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## **III. RESPONSES TO COMMENTS**

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### **INTRODUCTION**

This Chapter of the Final EIR contains written responses to each of the comments on the Draft EIR received during the public review period. The responses to comments are arranged by: 1) Responses to Comments from Persons; 2) Responses to Comments from Organizations; and, 3) Responses to Comments from Public Agencies. All the comment letters are included in this Chapter; each comment letter is followed by the responses to each of its comments. Each letter is identified by the number designated in Chapter II, List of Commenters, of the Final EIR, and identifying information for each commenter is provided at the beginning of the corresponding responses; each comment is delineated and numbered. Corrections and additions resulting from comments on the Draft EIR and/or editorial revisions are presented in Chapter IV, Corrections and Additions, of the Final EIR.

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From: **Joyce Dillard** <[dillardjoyce@yahoo.com](mailto:dillardjoyce@yahoo.com)>

Date: Mon, Nov 26, 2012 at 3:55 PM

Subject: Comments to ENV-2011-1965-EIR Los Angeles International Airport (LAX) Sign District due 11.26.2012

To: Gregory Shoop <[greg.shoop@lacity.org](mailto:greg.shoop@lacity.org)>

You state the following in the Project Description:

*The proposed Project would include a sign ordinance which would contain provisions that establish regulations such as sign types, placement, number, dimensions, illumination, motion/animation, content, etc. The regulations of the proposed LAX Sign District would supersede the regulations set forth in the Los Angeles Municipal Code.*

and

*The proposed Project would also include a program to remove a number of billboards in the Los Angeles World Airport's (LAWA) control and compliance with other applicable requirements from the Department of City Planning.*

Comments:

You are superseding a municipal code by a Sign District? This is not in conformity with the General Plan and the Community Plan. The Municipal Code encompasses effects on the City. You consider LAWA and the related areas as "outside" the City.

1-1

The Applicant is the City of Los Angeles Los Angeles World Airports; yet, the Department of City Planning, which covers the entire city, would have more control over signage.

1-2

One then concludes that this is NOT an LAWA issue but an issue to supersede restrictions imposed for the benefit of the City by use of a Federal regulatory controlled area. With that Federal jurisdiction over the airport, you are very conscious of Federal regulations such as the Clean Air Act, Clean Water Act and from the FAA Federal Aviation Administration.

1-3

You have ignored NEPA. When will the Environmental Assessment be released.

1-4

You state in Project Characteristics:

*The proposed Project would provide a revenue stream that would be used to support infrastructure projects at LAX.*

Comments:

Would this revenue be shared with the FAA or would it be considered a local match in federally funded projects.

1-5

You state in Environmental Issues Assessed in the EIR that the environmental impacts are in:

- Land Use and Planning
- Visual Resources
- Artificial Light and Glare
- Transportation Safety

Comments:

You omit:

1. Air Quality
2. Cultural Resources
3. Geology and Soils
4. Greenhouse Gas Emissions
5. Hazards and Hazardous Materials
6. Hydrology And Water Quality
7. Public Services
8. Transportation/Circulation
9. Utilities

1-6

Consider the Light Pollution and Ozone studies and the relationship to Greenhouse Gas Emissions and Sea-Level Rise and the potential flood risk.

1-7

How does this conform with the DOT-FAA Clean Air Act Final General Conformity Determination.

1-8

What is the anticipated use of utility resources and what is the age of that infrastructure. Will Capital Improvements be needed and what is the Operation and Maintenance budget allocation.

1-9

You fail to mention the impacts on the Watershed, Sub-Watershed and Watershed Management Area and the *Los Angeles Region Basin Plan for Coastal Watersheds* as well as the *Greater Los Angeles County Integrated Regional Water Management Plan*.

1-10

You have omitted NPDES/MS4 compliance for CALTRANS as well as the LA County Flood Control District.

You state under Issues To Be Resolved that:

*The only issue to be resolved is whether one of the alternatives should be approved rather than the proposed Project.*

Comments:

Without Federal approval, you cannot proceed. You also cannot assume that the Department of City Planning would suffice as the agency legally responsible for airport property under the Federal guidelines.

