

CITY OF LOS ANGELES
OFFICE OF THE CITY CLERK
ROOM 395, CITY HALL
LOS ANGELES, CALIFORNIA 90012
CALIFORNIA ENVIRONMENTAL QUALITY ACT
NOTICE OF EXEMPTION
(Articles II and III – City CEQA Guidelines)

Submission of this form is optional. The form shall be filed with the County Clerk, 12400 E. Imperial Highway, Norwalk, California, 90650, pursuant to Public Resources Code Section 21152(b). Pursuant to Public Resources Code Section 21167(d), the filing of this notice starts a 35-day statute of limitations on court challenges to the approval of the project.

LEAD CITY AGENCY AND ADDRESS: Environmental Management Group Los Angeles City Engineer 1149 S. Broadway, MS 939 Los Angeles, CA 90015	COUNCIL DISTRICT ALL
PROJECT TITLE: City of Los Angeles Bus Bench Program	LOG REFERENCE Council File 11-1068

PROJECT LOCATION:
On City streets throughout the City of Los Angeles

DESCRIPTION OF NATURE, PURPOSE, AND BENEFICIARIES OF PROJECT:
The City of Los Angeles Bus Bench Program is a ten (10) year Franchise Contract for the installation, maintenance, and operation of bus benches and trash receptacles that includes the operation of an associated advertising program that displays advertising on the bus benches themselves. The Program will provide 6,000 new bus benches and up to 3,000 new waste receptacles to replace or supplement existing bus benches and waste receptacles at bus stops and bus stop zones within the Public Rights-of-Way. The purpose of this Program is to have a self sufficient program that is able to provide bus stop amenities for bus patrons at bus stops and bus stop zones and facilitate the increased use of public transportation. The primary beneficiaries of the Program are citizens that utilize bus transit systems and transit operators.

CONTACT PERSON Jim Doty	TELEPHONE NUMBER 213-485-5759
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EXEMPT STATUS: (Check One)	CITY CEQA GUIDELINES	STATE CEQA GUIDELINES
<input type="checkbox"/> MINISTERIAL	Art. II, Sec. 2.b	Sec. 15268
<input type="checkbox"/> DECLARED EMERGENCY	Art. II, Sec. 2.a(1)	Sec. 15269(a)
<input type="checkbox"/> EMERGENCY PROJECT	Art. II, Sec. 2.a(2)(3)	Sec. 15269(b)(c)
<input type="checkbox"/> GENERAL EXEMPTION	Art. II, Sec. 1	Sec. 15061(b)(3)
<input checked="" type="checkbox"/> CATEGORICAL EXEMPTION*	Art. III, Sec. 1 Class 2	Sec. 15302
<input type="checkbox"/> STATUTORY*	Art. III, Sec. 1 Class 3 Cat. 6	Sec. 15303 (e)
<input type="checkbox"/>	Art. _____	Sec. _____

* See Public Resources Code Sec. 21080 and set forth state and city guidelines provisions.

JUSTIFICATION FOR PROJECT EXEMPTION: Replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced is exempt under Class 2 (CCR 15302). The proposed contract will include replacement of existing bus benches and trash receptacles with new benches and receptacles with substantially the same purpose and capacity. Construction and location of limited numbers of new, small facilities or structures is exempt under Class 3 (CCR 15303). Examples of this exemption include, but are not limited to (e) accessory (appurtenant) structures. The proposed contract will include installation of new benches and trash receptacles at existing bus stops. The benches and receptacles are small and are accessory to existing bus operations. None of the limitations set forth in State CEQA Guidelines 15300.2 apply (see attached narrative).

IF FILED BY APPLICANT, ATTACH CERTIFIED DOCUMENT OF EXEMPTION FINDING

SIGNATURE:  Jim Doty	TITLE: Acting Manager Environmental Management Group	DATE: 8-17-11
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FEE: \$75.00	RECEIPT NO.	REC'D BY	DATE
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CATEGORICAL EXEMPTION NARRATIVE

(REQUIRED FOR CLASSES 3, 4, 5, 6 AND 11 ONLY)

I. PROJECT DESCRIPTION

The City proposes to enter into a contract with Martin Outdoor Media (MOM) to install bus benches and trash receptacles at recognized bus stops within public street rights-of-way in the City of Los Angeles. MOM will be responsible for all fabrication, installation, maintenance costs and liability associated with the bus benches. The bus benches will include advertising space no larger than 14 square feet (about two feet high and 7 feet long). The contract gives MOM the exclusive right to display advertising on the bus benches they install.

