

# CEQA Findings of Fact for the Transportation Communication Network Program

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## Introduction

The Los Angeles County Metropolitan Transportation Authority (Metro) prepared an Environmental Impact Report (EIR) for the Transportation Communication Network Program (TCN Program). On January 26, 2023, Metro’s Board certified a 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.<sup>1</sup> As analyzed in the Certified Final EIR, the original TCN Program (EIR Project) included the installation of 56 transportation communication network structures thereon (collectively, TCN Structures) with intelligent technology components to promote roadway efficiency, improve public safety, augment Metro’s communication capacity, provide for outdoor advertising to generate revenue to fund new and expanded transportation programs by Metro consistent with the goals of the Metro 2028 Vision Plan, and result in an overall reduction in static signs 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. 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 EIR Project 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.

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 (Metro Approved Project). Therefore, the Metro 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 Metro 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.

The City is a responsible agency for the TCN Program and is approving amendments to the City’s sign regulations in Chapters 1 and 1A of the Los Angeles Municipal Code (Zoning Code) to create a mechanism to establish the TCN Program and review and approve the TCN Structures, including related digital displays and the sign-reduction program (the amendments to the Zoning Code are collectively defined as the Zoning Ordinance). The Zoning Ordinance allows and authorizes only 46 TCN Structures and related digital displays and includes additional requirements for the TCN Structures as described more fully below. This version of the Project is referred to herein as the Modified Project. The City prepared an Addendum to the Certified Final EIR to analyze the changes

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<sup>1</sup> The Certified Final EIR incorporates by reference the Draft EIR, which contains the impact analysis of the EIR Project referenced throughout these Findings.

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in the Zoning Ordinance from the Metro Approved Project and compare the impacts of the proposed Modified Project to the impacts described in the Certified Final EIR.

The City has prepared these findings to comply with requirements of the California Environmental Quality Act (CEQA), specifically, CEQA Guidelines, Section 15096(h), which requires a responsible agency to making findings under Public Resource Code Section 21081 and CEQA Guidelines Section 15091.

## Project Description

The City, as a responsible agency, is approving the Zoning Ordinance, which adds a Transportation Communication Network District (TCN District) as an overlay district, describes the requirements to establish a TCN District, and establishes a TCN District for the TCN Program that includes processes for reviewing and approving digital displays in the TCN District. The Zoning Ordinance establishes the locations where TCN Structures are allowed. Compared to the EIR Project, which included 56 TCN Structures and 97 related digital displays, the Zoning Ordinance would allow only 46 TCN Structures and 86 related digital displays. The Zoning Ordinance would also limit the nighttime hours of operation of the digital displays on TCN Structures and set forth and refine the sign-reduction requirements for the TCN Program. The Zoning Ordinance would also include changes in the height of some of the TCN Structures from those described in the Certified Final EIR, as described in Tables II-1 and II-2, below. The TCN Program described in the Zoning Ordinance constitutes the Modified Project (as previously defined).

As compared to the EIR Project, the Modified Project, which further refines the Approved Project, includes the following (described in more detail in revised Tables II-1 and II-2, below, with deletions shown in ~~struckthrough text~~ and additions shown in underlined text):<sup>2</sup>

- Eliminates TCN Structures FF-3, FF-13, FF-14, FF-29, NFF-2, NFF-3, NFF-14, NFF-15, NFF-16, and NFF-21, resulting in a reduction in the total number of TCN Structures from 56 to 46 and relatedly reducing the number of digital displays from 97 to 80, which results in a reduction in the total maximum amount of digital display signage on the TCN Structures from 55,000 square feet to 46,968 square feet;
- Refines the sign-reduction requirements for removal of existing static signs;
- Includes 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;
- Revises 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);
- Includes a minimum distance requirement between signs resulting in the removal of TCN Structure FF-13;
- Includes a public art requirement for specific single-faced TCN Structures;

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<sup>2</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.

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- Includes changes in the takedown provisions relative to the building permit requirement and the number of signs to be removed prior to the approval of the freeway-facing TCN Structures;
- Limits the hours of nighttime operation of digital displays; and
- Includes additional illumination standards to further reduce the light and glare impact of the new digital displays on nearby uses.

The Zoning Ordinance and the Addendum also clarify the Assessor Parcel Numbers (APNs) for 21 TCN Structures as also shown in Table II-1 and Table II-2, below. These modifications to the EIR Project are described in more detail in the Addendum.

**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-1	3	US-101 North Lanes at Union Station	5409023941	1,200 (1)	<del>30</del> <u>20</u>	<del>40</del> <u>60</u>	<del>40</del> <u>55</u>
FF-2	3	US-101 South Lanes at Center Street	5173019901	672 (2)	14	48	72
<del>FF-3</del>	<del>3</del>	<del>US-101 North Lanes at Keller Street</del>	<del>5409021902</del>	<del>672 (2)</del>	<del>14</del>	<del>48</del>	<del>72</del>
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	<del>2423038970</del> <del>2423037915</del> <del>2423037910</del> <del>2423037914</del> <del>2423038902</del> <del>2423038965</del>	672 (2)	14	48	65
FF-6	3	I-5 South Lanes at North Avenue 19	<del>5415002903</del> <del>5415002801</del>	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> <del>5410009905</del>	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> <del>5171024908</del>	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
<del>FF-13</del>	<del>4</del>	<del>SR 2 South Lanes Northeast of Casitas Avenue</del>	<del>5436033906</del>	<del>672 (2)</del>	<del>14</del>	<del>48</del>	<del>85</del>
<del>FF-14</del>	<del>4</del>	<del>SR 2 North Lanes Northeast of Casitas Avenue</del>	<del>5442001900</del>	<del>672 (2)</del>	<del>14</del>	<del>48</del>	<del>85</del>

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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-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 <u>2408038901</u>	672 (2)	14	48	85
FF-18	1	I-5 South Lanes South of Tuxford Street	2632001901 <u>2632001900</u>	672 (2)	14	48	85
FF-19	1	SR-118 East of San Fernando Road	2523001900 <u>2523001901</u>	672 (2)	14	48	80
FF-20	1	SR-118 East of San Fernando Road	2523001900 <u>2523001901</u>	672 (2)	14	48	80
FF-21	2	I-110 South Lanes at Exposition Boulevard	5037030902 <u>5037030900</u>	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	<del>2605001915</del> <u>2605001912</u> <u>2605001916</u>	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	<del>4313024906</del> <u>4313024908</u>	672 (1)	14	48	80
<del>FF-29<sup>a</sup></del>	<del>2</del>	<del>SR-90 East at Culver Boulevard</del>	<del>4211007907</del>	<del>672 (2)</del>	<del>14</del>	<del>48</del>	<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

sf = square feet

ft = feet

<sup>a</sup> As described above, subsequent to the certification of the Final EIR, Metro Approved Project does not include TCN Structures FF-29, NFF-14, and NFF-15.

Source: Eyestone Environmental, 2023.

