases and, subsequently, the exposure of the public to hazardous materials. However, all potentially hazardous materials would be used, stored, and disposed in accordance with manufacturers' specifications and instructions, thereby reducing the risk of hazardous materials use. As the Modified Project would reduce the total number of TCN Structures and related digital displays, impacts related to construction-related hazards and the use, handling, and disposal of hazardous materials during construction and operation would also be reduced. As with the EIR Project, the Modified Project would implement Mitigation Measures HAZ-MM-1 through HAZ-MM-3 to reduce potentially significant impacts related to the release of hazardous materials into the environment during project construction. Impacts related to the other proposed modifications, including minor height revisions for three TCN Structures, revisions to the dimensions for one TCN Structure (square footage would remain the same), refinements to the sign-reduction requirements, and modifications to the APNs for 21 TCN Structures, would be within the envelope of impacts identified in the Certified Final EIR.

As with the EIR Project, the Modified Project would implement Mitigation Measures HAZ-MM-1 through HAZ-MM-3. Thus, the Modified Project's impacts related to hazards and hazardous materials would continue to be less than significant. Therefore, there are no substantial changes in circumstances, and the Modified Project would not result in any new significant environmental impacts or substantially more severe environmental impacts than were identified for the EIR Project. Further, there is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the Final EIR was certified, showing any of the conditions identified in CEQA Guidelines Section 15162(a)(3) exist.

Land Use—The Modified Project would reduce the total number of TCN • Structures analyzed in the Certified Final EIR from 56 to 49 and relatedly reduce the number of digital displays from 97 to 86, include refinements to the sign-reduction requirements, and allow for minor modifications to some of the proposed TCN Structures, including minor height revisions for three TCN Structures, and revisions to the dimensions for one TCN Structure (square footage would remain the same), and modifications to the APNs for 21 TCN The Certified Final EIR determined that TCN Structures NFF-2, Structures. NFF-3 NFF-16, and NFF-21 would result in significant impacts associated with inconsistencies with applicable goals, objectives, and policies set forth in the Conservation Element of the City's General Plan related to historical resources. With regard to the Modified Project, TCN Structures NFF-2, NFF-3 NFF-16, and NFF-21 would be removed from the TCN Program and would not be constructed. Therefore, the TCN Program's significant land use impact related to impacts on historical resources would be eliminated. Additionally, the Modified Project would no longer conflict with the Conservation Element's applicable goals, objectives, and policies set forth in the Conservation Element adopted for the purpose of avoiding or mitigating an environmental effect with regard to historic resources.

Further, the Certified Final EIR concluded that development of TCN Structures FF-29 and FF-30 would be inconsistent with the Palms–Mar Vista–Del Rey Community Plan development standard regarding placement of off-site signs within the coastal area, which is intended to protect scenic resources. After receiving a formal coastal boundary line from the California Coastal Commission, it has been determined with this new information that TCN Structure FF-30 would not be located in the Coastal Zone. Additionally, the Modified Project would eliminate TCN Structure FF-29. Therefore, the Modified Project would no longer conflict with the coastal area development standard of the Palms–Mar Vista–Del Rey Community Plan prohibiting off-site commercial signs in coastal areas.

As part of the necessary approvals for the EIR Project, the City must amend its sign regulations in Chapter I of the Zoning Code to create a mechanism to review and approve the TCN Structures. The Zoning Ordinance would not authorize new signage other than the TCN Structures. The Zoning Ordinance 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-site signs. The Zoning Ordinance, and other potential associated Zoning Code and General and/or Specific Plan amendments, would create a new class of signage for the TCN Structures given their unique attributes and intelligent technology. However, due to its inclusion of off-site advertising, an exception to the City's general ban on new off-site signs outside of Sign Districts, Specific Plans, and Supplemental Use Districts would be needed. Importantly, the Zoning Ordinance would not authorize any signage beyond the potential 49 TCN Structures on Metro-owned property.

Impacts related to the other proposed modifications, including minor height revisions for three TCN Structures, revisions to the dimensions for one TCN Structure (square footage would remain the same), refinements to the sign-reduction requirements, and modifications to the APNs for 21 TCN Structures, would be within the envelope of impacts identified in the Certified Final EIR. Therefore, there are no substantial changes in circumstances, and the Modified Project would eliminate the EIR Project's inconsistency with the Conservation Element of the City's General Plan related to historical resources and potential inconsistency with the Palms–Mar Vista–Del Rey Community Plan policies regarding placement of off-site signs within the coastal area and would

not result in any new significant environmental impacts or substantially more severe environmental impacts than were identified for the EIR Project. Thus, the Modified Project's impacts associated with conflict with applicable land use plans would be reduced to a less-than-significant level when compared to the EIR Project. Further, there is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the Final EIR was certified, showing any of the conditions identified in CEQA Guidelines Section 15162(a)(3) exist.

**Noise**—The Modified Project would reduce the total number of TCN Structures analyzed in the Certified Final EIR from 56 to 49 and relatedly reduce the number of digital displays from 97 to 86 and, therefore, would reduce the amount of excavation and construction activity as compared to the EIR Project. Accordingly, the overall amount of construction activities and construction duration would reduce the associated noise and vibration impacts. Additionally, Project Design Feature NOI-PDF-1 would continue to be implemented as part of the Modified Project to ensure power construction equipment will be equipped with state-of-the-art noise shielding and muffling devices. Further, the intensity of construction activities and associated noise and vibration on a peak daily basis, which are used for measuring significance, would not increase as the construction activity and duration would remain the same for each individual TCN Structure, and the total number of TCN Structures anticipated to be constructed at one time would remain unchanged. Further, modifications to the APNs for 21 TCN Structures would not relocate the TCN Structures in a manner that would substantially increase impacts to sensitive receptors for noise and vibration. As such, noise and vibration generated during maximum construction activity days would be similar to the EIR Project. Impacts related to the other proposed modifications, including minor height revisions for three TCN Structures, revisions to the dimensions for one TCN Structure (square footage would remain the same), and refinements to the sign-reduction requirements, would be within the envelope of impacts identified in the Certified Final EIR. Furthermore, Mitigation Measure NOI-MM-1 through NOI-MM-4 would continue to be implemented as part of the Modified Project to reduce construction noise and vibration impacts to a less-than-significant level.

Therefore, there are no substantial changes in circumstances, and the Modified Project would not result in any new significant environmental impacts or substantially more severe environmental impacts than were identified for the EIR Project. As with the EIR Project, with implementation of Mitigation Measures NOI-MM-1 through NOI-MM-4 the Modified Project's construction-related noise and vibration impacts would continue to be less than significant. Further, there is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the

Final EIR was certified, showing any of the conditions identified in CEQA Guidelines Section 15162(a)(3) exist.

• **Transportation**—The Modified Project would reduce the total number of TCN Structures analyzed in the Certified Final EIR from 56 to 49 and relatedly reduce the number of digital displays from 97 to 86, refinements to the sign-reduction requirements and allow for minor modifications to some of the proposed TCN Structures, including minor height revisions for three TCN Structures, and revisions to the dimensions for one TCN Structure (square footage would remain the same), and modifications to the APNs for 21 TCN Structures. Overall, the Modified Project would be consistent with the goals, policies, and requirements of applicable plans, similar to the EIR Project. The Modified Project also would not conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities. As with the EIR Project, the proposed modifications would not introduce hazardous design features.

Impacts related to the other proposed modifications, including minor height revisions for three TCN Structures, revisions to the dimensions for one TCN Structure (square footage would remain the same), refinements to the sign-reduction requirements, and modifications to the APNs for 21 TCN Structures, would be within the envelope of impacts identified within the Certified Final EIR. As analyzed in the Certified Final EIR, the FF TCN Structures were reviewed for consistency with Caltrans guidelines, and all of the TCN Structures were found to be compliant with the guidelines for digital signage adjacent to a Further, Caltrans regulates the placement of outdoor advertising freeway. displays visible from California highways, and the Modified Project would require an Outdoor Advertising (ODA) License issued by Caltrans. Additionally, the Certified Final EIR evaluated the NFF TCN Structures with the Hazard Review for Sign Permits Evaluation Checklist, which is an evaluation checklist provided by the Los Angeles Department of Transportation (LADOT) for potential hazards caused by signs and support structures. As with the EIR Project, none of the TCN Structures included within the Modified Project would conflict with the checklist, and Metro would continue to coordinate with LADOT to ensure no potential safety hazards would arise during the installation or operation of the signs. As with the EIR Project, the TCN Structures under the Modified Project, would be operated based on established industry standards for refresh rate and would not include any motion or flashing, which may increase distractions for nearby drivers. Similarly, the signs would also be positioned to focus on the intended roadways and minimize visibility from adjacent streets. Further, the results of the lighting study, included as Appendices B and B.2 to the EIR Project, demonstrates that the maximum luminance from the proposed TCN Structures is less than the limits established by the California Vehicle Code

(CVC) Section 21466.5 for excessive luminance, or glare, during night, twilight (sunset and sunrise), and during the day. Lastly, the proposed modifications would not interfere with emergency access. As with the EIR Project, impacts from the Modified Project would be less than significant.

Therefore, there are no substantial changes in circumstances, and the Modified Project would not result in any new significant environmental impacts or substantially more severe environmental impacts than were identified for the EIR Project. The Modified Project's transportation impacts would be similar to the EIR Project and would continue to be less than significant. Further, there is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the Final EIR was certified, showing any of the conditions identified in CEQA Guidelines Section 15162(a)(3) exist.

