

FINDINGS

**City of Los Angeles, Department of Public Works
Bureau of Street Services (StreetsLA)
Bureau of Engineering, Environmental Management Group
Sidewalk and Transit Amenities Program
Los Angeles County, California**

The following Findings are presented to comply with the California Environmental Quality Act (CEQA) and the Guidelines for Implementation of the CEQA (Title 14 California Code of Regulations, Chapter 3, Section 150000 et seq.) or State “CEQA Guidelines” and the City of Los Angeles (City) General Plan. The Final IS/MND (IS/MND) for the Sidewalk and Transit Amenities Program (STAP), transmitted concurrently, is the main source of the information herein.

The STAP is the replacement of the current City Coordinated Street Furniture Program. The STAP would be implemented by StreetsLA and would install and upgrade transit shelters and associated amenities to provide shelter, shade, safety, and comfort to the City's transit riders, active and shared-ride transportation users, and pedestrians. The program would enhance the transit rider experience and support public transit and shared use of the sidewalk; improve access and mobility; improve transit information and public service delivery; be a self-sustaining program through reinvestment of advertising revenues; and create a dynamic program that incorporates flexibility and collaboration with other City goals and programs. These goals would be achieved through efficient delivery of enhanced program elements and active management by the City. Construction of the transit shelters under STAP would occur over a 3-year time span, from 2023-2025 under the most aggressive schedule, but may occur over a longer period of time, upwards of 6 years (2023 to 2028). The City plans to contract with a commercial partner to provide operations and maintenance of the transit shelters for 10 years with two potential 5-year extensions, in accordance with the agreements with the City. In addition, the City is proposing changes to the Los Angeles Municipal Code (LAMC) Sections 67.01 and 67.02, which would modify the type of advertising structures allowed in the public right-of-way, in order to effectuate portions of the STAP and which would potentially authorize the consideration of other activities in the future. (See IS/MND, Section 2 for a full project description.)

I. REQUIRED CEQA FINDINGS

Section 15074 of the CEQA Guidelines states that a public agency shall make the following considerations for adoption of a negative declaration or mitigated negative declaration:

- (a) Any advisory body of a public agency making a recommendation to the decisionmaking body shall consider the proposed negative declaration or mitigated negative declaration before making its recommendation.

- (b) Prior to approving a project, the decisionmaking body of the lead agency shall consider the proposed negative declaration or mitigated negative declaration together with any comments received during the public review process. The decisionmaking body shall adopt the proposed negative declaration or mitigated negative declaration only if it finds on the basis of the whole record before it (including the initial study and any comments received), that there is no substantial evidence that the project will have a significant effect on the environment and that the negative declaration or

mitigated negative declaration reflects the lead agency's independent judgment and analysis.

(c) When adopting a negative declaration or mitigated negative declaration, the lead agency shall specify the location and custodian of the documents or other material which constitute the record of proceedings upon which its decision is based.

(d) When adopting a mitigated negative declaration, the lead 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 mitigate or avoid significant environmental effects.

II. CONSIDERATION OF IS/MND BY ADVISORY BODIES AND DECISIONMAKING BODY

Any City advisory body making a recommendation to the decisionmaking body (the City Council) hereby considers the IS/MND, together with any comments received during the public review process, before making its recommendations. The City Council, as the decisionmaking body for the City for the STAP, hereby considers the IS/MND, together with any comments received during the public review process.

III. NO SUBSTANTIAL EVIDENCE THAT THE STAP WOULD HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT, WITH INCORPORATION OF MITIGATION MEASURES

A. Independent Judgment

The City hereby finds that the IS/MND reflects the lead agency's independent judgment and analysis.