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**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-1	1	Northeast corner of Vermont Avenue and Sunset Boulevard	5542015900	300 (2)	10	30	30
NFF-2	3	<del>Spring Street Bridge, 326 feet North of Aurora Street</del>	<del>5409002900</del>	<del>300 (2)</del>	<del>10</del>	<del>30</del>	<del>65</del>
NFF-3	4	<del>Northwest corner of Lankershim Boulevard and Chandler Boulevard</del>	<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> <del>2423037902</del> <del>2423037908</del>	300 (1)	10	30	30
NFF-5	1	Southwest corner of Lankershim Boulevard and Universal Hollywood Drive	<del>2423036919</del> <del>2423037911</del> <del>2423037919</del> <del>2423037912</del>	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> <del>2240008908</del>	300 (2)	10	30	30
NFF-10	1	Southeast corner of Sepulveda Boulevard and Erwin Street	2242001904; <del>2242001902</del>	300 (1)	10	30	30
NFF-11	2	Southwest of Crenshaw Boulevard, 175 feet South of 67th Street	<del>4006025900</del> <del>4006024900</del>	300 (1)	10	30	30
NFF-12	2	Southeast corner of Crenshaw Boulevard and Exposition Boulevard	5044002900 <del>2044002901</del> <del>2044002903</del>	300 (2)	10	30	30
NFF-13	3	Southeast corner of East Cesar Chavez Avenue and North Vignes Street	<del>5409023944</del> <del>5409025905</del>	300 (2)	10	30	30
NFF-14 <sup>a</sup>	2	<del>Pico Boulevard and Exposition Boulevard, South of rail</del>	4260025902	<del>300 (1)</del>	<del>10</del>	<del>30</del>	<del>30</del>
NFF-15 <sup>a</sup>	2	<del>Pico Boulevard, 445 feet West of Sawtelle Boulevard</del>	4260039906	<del>300 (1)</del>	<del>10</del>	<del>30</del>	<del>30</del>
NFF-16	3	<del>Southeast corner of South Central Avenue and East 1st Street</del>	5161018903	<del>300 (2)</del>	<del>10</del>	<del>30</del>	<del>30</del>

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> <u>5538022909</u>	300 (2)	10	30	30
<del>NFF-21</del>	<del>3</del>	<del>South of 4th Street 210 feet East of South Santa Fe Avenue</del>	<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

*sf = square feet*  
*ft = feet*  
<sup>a</sup> As described above, subsequent to the preparation of the Certified Final EIR, the Metro Board removed TCN Structures FF 29, NFF 14, and NFF 15 from the TCN Program as part of its approval of the Metro Approved Project.

Source: Eyestone Environmental, 2023.

## Statutory Requirements

PRC Section 21081 and the CEQA Guidelines Section 15091 require the following:

- (a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the Project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:
1. Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Certified Final EIR. **[CEQA Finding 1]**
  2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been

adopted by such other agency or can and should be adopted by such other agency.

**[CEQA Finding 2]**

3. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Certified Final EIR.

**[CEQA Finding 3]**

- (b) The findings required by subdivision (a) shall be supported by substantial evidence in the record.
- (c) The finding in subdivision (a)(2) shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives. The finding in subdivision (a)(3) shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.
- (d) When making the findings required in subdivision (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.
- (e) The public agency shall specify the location and custodian of the documents or other material which constitute the record of the proceedings upon which its decision is based.
- (f) A statement made pursuant to Section 15093 does not substitute for the findings required by this section.

The CEQA Guidelines Section 15382 defines a significant impact on the environment as “a substantial, or potentially substantial, adverse change in any of the physical conditions within an area affected by the projects, including land, air, water, flora, fauna, ambient noise, and objects of historic or aesthetic significance.” The Certified Final EIR and Addendum identified all potentially significant environmental effects resulting from implementation of the proposed Modified Project. However, these significant effects can be fully mitigated through changes to the TCN Program and the adoption of feasible mitigation measures.

The findings provided in this document are based on substantial evidence in the entire record before the City. The references set forth in these findings to certain pages or sections of the environmental documents for the proposed Modified Project are for ease of reference and are not intended to provide an exhaustive list of the evidence relied upon for these findings. These findings do not attempt to describe the full analysis of each environmental impact contained in the Certified Final EIR and the Addendum, the Certified Final EIR appendices, and additional documents in the case files for the Modified Project. Instead, a full explanation of these environmental findings and conclusions can be found in the Certified Final EIR and Addendum, and these findings hereby incorporate by reference and adopt the discussion and analysis in the

Certified Final EIR and Addendum, their appendices, and additional documents in the case files for the Modified Project supporting the determination regarding the impacts of the Modified Project. In making these findings, the determinations and conclusions of the Certified Final EIR and Addendum relating to environmental impacts are hereby ratified, adopted, and incorporated in these findings, except to the extent any such determinations and conclusions are specifically and expressly modified by these findings as a result of changes to the Modified Project as analyzed in the Certified Final EIR and Addendum. In the event these findings inadvertently omit or inaccurately reflect facts stated in the Certified Final EIR and Addendum due to a clerical error, such statements are nevertheless hereby adopted and incorporated in the findings below by reference, and the language set forth in the Certified Final EIR and Addendum shall control.

### **Record of Proceedings**

For purposes of CEQA and the findings set forth herein, the record of proceedings for the City's actions with respect to the TCN Program consists of (a) matters of common knowledge to the City, including, but not limited to, federal, State, and local laws and regulations; (b) documents in the City's custody related to the City's public meetings on the Zoning Ordinance, and documents related to the Department of City Planning, City Planning Commission, Planning & Land Use Management Committee, and the City Council hearings regarding the Zoning Ordinance; and (c) the following documents which are in the custody of the Department of City Planning, Project Planner Terrie Osborne, located at 200 N. Spring Street, Room 701, Los Angeles, CA 90012:

- Notice of Preparation and other public notices issued by Metro in conjunction with the TCN Program;
- Draft EIR dated September 2022, including all associated appendices and documents that were incorporated by reference;
- Certified Final EIR dated November 2022 including all associated appendices and documents that were incorporated by reference, all public and agency comments on the Draft EIR, and responses thereto;
- Addendum to the Final Environmental Impact Report for the LA Metro Transportation Communication Network;
- Mitigation Monitoring and Reporting Program (MMRP);
- All final technical reports and addenda, studies, memoranda, maps, correspondence, and all planning documents prepared by the City or the consultants relating to the TCN Program and provided to the City;
- All documents submitted to the City by agencies or members of the public in connection with development of the TCN Program;
- All actions of the City with respect to the TCN Program; and

- Any other materials required by PRC Section 21167.6(e) to be in the record of proceedings.

## **Project Impacts**

The Certified Final EIR, which analyzed the original version of the TCN Program (EIR Project) with 56 TCN Structures and the related 97 digital displays, concluded that the EIR Project would result in significant and unavoidable impacts. Metro's changes to the EIR Project and the City's subsequent proposed changes reduced and/or eliminated several project impacts. The below findings (1) describe the significant and unavoidable impacts of the original 56 TCN Structures that have been reduced or eliminated as a result of the removal of TCN Structures as part of the Modified Project; (2) describe the Modified Project's impacts that remain less-than-significant with mitigation; and (3) describe the Modified Project's impacts with a less-than-significant impact without mitigation.

### (1) Significant and Unavoidable Impacts

The City finds that, based on substantial evidence in the record, as discussed below, the Modified Project would not result in any significant and unavoidable impacts.

The Certified Final EIR identified three impacts as significant and unavoidable, but changes to the EIR Project have been incorporated to reduce these impacts to less than significant:

- aesthetics (scenic vistas; public views and zoning or other regulations governing scenic quality);
- cultural resources (historical resources); and
- land use and planning (conflict with any land use plan, policy or regulation adopted for the purpose of avoiding or mitigating an environmental effect).

These impacts are detailed in Section (3) Less-than-Significant Impacts without Mitigation, below. The Certified Final EIR and Addendum did not identify any new significant and unavoidable impacts with respect to the Modified Project as compared to the EIR Project.

### (2) Less-than-Significant Impacts with Mitigation

The City finds that, based upon substantial evidence in the record, as discussed below, the following impacts associated with the TCN Program are potentially significant but would be reduced to less-than-significant levels through the proposed mitigation measures listed below, and in the MMRP. For each of these impacts, the following discussion describes (1) the analysis of the impact discussed in the Certified Final EIR, (2) any applicable Project Design Feature(s) and/or Mitigation Measure(s) discussed in the Certified Final EIR, and (3) the "Finding," which discusses the effect(s) of the changes in the Modified Project to the analysis in the Certified Final EIR.