- Tribal Cultural Resources—The Modified Project would reduce the total number of TCN Structures analyzed in the Certified Final EIR from 56 to 49 and, therefore, would reduce the amount of excavation activity as compared to the EIR Project. As such, the potential to encounter tribal cultural resources would be reduced. As with the EIR Project, the Modified Project would incorporate Mitigation Measures TCR-MM-1 through TCR-MM-3 to address potential impacts on tribal cultural resources. Impacts related to the other proposed modifications, including minor height revisions for three TCN Structures, revisions to the dimensions for one TCN Structure (square footage would remain the same), refinements to the sign-reduction requirements, and modifications to the APNs for 21 TCN Structures, would be within the envelope of impacts identified in the Certified Final EIR. Therefore, there are no substantial changes in circumstances, and the Modified Project would eliminate the significant unavoidable impacts related to historical resources and would not result in any new significant environmental impacts or substantially more severe environmental impacts than were identified for the EIR Project. As with the EIR Project, with implementation of Mitigation Measures TCR-MM-1 through TCR-MM-3, the Modified Project's impact on tribal cultural resources would continue to be less than significant. Further, there is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the Final EIR was certified, showing any of the conditions identified in CEQA Guidelines Section 15162(a)(3) exist.
- Utilities: Electric Power Infrastructure—The Modified Project would reduce the total number of TCN Structures analyzed in the Certified EIR from 56 to 49 and relatedly reduce the number of digital displays from 97 to 86 and, therefore, would reduce the construction and operation impacts associated with electric power infrastructure. Impacts related to the other proposed modifications,

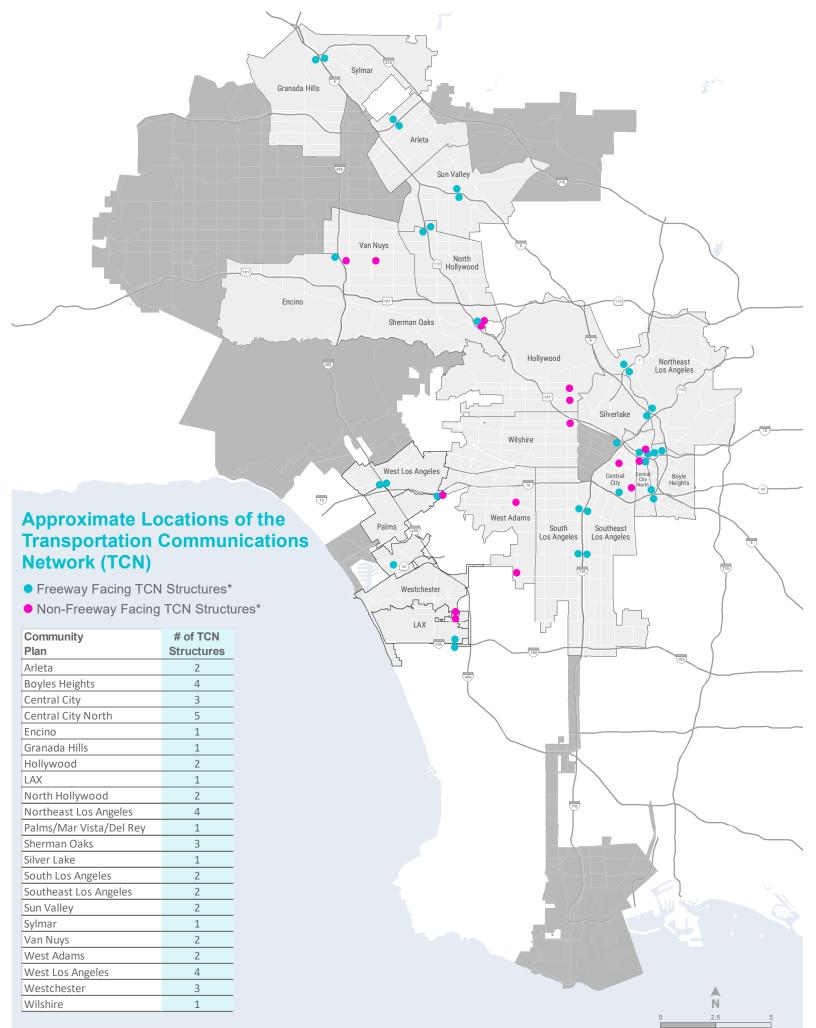
including minor height revisions for three TCN Structures, revisions to the dimensions for one TCN Structure (square footage would remain the same), refinements to the sign-reduction requirements, and modifications to the APNs for 21 TCN Structures, would be within the envelope of impacts identified in the Certified Final EIR. Therefore, there are no substantial changes in circumstances, and the Modified Project would not result in any new significant environmental impacts or substantially more severe environmental impacts than were identified for the EIR Project. As such, the Modified Project's impact regarding electric power infrastructure would be less than significant and less than the impact under the EIR Project. Further, there is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the Final EIR was certified, showing any of the conditions set forth in CEQA Guidelines Section 15162(a)(3) exist.

# 6. Conclusion

As demonstrated by the analysis herein, the proposed modifications and clarifications would not result in any additional significant impacts or substantially increase the severity of previously anticipated significant impacts. Rather, the impacts associated with the Modified Project would be similar to the impacts identified in the Certified Final EIR (i.e., daily maximum construction emissions and peak noise levels during construction), would be eliminated (i.e., visual impacts related to historic resources, historic resources, and land use), or would be reduced (i.e., air quality, biological resources, archaeological resources and human remains, energy, geology and soils, GHG emissions, noise, transportation, tribal cultural resources, and utilities related to electric power infrastructure) when compared to those impacts identified in the Certified Final EIR, and do not constitute a new or substantially increased significant impacts. Based on this determination, the proposed modifications and clarifications do not meet the requirements for preparation of a subsequent or supplemental EIR pursuant to CEQA Guidelines Sections 15162 and 15164 and PRC Section 21166.

# Exhibit H

# Metro Transportation Communication Network (TCN) - Project Maps

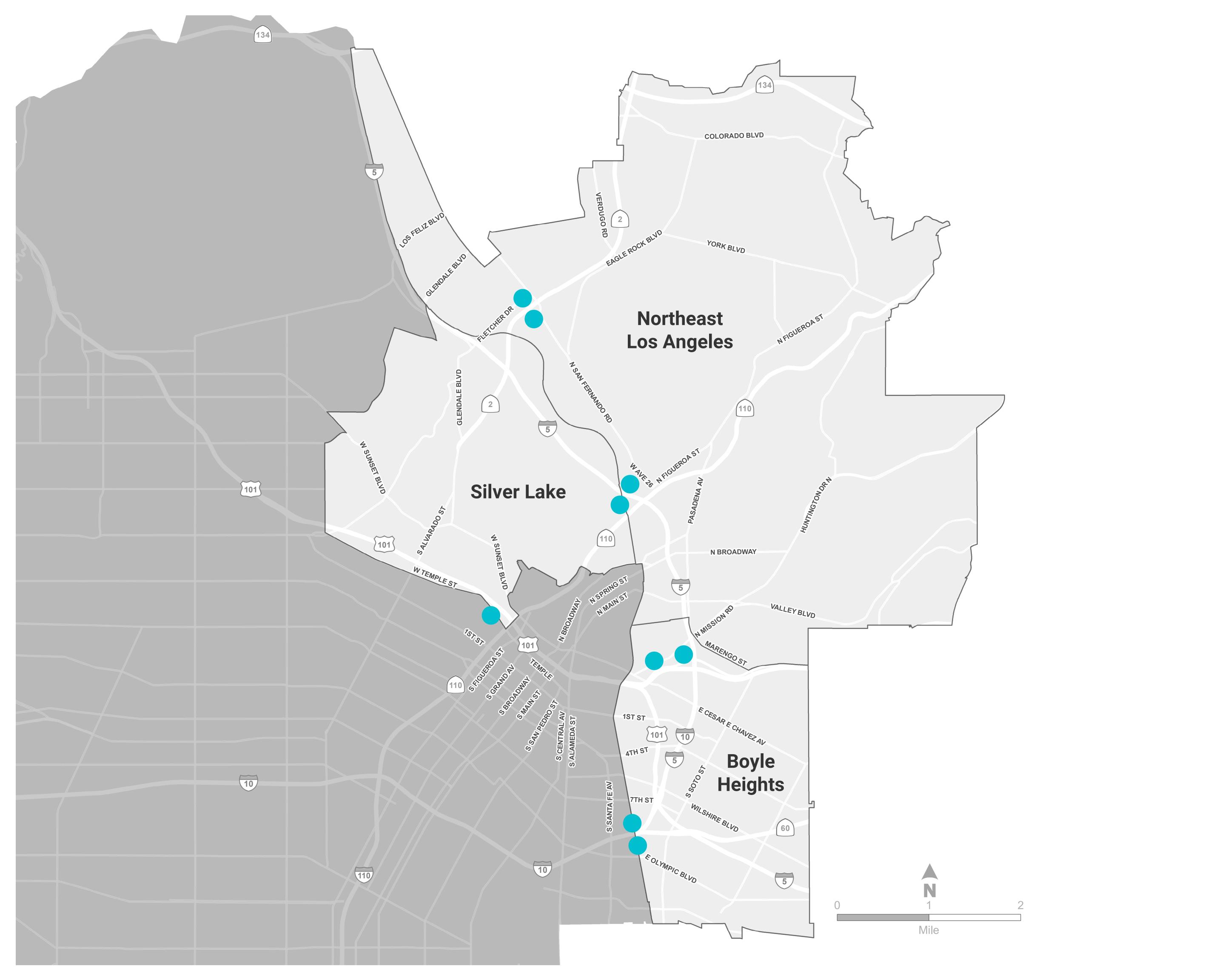


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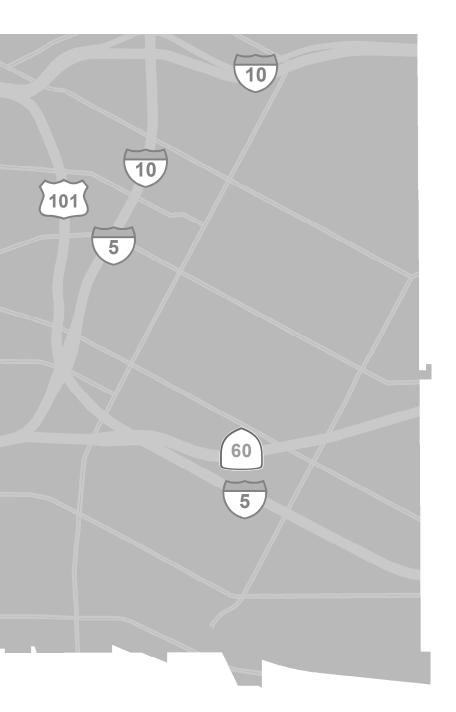