B. No Significant Effect With Mitigation Measures

The City finds on the basis of the whole record before it (including the initial study and any comments received), that there is no substantial evidence that the project will have a significant effect on the environment, with the incorporation of the following mitigation measures:

Noise NOI-1: At project construction sites when noise levels may approach or exceed City noise criteria, such that if there are noise-sensitive receptors closer than 75 feet or when receptors with existing ambient noise levels of 68 A-weighted decibels (dBA) and lower are located within 120 feet of project construction activity, the following noise abatement measures or combination thereof shall be implemented to reduce noise levels from construction activities to be below 10 dBA over ambient levels:

- Construction or use of temporary construction noise barriers, enclosures, or sound blankets
- Use of low noise, low vibration, low emission-generating construction equipment (e.g., [quieter] Tier 4 engines), as needed
- Maintenance of mufflers and ancillary noise abatement equipment

- Scheduling high noise-producing activities during periods that are least sensitive when most people are at work during daytime hours
- Routing construction-related truck traffic away from noise-sensitive areas
- Reducing construction vehicle speeds

If noise complaints due to construction activities should arise, construction noise monitoring may be needed to document the ambient noise levels and further analyze the area where the complaint occurred to determine which of the above recommendations specifically may be needed, if any. This would be site specific and dependent on the specific construction activity and the degrees of exceedances. Construction hours may need to be amended when using the loudest equipment, such as jackhammers. If a hoe ram attachment for either a backhoe or skid steer is used in place of hand-use jackhammers, vibration monitoring might be needed during instances of sidewalk removal where there is an adjoining structure next to the sidewalk that is to be removed.

Mandatory Findings of Significance MFS-NOI-1: The contractor shall coordinate the schedules for the removal or installation of transit shelter improvements and advertising displays within 350 feet of other sidewalk and roadway improvements under construction to avoid cumulatively affecting the same noise-sensitive receptors.

IV. LAND USE FINDINGS

The City hereby finds that the STAP is in substantial conformance with the purposes, intent and provisions of the General Plan.

As provided in the IS/MND, Section 3.11.3.b and Attachment D, Section 5.4, the STAP is consistent with the General Plan's provisions. The STAP is consistent with the Framework Element's goals, objectives, and policies for promoting transit use. (E.g., Attachment D, pp. 14-17.) The STAP is consistent with the Conservation Element, as transit shelters and other amenities would have limited impacts on scenic views from public roads, and STAP program elements and future advertising displays would be designed to meet applicable City standards and regulations. (E.g., Attachment D, p. 21.) The STAP would support the Air Quality Element's goals, objectives, and policies for reducing vehicle trips and associated emissions. (E.g. Attachment D, pp. 22-23.) The STAP supports the Health and Wellness Element's goal for transit services to improve access to healthy options and opportunities. (E.g., Attachment D, p. 22). The STAP would support the Safety Element through its ability to communicate emergency response information and possibly aid in disaster recovery by providing solar or emergency backup power capable of charging cell phones and other electronic devices, as well as being a source point for Internet connectivity in times of local or regional emergencies and/or natural disasters. (E.g., Attachment D, p. 24.) Finally, the STAP would be consistent with the Open Space Element, Housing Element, Noise Element, Infrastructure Systems Element, and Public Facilities and Services Element, as the STAP would not be in conflict with these elements and the STAP's program elements would be designed to meet applicable City standards and regulations. (E.g., Attachment D, pp. 17, 23-25.)

The STAP would support the City's Community Plan provisions related to the use of transit services and reduction of vehicle trips. Programs and general design guidelines for the installation of transit shelters and street furniture and for streetscape and sidewalk improvements and signage

would also be supported and followed by the STAP as applicable. (E.g., Attachment D, pp. 26-51.)

As provided in the IS/MND, Section 3.11.3.b and Attachment D, Section 5.4 (e.g., pp. 17-21), the STAP is consistent with the City's Mobility Plan. Where off-site advertising is in City-designated Scenic Highways without an adopted corridor plan, these STAP individual elements remain consistent with the General Plan because: (1) those elements will be designed to comply with applicable guidelines and standards and sign regulations for street furniture and signs installed in the public road right-of-way prior to installation/construction, including any necessary Planning approvals; and (2) placement of STAP elements on a case-by-case determination especially in the City-designated Scenic Highways in urban areas where off-site advertising is expected to continue and be included, is consistent with the Mobility Plan.