## Biological Resources

As discussed in Section IV.C, Biological Resources, of the Draft EIR, the TCN Program would result in potentially significant impacts related to biological resources with respect to the following significance thresholds:

- Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service;
- Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service;
- Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means; and
- Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.

**Impact.** *Candidate, Sensitive, and Special-Status Species:* As discussed more fully in Section IV.C, Biological Resources, of the Draft EIR, the TCN Program has the potential to impact 14 special-status wildlife species and 5 special-status plant species through construction activities, habitat removal, and the addition of new TCN structures near suitable habitat areas. To minimize these impacts to a less-than-significant level, Mitigation Measures BIO-MM-1 through BIO-MM-4, set forth below, would be implemented.

**Reference.** Section IV.C, Biological Resources, of the Draft EIR, pages IV.C-25 through IV.C-35; Addendum to the Certified Final EIR, pages 18 through 20.

### Project Design Feature

**Project Design Feature AES-PDF-1:** 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, and FF-30 such that the light trespass illuminance at sensitive habitat at the proposed Bowtie State Park, at the mapped biological resources in the vicinity of the TCN Structure FF-25, and at the Ballona Wildlife Reserve to the south of the Marina Freeway, west of Culver Boulevard, do not exceed 0.02 footcandles.

## Mitigation Measures

**Mitigation Measure BIO-MM-1: Implement Biological Resource Protection 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:

- Prior to the commencement of construction, a Project biologist (a person with, at minimum, a bachelor's degree in biology, ecology, or a related environmental science; greater than five 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 designated to be responsible for overseeing compliance with protective measures for biological resources during vegetation clearing and work activities 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 applicable environmental requirements. The Project biologist may designate other qualified biologists or biological monitors to help oversee Project compliance or conduct preconstruction surveys for 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 aquatic features, or special-status plant and wildlife species. The qualified biologist shall monitor compliance with applicable environmental requirements during construction activities within designated areas during critical times, such as initial ground-disturbing activities (fencing to protect native species). The qualified biologist shall check construction barriers or exclusion fencing and provide corrective measures to the contractor to ensure the barriers or fencing are maintained throughout construction. The qualified biologist shall have the authority to stop work if a federally or state-listed species is encountered within the Project footprint during construction. Construction activities shall cease until the Project biologist or qualified biologist determines that the animal will not be harmed or that it has left the construction area on its own. The Project biologist shall notify Metro, and Metro shall notify the appropriate regulatory agency within 24 hours of sighting of a federally or State-listed species.
- Prior to the start of construction, all Project personnel and contractors who will be on the Site Locations during construction shall complete mandatory training conducted

by the Project biologist or a designated qualified biologist. Any new Project personnel or contractors that start after the initiation of construction shall also be required to complete the mandatory Worker Environmental Awareness Program training before they commence with work. The training shall advise workers of potential impacts on special-status vegetation communities and special-status species and the potential penalties for impacts on such vegetation communities and species. At a minimum, the training shall include the following topics: (1) occurrences of special-status species and special-status vegetation communities within the Site Location footprints (including vegetation communities subject to USACE, CDFW, and RWQCB jurisdiction); (2) the purpose for resource protection; (3) sensitivity of special-status species to human activities; (4) protective measures to be implemented in the field, including strictly limiting activities, vehicles, equipment, and construction materials to the fenced areas to avoid special-status resource areas in the field (i.e., avoided areas delineated on maps or in the BSA by fencing); (5) environmentally responsible construction practices; (6) the protocol to resolve conflicts that may arise at any time during the construction process; (7) reporting requirements and procedures to follow should a special-status species be encountered during construction; and (8) Avoidance Measures designed to reduce the impacts on special-status species.

- The training program will include color photos of special-status species and special-status vegetation communities. Following the education program, the photos will be made available to the contractor. Photos of the habitat in which special-status species are found will be posted on site. The contractor shall provide Metro with evidence of the employee training (e.g., a sign-in sheet) on request. Project personnel and contractors shall be instructed to immediately notify the Project biologist or designated biologist of any incidents that could affect special-status vegetation communities or special-status species. Incidents could include fuel leaks or injury to any wildlife. The Project biologist shall notify Metro of any incident, and Metro shall notify the appropriate regulatory agency.
- The Project biologist shall conduct a preconstruction survey for special-status species within the Project footprint prior to vegetation clearing, and/or ground disturbance. Any wildlife encountered will be encouraged to leave the Site Location footprint or relocated outside of the Site Location footprint if feasible.
- The Project biologist shall request that the contractor halt work, if necessary, and confer with Metro prior to contacting the appropriate regulatory agencies to ensure the proper implementation of species and habitat protection measures. The Project biologist shall report any noncompliance issue to Metro, and Metro will notify the appropriate regulatory agencies.

- 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 spread in association with the Project. Such measures may include inspection and cleaning of construction equipment and use of eradication strategies.
- 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 clearly marked in the field and confirmed by the Project biologist or designated biologist prior to any clearing, 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 flagged and fenced with ESA fencing (e.g., orange plastic snow fence, orange silt fencing). Fences and flagging will be installed by the contractor in a manner that does not impact habitats to be avoided and such that it is clearly visible to personnel on foot and operating heavy equipment. If work occurs beyond the fenced or demarcated limits of impact, all work shall cease until the problem has been remedied to the satisfaction of Metro.
- No work activities, materials or equipment storage, or access shall be permitted outside the Site Location footprint without permission from Metro. All parking and equipment storage used by the contractor related to the Project shall be confined to the Site Location footprint and established paved areas. Undisturbed areas and special-status vegetation communities outside and adjacent to the Site Location footprint shall not be used for parking or equipment storage. Project-related vehicle traffic shall be restricted to the Site Location footprint and established roads and construction access points.
- The contractor shall be required to conduct vehicle refueling and maintenance in upland areas where fuel cannot enter waters of the U.S. or WOS waters of the State and areas that do not have suitable habitat to support federally and/or state-listed species. Equipment and containers shall be inspected daily for leaks. Should a leak occur, contaminated soils and surfaces shall be cleaned up and disposed of in accordance with applicable local, State, and federal requirements.

**Mitigation Measure BIO-MM-2: Avoid Impacts on Migratory and Nesting Birds (All Site Locations and takedown locations of existing static displays).** If construction activities occur between January 15 and September 15, a preconstruction nesting bird 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 busy 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.

**Mitigation Measure BIO-MM-3: Avoid impacts on Least Bell's Vireo, if present (Applicable to Site Locations FF-29 and FF-30).** Suitable habitat for Least Bell's Vireo shall be removed outside of the nesting season (March 15 through September 30), between October 1 and March 14. Should habitat for 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 separate 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.

**Mitigation Measure BIO-MM-4: Avoid Potential Impacts on Special-Status 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 footprint prior to vegetation clearing, and/or ground disturbance for take down locations and all Site Locations. If suitable habitat is not found, then no further action is required.

If suitable habitat is determined to be present:

- A qualified bat biologist shall survey potentially suitable structures and vegetation during bat maternity season (May 1st through October 1st), prior to 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.

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:

- 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 potential bat roosting habitat and may be affected by the Project shall have temporary eviction and exclusion devices installed under the 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 avoid trapping flightless young bats inside during the summer months or hibernating/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 free of bats 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 away from night roosting and foraging areas.

**Finding.** As with the EIR Project, the potentially significant biological impacts related to candidate, sensitive, or special-status species under the Modified Project would be mitigated through the use of best practices during construction, seasonally-appropriate surveying and monitoring of potentially impacted species, and techniques to avoid and minimize impacts on candidate, sensitive, or special-status species during the Modified Project's construction and operations, as identified in Mitigation Measures BIO-MM-1 through BIO-MM-4. Moreover, the Modified Project includes changes that would reduce the overall impacts to biological resources as compared to the EIR Project. In particular, the Modified Project would reduce the number of TCN Structures from 56 to 46 and reduce the number of related digital displays from 97 to 80, which would generally reduce the biological impacts compared to the EIR Project. Potential suitable habitat for special-status plant species is located adjacent to the Biological Study Area (BSA) for Site Location FF-29, as well as suitable habitat adjacent to the BSA for Least Bell's Vireo, but Site Location FF-29 has been removed from the TCN Program. In addition, 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 will 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. In addition, the proposed Zoning Ordinance includes the following illumination standards: (1) 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; (2) no digital display shall use highly reflective materials such as mirrored glass; (3) 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; and (4) 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.