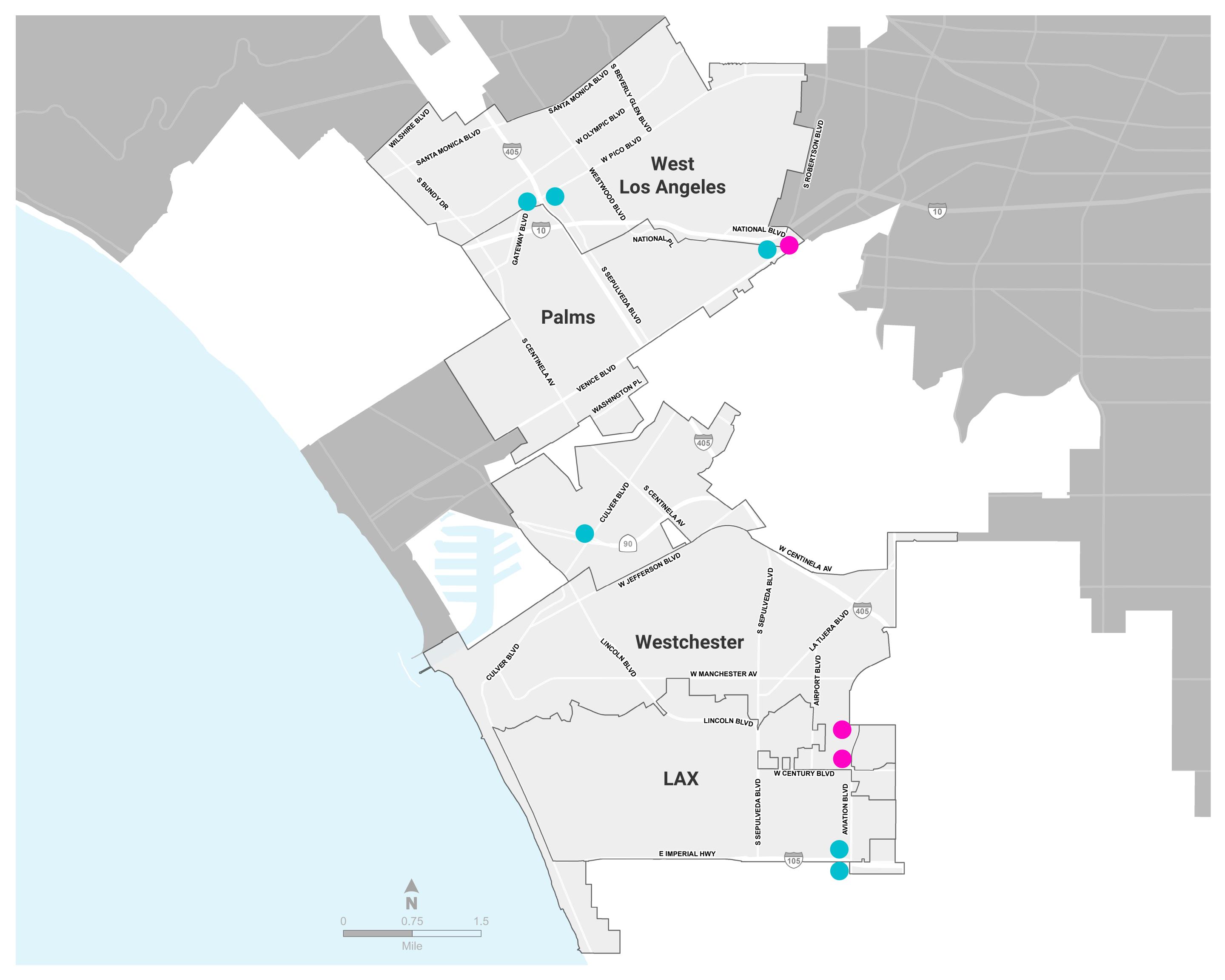












# Exhibit I

# Metro Transportation Communication Network (TCN) - Metro Advertising Guidelines



## COMMUNICATIONS Metro System Advertising

(COM 6)

## 1.0 GENERAL

The display of commercial advertising to generate revenue carries with it a responsibility to protect Metro from potential litigation, preserve its nonpublic forum status, and to recognize the potential association of advertising images with Metro services. The agency addresses these issues through the responsible, consistent, and viewpoint neutral application of its advertising policy.

The policy's purpose is to clearly define the use of Metro's advertising space fulfilling the following important goals:

- Maximize advertising revenue and preserving the value of the advertising space;
- Maintain a position of neutrality and preventing the appearance of favoritism or endorsement by Metro;
- Prevent the risk of imposing objectionable, inappropriate or harmful views on a captive audience;
- Preserve aesthetics and avoiding vandalism;
- Maximize ridership and maintaining a safe environment for riders and the public;
- Avoid claims of discrimination and maintaining a non-discriminatory environment for riders;
- Prevent any harm or abuse that may result from running objectionable, inappropriate or harmful advertisements;
- Reduce the diversion of resources from transit operations that is caused by objectionable, inappropriate or harmful advertisements;
- Preserve Metro's business reputation as a professional, effective, and efficient provider of public transit services.

Governmental entities may advance specific governmental purposes through advertising under this policy.

Los Angeles County contains significant tourism destinations accessible through public transportation, which may be promoted under this policy.

Metro uses designated areas on its properties to directly provide transit and agency information to the public.

### 2.0 POLICY

### 2.1 Permitted Advertising Content

#### Commercial Advertising

Metro will only accept paid commercial advertising that proposes, promotes, or solicits the sale, rent, lease, license, distribution or availability of goods, property,



## COMMUNICATIONS Metro System Advertising

(COM 6)

products, services, or events that anticipate an exchange of monetary consideration for the advertiser's commercial or proprietary interest, including advertising from tourism bureaus, chambers of commerce or similar organizations that promote the commercial interests of its members, and museums that offer free admission to the public.

- A. Metro's policy that it will accept only commercial advertising applies regardless of whether the proponent is a commercial or nonprofit organization. To determine whether an ad qualifies as commercial, Metro considers the following nonexclusive factors: (a) whether a commercial product or service is apparent from the face of the ad; (b) whether the commercial product or service is incidental to the public interest content of the ad; (c) whether the sale of commercial products or services is the primary source of the advertiser's total annual revenue; and (d) whether the advertiser is a for-profit entity.
- B. This exclusion does not apply to Government Advertising below.

#### Government Advertising

Metro will accept advertising that advances specific government purposes from a federal, State of California, or Los Angeles County local governmental entity. The governmental entity must be clearly identified on the face of the advertising.

### 2.2 Prohibited Content and Subject Matter

Metro retains content control of advertising on the transit system by restricting content; content described below may not be displayed on the Metro transit system and/or agency assets:

- Alcohol and Spirits Imagery of open or closed alcoholic containers, consumption of any alcohol and spirits, or alcohol product brands is prohibited and may not be shown. Services and events for food and beverage, including alcohol and wine events may be shown if the image is compliant with the restrictions stated herein.
- Tobacco, Vaping and Cannabis Imagery that portrays, simulates, or encourages recreational smoking, vaping, or ingesting of tobacco, cannabis, or similar products is prohibited. Services and events for cannabis products, services, and events are prohibited and may not be shown.
- Illegal Activity Content that promotes or relates to an illegal activity



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- Violence Images, copy or concepts that promote guns/firearms or gun violence, or that depict weapons or other devices in an act of violence or harm on a person or animal, or contain any material that incites or encourages, or appears to incite or encourage, violence or violent behavior.
- **Obscene Matter** Obscene matter as defined in the Los Angeles County Code, Chapter 13.17, Section 13.17.010, or sexually explicit material as defined in the Los Angeles County Code, Chapter 8.28, Section 8.28.010D.
- **Indecency** Images, copy or concepts that describe, depict, suggest or represent sexual or excretory organs or activities in a manner that a reasonably prudent person, knowledgeable of Metro's ridership and using prevailing community standards, would find inappropriate for the public transit environment, including persons under the age of 18.
- Adult Entertainment and Content Content that promotes or displays images associated with adult bookstores, video stores, dance clubs, or other adult entertainment or sexually-oriented establishments, telephone services, internet sites, films, video games, escort services, etc.
- Adult Rated Media Adult/mature rated films, television, video games, or theatrical presentations, such as adult films rated "X" or "NC-17" or video games rated "AO."
- **Profanity** Contains any profane language.
- Political Speech Advertising that promotes or opposes (a) a political party; (b) any person or group of persons holding federal, state or local government elected office; (c) the election of any candidate or group of candidates for federal, state or local government offices; or (d) initiatives, referendums or other ballot measures.
- **Public Issue Speech** Advertising that primarily expresses or advocates an opinion, position or viewpoint on a matter of public debate about economic, political, public safety, religious or social issues. This exclusion does not apply to Government Advertising under 2.1.
- **Religion** Promotes or opposes any identifiable or specific religion, religious viewpoint, belief, message, or practice.