1-11

You state in Land Use and Planning Environmental Impact:

*The development of the proposed Project would be subject to numerous City land use plans, regulations in the Los Angeles Municipal Code (LAMC), and the future LAX sign ordinance (which would supersede the sign regulations set forth in the LAMC). With approval of the LAX sign ordinance, the proposed Project would be consistent with the policies and goals of applicable land use plans and policy documents from the state, regional, and local levels, including Southern California Association of Governments' (SCAG) Regional Comprehensive Plan, Southern California Compass Blueprint Growth Vision, Regional Transportation Plan/Sustainable Communities Strategy, the Airport Land Use Plan (ALUP), 2011 California Airport Land Use Planning Handbook, the City of Los Angeles General Plan Framework Element, the LAX Plan, the LAX Specific Plan, and the LAMC.*

Comments:

You have failed to cover all jurisdictions and subject this property to state, regional and local land use policy only. You omit the critical Federal jurisdiction.

1-12

You state in Visual Resources:

*In terms of visual character, construction activities under the Project would result in temporary changes as viewed from nearby vantage points. However, given the short duration of construction for each sign and the limited amount of construction equipment and workers needed, impacts to the visual character of the site would not substantially change.*

*No signage would be located on notable buildings (i.e., the Theme Building, Airport Traffic Control Tower, and future Bradley West Terminal), nor would signage be placed where it would obstruct or degrade views of the notable buildings.*

*Within the Landside Sub-Area, various types of on-site signs are already allowed. Proposed signage would be similar to existing on-site signage and primarily located on existing structures that are largely functional in nature (terminal buildings, sky bridges,*

*parking structures, and columns) without extensive architectural features, and thus, they do not contribute meaningfully to the aesthetic quality of the CTA. The introduction of new well-designed signage would add new and variable visual elements to these functional structures, contributing to the overall aesthetic of LAX. As such, the proposed Project would not adversely alter the visual identity of the Landside Sub-Area.*

*Within the Airside Sub-Area, this signage would add to the complex visual imagery occurring in this area and would not change the utilitarian and active character of the site. As such, the proposed Project would not adversely alter the visual identity of the Airside Sub-Area.*

*From the surrounding areas, signage within the Landside Sub-Area would only be somewhat visible from the eastern boundary. This signage would be located on existing facilities, separated from the viewer by intervening development or features. The signage would not be visually prominent, and would not change or detract from the existing urban character of the site.*

*There are sensitive viewers (residential uses) on the northern and southern boundaries of LAX. Airside Sub-Area signage would be in some fields of view from these locations. However, it would be a limited long distance view of the Airside Sub-Area facilities, and signage in those areas would not be illuminated. Signage would blend into this distant background and not change the visual character or aesthetics of the Project site.*

*The signage would not be visible to any sensitive receptors along the western boundary of LAX or any off-airport areas (i.e., surrounding communities).*

Comments:

You fail to incorporate Federal rules, regulations and oversight bodies that govern Visual aspects of the airport.

1-13

You state in Artificial Light and Glare:

*Construction of the proposed Project would be minimal and it is expected that a majority of the construction associated with the proposed Project would occur during daytime hours. If nighttime construction occurs, any lighting required for nighttime construction would be directed on the work area to limit spill-over and would occur in conjunction with safety procedures and policies associated with the safe operation of the airport, including not interfering with aeronautical lights, or resulting in glare in the eyes of the ATC personnel or pilots that would impair their ability to operate or guide aircraft. Neither construction equipment nor the proposed signage would incorporate substantial amounts of reflective materials in close proximity to glare-sensitive uses,*

*including vehicle traffic and aircraft, nor would the proposed signage be illuminated by high brightness lighting or special effects.*

*Proposed signage within the Landside Sub-Area includes accent lighting and the digital display signs which would be an additional source of light. Although the CTA does not contain traditional light-sensitive receptors, operators of vehicles could perceive additional artificial light associated with the Project signs. However, the Project area is already characterized by high ambient light levels. In addition, the diodes associated with the digital displays would be pointed down and towards the airport roadways, and lighting associated with proposed signage would not add to the ambient glow of the CTA that would represent a substantial change in brightness levels. Furthermore, digital signage would be subject to limits on brightness levels (i.e., 4,500 cd/m<sup>2</sup> during the daytime and 300 cd/m<sup>2</sup> during the nighttime) and equipped with sensors that modify the brightness of the sign in response to ambient lighting conditions. Therefore, a change in brightness and light trespass would not occur.*