Further, the TCN Structures 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. Moreover, the analysis in the Certified Final EIR assumed the digital displays would operate for 24 hours a day, but the Modified Project would limit nighttime illumination of digital displays and, therefore, would further reduce the less-than-significant impact from illumination near candidate, sensitive, or special-status species. Therefore, with the overall reduction of the number of TCN Structures and related digital displays, the removal of Site Location FF-29 from the TCN Program, and other modifications to the TCN Program, the Modified Project's construction and operational impacts on biological resources would be less than significant and reduced as compared to the EIR Project. For the reasons stated above and as set forth in the Certified Final EIR and Addendum, the City finds that, through implementation of Mitigation Measures BIO-MM-1 through BIO-MM-4, impacts on biological resources related to candidate, sensitive, and special-status species under the Modified Project would be reduced to less-than-significant levels. For each of these impacts, the City adopts CEQA Finding 1, as identified above and in Section 15091(a)(1) of the CEQA Guidelines.

**Impact.** *Riparian Habitat and Other Sensitive Natural Communities:* As discussed more fully in Section IV.C, Biological Resources, of the Draft EIR, construction activities at Site Locations FF-24 and FF-25 could interfere with sensitive vegetation communities. To minimize these impacts to a less-than-significant level, Mitigation Measure BIO-MM-1, set forth above, would be implemented.

**Reference.** Section IV.C, Biological Resources, of the Draft EIR, pages IV.C-35 and IV.C-36; Addendum to the Certified Final EIR, pages 18 through 20.

## **Mitigation Measure**

### **Mitigation Measure BIO-MM-1: Implement Biological Resource Protection Measures during Construction (See above)**

**Finding.** As with the EIR Project, these potentially significant biological impacts related to riparian habitat and other sensitive natural communities under the Modified Project would be mitigated through the use of best practices during construction. For the reasons stated above and as set forth in the Certified Final EIR and Addendum, the City finds that, through implementation of Mitigation Measure BIO-MM-1, impacts to biological resources related to riparian habitat and other sensitive natural communities under the Modified Project would be reduced to less-than-significant levels. For each of these impacts, the City adopts CEQA Finding 1, as identified above and in Section 15091(a)(1) of the CEQA Guidelines.

**Impact. Wetlands:** As discussed more fully in Section IV.C, Biological Resources, of the Draft EIR, construction activities in several Site Locations could have indirect impacts to downstream aquatic resources if fill or hazardous materials were to spill into nearby waterways. To minimize these impacts to a less-than-significant level, Mitigation Measure BIO-MM-1, set forth above, would be implemented.

**Reference.** Section IV.C, Biological Resources, of the Draft EIR, pages IV.C-36 and IV.C-37; Addendum to the Certified Final EIR, pages 18 through 20.

### **Mitigation Measure**

#### **Mitigation Measure BIO-MM-1: Implement Biological Resource Protection Measures during Construction** (See above)

**Finding.** As with the EIR Project, the potentially significant biological impacts related to wetlands under the Modified Project would be mitigated through the use of best practices during construction. Moreover, the Modified Project would remove Site Location NFF-2 from the TCN Program. Site Location NFF-2 is identified in the Draft EIR as one of the locations of TCN Structures that could have a potential impact on wetlands and downstream aquatic resources. Therefore, with the removal of Site Location NFF-2 from the TCN Program, the Modified Project's construction impacts on wetlands would be further reduced. For the reasons stated above and as set forth in the Certified Final EIR and Addendum, the City finds that, through implementation of Mitigation Measure BIO-MM-1, impacts to biological resources related to wetlands under the Modified Project would be reduced to less-than-significant levels. For each of these impacts, the City adopts CEQA Finding 1, as identified above and in Section 15091(a)(1) of the CEQA Guidelines.

**Impact. Movement of Wildlife Species, Migratory Corridors, and Wildlife Nursery Sites:** As discussed more fully in Section IV.C, Biological Resources, of the Draft EIR, static display removal could interfere with bird nesting. Additionally, there could be impacts to wildlife that stray from ordinary migratory corridors and pass closer to the locations of the TCN Program's construction or operations. To minimize these impacts to a less-than-significant level, Mitigation Measures BIO-MM-1, BIO-MM-2, and BIO-MM-4, set forth above, would be implemented.

**Reference.** Section IV.C, Biological Resources, of the Draft EIR, pages IV.C-37 through IV.C-39; Addendum to the Certified Final EIR, pages 18 through 20.

### **Project Design Feature**

**Project Design Feature AES-PDF-1:** 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, and FF-30 such that the light trespass illuminance at sensitive habitat at the proposed Bowtie State Park, at the mapped biological resources in the vicinity of the TCN Structure FF-25, and at the Ballona Wildlife Reserve to the south of the Marina Freeway, west of Culver Boulevard, do not exceed 0.02 footcandles.

## Mitigation Measures

**Mitigation Measure BIO-MM-1: Implement Biological Resource Protection Measures during Construction** (See above)

**Mitigation Measure BIO-MM-2: Avoid Impacts on Migratory and Nesting Birds** (See above)

**Mitigation Measure BIO-MM-4: Avoid Potential Impacts on Special-Status Bats** (See above)

**Finding.** As with the EIR Project, the potentially significant biological impacts related to movement of wildlife species, migratory corridors, and wildlife nursery sites under the Modified Project would be mitigated through the use of best practices during construction, seasonally-appropriate surveying and monitoring of potentially impacted species, and techniques to avoid and minimize impacts on biological resources during the Modified Project's construction and operations. Moreover, the Modified Project would reduce the overall number of TCN Structures to 46, thereby reducing the number of TCN Structures that could potentially interfere with wildlife. Therefore, the Modified Project's construction and operation impacts on movement of wildlife species, migratory corridors, and wildlife nursery sites would be further reduced. For the reasons stated above and as set forth in the Certified Final EIR and Addendum, the City finds that, through implementation of Mitigation Measures BIO-MM-1, BIO-MM-2, and BIO-MM-4, impacts to biological resources related to movement of wildlife species, migratory corridors, and wildlife nursery sites under the Modified Project would be reduced to less-than-significant levels. For each of these impacts, the City adopts CEQA Finding 1, as identified above and in Section 15091(a)(1) of the CEQA Guidelines.

## Cultural Resources

As discussed in Section IV.D, Cultural Resources, of the Draft EIR, the TCN Program would create potentially significant impacts related to archaeological resources with respect to the following significance threshold:

- Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines, section 15064.5.

**Impact.** *Archaeological Resource:* As discussed more fully in Section IV.D, Cultural Resources, of the Draft EIR, the TCN Program would include excavations to a maximum depth of approximately 50 feet below ground surface. As a result, unknown archaeological resources at the Site Locations could potentially be impacted. Mitigation Measure CUL-MM-1, as set forth below, would be implemented to mitigate these impacts to a less-than-significant level.

**Reference.** Section IV.D, Cultural Resources, of the Draft EIR, pages IV.D-60 through IV.D-63; Addendum to the Certified Final EIR, pages 20 and 21.