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- **Unsafe Transit Behavior** Contains images, copy or concepts that depict unsafe behaviors aboard buses or trains, or in or around transit stations or railroad tracks.
- **Injurious to Metro's interests** Promotes products, services or other concepts that are adverse to Metro's commercial or administrative interests. Prohibited content includes but is not limited to images, copy or concepts that actively denigrate public transportation.
- Metro's Endorsement Contains images, copy or concepts that inaccurately state or imply Metro's endorsement of the subject of the advertisement.
- Harmful or Disruptive to Transit System Contains material that is so objectionable as to be reasonably foreseeable that it will result in harm to, disruption of, or interference with the transportation system.
- **Symbols** Miscellaneous characters, images or symbols used as a substitute for prohibited content.

#### 2.3 Metro's Government Speech

The provisions of this policy do not apply to Metro's government speech, which includes advertising sponsored solely by Metro or by Metro jointly with another entity to communicate any message deemed appropriate by Metro.

#### 2.4 Metro's Right of Rejection

Metro, and its advertising vendors, will screen and review all advertising content on the transit system, and in all contracts Metro reserves the right to:

- Reject any advertising content submitted for display on its properties; and/or
- To order the removal of any advertising posted on its properties.

Decisions regarding the rejection or removal of advertising are made by the Metro Marketing Executive or their designee based upon the criteria in this policy.

Disclaimer of Endorsement: Metro's acceptance of an advertisement does not constitute express or implied endorsement of the content or message of the advertisement, including any person, organization, products,



(COM 6)

#### services, information or viewpoints contained therein, or of the advertisement sponsor itself.

#### 2.5 Informational Advertising

Metro has several unique distribution channels at its disposal for disseminating transit information for which it incurs no "space" cost (the fee charged for advertising space). Informational advertising space is limited and reserved exclusively for Metro transit information. All messages and materials distributed by this means are prepared, approved and/or authorized by the Marketing Executive or their designee.

Acceptable information for these distribution channels is categorized as follows:

#### 2.5.1 Transit Information

Transit information includes, but is not limited to: campaigns promoting ridership, service features and changes, fare information and changes, safety and security messages, maps and explanations of related transportation services.

#### 2.5.2 Cross-Promotional Information

On an occasional basis and only when space is available, Metro's Marketing Department may use Metro's distribution channels to participate in cross-promotional opportunities (a cooperative partnership in which Metro and one or more entities work together with the goal of jointly promoting their respective services) that offer a direct opportunity to promote use of transit. Any materials distributed for this purpose must prominently include promotion of Metro services (e.g., Metro Ridership Promotion such as, "Go Metro to CicLAvia"). Metro is prohibited by law from donating advertising space to any entity for purposes that are not directly transit-related.

The outside organization involved must either bear the cost of producing such materials or, if approved by Metro's Marketing Department, provide an equivalent or greater value in cross-promotional benefits (i.e. advertising space, editorial space, etc.).

#### 2.5.3 "Added Value" Materials

On an occasional basis and only when space is available, Metro's Marketing Department may use Metro's distribution channels to provide



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"added value" materials to its riders. Such materials must present a specific and time-dated offer uniquely provided for Metro bus and Metro Rail riders (generally a money-saving discount) in which transit can be used to access the redemption point. Any materials distributed for this purpose must prominently include the Metro logo and other wording approved by Metro's Marketing Department to indicate that the offer is specifically designed for Metro bus and Metro Rail riders. Metro is prohibited by law from simply donating advertising space to any entity for purposes that are not directly transit-related.

The outside organization involved must either bear the cost of producing such materials or, if approved by Metro's Marketing Department, provide an equivalent or greater value in cross-promotional benefits (e.g., advertising space, editorial space, etc.). Any added value programs must be approved by the Marketing Executive, or their designee based upon the criteria in this policy statement.

#### 2.6 Advertising Vendors

Metro may contract with outside vendors to sell and display advertising on its transit system and related properties for the sole purpose of generating revenue. Vendors for such contracts are solicited through competitive bids, which must conform to Metro's procurement procedures and be approved by Metro's Board of Directors.

Such agreements may dedicate up to, but no more than 90% of the available space covered by the contract for commercial advertising, reserving the remaining available space for Metro's own transit-related information. This percentage of available space, and the remaining percentage of space held for Metro's information, will be negotiated as part of any contract with an outside advertising space vendor.

#### 2.7 Placement of Advertising

Locations for commercial advertising may include, but are not limited to: the exterior and interior of all Metro's transit fleet (buses, trains, rideshare cars, and non-revenue cars); the exterior and interior of all Metro's stations and hubs (rail and bus stations, bus stops, and mobility hubs); digital channels (agency websites, mobile apps, and social media channels); printed materials (brochures, timetables); Metro property (buildings, facilities and parking structures); and any other location approved by Metro's Marketing Executive. Metro and its advertising contractors will obtain necessary permits as required to comply with local jurisdiction. Specific locations and properties may be exempt and excluded,



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in which case Marketing will coordinate with the agency project manager as advertising inquiry arises.

2.7.1 Graphics on Window and Glass

To ensure the safety and security of passengers, operators and law enforcement officers, advertising displays which employ window graphics are restricted from <u>fully obscuring</u> the window surfaces on any Metro vehicles (trains, buses, ride share, and non-revenue vehicles). The front window, however, <u>may not</u> be covered in any manner.

If an advertising display employs window graphics, the materials must be perforated with a 50/50 coverage-to-visibility ratio. The perforated material applies to all glass surfaces such as vehicle windows, buildings windows, and glass elevators. Metro may provide materials and technical specifications to each vendor.

#### 3.0 PROCEDURES

#### Action By:

#### Action:

Advertising Vendors Sell, post and maintain all commercial advertising on Metro properties. All proposed transit advertising must be submitted to the Advertising Vendor for initial compliance review. The Advertising Vendor will perform a preliminary evaluation of the submission to assess its compliance with this policy. If, during its preliminary review of a proposed advertisement, the Advertising Vendor is unable to make a compliance determination, it will forward the submission to the Metro's advertising panel for further evaluation. The Advertising Vendor may at any time discuss with the entity proposing the advertisement one or more revisions to an advertisement, which, if undertaken, would bring the advertisement into conformity with this Advertising Policy. The Advertising Vendor will immediately remove any advertisement that Metro directs it to remove. Metro Advertising Panel Metro's advertising panel will review the proposed advertisement for compliance with the guidelines set forth in this policy and will direct the Advertising



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Vendor as to whether the proposed advertisement will be accepted. In the discretion of the advertising panel, any proposed transit advertising may be submitted to Metro's Marketing Executive for review.

Metro's Marketing Executive	Metro's Marketing Executive or designee will conduct a final review of proposed advertising at the request of Metro's advertising panel. The decision of the Marketing Executive to approve or reject any proposed advertising shall be final.

Metro Advertising Panel and	Metro's advertising panel or the Marketing Executive
Marketing Executive	may consult with other appropriate Metro
-	employees, including Metro's legal counsel, at any
	time during the review process.

#### 4.0 PROCEDURE HISTORY

- 03/23/00 Original policy adopted by Metro's Board of Directors.
- 01/27/05 Policy amended by Board of Directors to permit advertising on Metro Rapid vehicles.
- 09/26/08 Biennial review and update. Policy updated to include Board of Directors amendment to permit all forms of non-traditional advertising displays as well as advertising on rail car exteriors and other types of transit service with the exception of Orange Line vehicle exteriors.
- 6/27/13 Content Guidelines amended by Metro's Board of Directors to add an exception for non-profit organizations pertaining to the non-commercial advertising prohibition, and to expand language regarding various other types of prohibited content.
- 12/5/13 Content guidelines amended by Metro's Board of Directors to prohibit messages that are injurious to Metro's interests and to clarify restrictions regarding vulgarity.
- 02/23/17 Review and update: Board approved, Feb. 23, 2017 (Item 40). Streamlined policy for an easier read; removed defined vinyl window graphics prohibitions: now just may not fully wrap a bus; added definitions; clarified outreach channels; may advertise on Orange Line vehicles;



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added items to advertising ban; removed "wine festival" advertising allowance; advertising may not engage in public debate.

04/27/2023 Significant Policy changes and edits including Elimination of government sponsored ad exception for non-commercial ads (Exception 2); clarification that Commercial Advertising is the only permitted form of advertising, unless advertiser is a federal, state, LA County governmental entity, or Metro; inclusion of: Revised Policy Purpose statement and objectives and Disclaimer of Endorsement; excludes advertising that "expresses or advocates an opinion, position or viewpoint on a matter of public debate"; and general reorganization and clarification.