The Bureau of Street Services will be the contract administrator for this contract and will closely monitor the Bus Bench Program. Within the Bureau, the Street Services Investigation and Enforcement Division will be responsible for inspecting the bus benches to ensure that they are maintained up to the stringent requirements of the contract.

The contract requires MOM to place a minimum of 300 bus benches in each of the City's 15 Council Districts and a minimum of 4,000 bus stop sites City-wide. The Bus Benches will measure 96 inches long, 44 inches tall and 27 inches deep. The Waste Receptacles will measure 28 to 37 inches tall and 23 to 27 inches in diameter. The City will have the right to prioritize the minimum number of installations in each Council District and will have the right to use the advertising panels of up to ten percent of the total number of installed Bus Benches, when available, for its own non-commercial use.

Where a bus bench sponsored by a community organization already exists, the sponsoring community organization will have veto authority over the installation of additional benches within close proximity to those Community benches. The bus bench installation should place priority on locating benches where bus ridership is highest. There will be no advertising on trash receptacles.

II. PROJECT HISTORY

The City of Los Angeles operates about 6,500 miles of public streets. Currently, 47 bus companies operate on City streets, with a total of 15,000 to 18,000 bus stops. The City does not have a readily available history of the use of bus benches for advertisement in the City, but it is generally believed that the practice has existed for at least 50 years. Originally, bus benches were permitted on an individual basis. In the 1990's the City decided to permit bus benches on a franchise basis in order to provide greater uniformity and control.

The City's existing bus bench contract expired in January 2010. On June 16, 2010, the Board of Public Works authorized the Bureau of Street Services to issue an RFP to establish a new bus bench program. On January 14, 2011, the Board of Public Works authorized the Bureau of Street Services and Bureau of Contract Administration to negotiate a contract with MOM for a ten-year program.

Relationship to City's Coordinated Street Furniture Program

The Bureau of Street Services manages the Coordinated Street Furniture Program, which is a long term franchise agreement for the installation of various types of street furniture throughout the City. The types of street furniture that can be installed under the Program are transit shelters, public amenity kiosks, newsstand vending kiosks and automated public toilets. The City receives the public amenity benefits of the street furniture and a portion of the proceeds from advertising on items of furniture.

The contract currently being considered is substantially different from the Coordinated Street Furniture Program in that the contract will include only bus benches and trash receptacles. Transit shelters, public amenity kiosks, newsstand vending kiosks and automated public toilets are not included.

Relationship to City's Billboard Reduction Program

The City has taken many actions over the past decade to control off-site signage. In the year 2000, it was estimated that there were about 7,000 freestanding outdoor advertising structures (aka off-site signs) in the City of Los Angeles and 350 were being added every year, many of which were unpermitted and illegally installed. On December 20, 2001, City Planning Department staff published a Mitigated Negative Declaration (MND) (MND-2001-5782) for the City's billboard reduction program. Public concern over the potential environmental effects of permitting off-site signs mainly focused on two issues: aesthetic impacts and traffic impacts. The City determined that these impacts were chiefly associated with signs adjacent to freeways, and banned off-site signs along certain freeways. On April 30, 2002, the City passed the Off-site Sign Ordinance (Ordinance 174547, CF 00-2254). The Ordinance controls off-site signage on lots, and does not affect signage on public streets.

The bus benches currently being considered will include advertising space, but differ substantially from the off-site signage falling under Ordinance 174547. The bus bench advertisements will be placed only at recognized bus stops, which are necessarily distributed throughout the City. Unlike the off-site signage that is the subject of the City's ordinance, the signs allowed under the proposed contract will be small (no more than 14 square feet), low to the ground (no more than four feet above grade), and widely spaced. The bus benches will be installed on city streets and will have negligible to no effect on freeway views and safety.

III. ENVIRONMENTAL REVIEW

Replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced is exempt under Class 2 (CCR 15302). The proposed contract will include replacement of existing bus benches and trash receptacles with new benches and receptacles with substantially the same purpose and capacity.

Construction and location of limited numbers of **new, small facilities or structures** is exempt under Class 3 (CCR 15303). Examples of this exemption include, but are not limited to (e) accessory (appurtenant) structures. The proposed contract will include installation of new benches and trash receptacles at existing bus stops. The benches and receptacles are small and are accessory to existing bus operations.