*There are sensitive viewers (residential uses) on the northern and southern boundaries of LAX. Airside Sub-Area signage would be in some fields of view from these locations. However, no digital displays or externally lit signs would be allowed in the Airside Sub-Area and therefore, no change in the existing artificial light conditions would occur.*

*From the surrounding areas, signage within the Landside Sub-Area would only be somewhat visible from the eastern boundary. The only sensitive receptors to the east are hotel guests associated with the Radisson Hotel; however, hotel rooms do not have direct views of the CTA.*

*No externally lit signage would be visible along the western boundary of LAX.*

*The proposed Project does not allow for digital displays or externally lit signage in the Airside Sub-Area and therefore no change to the existing artificial light conditions would occur. By design, signage does not include large areas of reflective elements, because they would detract from the visibility of the signage. Therefore, signage would not be a substantial source of glare within, or surrounding, the Project site.*

Comments:

You fail to list the Federal requirements, governing body approvals and impacts.

1-14

You state in Transportation Safety:

*Temporary sidewalk detours and/or lane closures may be required during construction, however, this would only occur in the immediate location where signage construction and/or replacement is occurring, and would be a short duration (i.e., six hours to one week for initial installation). Other areas of the CTA would be kept clear and*

*unobstructed at all times during sign installation in accordance with Federal Aviation Administration (FAA), State Fire Marshal, and Los Angeles Fire Code regulations and no transportation safety impacts would occur.*

*The proposed Landside Sub-Area signs would be visible to motorists and pedestrians within the CTA. The proposed Project would comply with applicable regulations that would reduce the potential for signs to distract drivers, such as limitations on sign type, size, placement, and illumination levels. In addition, digital signage would be equipped with sensors that modify the brightness of the sign in response to ambient lighting conditions (as noted under Artificial Light and Glare, above, digital signage would be subject to limits on brightness levels, such as 4,500 cd/m<sup>2</sup> during the daytime and 300 cd/m<sup>2</sup> during the nighttime), thus ensuring that brightness of the displays at various times of day and night would not present a traffic hazard. Further, lighting at LAX is not allowed to interfere with the nighttime visibility of ATC operators and incoming pilots, or interfere with lighting used to guide aircraft such as approach lighting, runway/taxiway guidance lighting, runway end identifier lights, and ground lighting/markings. Finally, the LAX Sign District sign ordinance would include requirements such as restricting where signs could be located and limiting total square footage that would prevent visual clutter and help to ensure that roadway visibility would not be obstructed and that wayfinding signs would be visible to help pedestrians and motorists navigate within the CTA. The proposed signage would not result in transportation safety impacts in the Landside Sub-Area.*

*Signs within the Airside Sub-Area would be installed on existing facilities subject to the LAX sign ordinance and would not be lit. Therefore, no distractions to pilots or ATC personnel within the Airside Sub-Area would occur.*

*From the surrounding areas, signage within the Landside Sub-Area would only be somewhat visible from the eastern boundary. Digital display signs proposed on the east elevations of Terminal 1, the first CTA sky bridge, and Parking Structure 1 would be visible to pedestrians and motorists within the CTA. The Project site is in a highly developed area occupied by urban uses including multi-story buildings, heavily traveled roadways (including raised roadways), surface parking lots, and existing signage, including billboards and wall signs. Given the distance between the roadway and signage, as well as intervening development, the proposed signage visible to motorists from the eastern boundary would not be a prominent feature that is likely to attract a driver's attention from the CTA roadway and visual features located in closer proximity to the CTA roadway.*

*LAX is not allowed to interfere with the nighttime visibility of ATC operators and incoming pilots, or interfere with lighting used to guide aircraft such as approach lighting, runway/taxiway guidance lighting, runway end identifier lights, and ground lighting/markings. Existing laws and regulations that regulate sign location and*

*brightness would ensure the digital displays and lighted signs would not be located in such a manner to create a hazard to pilots or motorists.*

*There are sensitive residential uses on the northern and southern boundaries of LAX. Airside Sub-Area signage would be in some field of view from these locations. However, Airside Sub-Area signage and other facilities within the Project site are indistinguishable and thus signage would blend into this distant background and not be a distraction to motorists. No lighted signage would be located within the Airside Sub-Area.*

*The signage would not be visible along the western boundary of LAX.*

Comments:

You finally mention the FAA. What are their inspection requirements. What is the impact on travel time and homeland security issues that may be required by the Department of Homeland Security. What are the anticipated personnel increases, with what budget and source of revenue. Is there impact on the Federal funds as we approach the Fiscal Cliff.