#### Exhibit J

#### Metro Transportation Communication Network (TCN) - Mitigation Monitoring and Reporting Program



#### 1. Introduction

Section 21081.6 of the Public Resources Code requires a lead agency to adopt a "reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment." Section 15097 of the CEQA Guidelines provides additional direction on mitigation monitoring or reporting. As the lead agency for the Project, Metro is responsible for administering and implementing the Mitigation Monitoring requirements to be enforced during project implementation. The primary purpose of the MMRP is to ensure that the project design features (PDFs) and mitigation measures (MMs) identified in the Draft and Final EIR are implemented, effectively minimizing the identified environmental effects.

#### 2. Organization

As shown in Section 4 Mitigation Monitoring and Reporting Program below, each identified PDF and MM for the Project is listed and categorized by environmental impact area, with accompanying identification of the following:

- Monitoring Action: The criteria that would determine when the measure has been accomplished and/or the monitoring actions to be undertaken to ensure the measure is implemented.
- Responsible Party: The entity accountable for the action.
- Enforcement Agency: The agency or agencies responsible for overseeing the implementation of mitigation.
- Monitoring Phase: The timing of when implementation of the action is verified.

#### 3. Program Modification

After review and approval of the final MMRP by the Lead Agency, minor changes and modifications to the MMRP are permitted, but can only be made subject to Metro 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 MMRP and the need to protect the environment. No changes will be permitted unless the MMRP continues to satisfy the requirements of CEQA, as determined by the Lead Agency.

The Project shall be in substantial conformance with the PDFs and MMs contained in this MMRP. The enforcing departments or agencies may determine substantial conformance with PDFs and MMs in the MMRP in their reasonable discretion. If the department or agency cannot find substantial conformance, a PDF or 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 PDFs or MMs. Any addendum or subsequent CEQA clearance shall explain why the PDF or MM is no longer needed, not feasible, or the other basis for modifying or deleting the PDF or MM, and that the modification will not result in a new significant impact or a substantial increase in the severity of a previously identified significant impact consistent with the requirements of CEQA. Under this process, the modification or deletion of a PDF or MM shall not in and of itself require a modification to any Project discretionary approval unless the Director of Planning for Metro as the Lead Agency also finds that the change to the PDF or MM results in a substantial change to the Project or the non-environmental conditions of approval.

# 4. Mitigation Monitoring and Reporting Program

Table IV-1 Mitigation Monitoring and Reporting Program

Project Design reature or mitigation measure	Monitoring Action	Kesponsiple Party	Enforcement Agency	monitoring Phase
Aesthetics				
<b>Project Design Feature AES-PDF-1:</b> State of the art louvers or other equivalent design features shall be incorporated into the design of TCN Structures FF-13, FF-14, FF-25, FF-29, and FF-30 such that the light treepass illuminance at sensitive habitat at the proposed Bowtie State Park, and the Ballona Wildlife Reserve to the south of the Marina Freeway, west of Culver Boulevard, do not exceed 0.02 footcandles.	Incorporate louvers or other equivalent design features into the design	Construction Contractor	Metro	Preconstruction; Construction
Air Quality				
<b>Project Design Feature AIR-PDF-1:</b> Where power poles are available, electricity from power poles and/or solar powered generators rather than temporary diseal or gasoline generators will be used during construction.	Use power poles and/or solar powered generators where feasible	Construction Contractor	Metro and/or City of Los Angeles	Preconstruction; Construction
Biological Resources				
Mitigation Measure BIO-MM-1: Implement Biological Resource Protection	Retain a qualified biologist.	Construction Contractor	Metro	Preconstruction; Construction
Measures during Construction (All Site Locations and takedown locations of existing static displays). The following BMPs shall be implemented during construction to minimize direct and indirect impacts on biological resources and special-status species:	Conduct a Worker Environmental Awareness Program for all Project personnel and contractors who will be on the Site Locations.	Construction Contractor/Qualified Biologist	Metro	Preconstruction; Construction
Prior to the commencement of construction, a Project biologist (a person with, at minimum, a bachelor's degree in biology, ecology, or a related	Conduct a preconstruction survey for special-status species.	Construction Contractor/Qualified Biologist	Metro	Preconstruction; Construction
environmental science; greater than tive years of experience and knowledge of natural history, habitat affinities, and id of flora and fauna species; and knowledge of all relevant federal, state, and local laws governing biological resources, including CDFW qualifications for field surveyors) shall be designed to a conversible for coverseint compliance with protective	Inspect the Site Location footprint immediately prior to, and during construction to identify the presence of invasive weeds.	Construction Contractor/Qualified Biologist	Metro	Preconstruction; Construction
uesignate up to the secondator of version second solution control to the second within and adjacent to areas of native habitat. The Project biologist will be familiar with the local habitats, plants, and wildlife and maintain communications with the contractor on issues relating to biological resources and compliance with the contractor on succes relating to biological resources and compliance with the contractor on succes relating to biological resources biologist may designate other qualified biologists or biological monitors to help overse Project biologist compliance or conduct preconstruction surveys for	Designate areas that need temporary fencing (e.g., ESA fencing); and monitor construction activities within and adjacent to areas with native vegetation communities, regulated aquatic features, or special-status plant and wildlife species.	Construction Contractor/Qualified Biologist	Metro	Preconstruction; Construction
special-status species. These biologists will have familiarity with the species for which they would be conducting preconstruction surveys or monitoring construction activities. The Project biologist or designated qualified biologist shall review final plans: designate areas that need temporary fencing (e.g., ESA fencing); and monitor construction activities within and adjacent to areas with native vegetation communities, regulated aqualitied biologist shall monitor communities, regulated aqualitied biologist shall monitor compliance with applicable environmental requirements during construction activities (flering to protect native species). The qualified biologist shall check construction barriers or exclusion fencing and provide corrective measures to the contractor to	Incorporate contractor responsibilities into applicable construction documents including plans and specifications.	Construction Contractor/Qualified Biologist	Metro	Preconstruction; Construction

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	Table IV-1 (Continued) Mitigation Monitoring and Reporting Program	ontinued) id Reporting Program		
Project Design Feature or Mitigation Measure	Monitoring Action	Responsible Party	Enforcement Agency	<b>Monitoring Phase</b>
ensure the barriers or fencing are maintained throughout construction. The qualified biologist shall have the authority to stop work if a federally or qualified biologist shall have the authority to stop within 24 hours of qualified biologist determines that the animal will not be harmed or that it has diff the construction area on its own. The Project biologist stall notity the appropriate regulatory agency within 24 hours of straining ther or biologist determines that the animal will not be harmed or that it has giving of a federally or State-listed species. The project biologist or a designated qualified biologist. Any new project presented by the Project biologist or a designated qualified biologist. Any new project presented to construction, all Project biologist or a designated qualified biologist. Any new project presented to construction shall also be required to construction shall also be required to commendate works of potential impacts on such vegetation communities and species. At a minimum, the training shall also be required to communities and species. At a minimum, the training shall include the following topics: (1) occurrences of special-status species and project presentes or project presentes or project presentes or project presentes and speciels. At a minimum, the training shall include the following topics: (1) occurrences of special-status species and project presentes or project presentes and special-status species and construction not the field, including strictly limiting activities, weinkies, weinkies, project presentes or project presentes or provide the following topics: (7) occurrences of special-status species and special-status species to human activities; (4) projective measures to avoid special-status species to human activities; (4) projective measures to avoid special-status species to human activities; (4) projective measures to avoid aspecial-status species to human activities; (4) projective measures to avoid special-status species to human activities; (4) projective measur				
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IV. Mitigation Monitoring and Reporting Program

	Table IV-1 (Continued) Mitigation Monitoring and Reporting Program	Continued) ind Reporting Program	-	_
Project Design Feature or Mitigation Measure	Monitoring Action	Responsible Party	Enforcement Agency	Monitoring Phase
<ul> <li>will notify the appropriate regulatory agencies.</li> <li>The Project biologist shall inspect the Site Location footprint immediately prior to, and during construction to identify the presence of invasive weeds and recommend measures to avoid their inadvertent isspection and cleaning of construction to project. Such measures may include inspection and cleaning of construction equipment and use of eradication strategies.</li> <li>ESA fencing shall be placed along the perimeter of the Site Location footprint, where necessary, to prevent inadvertent intrusions into habitat identified as ESA. Work areas will be nealulated by the project biologist or designated biologist prior to any cleaning, and the marked boundaries will be maintained throughout the duration of the work. Staging areas, including lay down areas and equipment storage areas, will be falged and fenced with ESA fencing (e.g., orange plastic snow fence, orange slit fencing). Fences and flagging will be installed by the contractor in a manner that does not impact thabitats to be avoided and such that it is clearly visible to personnel on foot and operating heavy equipment. If work occurs beyond the fanced or demarcated limits of impact, all work shall cease until the problem has been remedied to the satisfaction of Metro.</li> <li>Now wre activities, meander to onder and souther that the contractor in a manner that descrete to the Site Location footprint without permission from Metro. All parking and equipment storage. Project-related vehicle traffic shall be restricted to the Site Location footprint and established roads and construction access points.</li> <li>The contractor shall be required to onduct vehicle refueling and and adjacent to the Site Location footprint and established roads and onstruction access points.</li> <li>The contractor shall be required to conduct vehicle refueling and the site-listed species. Equipment storage used to onduct vehicle refueling and the site-listed species. Equipment and enditing the state-listed species</li></ul>				
Mitigation Measure BIO-MM-2: Avoid Impacts on Migratory and Nesting Birds (All Site Locations and takedown locations of existing static	Retain a qualified biologist.	Construction Contractor/Qualified Biologist	Metro	Preconstruction
<b>displays).</b> If construction activities occur between January 15 and September 15, a preconstruction nesting bit survey (within seven days prior to construction activities) shall be conducted by a qualified biologist to determine if active nests are present within the area proposed for disturbance in order to avoid the nesting activities of breeding birds by establishing a buffer until the fledglings have left the nest. The size of the buffer area varies with species and local circumstances (e.g., presence of buy roads) and is based on the professional judgement of the monitoring biologist, in coordination with the CDFW. The results of the surveys shall be submitted to Metro (and made available to the wildlife agencies [USFWS/ CDFW], upon request) prior to initiation of any construction activities.	Limit construction to outside the bird nesting season. Should vegetation be removed during these times, nesting bird surveys and species protection shall occur.	Construction Contractor/Qualified Biologist	Metro	Preconstruction
Mitigation Measure BIO-MM-3: Avoid impacts on Least Bell's Vireo, if	Retain a qualified biologist.	Construction Contractor	Metro	Preconstruction
present (Applicable to Site Locations FF-29 and FF-30). Suitable habitat for Least Bells Vireo shall be removed outside of the nesting season (March 15 Horizon's Santember 30). hetween October 1 and March 14. Should habitat for	Limit construction to outside the bird nesting season. Should vegetation be	Construction Contractor/Qualified Biologist	Metro	Preconstruction