The State CEQA Guidelines (CCR Sec 15300.2) limit the use of Exemption Classes 3, 4, 5, 6, and 11 in the following circumstances:

1. Location. Those Classes are qualified by consideration of where the project is to be located – a project that is ordinarily insignificant in its impact on the environment may be significant in a particularly sensitive environment. Therefore, these classes are considered to apply to all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.

The bus benches will only be installed in improved public streets. Therefore no environmental resource of hazardous or critical concern will be involved and this exception has no application here.

2. Cumulative Impact. This exception applies when, although a particular project may not have a significant impact, the cumulative impact of successive projects of the same type in the same place, over time is significant.

The contract requires MOM to place at least 300 bus benches in each of 15 Council District and at least 4,000 bus stop sites City-wide. The bus benches will be placed only at recognized bus stops, which are necessarily distributed throughout the City. Unlike the off-site signage that is the subject of the City's ordinance, the signs allowed under the proposed contract will be small (no more than 14 square feet), low to the ground (no more than four feet above grade), and widely spaced. Where a bus bench sponsored by a community organization already exists, the sponsoring community organization will have veto authority over the installation of additional benches within close proximity to those Community benches.

Therefore, this exception has no application here.

3. Significant Effect. This exception applies when, although the project may otherwise be exempt, there is a reasonable possibility that the project will have a significant effect due to unusual circumstances.

There are no unusual circumstances known to this office. Therefore, this exception has no application here.

4. Scenic Highway. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway.

There are no officially designated state scenic highways in the City of Los Angeles (California Scenic Highway Mapping System at http://www.dot.ca.gov/hq/LandArch/scenic_highways/index.htm). Therefore the bus benches will not be within sight of any state designated scenic highway.

Under the proposed contract, benches and receptacles could be placed at bus stops on City designated scenic highways. Obstructing or interrupting views from a designated scenic highway, corridor, or parkway would likely be viewed as an adverse impact. However, the benches and receptacles allowed under the proposed contract will be small, low to the ground (no more than four feet above grade), and widely spaced. Therefore, the physical impact of any new benches or receptacles will not be so obstructing or interrupting as to be considered individually or cumulatively significant.

It is further noted that the Transportation Element of the City's General Plan contains guidelines for signs and outdoor advertising on scenic highways. The guidelines include the provision that (a) only traffic, informational, and identification signs shall be permitted within the public right-of-way of a Scenic Highway. The special protections afforded to scenic highways will have to be addressed if a new installation is proposed for a scenic highway. However, a technical inconsistency with this plan element (without a substantial physical impact) is not, in itself, an impact on the environment.

Lastly, the benches will be installed only at recognized bus stops within public street rights-of-way in the City of Los Angeles and therefore will not grade or remove open space, remove natural lands, or introduce contrasting built features. Where a bus bench sponsored by a community organization already exists, the sponsoring community organization will have veto authority over the installation of additional benches within close proximity to those Community benches. This will prevent any new installation from conflicting with existing architectural styles or themes of an area with a specially established aesthetic character.

Therefore, this exception has no application here.

5. Hazardous Waste Site. This exception applies when a project is located on a site listed as a hazardous waste site under Government Code Section 65962.5.

The contract requires MOM to place at least 300 bus benches in each of 15 Council District and at least 4,000 bus stop sites City-wide. The bus benches will be placed only at bus stops, which are necessarily distributed throughout the City. Bus benches are likely to be placed at or near major intersections. For these reasons, it is likely that some benches will be installed near or adjacent to a listed hazardous waste site. However, the bus benches will be placed on improved City streets. Installation will involve negligible or no excavation. Therefore, this exception has no application here.

6. Historical Resources. This exception applies when a project may cause a substantial adverse change in the significance of a historical resource.

The benches and receptacles will be installed only at recognized bus stops within improved public streets and therefore will generally not affect significant cultural resources. Furthermore, the bus benches and receptacles to be provided under this contract do not constitute permanent or irreversible changes to the environment; they can be removed. Significant historical resources are protected under the National Historic Preservation Act, CEQA, and local ordinances. The proposed contract does not include language superseding compliance with such laws and ordinances protecting historical resources. Installations where historical resources may be affected will be subject to the City's discretionary review and therefore subject to further CEQA review. No substantial adverse change in the significance of a historical resource is anticipated.

Therefore this exception does not apply here.