## **Mitigation Measures**

**Mitigation Measure CUL-MM-1:** Prior to the start of ground disturbance activities during Project construction, including demolition, digging, trenching, drilling, or a similar activity (Ground Disturbance Activities), a qualified principal archaeologist meeting the Secretary of the Interior's Professional Qualification Standards for Archaeology shall be retained to prepare a written Cultural Resource Monitoring and Treatment Plan in accordance with the Secretary of the Interior's Standards for Archaeological Documentation, to reduce potential Project impacts on unanticipated archaeological resources unearthed during construction. The Cultural Resource Monitoring and Treatment Plan shall include the professional qualifications required of key staff, monitoring protocols relative to the varying archaeological sensitivity across the Site Locations, provisions for evaluating and treating unanticipated cultural materials discovered during ground-disturbing activities, situations under which monitoring may be reduced or discontinued, and reporting requirements.

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 shall 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.

**Finding.** As with the EIR Project, the potential impacts to archaeological resources under the Modified Project would be mitigated by requiring a qualified archaeologist to oversee construction activities. Moreover, the Modified Project would reduce the total number of TCN Structures from 56 to 46 and, therefore, would reduce the amount of excavation activities compared to the EIR Project. Therefore, the potential for impacts regarding archaeological resources would be further reduced under the Modified Project. For the reasons set forth above

and in the Certified Final EIR and Addendum, the City finds that, through implementation of Mitigation Measure CUL-MM-1, impacts to cultural resources related to archaeological resources under the Modified Project would be mitigated to less-than-significant levels. Because this impact related to cultural resources would be reduced to less-than-significant levels, the City adopts CEQA Finding 1, as identified above and in Section 15091(a)(1) of the CEQA Guidelines.

## **Geology and Soils**

As discussed in Section IV.F, Geology and Soils, of the Draft EIR, the TCN Program would create potentially significant impacts related to geology and soils with respect to the following significance threshold:

- Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

**Impact. *Paleontological Resources:*** As discussed in Section IV.F, Geology and Soils, of the Draft EIR, the TCN Program would include excavations up to 50 feet below grade in soils that could be conducive to preserving vertebrate fossils. It is possible that paleontological resources may be encountered during grading and drilling operations within the Site Locations. Therefore, potential impacts to unique paleontological resources would be potentially significant. To minimize these impacts to a less-than-significant level, Mitigation Measure GEO-MM-1, set forth below, would be implemented.

**Reference.** Section IV.F, Geology and Soils, of the Draft EIR, page IV.F-55 and IV.F-56; Addendum to the Certified Final EIR, page 22.

## **Project Design Feature**

**Project Design Feature GEO-PDF-1:** All development activities conducted on the Site Locations will incorporate the professional recommendations contained in the Geology and Soils Evaluation 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 such recommendations meet and/or surpass 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 support foundation systems.

## **Mitigation Measure**

**Mitigation Measure GEO-MM-1:** The services of a Project paleontologist who meets the Society of Vertebrate Paleontology standards (including a graduate degree in paleontology or geology and/or a publication record in peer reviewed journals, with demonstrated competence in the paleontology of California or related topical or geographic areas, and at least two full years of experience as assistant to a Project paleontologist), shall be retained prior to ground disturbance activities associated with Project construction in order to develop a site-specific Paleontological Resource Mitigation and Treatment Plan. The Paleontological Resource Mitigation and Treatment Plan shall specify the levels and types of mitigation efforts based on the types and depths of ground disturbance activities and the geologic and paleontological sensitivity of the Site Locations. The Paleontological Resource Mitigation and Treatment Plan shall also include a description of the professional qualifications required of key staff, communication protocols during construction, fossil recovery protocols, sampling protocols for microfossils, laboratory procedures, reporting requirements, and curation provisions for any collected fossil specimens.

**Finding.** As with the EIR Project, the potential impacts to paleontological resources under the Modified Project would be mitigated by requiring a qualified paleontologist to preemptively develop protocols for reporting and handling any paleontological resources that are discovered during ground disturbance activities. Moreover, the Modified Project would reduce the total number of TCN Structures from 56 to 46 and, therefore, would reduce the amount of excavation activities compared to the EIR Project. Therefore, the potential for impacts to paleontological resources would be further reduced. For the reasons stated above and as set forth in the Certified Final EIR and Addendum, the City finds that, through implementation of Mitigation Measure GEO-MM-1, the impacts to geology and soils related to paleontological resources under the Modified Project would be reduced to a less-than-significant level. The City adopts CEQA Finding 1, as identified above and in Section 15091(a)(1) of the CEQA Guidelines.

## **Noise**

As discussed in Section IV.J, Noise, of the Draft EIR, the TCN Program would create potentially significant impacts related to noise with respect to the following significance thresholds:

- Generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the TCN Program in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies; and
- Generate excessive groundborne vibration or groundborne noise levels.

**Impact. *Increased Ambient Noise Levels (On-Site Construction):*** As discussed in Section IV.J, Noise, of the Draft EIR, noise generated by the TCN Program's on-site construction equipment

would cause a substantial temporary increase in ambient noise levels. As described in the Certified Final EIR, noise levels would exceed the City's significance criteria in the vicinity of seven Site Locations during the daytime and four Site Locations at nighttime. Site Locations NFF-11, NFF-12, NFF-19, NFF-20, NFF-21, FF-28, and FF-33 would experience significant daytime ambient noise level increases, and Site Locations NFF-14, FF-13, FF-26, and FF-28 would experience significant nighttime ambient noise level increases. The Modified Project would remove Site Locations NFF-21 and NFF-14, eliminating the less-than-significant impact and less-than significant impact with mitigation in those locations, respectively. However, to mitigate noise impacts at the other Site Locations to less-than-significant levels, Mitigation Measures NOI-MM-1 through NOI-MM-3, set forth below, would also be implemented.

**Reference.** Section IV.J, Noise, of the Draft EIR, pages IV.J-31 through IV.J-44; Addendum to the Certified Final EIR, pages 26 and 27.

### **Project Design Feature**

**Project Design Feature NOI-PDF-1:** 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 equipment will be properly maintained to assure that no additional noise, due to worn or improperly maintained parts, would be generated.

### **Mitigation Measures**

**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.

*During TCN Structure NFF 11 Construction:*

- 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.

*During TCN Structure NFF 12 Construction:*

- Between the Project construction area and the residential uses on Victoria Avenue west of the Site Location (receptor location R6). The temporary sound barrier shall be designed to provide a minimum 5-dBA noise reduction at the ground level of receptor location R6.

*During TCN Structure NFF 14 Construction:*

- Between the Project construction area and the residential uses on Exposition Boulevard southeast of the Site 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 R7.

*During TCN Structure NFF 19 Construction:*

- Between the Project construction area and the residential uses on New 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.

*During TCN Structure NFF 20 Construction:*

- 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:*

- 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.

*During TCN Structure FF 13 Construction:*

- 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.

*During TCN Structure FF 26 Construction:*

- 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.

*During TCN Structure FF 28 Construction:*

- 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:*

- 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.

**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 Structure NFF-20 shall be limited to a maximum 75 dBA ( $L_{eq}$ ) at 50 feet from the equipment.

**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.

**Finding.** These potential noise impacts would be mitigated by requiring temporary sound barriers and limiting certain construction equipment, as described above. The Modified Project would reduce the total number of TCN Structures to 46 and, therefore, would reduce the amount of excavation activity. Accordingly, the associated noise impacts would be reduced. Site locations NFF-21 and NFF-14 are no longer proposed as part of the Modified Project; as such, noise impacts from the Modified Project's construction at these Site Locations would be eliminated. Further, the intensity of construction activities and associated noise levels on a peak daily basis, which are used for measuring significance, would not increase as the construction 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. For the reasons stated above and as set forth in the Certified Final EIR and Addendum, the City finds that, through implementation of Mitigation Measures NOI-MM-1 through NOI-MM-3, these noise impacts related to ambient noise from on-site construction would be reduced to a less-than-significant level. The City adopts CEQA Finding 1, as identified above and in Section 15091(a)(1) of the CEQA Guidelines.