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IV. Mitigation Monitoring and Reporting Program

# Table IV-1 (Continued) Mitigation Monitoring and Reporting Program

Project Design Feature or Mitigation Measure	Monitoring Action	Responsible Party	Enforcement Agency	Monitoring Phase
Least Bell's Vireo require removal between March 15 and September 30, or construction activities are initiated during this time, preconstruction surveys consisting of three september surveys no more than seven days prior to vegetation removal shall be conducted by a qualified biologist. Should Least Bell's Vireo be detected within 500 feet of the Site Location, construction activities shall be halted unless authorization has been obtained from USFWS.	removed during these times, nesting bind surveys and species protection shall occur.			
Mitigation Measure BIO-MM-4: Avoid Potential Impacts on Special-Status	Retain a qualified bat biologist.	Construction Contractor	Metro	Preconstruction; Construction
Bats (All Site Locations and take down locations of static displays). A qualified bat biologist shall conduct a preconstruction survey for potential bat habitat within the take down area of the static display or Site Location forphint	Survey p and vege season.	Construction Contractor/Qualified Bat Biologist	Metro	Preconstruction; Construction
prior to vegetation clearing, antwor ground disturbance for take down locations and all Site Locations. If suitable habitat is not found, then no further action is required.	If a roost is detected prepare a bat management plan.	Construction Contractor/Qualified Bat Biologist	Metro	Preconstruction; Construction
<ul> <li>A qualified bat biologist shall survey to contrainly suitable structures and - A qualified bat biologist shall survey potentially suitable structures and vector and the structure season (May 1st through October 1st), prior to vector and the structure season (May 1st through October 1st), prior to vector and the structure season (May 1st through October 1st).</li> </ul>				
construction, to assess the potential for the structures' and vegetation's use for bat roosting and bat maternity roosting, as maternity roosts are generally formed in spring. The qualified bat biologist shall also perform preconstruction				
surveys or temporary exclusion within 2 weeks prior to construction during the maternity season, as bat roosts can change seasonally. These surveys will include a combination of structure inspections, exit counts, and acoustic surveys.				
<ul> <li>If a roost is detected, a bat management plan shall be prepared if it is determined that Project construction would result in direct impacts on roosting bats. The bat management plan shall be submitted to CDFW for review and approval prior to implementation and include appropriate avoidance and minimization efforts such as:</li> </ul>				
<ul> <li>Temporary Exclusion. If recommended by the qualified bat biologist, to avoid indirect disturbance of bats while roosting in areas that would be adjacent to construction activities, any portion of a structure deemed by a qualified bat biologist to have penchial bat no roosting habitat and may be affected by the Project shall have temporary eviction and exclusion devices installed under the</li> </ul>				
supervision of a qualified and permitted bat biologist prior to the initiation of construction activities. Eviction and subsequent exclusion shall be conducted during the fall (September or October) to evoid trapping flightless young bats				
inside during the summer months or inbernating/overwintering individuals during the winter. Such exclusion efforts are dependent on weather conditions, take a minimum of two weeks to implement, and must be continued to keep the				
structures tree or pats until the completion of construction. All eviction and/or exclusion techniques shall be coordinated between the qualified bat biologist and the appropriate resource agencies (e.g., CDFW) if the structure is occupied by bats. If deemed appropriate, the biologist may recommend installation of temporary bat panels during construction.				
If a roost is detected but would only be subject to indirect impacts:				
Daytime Work Hours. All work conducted under the occupied roost shall take place during the day. If this is not feasible, lighting and noise will be directed	Ť			

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# Table IV-1 (Continued) Mitigation Monitoring and Reporting Program

Project Design Feature or Mitigation Measure	Monitoring Action	Responsible Party	Enforcement Agency	Monitoring Phase
away from night roosting and foraging areas.				
Cultural Resources				
Mitigation Measure CUL-MM-1: Prior to the start of ground disturbance activities during Project construction, including demolition, digging, trenching,	Retain a Qualified Principal Archeologist.	Construction Contractor	Metro	Preconstruction; Construction
drilling, or a similar activity (Ground Disturbance Activities), a qualified principal archaeologist meeting the Secretary of the Interior's Professional Qualification schemachic for Anonclow and bo actioned to account of without of the offi-	Prepare a Cultural Resource Monitoring and Treatment Plan.	Construction Contractor/Qualified Archeologist	Metro	Preconstruction; Construction
	Conduct a Worker Environmental Awareness Program for all Project personnel and contractors who will be on the Site Locations.	Construction Contractor/Qualified Archeologist	Metro	Preconstruction; Construction
	Archaeological monitor(s) shall observe all Ground Disturbance Activities on the Site Locations that involve native soils.	Construction Contractor/Qualified Archeologist	Metro	Preconstruction, Construction
Prior to the commencement of any Ground Disturbance Activities, the archaeological monitor(s) shall provide Worker Environmental Awareness Program (WEAP) training to construction workers involved in Ground Disturbance Activities that provides information on regulatory requirements for the protection of cultural resources. As part of the WEAP training, construction workers hall be informed about proper procedures to follow should a worker discover a cultural				
resource during Ground Disturbance Activities. In addition, construction workers shall be shown examples of the types of resources that would require notification of the archaeological monitor. The Applicant shall maintain on the Site Locations, for Metro inspection, documentation establishing that the training was completed for all construction workers involved in Ground Disturbance Activities.				
The archaeological monitor(s) shall observe all Ground Disturbance Activities on the Site Locations that involve native soils. If Ground Disturbance Activities are occurring simultaneously at multiple Site Locations, the principal archaeologist shall determine if additional monitors are required for other Site Locations where such simultaneous Ground Disturbance Activities are occurring. The on-site archaeological monitoring shall end when the archaeological monitor determines that monitoring is no longer necessary.				
Geology and Soils				
Project Design Feature GEO-PDF-1: All development activities conducted on the Site Locations will incorporate the professional recommendations contained in the Geology and Solis Evacluation and associated recommendations set forth in a site location-specific, design-level geologic and geotechnical investigation(s) approved by the Metro Capital Engineering Group and/or the Los Angeles Department of Building and Safety (LADBS), provided acth recommendations meet and/or surgess relevant state and City laws, ordinances, Code requirements, and MRDC requirements, California Geological Survey's Special Publication 117A and the City's Building Code, as applicable. Such professional recommendations include site-specific subsurface exploration and laboratory testing, foundation systems that are specific to the geologic materials encountered at each individual site, and prohibition of the use of fill materials to	Incorporate the professional recommendations contained in the Geology and Soils Evaluation and associated recommendations as forth in a site location-specific, design-level geologic and geotechnical investigation(s).	Construction Contractor	Metro and/or City of Los Angeles	Preconstruction