The consistency with the Mobility Plan, as provided in the STAP IS/MND, Section 3.11.3.b and Attachment D, Section 5.4, Table 4, includes consistency with provisions regarding Pedestrian Infrastructure (Policy 2.3); Transit Network (Policy 2.5), Allocation of Transportation Funds (Policy 2.15), Access for All Angelenos (Objective 8), Access for All (Policy 3.1), People with Disabilities (Policy 3.2), Transit Services (Policy 3.4), Multi-Modal Features (Policy 3.5), Regional Transit Connections (Policy 3.7), Bicycle Parking (Policy 3.8), New Technologies (Policy 4.1), Dynamic Transportation Information Support (Policy 4.2), Wayfinding (Policy 4.14), and Vehicle Miles Travelled (Policy 5.2).

Moreover, as provided in Appendix 1 in the IS/MND, the STAP is further consistent with the Mobility Plan Interim Guidelines, as the advertising/signage in the STAP program is different from typical off-site advertising that is the focus of the Mobility Plan Interim Guidelines. These differences include: (1) the scale of the STAP advertising is significantly smaller and targeted than a billboard or large-scale off-site sign; (2) the advertising is targeted to transit riders and pedestrians, not traffic itself (though there will be visibility to them but any such exposure is minimized as provided in the MND Section 3.17.3, including specific limitations on the physical dimensions of digital advertising displays, along with limiting illumination contrast with ambient light levels, not allowing for full motion videos or sound, establishing minimum image refresh rates, and other restrictive measures; and (3) the advertising panels will also include public messaging and transit information.

Finally, as provided in Appendix 1 in the IS/MND, the STAP is further consistent with the General Plan because it supports: (1) the Citywide General Plan Framework's Liveable Neighborhoods subsection (under the Urban Form and Neighborhood Design Section), which provides that "all neighborhoods in the City deserve to have well designed buildings and a safe secure, and attractive public realm"; and (2) Goal 5A of the Citywide General Plan Framework by helping to further shape "a livable city for existing and future residents and one that is attractive to future investment"; and it is in line with Objective 5.5, to "enhance the liveability of all neighborhoods by upgrading the quality of development and improving the quality of the public realm."

V. RECORD OF PROCEEDINGS

The documents and other materials that constitute the agency's record of proceedings or administrative record on which these Findings are based are located at the Office of the City Clerk, 200 North Spring Street, 3rd Floor, Los Angeles, CA; the Board of Public Works Commission, 200 North Spring Street, 3rd Floor, Los Angeles, CA; the Bureau of Street Services, 1149 S.

Broadway, Suite 400, Los Angeles CA; the Bureau of Engineering, 1149 S. Broadway, Suite 600, Los Angeles CA; and any other relevant City department.

The City has relied on all of the documents listed above in reaching its decisions on the STAP, even if not every document was formally presented to the City as part of the files generated in connection with the STAP. Without exception, any documents set forth above not found in the project files fall into one of the two categories below.

First, many of them reflect prior planning or legislative decisions with which City Council decisionmakers were aware in approving the STAP. (See *City of Santa Cruz v. Local Agency Formation Commission* (1978) 76 Cal.App.3d 381, 391-392; *Dominey v. Department of Personnel Administration* (1988) 205 Cal.App.3d 729, 738, fn. 6.)

The second category are other documents that influenced the expert advice provided to the City's staff or the environmental consultants who prepared the IS/MND, who then provided advice to the final decisionmakers. For that reason, such documents form part of the underlying factual basis for the City's decisions relating to the approval of the STAP. (See Pub. Resources Code, § 21167.6, subd. (e)(10); *Browning-Ferris Industries v. City Council of City of San Jose* (1986) 181 Cal.App.3d 852, 866; *Stanislaus Audubon Society, Inc. v. County of Stanislaus* (1995) 33 Cal.App.4th 144, 153, 155.)