**Impact. Vibrations (Human Annoyance from On-Site Construction):** As discussed more fully in Section IV.J, Noise, of the Draft EIR, the TCN Program's construction would result in vibration levels above the threshold for human annoyance at two Site Locations; Site Locations FF-33 and NFF-20 will experience vibrations above the human annoyance threshold. To mitigate these impacts to a less-than-significant level, Mitigation Measure NOI-MM-4, set forth below, would be implemented.

**Reference.** Section IV.J, Noise, of the Draft EIR, pages IV.J-45 through IV.J-49; Addendum to the Certified Final EIR, pages 26 and 27.

### **Mitigation Measure**

**Mitigation Measure NOI-MM-4:** The use of large construction equipment (i.e., large bulldozer, caisson drill rig, and/or loaded trucks) shall be limited to a minimum of 80 feet away from the existing residences near proposed TCN Structure FF-33 (receptor 28) and the future residences near proposed TCN Structure NFF-20 (receptor 12B), if these residences are constructed and occupied at the time Project construction activities occurs.

**Finding.** These potential vibration impacts would be mitigated by limiting certain construction equipment, as described above. The Modified Project would reduce the total number of TCN Structures to 46 and, therefore, would reduce the amount of excavation activity. Accordingly, the associated vibration impacts would be reduced. Further, the intensity of construction activities and associated vibration levels on a peak daily basis, which are used for measuring significance, would not increase as the construction 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. For the reasons stated above and as set forth in the Certified Final EIR and Addendum, the City finds that, through implementation of Mitigation Measure NOI-MM-4, these impacts related to on-site construction vibrations would be reduced to a less-than-significant level. The City adopts CEQA Finding 1, as identified above and in Section 15091(a)(1) of the CEQA Guidelines.

### **Tribal Cultural Resources**

As discussed in Section IV.L, Tribal Cultural Resources, of the Draft EIR, the TCN Program would have the potential to result in significant impacts related to tribal cultural resources with respect to the following significance threshold:

- Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:
  - (i) Listed or eligible for listing in the California Register of Historical Resources, or in the local register of historical resources as defined in Public Resources Code section 5020.1(k); or

- (ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

**Impacts.** As discussed more fully in Section IV.L, Tribal Cultural Resources, of the Draft EIR, the Site Locations may contain known or reasonably foreseeable resources determined to be significant pursuant to criteria set forth in subdivision (c) of PRC Section 5024.1 (i.e., tribal cultural resources). As such, the TCN Program may cause a substantial adverse change in the significance of a known tribal cultural resource with cultural value to a California Native American tribe or that is listed or eligible for listing in the California Register or in a local register. Therefore, the TCN Program's impacts related to tribal cultural resources will be potentially significant.

**Reference.** Section IV.L, Tribal Cultural Resources, of the Draft EIR, pages IV.L-36 through IV.L-42; Addendum to the Certified Final EIR, page 28.

### **Mitigation Measures**

**Mitigation Measure TCR-MM-1: (Retain a Tribal Consultant and Qualified Archaeologist):** Prior to any ground-disturbing activities on the Site Locations associated with the Project Area, a tribal consultant and qualified archaeologist shall be retained to monitor ground-disturbing activities and ensure proper implementation of the Tribal Cultural Resources Monitoring and Mitigation Program (described in Mitigation Measure TCR-MM-2, below).

Ground disturbing activities are defined as excavating, digging, trenching, drilling, tunneling, grading, leveling, removing asphalt, clearing, driving posts, augering, backfilling, blasting, stripping topsoil or a similar activity at a Site Location. A tribal consultant is defined as one who is on the Native American Heritage Commission (NAHC) Tribal Contact list. The tribal consultant will provide the services of a representative, known as a tribal monitor.

A qualified archaeologist is defined as one who meets the Secretary of the Interior's (SOI) Professional Qualifications Standards (PQS) for archaeology. The qualified archaeologist shall submit a letter of retention to Metro no fewer than 30 days before ground-disturbing activities commence. The letter shall include a resume for the qualified archaeologist that demonstrates fulfillment of the SOI PQS.

**Mitigation Measure TCR-MM-2: (Develop a Tribal Cultural Resource Mitigation and Monitoring Program):** Prior to any ground-disturbing activities within the Project

Area, a Tribal Cultural Resource Mitigation and Monitoring Program (TCR MMP) shall be prepared by the qualified archaeologist. The TCR MMP shall incorporate the results of SWCA's Tribal Cultural Resources Assessment for the Los Angeles County Metropolitan Transportation Authority's Transportation Communication Network Project report, and reasonable and feasible 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 processing protocol for inadvertent discoveries of tribal cultural resources, and identification of a curation facility should artifacts be collected. The TCR MMP shall require monitoring of ground-disturbing activities at all Site Locations and will provide a framework for assessing the geoarchaeological setting to determine whether sediments capable of preserving tribal cultural resources are present, and include a protocol for identifying the conditions under which additional or reduced levels of monitoring (e.g., spot-checking) may be appropriate at any given Site Location. The duration and timing of the monitoring shall be determined based on the rate of excavation, geoarchaeological assessment, and, if present, the quantity, type, spatial distribution of the materials identified, and input of the tribal consultant or their designated monitor. During 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 halt or redirect construction activities in soils that are likely to contain potentially tribal 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 archaeologist and tribal consultant. Soils that are removed from the work site are considered culturally sensitive and will be subject to inspection on-site by the tribal and archaeological monitors. Provisions for inspection at an off-site location would be determined through consultation with the tribal and archaeological monitors,

construction personnel, and Metro. Any tribal cultural resources that are not associated with a burial are subject to collection by the qualified archaeologist.

The TCR MMP shall also summarize the requirements for coordination with consulting tribal parties in the event of a tribal cultural resource or potential tribal cultural resource is inadvertently discovered, as well as the applicable regulatory compliance measures or conditions of approval for inadvertent discoveries, including the discovery of human remains, to be carried out in concert with actions described in the TCR MMP and treatment plan prepared in compliance with Mitigation Measure TCR-MM-3. The TCR MMP shall be prepared in compliance with Public Resources Code Section 5024.1, Title 14 California Code of Regulations, Section 15064.5 of the CEQA Guidelines, and PRC Sections 21083.2 and 21084.1. The TCR MMP shall be submitted to Metro at least 30 days prior to initiating ground-disturbing activities.

**Mitigation Measure TCR-MM-3: (Treatment of Known Tribal Cultural Resources):** A treatment plan will be developed for any historical archaeological sites that may be adversely affected/significantly impacted by the Project, including but not limited to CA-LAN-1575/H. The treatment plan will be developed based on the known constituents to guide the post-discovery process and initial treatment requirements upon discovery. The treatment plan will outline data recovery procedures to be followed and shall require controlled archaeological excavation within the first eight feet (ft) at all Site Locations proposed to be located within known tribal 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 9.84 ft below the unpaved surface. Subsequent mechanical drilling 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 tribal cultural resource, and relevant environmental information obtained from the sediments will be recorded. 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 Standards and Guidelines (1983) for archaeological documentation, the California Office of Historic Preservation (OHP)'s Archaeological Resources Management Report, Recommended Contents and Formats (1989), the Advisory Council on Historic Preservation's publication Treatment

of Archaeological Properties: A Handbook, 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 Guidelines for Determining the Significance of and Impacts to Cultural Resources and Fieldwork and Reporting Guidelines for Archaeological, Historic, and Tribal Cultural Resources

**Findings.** As with the EIR Project, the potential impacts to tribal cultural resources under the Modified Project would be mitigated by requiring a qualified archaeologist to oversee construction activities. Moreover, the Modified Project would reduce the total number of TCN Structures to 46 and, therefore, would reduce the amount of excavation activities compared to the EIR Project. Therefore, the potential to encounter tribal cultural resources would be further reduced under the Modified Project. For the reasons stated above and as set forth in the Certified Final EIR and Addendum, the City finds that, through implementation of Mitigation Measures TCR-MM-1 through TCR-MM-3, the impacts related to tribal cultural resources under the Modified Project would be reduced to less-than-significant levels. For these impacts, the City adopts CEQA Finding 1, as identified above and in Section 15091(a)(1) of the CEQA Guidelines.