1-15

Is there funding required on a State level and from what source funding.

Is there any City General Funds, grants or identified source funding needed.

You state in Project Objectives, one objective as:

*Promote and enhance LAX as an international gateway to the Pacific Rim, an important public amenity, and maintain an image as one of the nation's premier airports by encouraging creative, well-designed signs that contribute in a positive way to LAX's visual environment.*

Comments:

How do you distinguish a Pacific Rim traveler from a domestic traveler. You do not indicate foreign travel percentages.

1-16

You state in Discretionary Actions:

*Other approvals (as needed), ministerial or otherwise, may be necessary, as the City finds appropriate, in order to execute and implement the proposed Project. Such approvals may include, but are not limited to: sign (including sign support structures) and electrical permits from the City of Los Angeles, and review by the Federal Aviation Administration, as applicable.*

Comments:

We find unusual your “ministerial” approach to federally regulated property. You assume the City is the final authority; so, why have you omitted the potential liability and the sources of revenue to cover that liability or to incur debt to cover that liability.

1-17

You state in Regulatory Setting-Regional Plans-South Coast Air Quality Management District (SCAQMD) Air Quality Management Plan (AQMP):

*The Federal Clean Air Act (CAA) establishes federal air quality standards, known as National Ambient Air Quality Standards (NAAQS) and specifies future dates for achieving compliance. In addition, the CAA mandates that each state submit and implement a State Implementation Plan (SIP) for local areas not meeting these standards. The California SIP is comprised of plans developed at the regional or local level, which includes the SCAQMD’s AQMP. The most recent AQMP, the 2007 Final AQMP/SIP, was adopted by the AQMD Board on June 1, 2007. The focus of the 2007 AQMP is to demonstrate compliance with the new NAAQS for PM2.5 and 8- hour ozone (O3) and other planning requirements, including compliance with the NAAQS for PM10 (SCAQMD, 2007).*

*The Initial Study for the proposed Project (Appendix A) determined that the proposed Project is consistent with the AQMP, and therefore further analysis of consistency is not required.*

Comments:

You fail to document Federal Register Docket No. EPA-R09-OAR-2012-0721-0001 September 19, 2012 and October 25, 2012 which states:

*In response to a remand by the Ninth Circuit Court of Appeals, and pursuant to the Clean Air Act, EPA is proposing to find that the California State Implementation Plan (SIP) for the Los Angeles-South Coast Air Basin (South Coast) is substantially inadequate to comply with the obligation to adopt and implement a plan providing for attainment of the 1-hour ozone standard.*

*If EPA finalizes this proposed finding of substantial inadequacy, California would be required to revise its SIP to correct these deficiencies within 12 months of the effective date of our final rule. If EPA finds that California has failed to submit a complete SIP revision as required by a final rule or if EPA disapproves such a revision, such finding or disapproval would trigger clocks for mandatory sanctions and an obligation for EPA to impose a Federal Implementation Plan*

*On February 2, 2011, the Ninth Circuit ruled in favor of the petitioners on all three issues and remanded EPA’s 2009 final action on the 2003 South Coast 1-Hour Ozone SIP. Association of Irrigated Residents v. EPA, 632 F.3d 584 (9th Cir. 2011). \*

1-18

*In so doing, the court held that EPA must promulgate a FIP under CAA section 110(c) or issue a SIP call where EPA disapproves a new attainment demonstration unless the Agency determines that the SIP as approved remains sufficient to demonstrate attainment of the NAAQS.*  
or Docket No. EPA-R09-OAR-2012-0713-0001 September 19, 2012 which states:

*EPA is proposing to withdraw its final approvals of state implementation plan revisions submitted by the State of California to meet the vehicle-miles-traveled emissions offset requirement under the Clean Air Act for the Los Angeles-South Coast Air Basin 1-hour and 8- hour ozone nonattainment areas.*

*EPA is also proposing to disapprove the same plan revisions.*

*EPA is proposing the withdrawal and disapproval actions in response to a remand by the Ninth Circuit Court of Appeals in Association of Irrigated Residents v. EPA. The effect of this action, if finalized as proposed, would be to trigger deadlines by which new plan revisions meeting the applicable requirements must be submitted by the State of California and approved by EPA to avoid*

*sanctions and to avoid an obligation on EPA to promulgate a federal implementation plan.*

AQMD is not in compliance and with a threat of a federal implementation plan.