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	Table IV-1 (Continued) Mitigation Monitoring and Reporting Program	Continued) nd Reporting Program		
Project Design Feature or Mitigation Measure	Monitoring Action	Responsible Party	Enforcement Agency	Monitoring Phase
support foundation systems.				
	Retain a Qualified Paleontologist.	Construction Contractor	Metro	Preconstruction
meets the society of vertebrate heatomology standards (including a graduate pergree) in paleontology or geology and/or a publication record in peer reviewed plournals, with demonstrated competence in the paleontology of California or related topical or geology and/or a publication record in peer reviewed plournals, with demonstrated competence in the paleontology of California or related topical or geology standards in peer reviewed plournals, with demonstrated competence in the paleontology of California or related topical or geology tandards in the paleontology of California or related topical or geology tandards in order to develop a site-specific paleontological Resource Mitigation and Treatment Plan shall specify the levels and types of mitigation and the geologic and paleontological seasitivity of the Site Locations. The Paleontological Resource Mitigation and the geologic and paleontological sensitivity of the Site Locations. The Paleontological Resource Mitigation and the geologic and paleontological sensitivity of the Site Locations. The Paleontological Resource Mitigation and the geologic and paleontological sensitivity of the Site Locations. The Paleontological Resource Mitigation and the geologic and paleontological sensitivity of the Site Locations. The Paleontological Resource Mitigation and the geologic and paleontological sensitivity of the Site Locations. The Paleontological Resource Mitigation and the geologic and paleontological sensitivity of the Site Locations. The Paleontological Resource Mitigation and the paleontological Resource Mitigation and the paleontological sensitivity of the Site Locations. The Paleontological Resource Mitigation and	Prepare a site-specific Paleontological Resource Mitigation and Treatment Plan.	Qualified Paleontologist	Metro	Preconstruction
Hazards and Hazardous Materials				
	Review and approve soil management plan.	Metro Environmental Services Department and/or the Los Angeles Department of Building and Safety	Metro and/or City of Los Angeles	Preconstruction; Construction
Building and Safety for review and approval prior to the commencement of I excavation and grading activities. The Site Locations shall be subject to the general protocols described in the SMP regarding prudent precautions and general protocols and evaluations of soil conditions to be implemented throughout grading, excavation, or other soil disturbance activities on the Site Locations.	Implement soil management plan.	Construction Contractor	Metro and/or City of Los Angeles	Preconstruction; Construction
The protocols in the SMP shall include, but not be limited to, the following:				
<ul> <li>Special precautions shall be taken to manage soils that will be disturbed during Project earthwork activities in areas containing Chemicals of Concern (COCs) above screening levels (SLs).</li> <li>The following requirements and precautionary actions shall be implemented when disturbing soil at the Site Locations: no soil disturbance or excavation activities shall occur without a Project-specific Heath and Safety Plan (HASP). Any soil that is disturbed, excavated, or trenched due to on-site construction activities shall be implemented. The recordance with applicable local, state, and federal regulations. Prior to the re-use of the excavated soil or the disposal of any soil from the Site Locations, the requirements and guidelines in the SMP shall be implemented. The General Contractor shall conduct, or have its disgrated subcontractor conduct, visual screening of submitties that include soil disturbance. If the General Contractor or subcontractor(s) encounter any soil that is staimed or odorous (Suspect Soil), the General Contractor and subcontractor(s) encounter of soil disturbance and subcontractor(s) shall immediately stop work and take measures to not further disturbance soil for potensional frained in recording of the evaluation and subcontractor(s) shall immediately stop work and take measures to not further disturbance is one subcontractor(s) shall immediately stop work and take measures to not further disturbance of the evaluation and screening of soil for potential impacts working under the direction of a licensed Geologist or Engineer, shall be identified by Metro prior</li> </ul>				

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# IV. Mitigation Monitoring and Reporting Program

	Table IV-1 (Continued) Mitigation Monitoring and Reporting Program	ontinued) d Reporting Program		
Project Design Feature or Mitigation Measure	Monitoring Action	Responsible Party	Enforcement Agency	Monitoring Phase
<ul> <li>to the beginning of work.</li> <li>Prior to execustion activities, the General Contractor or designated subcontractor shall establish specific areas for stockping Suspect Soil, should it be encoundered, to control contact by workers and dispersal into the environment, per the provisions provided in the SMP.</li> <li>The General Contractor shall ensure that on-site construction personnel comply with all applicable federal, state, and local regulations, as well as the state of california Construction Safety and Health Administration regulations as precified in CRR Thile 8, Sector 5192. The General Contractor shall ensure the trace of solit synchread state of california occupational Safety and Health Administration regulations as precified in CRR Thile 8, Sector 5192. The General Contractor shall propare a Propert-specific HASP. It is the responsibility of the General Contractor and appropriate levels of personal provided in the HASP should specify COC action levels for construction workers and appropriate levels of personal propare at propertise of personal provided in the PASP. This the responsibility of the General Contractor and appropriate levels of personal probate and propertise for increasing the level of PPE. The General Contractor and appropriate levels of personal properties of noncreasing the level of PPE. The General Contractor and supcontractor shall require its employees who may directly contact and supcontractor shall require its employees who may directly contactor and subcontractor shall require its employees who may directly contactor and subcontractor shall requires its encountered, to minimize the exosumed and subcontractor shall requires its encountered to minimize the economic state states and the advise in accordance with the General Contractor and subcontractor shall requires its employees who may directly contact states and subcontractor shall requires its employees who may directly contact states and subcontractor shall require its employees the contractor shallon contacts and s</li></ul>				
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IV. Mitigation Monitoring and Reporting Program

# Table IV-1 (Continued) Mitigation Monitoring and Reporting Program

Project Design Feature or Mitigation Measure	<b>Monitoring Action</b>	Responsible Party	Enforcement Agency	Monitoring Phase
structure is discovered. Based on an evaluation of the unknown below-grade structure by the appropriate professional (e.g., environmental monitor, geotechnical engineer), Metro shall address the below-grade structure in accordance with applicable laws and regulations. • A geophysical investigation shall be conducted at the Site Locations to clear the construction area of buried utilities.				
Mitigation Measure HAZ-MM-2 (Site Locations FF-1, FF-2, FF-3, FF-4, FF-5, FF-6, FF-13, FF-14, FF-29, FF-30, NFF-1, NFF-2, NFF-3, NFF-8, NFF-12,	Conduct soil/vapor sampling and testing.	Construction Contractor	Metro and/or City of Los Angeles	Preconstruction
NFF-13, NFF-18, NFF-19, and NFF-21): Soil/vapor sampling and testing of soil samples shall be obtained during the site location-specific, design-level geologic and geotentical investigation. Results of the testing would be submitted and approved by the Metro Capital Engineering Group and/or the Los Angeles Department of Building and Safety (LADBS).	Review and approve soil/vapor sampling and testing results.	Metro Environmental Services Department and/or the Los Angeles Department of Building and Safety	Metro and/or City of Los Angeles	Preconstruction
Mitigation Measure HAZ-MM-3 (Site Locations FF-4, NFF-3, NFF-18, and	Conduct a geophysical investigation.	Construction Contractor	Metro and/or City of Los Angeles	Preconstruction
NFF-21): A geophysical investigation shall be conducted to clear the construction area of buried utilities and to identify buried substructures, specifically oil wells and USTS. Results of the geophysical investigation shall be submitted to and approved by the Metro Capital Engineering Group and/or LADBS.	Review and approve geophysical investigation results.	Metro Environmental Services Department and/or the Los Angeles Department of Building and Safety	Metro and/or City of Los Angeles	Preconstruction
Noise				
<b>Project Design Feature NOI-PDF-1:</b> Power construction equipment (including combustion engines), fixed or mobile, will be equipped with state-of-the-art noise shielding and muffling devices (consistent with manufacturers' standards). All	Equip power construction equipment with state-of-the-art noise shielding and muffling devices.	Construction Contractor	Metro and/or City of Los Angeles	Construction
equipment will be properly maintained to assure that no additional noise, due to worn or improperly maintained parts, would be generated.	Maintain noise shielding and muffling device equipment.	Construction Contractor	Metro and/or City of Los Angeles	Construction
Mitigation Measure NOI-MM-1: A temporary and impermeable sound barrier shall be erected at the locations listed below. At plan check, building plans shall include documentation prepared by a noise consultant verifying compliance with this measure.	Building plans shall include documentation prepared by a noise consultant verifying use of sound barriers.	Construction Contractor	Metro and/or City of Los Angeles	Preconstruction; Construction
<ul> <li><i>During TCN Structure NFF-11 Construction</i></li> <li>Between the Project construction area and the residential uses on 67th Street north of the Site Location (receptor location R5). The temporary sound barrier shall be designed to provide a minimum 5-dBA noise reduction at the ground level of receptor location R5.</li> <li><i>During TCN Structure NFF-12 Construction</i></li> <li>Between the Project construction area and the residential uses on Victoria Avenue west of the Site Location R6.</li> <li><i>During TCN Structure NFF-14 Construction</i></li> <li>Between the Project construction area and the residential uses on Victoria Avenue west of the Site Location R6.</li> <li><i>During TCN Structure NFF-14 Construction</i></li> <li>Between the Project construction area and the residential uses on Exposition Boulevend sound barrier shall be designed to provide a minimum 5-dBA noise reduction at the ground level of receptor location (receptor location R7). The temporary sound barrier shall be designed to provide a minimum 5-dBA noise reduction at the ground level of receptor location R6.</li> </ul>	A temporary and impermeable sound barrier shall be erected.	Construction Contractor	Metro and/or City of Los Angeles	Preconstruction; Construction
• Between the Project construction area and the residential uses on New				