### (3) Less-than-Significant Impacts or No Impacts

The City finds, based on substantial evidence in the record, as discussed below, that the Modified Project would have no impact or are less-than-significant associated with the environmental topics identified below, and, as such, no mitigation is required.

The Certified Final EIR concluded that the EIR Project would have a less-than-significant impact on:

- aesthetics (scenic highways; light or glare affecting day or nighttime views);
- air quality (conflict or obstruction of applicable air quality plan; cumulatively considerable net increase of any criteria pollutant; expose sensitive receptors to substantial pollutant concentrations; other emissions);
- biological resources (conflict with local policies or ordinances protecting biological resources, such as tree preservation policies or ordinances);
- cultural resources (disturb any human remains);
- energy (wasteful, inefficient, or unnecessary consumption of energy resources; conflict with or obstruct state or local plans for renewable energy or efficiency);

- geology and soils (risk of loss, injury, or death involving rupture of a known earthquake fault, strong seismic ground shaking, or seismic-related ground failure; substantial soil erosion or loss of topsoil; located on a geologic unit or soil that is unstable; located on expansive soil creating risks to life or property);
- greenhouse gas emissions (generate GHG emissions; conflict with any plan, policy, or regulation adopted for reducing the emissions of GHGs);
- hazards and hazardous materials (routine transport, use, or disposal of hazardous materials; upset and accident conditions involving the release of hazardous materials; impair of or physical interference with an emergency response plan or emergency evacuation plan);
- hydrology and water quality (violate water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality; substantially decrease groundwater supplies or interfere substantially with groundwater recharge; substantially alter existing drainage patten of the site or area; risk release of pollutants due to project inundation in flood hazard, tsunami, or seiche zones; conflict with or obstruct a water quality control plan or sustainable groundwater management plan);
- land use and planning (physically divide an established community);
- mineral resources (result in loss of availability of a known mineral resource of value to the region and residents of the state; result in loss of availability of a locally-important mineral resource recovery site);
- noise (generate substantial temporary or permanent increase in ambient noise levels in the project vicinity in excess of local general plan, noise ordinance, or other applicable standards resulting from off-site construction, off-site operation, and/or on-site operation; generate excessive ground borne vibration or noise levels that would result in building damage impacts and/or off-site human annoyance, and/or that would result from operation of the project; expose people residing or working in the project area to excessive noise levels in the vicinity of a private airstrip or airport land use plan, or within two miles of a public airport or public use airport);
- population and housing (induce substantial unplanned population growth in an area directly or indirectly);

- public services (result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any public services, including fire protection, police protection, schools, parks, and other public facilities);
- recreation (increased use of existing neighborhood and regional parks or other recreational facilities such that physical deterioration of the facility would occur or be accelerated; include recreational facilities or require the construction or expansion of recreation facilities which might have an adverse physical effect on the environment);
- transportation (conflict with a program, plan, ordinance, or policy addressing the circulation system; substantially increase hazards due to a geometric design feature; result in inadequate emergency access); and
- utilities and service systems (require or result in relocation or construction of new or expanded water, wastewater treatment, or storm water drainage, electric power, natural gas, or telecommunications facilities; have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years; generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair attainment of solid waste reduction goals; comply with federal, State, and local management and reduction statutes and regulations related to solid waste).

The Certified Final EIR concluded that the EIR Project would result in no impact for the following environmental topics:

- agriculture and forestry resources;
- biological resources (conflicts with habitat conservation plans);
- geology and soils (landslide risk; soils incapable of supporting septic tanks);
- hazards and hazardous materials (wildland fires);
- population and housing (displacement of people or housing);
- transportation (CEQA Guidelines Section 15064.3(b));

- utilities and service systems (water, wastewater, stormwater, natural gas, and telecommunications infrastructure; wastewater treatment capacity); and
- wildfire (emergency response or evacuation plan; exposure of project occupants to wildfire pollutants; risk exposure).

The Certified Final EIR also concluded that the EIR Project would have no cumulative impacts related to aesthetics, agricultural and forestry resources, air quality, biological resources, cultural resources, energy, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, mineral resources, noise, population and housing, public services, transportation, tribal cultural resources, utilities and service systems, recreation, and wildfire.

The City finds, based on the record, that the above-listed impacts would remain less-than-significant or continue to have no impact and do not require mitigation under the Modified Project. As described above and in the Certified Final EIR and Addendum, the Modified Project would incorporate the same project design features for the TCN Structures and would not involve changes that would affect the analysis any of these impacts. For example, the slight changes in height for three TCN Structures, as described above, are inconsequential and do not change the analysis for any of these resource areas.

In addition to the above-listed impacts, the Modified Project would also reduce the level of impacts related to the following environmental topics from significant and unavoidable to less than significant without mitigation.

## **Aesthetics**

As discussed in the Addendum, the Modified Project would result in less-than-significant impacts related to the following significance thresholds:

- Have a substantial adverse effect on a scenic vista; and
- In non-urbanized areas, would the TCN Program substantially degrade the existing visual character or quality of public views of the site and its surroundings? If the TCN Program is in an urbanized area, would the TCN Program conflict with applicable zoning and other regulations governing scenic quality?

**Impact. Scenic Vistas:** The Certified Final EIR conservatively concluded that the TCN Structures would result in significant impacts related to scenic views of historical resources 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 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. Therefore, the EIR Project analyzed in the Certified Final EIR would result in significant and unavoidable aesthetic impacts related to historical resources. As discussed in the Addendum, 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 not constructed. Therefore, under the Modified Project, the significant and unavoidable impact related to scenic views of historical resources would be eliminated.

**References.** Section IV.A, Aesthetics, of the Draft EIR, pages IV.A-32 through IV.A-35; Addendum, pages 14 through 17.

**Mitigation Measures.** These impacts under the Modified Project would be reduced to less-than-significant levels without mitigation.

**Finding.** For the reasons stated above and as set forth in the Addendum, the City finds that these aesthetic impacts related to scenic views of historical resources would be less than significant. The City adopts CEQA Finding 1, as identified above and in Section 15091(a)(1) of the CEQA Guidelines.

**Impact.** *Conflicts with Plans, Policies, and Regulations Governing Scenic Quality:* The Certified Final EIR concluded that Site Locations NFF-2, NFF-3, NFF-16 and NFF-21 would be inconsistent with several goals and policies of the Central City North, Central City, and North Hollywood–Valley Villa Community Plans regarding historical resources and associated visual impacts. The Certified Final EIR also determined that the EIR Project 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 the removal of TCN Structures NFF-2, NFF-3 NFF-16, and NFF-21, the Modified Project’s visual impact related to historical resources would be eliminated.

Further, the Certified Final EIR concluded the EIR Project would be inconsistent with Palms – Mar Vista – Del Rey Community Plan policies regarding placement of off-site premises signs within the coastal area (relative to Site Locations FF-29 and FF-30). After receiving a formal coastal boundary line for the California Coastal Commission, it has been determined that Site Location FF-30 is not in the Coastal Zone. Additionally, the Modified Project would remove TCN Structure FF-29 from the TCN Program. Therefore, the Modified Project’s impact with regard to inconsistencies with the Palms–Mar Vista–Del Rey Community Plan would be eliminated. As such, impacts related to visual character and consistency with plan policies regarding scenic quality under the Modified Project would be reduced to less-than-significant levels.

**References.** Section IV.A, Aesthetics, of the Draft EIR, pages IV.A-36 through IV.A-42; Addendum, pages 14 through 17.

**Mitigation Measures.** These impacts under the Modified Project would be reduced to less-than-significant levels without mitigation.