AQMD released the *Draft Program Environmental Impact Report-2012 Air Quality Management Plan (AQMP)* with comments due August 31, 2012 that you fail to mention. Comments to the *AQMD Draft EIR-2012 Air Quality*

*Management Plan AQMP* were due October 23, 2012.

You also fail to mention the *Los Angeles World Airports Sustainability Plan*

*April 2008 Air Quality Apportionment Study (AQAS)*. How is the comprehensive air monitoring, modeling, and data analysis program being incorporated.

You state in Regulatory Setting-Local Plans-City of Los Angeles General Plan the Elements of the General Plan.

Comments:

You fail to recognize the Governor's Office of Planning and Research General Plan guidance for *Complete Streets and the Circulation Element*.

What accommodations are made for ADA compliance.

You state in Regulatory Setting-Local Plans-Citywide Sign Ordinance:

*Section 14.4 of the Planning and Zoning Code regulates the placement, construction, and modification of all exterior signs and sign support structures under Section 4.4, Sign Regulations (Sign Ordinance). Building permits must be obtained from the **Department of Building and Safety** for any proposed signs and electrical permits must be obtained for signs illuminated by electrical lighting. Specific LAMC requirements and restrictions are dependent upon signage type; however, general constraints on*

1-18  
(cont)

1-19

1-20

1-21

*design, construction, materials, potential for hazard to traffic and determination of such hazards are applicable.*

Comments:

Would the Bureau of Contract Administration have jurisdiction, not the LADBS. You fail to disclose the Judges decision imposed in pending signage court actions. ] 1-22

Joyce Dillard  
P.O. Box 31377  
Los Angeles, CA 90031

**COMMENT LETTER NO. 1**

Joyce Dillard  
P.O. Box 31377  
Los Angeles, CA 90031

**Comment 1-1**

You are superseding a municipal code by a Sign District? This is not in conformity with the General Plan and the Community Plan. The Municipal Code encompasses effects on the City. You consider LAWA and the related areas as “outside” the City.

**Response to Comment 1-1**

As permitted by the LAX Specific Plan, the proposed Project would establish a Supplemental Use District (SUD) to establish site-specific signage regulations pursuant to Zoning Code Section 12.32, which provides for the establishment of SUDs. The SUDs are intended to regulate and restrict the location of certain types of uses that cannot be adequately provided for in the Comprehensive Zoning Plan.

As detailed in Section IV.A, Land Use and Planning, starting on page IV.A-5 of the Draft EIR, the development of the proposed Project would be subject to numerous City land use plans, regulations in the Los Angeles Municipal Code (LAMC), and the future Los Angeles International Airport (LAX) sign ordinance (which would supersede the sign regulations set forth in the LAMC). With approval of the LAX sign ordinance, the proposed Project would be consistent with the policies and goals of applicable land use plans and policy documents from the state, regional, and local levels, including Southern California Association of Governments’ (SCAG) Regional Comprehensive Plan, Southern California Compass Blueprint Growth Vision, Regional Transportation Plan/Sustainable Communities Strategy, the Airport Land Use Plan (ALUP), 2011 California Airport Land Use Planning Handbook, the City of Los Angeles General Plan Framework Element, the LAX Plan, the LAX Specific Plan, and the LAMC. More importantly, the LAX Specific Plan contemplated the established of a sign district, specifically, under Section 14(D) of the Specific Plan. Signs not otherwise authorized under the LAMC, such as off-site and supergraphic signs, are permitted pursuant to the establishment of a sign district as stated in LAMC 13.11.C.

**Comment 1-2**

The Applicant is the City of Los Angeles Los Angeles World Airports; yet, the Department of City Planning, which covers the entire city, would have more control over the approval of signage regulations.