VI. OTHER CONSIDERATIONS

- A. The City is the Lead Agency under CEQA for the STAP, the project evaluated in the IS/MND. The City finds that the IS/MND was prepared in compliance with CEQA and the CEQA Guidelines.
- B. The City finds that the IS/MND provides objective information to assist the decisionmakers and the public at large in their consideration of the environmental consequences of the STAP. The public review period provided all interested jurisdictions, agencies, private organizations, and individuals the opportunity to submit comments regarding the Draft IS/MND. The Final IS/MND was prepared after the review period and responds to comments made during the public review period.
- C. Textual refinements and redlines were compiled and presented to the decisionmakers for review and consideration. The City has determined that City staff made every effort to notify the decisionmakers and the interested public/agencies of each textual change in the various documents associated with project review. These textual refinements arose for a variety of reasons. First, it is inevitable that draft documents would contain errors and would require clarifications and corrections. Second, textual clarifications were necessitated in order to describe refinements suggested as part of the public participation process.
- D. The City has determined that it has evaluated comments on environmental issues received from persons who reviewed the IS/MND. In accordance with CEQA, the City prepared written responses describing the disposition of key environmental issues raised. The IS/MND provides adequate, good-faith and reasoned response to the comments. The City reviewed the comments received and responses thereto and has determined that neither the comments received nor the responses to such comments add significant new information regarding environmental impacts

to the IS/MND. The City has based its actions on full appraisal of all viewpoints, including all comments received up to the date of adoption of these findings, concerning the environmental impacts identified and analyzed in the IS/MND.

- E. The City determines that these findings recognize that the determination of significance thresholds and conclusions of significance and non-significance are judgments within the discretion of the City; the significance thresholds and determinations of significance and non-significance used in the IS/MND are supported by substantial evidence in the record, including the expert opinion of the IS/MND preparers and City staff; and the significance thresholds used in the IS/MND provide reasonable and appropriate means of assessing the significance of the adverse environmental effects of the STAP.
- F. The City finds that, in weighing the evidence on the whole record, the conclusions of the IS/MND are supported by substantial evidence, including evidence from the expert opinion of the IS/MND preparers and City staff, and the level of detail is sufficient to provide an informed understanding of the issues presented, and that any comment letters disputing the expert opinion, data, analysis, and conclusions of the IS/MND preparers and City staff are not credible based on evidence presented in the IS/MND and the whole record, including but not limited to the fact that any contrary opinions presented were not supported based on expert analysis conducted in the IS/MND on the specific facts and circumstances of the STAP.
- G. The Final IS/MND provides additional information that was not included in the Draft IS/MND. Having reviewed the information contained in the Draft IS/MND and the Final IS/MND and in the administrative record, as well as the requirements of CEQA and the CEQA Guidelines regarding recirculation of mitigated negative declarations, the City finds that there are no new, avoidable significant impacts identified and no new mitigation measures/project revisions must be added in order to reduce the effect to insignificance; the proposed mitigation measures will reduce potential impacts to less than significant and new measures or revisions are not required; and there is no new significant information in the record of proceedings or other criteria under CEQA that would require recirculation of the IS/MND, or preparation of an EIR. Recirculation is not required where new information added makes insignificant modifications in an adequate IS/MND. (CEQA Guidelines Section 15073.5.) The City finds that substantial evidence supports the decision not to recirculate the IS/MND. (CEQA Guidelines Section 15073.5(c)(4)), as new information added to the IS/MND merely clarifies, amplifies, or makes insignificant modifications to the IS/MND.
- H. The City finds and declares that substantial evidence for each and every finding made herein that is contained in the IS/MND, which is incorporated herein by this reference, or is in the record of proceedings in the matter.
- I. The City is adopting an IS/MND and accompanying Mitigation Monitoring Program for, and is approving and adopting findings for, the entirety of the actions described in these Findings and in the IS/MND as comprising the STAP.