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	Table IV-1 (Continued) Mitigation Monitoring and Reporting Program	Continued) nd Reporting Program		
Project Design Feature or Mitigation Measure	Monitoring Action	Responsible Party	Enforcement Agency	Monitoring Phase
Hampshire Avenue west of the Site Location (receptor location R10). The temporary sound barrier shall be designed to provide a minimum 5-dBA noise reduction at the ground level of receptor location R10. <i>During TCN Structure NFF-20 Construction</i>				
<ul> <li>Between the Project construction area and the residential uses on New Hampshire Avenue northwest of the Site Location (receptor location R12). The temporary sound barrier shall be designed to provide a minimum 7-dBA noise reduction at the ground level of receptor location R12. During TCN Structure NFF-21 Construction</li> </ul>				
<ul> <li>Between the Project construction area and the residential uses on Mateo Street west of the Site Location (receptor location R13). The temporary sound barrier shall be designed to provide a minimum 7-dBA noise reduction at the ground level of receptor location R13. <i>During TCN Structure FF-13 Construction</i></li> </ul>				
<ul> <li>Between the Project construction area and the residential uses on Casitas Avenue Street west of the Site Location (receptor location R20). The temporary sound barrier shall be designed to provide a minimum 5-dBA noise reduction at the ground level of receptor location R20.</li> </ul>				
<ul> <li>Between the Project construction area and the residential uses on Sepulveda Boulevard northeast of the Site Location (receptor location R25). The temporary sound barrier shall be designed to provide a minimum 6-dBA noise reduction at the ground level of receptor location R25.</li> </ul>				
<ul> <li>Between the Project construction area and the residential uses on Exposition Boulevard south of the Site Location (receptor location R27). The temporary sound barrier shall be designed to provide a minimum 6-dBA noise reduction at the ground level of receptor location R27. During TCN Structure FF-33 Construction</li> </ul>				
<ul> <li>Between the Project construction area and the residential uses on Slauson Avenue north of the Site Location (receptor location R28. The temporary sound barrier shall be designed to provide a minimum 11-dBA noise reduction at the ground level of receptor location R28.</li> </ul>				
Mitigation Measure NOI-MM-2: Construction for TCN Structure NFF-20 shall be completed prior to occupation of the adjacent future residential building (receptor R12B). Alternatively, construction equipment for the installation of the TCN	Complete construction prior to occupation of the adjacent future residential building, or	Construction Contractor	Metro and/or City of Los Angeles	Construction
Structure NFF-20 shall be limited to a maximum 75 dBA (L <sub>ea</sub> ) at 50 feet from the equipment.	Construction equipment shall be limited to a maximum 75 dBA (Leq) at 50 feet from the equipment.	Construction Contractor	Metro and/or City of Los Angeles	Construction
Mitigation Measure NOI-MM-3: A temporary noise barrier shall be provided during the removal of existing static signage where noise sensitive uses are located within 200 feet of and have direct line-of-sight to the existing static signage to be removed. The temporary noise barrier shall be a minimum six feet tall and break the line-of-site between the construction equipment and the affected noise sensitive receptors.	Install a temporary noise barrier during the removal of existing static signage where noise sears located within 200 feet of and have direct line- of-sight to the existing static signage to be removed.	Construction Contractor	Metro and/or City of Los Angeles	Construction
Mitigation Measure NOI-MM-4: The use of large construction equipment (i.e.,	Limit use of large construction	Construction Contractor	Metro and/or City of Los Angeles	Construction

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IV. Mitigation Monitoring and Reporting Program

# Table IV-1 (Continued) Mitigation Monitoring and Reporting Program

Project Design Feature or Mitigation Measure	<b>Monitoring Action</b>	Responsible Party	Enforcement Agency	<b>Monitoring Phase</b>
large bulldozer, caisson drill rig, and/or loaded trucks) shall be limited to a liminimum of 80 feet away from the existing residences near proposed TCN of Structure FF-33 (receptor 28) and the future residences near proposed TCN structure NFF-20 (receptor 72B), if these residences are constructed and occupied at the time Project construction activities occurs.	equipment (i.e., large bulldozer, caisson drill rg, and/or loaded trucks) to a minimum of 80 feet away from the existing residences			
Tribal Cultural Resources				
	Retain a tribal consultant and qualified archaeologist.	Metro	Metro	Preconstruction; Construction
	A tribal consultant and qualified archaeologist shall monitor ground- archaeologist shall monitor ground- disturbing activities and ensure proper Insturbing of the Tribal Cutural Resources Monitoring and Mitigation Program.	Construction Contractor/Qualified Archaeologist	Metro	Preconstruction, Construction
	Retain a qualified archaeologist.	Construction Contractor	Metro	Preconstruction; Construction
	Prepare Tribal Cultural Resources Monitoring and Mitigation Program.	Qualified Archaeologist	Metro	Preconstruction; Construction
Tragram (LCK MML) stall be prepared by the qualined archaeologist. Ine LCK MMP shall incorporate the results of SWCA's <i>Tribal Cultural Resources</i> <i>Assessment for the Los Angeles County Metropolitan Transportation Authority's</i> <i>Transportation Communication Network Project report,</i> and reasonable and deasible recommendations from tribal parties resulting from consultation. The TCR MMP shall include provisions for avoidance of unanticipated discoveries and procedures for the preservation of unanticipated discoveries where possible. The TCR MMP shall include, but not be limited to, provisions to conduct a worker training program, a monitoring protocol for ground-disturbing activities, discovery and identification of a curation facility should artifacts be collected. The TCR MMP shall monitoring of ground-disturbing activities and determine whether sediments capable of preserving thal cultural resources and will provide a framework for assessing the geoarchaeological setting to determine whether sediments capable of preserving thai cultural resources are present, and include a protocol for identifying the conditions under which appropriate at any given Site Location. The duration and timing of the monitoring assessment, and include a protocol for identifying the conditions under which appropriate at any given Site Location. The duration and timing of the monitoring assessment, and if present, the quantity, type, spatial distribution of the materials identified, and inplut of the tribal consultation. During	Implement Tribal Cultural Resources Monitoring and Mitigation Program.	Construction Contractor/Qualified Archaeologist	Metro	Preconstruction; Construction

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	Monitoring Phase		Preconstruction; Construction	Preconstruction; Construction
	Enforcement Agency		Metro	Metro
ntinued) I Reporting Program	Responsible Party		Qualified Archaeologist	Construction Contractor/ Qualified Archaeologist
Table IV-1 (Continued) Mitigation Monitoring and Reporting Program	<b>Monitoring Action</b>		Develop a treatment plan for any historical archaeological sites that may be adversely affected/significantly impacted by the Project.	Implement a treatment plan for any historical archaeological sites that may be adversely affected/significantly impacted by the Project.
	Project Design Feature or Mitigation Measure	monitoring, daily logs shall be kept and reported to Metro on a monthly basis. During ground-disturbing activities, the monitors shall have the authority to temporarily thal cultural resources, as determined by the qualified archaeologist in consultation with the tribal monitor. In the event that tribal cultural resources or potential tribal cultural resources are exposed during construction, work in the immediate vicinity of the find shall stop within a minimum of 25 ft or as determined by the qualified archaeologist in consultation with the tribal consultant based on the nature of the find and the potential for additional portions of the resource to remain buried in the unexcavated areas of the project site. The qualified archaeologist in consultation with the tribal consultant will evaluate the significance of the find and implement the protocol described in the TCR MMP before work can resume in the area surrounding the find that is determined to have sensitivity. Construction activities may continue in other areas in coordination with the qualified archaeological monitors. Provisions for inspection on-site by the tribal and archaeological monitors. For yorisons for inspection and and archaeological monitors. For sonsultation with the tribal cultural resources that are removed from the work sites in the event of a tribal cultural resource is indevertently discovered, as well as the applicable regulatory tribal cultural resource is not exercised areas of a consultation with the tribal cultural resource is a monitors. For coordination with the tribal cultural resource is not succes or potential tribal cultural resources of hump of the areas are compliance measures or conditions of approval for inadvertent discoveries, including the discovery of humm remains, to be carried out in compliance with Mitigation Measure TCR-3. The TCR MMP shall be prepared in compliance with Mitigation Measure TCR-3. The TCR MMP shall be prepared in compliance with Mitigation for initiating ground-disturbing activities.		adveloped based on the known constituents to guide the post-discovery process in data recovery proceedures to be followed and shall require controlled be atraneological excavation within the first eight feet (ft) at all Site Locations in excopased to be located within known thals cultural resources, specifically an excavation unit measuring 3.28 ft by 3.28 ft across extending to a depth of at least 4.92 ft below the unpaved surface, followed by the use of a 4 inch hollow stem hand-auger to a total depth of at least 98 ft blow the unpaved surface. Subsequent mechanical folling will be conducted in approximately 1.64-ft increments to a depth of approximately 20 ft below the surface. Sediments from each of the 1.64-ft mechanical excavation levels will be inspected for the presence of Native American objects or evidence of a tributural resource, and relevant environmental information obtained from the sediments will be recorded.

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IV. Mitigation Monitoring and Reporting Program

	Mitigation Monitoring and Reporting Program	Reporting Program		
Project Design Feature or Mitigation Measure	Monitoring Action	Responsible Party	Enforcement Agency	Monitoring Phase
The treatment plan will include provisions to allow for standard mechanical excavation to resume at levels above these depths in the event that sufficient evidence is identified to demonstrate that the sediments are more than 20,000 years old.				
The treatment plan may be modified and updated depending on the nature of the discovery and consultation with the State Historic Preservation Office (SHPO) and consulting parties. The treatment plan would be developed so that treatment of historical resources meets the Secretary of the Interior's <i>Standards and Guidelines</i> (1983) for arcnacological documentation, the California Office of Historic Preservation (OHP)'s <i>Archaeological Resources Management Report, Recommended Contents and Formats</i> (1989), the Advisory Council on Historic Preservation's Duple for the Interior's Guidelines for California Archaeological Resources Management Report, and the Department of the Interior's Guidelines for Federal Agency Responsibility under Section 110 of the National Historic Preservation Act, and the Society for California Archaeology's <i>Guidelines for Determining the Significance of and Inpacts to Cultural Resources and Fieldwork</i> and Reporting Guidelines for Archaeological Archaeological festores for <i>Archaeology Archaeology Archaeology</i> and <i>Tribal Cultural Resources and Fieldwork</i> and Reporting Guidelines for Archaeological Historic, and Tribal Cultural Resources.				

Table IV-1 (Continued) itigation Monitoring and Reporting Progr

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