**Response to Comment 1-2**

LAX is owned by the City and managed by the Los Angeles World Airports (LAWA - a proprietary department of the City); therefore, LAWA is the appropriate applicant. The proposed Project, pursuant to LAMC 13.11, requires an SUD for signage (i.e., LAX Sign District); therefore, the Department of City Planning is the Lead Agency. The proposed Project would include a sign ordinance which would contain provisions that establish regulations such as sign types, placement, number, dimensions, illumination, motion/animation, content, etc. The regulations of the proposed LAX Sign District would supersede the signage regulations set forth in the LAMC. Once approved by the City, the sign ordinance (which is drafted by the Department of City Planning) would include requirements on implementation and enforcement of the sign ordinance. It is anticipated that the proposed LAX Sign District will be managed by LAWA under detailed, on-airport off-site sign procedures, including a submittal process (including a design review), regulations and standards for signage to help establish

consistency and a uniform standard of quality of the off-site signage, which is similar to the existing LAX Airport Tenant Signage Standards (for on-site signage). The signage procedures and process will not alter the LAX Airport Tenant Signage Standards or otherwise affect signage for LAX tenants, but be in harmony and comparable with those standards. Similar to the existing LAX Airport Tenant Signage Standards, enforcement will be maintained through the approval process (all off-site signage will be reviewed and approved by LAWA) and through any license agreements and/or operational contracts.

**Comment 1-3**

One then concludes that this is NOT an LAWA issue but an issue to supersede restrictions imposed for the benefit of the City by use of a Federal regulatory controlled area. With that Federal jurisdiction over the airport, you are very conscious of Federal regulations such as the Clean Air Act, Clean Water Act and from the FAA Federal Aviation Administration.

**Response to Comment 1-3**

The Federal Aviation Administration (FAA) is the federal agency with jurisdiction of LAX airside operations. The activities that the FAA engages in at LAX are air traffic and ground control related to the Airside Sub-Area. With the exception of the proposed new off-site signage on passenger boarding bridges, the proposed Project is within the Central Terminal Area (CTA), which is within the sole jurisdiction of the City/LAWA. In addition, as with the existing on-site and tenant signage on the passenger boarding bridges, the proposed off-site signage will comply with all applicable FAA regulations (such as sign regulations). As for the consideration of federal regulations, throughout the Initial Study (Appendix A of the Draft EIR) and Chapter IV, Environmental Impact Analysis, of the Draft EIR, federal regulations are discussed as applicable. In addition, federal revenue diversion rules apply to income generated for the airport.

**Comment 1-4**

You have ignored NEPA. When will the Environmental Assessment be released.

**Response to Comment 1-4**

Although a project that is subject to CEQA may also be subject to NEPA, the NEPA process is a separate process. Currently, passenger boarding bridges have tenant and on-site signage (similar to the proposed off-site signage, with the difference being the content of the signage), which must meet all FAA sign regulations. The new off-site signage on the passenger boarding bridges will meet all FAA sign regulations. Should the FAA require NEPA compliance associated with the portion of the proposed Project within their jurisdiction (the new off-site signage on passenger boarding bridges within the Airside Sub-Area), beyond their regulations, the appropriate document would be prepared. Should a NEPA document be required, given that CEQA has more stringent thresholds, it is expected that since the impacts of the proposed Project were analyzed in the Draft EIR and it was determined that impacts were less than significant, that impacts would be similar or even less under NEPA. However, as the proposed Project does not constitute a major federal action, it is not anticipated that a NEPA document will be required.

**Comment 1-5**

Would this revenue be shared with the FAA or would it be considered a local match in federally funded projects.

**Response to Comment 1-5**

Revenue associated with the proposed Project is not relevant in the Draft EIR because it is not a CEQA issue and does not relate to environmental impacts or the adequacy of the Draft EIR. In addition, the balancing of the benefits of revenue outweighing impacts is also not relevant in a CEQA analysis. The comment will be forwarded to the decision makers for review and consideration as part of the decision-making process.

**Comment 1-6**

You omit:

1. Air Quality
2. Cultural Resources
3. Geology and Soils
4. Greenhouse Gas Emissions
5. Hazards and Hazardous Materials
6. Hydrology And Water Quality
7. Public Services
8. Transportation/Circulation
9. Utilities

**Response to Comment 1-6**

All of the referenced issue topics were discussed in the Initial Study, which was available for public review from March 16 to April 16, 2012. The Initial Study (Appendix A of the Draft EIR) determined that no significant impacts associated with those issue areas would occur, and, therefore, were not discussed in the Draft EIR consistent with State CEQA Guidelines Section 15063(c)(3).

**Comment 1-7**

Consider the Light Pollution and Ozone studies and the relationship to Greenhouse Gas Emissions and Sea-Level Rise and the potential flood risk.