**Finding.** For the reasons stated above and as set forth in the Addendum, the City finds that these aesthetic impacts related to visual character and consistency with plan policies regarding scenic quality would be less than significant. The City adopts CEQA Finding 1, as identified above and in Section 15091(a)(1) of the CEQA Guidelines.

## **Cultural Resources**

As discussed in the Addendum, the Modified Project would result in less-than-significant impacts related to the following significance threshold:

- Cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines, section 15064.5.

**Impact. *Historical Resources:*** As described in the Certified Final EIR, the construction of four TCN Structures (NFF-2, NFF-3 NFF-16, and NFF-21) would result in significant and unavoidable impacts related to historical resources. Specifically, these TCN Structures would be located in close proximity of five historical resources, including the North Spring Street Bridge (Caltrans Bridge No. 53C0859) near TCN Structure NFF-2, Lankershim Depot near TCN Structure NFF-3, the Little Tokyo Historic District and the Japanese Village Plaza near TCN Structures NFF-16, and the Fourth Street Bridge (Caltrans Bridge No. 53C0044) near TCN Structure NFF-21. Therefore, the construction of TCN Structures NFF-2, NFF-3 NFF-16, and NFF-21 would likely result in a significant impact on the adjacent historical resources by affecting their integrity of setting and feeling. 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 impede the visibility of or overshadow and, thus, detract from the character-defining features and affect the viewsheds of the resources. However, 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 not constructed. Thus, impacts to historical resources under the Modified Project would be reduced to less-than-significant levels.

**References.** Section IV.D, Cultural Resources, of the Draft EIR, pages IV.D-34 through IV.D-60; Addendum, pages 20 and 21.

**Mitigation Measures.** These impacts under the Modified Project would be reduced to less-than-significant levels without mitigation.

**Finding.** For the reasons stated above and as set forth in the Addendum, the City finds that these cultural resources impacts as related to historic resources would be less than significant. The City adopts CEQA Finding 1, as identified above and in Section 15091(a)(1) of the CEQA Guidelines.

## Land Use and Planning

As discussed in the Addendum, the Modified Project would result in less-than-significant impacts related to the following significance threshold:

- Conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

**Impact.** *Land Use Plans, Policies, Regulations:* The Certified Final EIR concluded that the EIR Project 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. As described above, with the removal of TCN Structures NFF-2, NFF-3, NFF-16, and NFF-21, the EIR Project’s significant impacts related to visual and historical resources would be eliminated under the Modified Project and, therefore, would eliminate the inconsistencies associated with the Conservation Element. Further, the Certified Final EIR concluded the EIR Project would be inconsistent with Palms–Mar Vista–Del Rey Community Plan policies regarding placement of off-site premises signs within the coastal area (relative to Site Locations FF-29 and FF-30). As discussed above, after receiving a formal coastal boundary line for the California Coastal Commission, it has been determined that Site Location FF-30 is not in the Coastal Zone. Additionally, Metro removed TCN Structure FF-29 from the EIR Project. Therefore, impacts regarding inconsistency with the Palms–Mar Vista–Del Rey Community Plan under the Modified Project would be eliminated. As such, impacts related to inconsistency with plans under the Modified Project would be reduced to less-than-significant levels.

**Reference.** Section IV.I, Land Use and Planning, of the Draft EIR, pages IV.I-14 through IV.I-26; Addendum, pages 24 through 26.

**Mitigation Measures.** These impacts under the Modified Project would be reduced to less-than-significant levels without mitigation.

**Finding.** For the reasons stated above and as set forth in the Addendum, the City finds that these land use impacts would be less than significant. The City adopts CEQA Finding 1, as identified above and in Section 15091(a)(1) of the CEQA Guidelines.

## Alternatives and Mitigation Measures

CEQA provides that “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]” (PRC, § 21002.) However, “in the event specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof.” (Ibid.) As defined by CEQA, “feasible” means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic,

environmental, social, legal, and technological factors. (PRC, § 21061.1; CEQA Guidelines, § 15126.6(f)(1).)

In determining whether an alternative or mitigation measure is “feasible” under CEQA, an agency may consider whether that alternative or mitigation measure will promote the project’s objectives and goals. (*Sequoiah Hills Homeowners Assn. v. City of Oakland* (1993), 23 Cal.App.4th 704, 715; *California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 1001 [citing 2 Kostka & Zischke, Practice Under the Cal. Environmental Quality Act (Cont.Ed.Bar 2d ed.2009) § 17.30, p. 825].) The feasibility determination also “encompasses ‘desirability’ to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, legal, and technological factors.” (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 401, 417; *California Native Plant Society, supra*, at p. 1001.) Broad policy decisions come into play when determining whether alternatives or mitigation measures are feasible, and “an alternative that ‘is impractical or undesirable from a policy standpoint’ may be rejected as infeasible.” (*Ibid.* [quoting 2 Kostka & Zischke, *supra*, § 17.29, p. 824] [upholding agency’s reliance on policy considerations like “promoting transportation alternatives” and “access to . . . open space for persons with disabilities” in making its infeasibility findings].)

## **Project Alternatives**

The Certified Final EIR examined three alternatives to the EIR Project in detail, which included Alternative 1, the No Project Alternative; Alternative 2, Elimination of Impacts Relating to Historical Resources Alternative; and Alternative 3, Elimination of All Significant and Unavoidable Impacts Alternative.

### No Project Alternative

The No Project Alternative, or Alternative 1, is required by CEQA Guidelines Section 15126.6(e)(2) and assumes that the EIR Project would not be implemented by Metro. The No Project Alternative allows decision-makers to compare the impacts of approving the EIR Project with the impacts of not approving the EIR Project. Under Alternative 1, no new permanent development would occur within the Site Locations, and the existing environment would be maintained. No existing static signs would be removed. Further, the proposed Zoning Ordinance for the EIR Project would not occur. Thus, the physical conditions of the Site Locations would generally remain as they are today. No new construction would occur. Further, no revenue would be generated from the TCN Program to fund new and expanded transportation programs.

### Alternative 2

Alternative 2, the Elimination of Impacts Relating to Historical Resources Alternative, would eliminate TCN Structures at Site Locations NFF-2, NFF-3, NFF-16, and NFF-21 proposed by the EIR Project. The remaining TCN Structures would be proposed under this alternative. As with

the EIR Project, Alternative 2 would provide for an overall reduction in static displays (at least 2-to-1 square footage take-down ratio) throughout the City. Impacts to historical resources and the related aesthetic and land use impacts associated with Site Locations NFF-2, NFF-3, NFF-16, and NFF-21 would be eliminated. As with the EIR Project, under Alternative 2, the City would establish Zoning Ordinance that would provide a mechanism to review and approve the TCN Structures Citywide.

### Alternative 3

Alternative 3, the Elimination of All Significant and Unavoidable Impacts Alternative, would eliminate Site Locations NFF 2, NFF 3, NFF 16, and NFF 21, as well as eliminate or relocate FF-29 and FF-30 outside of the coastal area of the Palms–Mar Vista–Del Rey Community Plan. The remaining 50 TCN Structures would be proposed under this alternative. As with the EIR Project, Alternative 3 would provide for an overall reduction in static displays (2 to 1 square footage take-down ratio) throughout the City. Impacts to aesthetics, historic resources, and land use would be eliminated. As with the TCN Program, under Alternative, 3 the City would establish Zoning Ordinance that would provide a mechanism to review and approve the TCN Structures Citywide.

As discussed above in these Findings, the City is adopting modifications to the project and Mitigation Measures to reduce all significant impacts identified in the Certified Final EIR to less than significant under the Modified Project. Therefore, the Modified Project will not result in any significant and unavoidable impacts, and will result in reduced impacts compared to the Alternatives. No further findings regarding the impacts or feasibility of the Alternatives are required.