**Response to Comment 1-7**

Light Pollution is addressed in Section IV.C, Artificial Light and Glare, of the Draft EIR. Ozone studies was discussed in the Initial Study (Appendix A of the Draft EIR) and it was determined that no emissions would exceed the SCAQMD's thresholds of significance for construction or operational emissions associated with the proposed Project. Greenhouse gas (GHG) emissions that would occur from the installation and operation of the proposed Project would also be substantially less than the SCAQMD's proposed GHG significance threshold, and, therefore, this issue was not discussed in the Draft EIR consistent with State CEQA Guidelines Section 15063(c)(3).

The less than significant impacts related to flood risk potential are discussed in the Initial Study. The proposed Project involves the placement of signage, not housing, which would not have a significant direct or indirect impact related to greenhouse gas emissions or the related sea-level rise.

**Comment 1-8**

How does this conform with the DOT-FAA Clean Air Act Final General Conformity Determination.

**Response to Comment 1-8**

As stated above, in Response to Comment 1-3, with the exception of the proposed new off-site signage on passenger boarding bridges, the proposed Project is within the CTA, which is within the sole jurisdiction of the City/LAWA. In addition, as with the existing on-site and tenant signage on the passenger boarding bridges, the proposed off-site signage will comply with all applicable FAA regulations (such as sign regulations).

**Comment 1-9**

What is the anticipated use of utility resources and what is the age of that infrastructure. Will Capital Improvements be needed and what is the Operation and Maintenance budget allocation.

**Response to Comment 1-9**

The proposed Project would be serviced under the existing energy capacity and infrastructure, including the Central Utility Plant, which was built in 1961, and is currently being replaced/upgraded, which includes electrical upgrades to include a new electrical substation and a retro-fit of the existing LADWP substation. As described in Chapter 3, Environmental Setting, of the Draft EIR, the completion of the Central Utility Plant improvements is projected for 2014. Although the minimal increase in electricity needed for the proposed Project can be accommodated within the existing infrastructure, the Central Utility Plant improvements will upgrade infrastructure and increase capacity to accommodate current demand and demand associated with approved projects at LAX.

**Comment 1-10**

You fail to mention the impacts on the Watershed, Sub-Watershed and Watershed Management Area and the Los Angeles Region Basin Plan for Coastal Watersheds as well as the Greater Los Angeles County Integrated Regional Water Management Plan.

You have omitted NPDES/MS4 compliance for CALTRANS as well as the LA County Flood Control District.

**Response to Comment 1-10**

These issue topics were previously discussed in Section IX, Hydrology and Water Quality, of the Initial Study (Appendix A in the Draft EIR). In accordance with the Clean Water Act (CWA), the Project site is within the region covered by NPDES Permit No. CAS004001 issued by the LARWQCB. The proposed Project involves placement of signs on structures and as such would not cause any issues or violations associated with water quality standards or water discharge requirements. In addition, the proposed Project would not involve dewatering and, thus, would not deplete groundwater and watershed supplies. Further, the Project site is not within a boundary of an inundation area from a flood control basin. Therefore, these issue topics were not required to be addressed in the Draft EIR consistent with State CEQA Guidelines Section 15063(c)(3).

**Comment 1-11**

Without Federal approval, you cannot proceed. You also cannot assume that the Department of City Planning would suffice as the agency legally responsible for airport property under the Federal guidelines.

**Response to Comment 1-11**

Refer to Response to Comment 1-3. The new off-site signage on the passenger boarding bridges will meet all FAA sign regulations. Should the FAA require NEPA compliance associated with the portion of the proposed Project within their jurisdiction (the new off-site signage on passenger boarding bridges within the Airside Sub-Area), beyond their regulations, the appropriate document would be prepared prior to the signage being placed in the Airside Sub-Area. The majority of the proposed new off-site signage is within the sole jurisdiction of the City/LAWA, and therefore the EIR constitutes the CEQA compliance.

**Comment 1-12**

You have failed to cover all jurisdictions and subject this property to state, regional and local land use policy only. You omit the critical Federal jurisdiction.

**Response to Comment 1-12**

As stated above, in Response to Comment 1-3, the consideration of federal regulations is noted throughout the Initial Study (Appendix A of the Draft EIR) and Chapter IV, Environmental Impact Analysis, of the Draft EIR, as applicable, which states that the proposed off-site signage will comply with all applicable FAA regulations.

**Comment 1-13**

You fail to incorporate Federal rules, regulations and oversight bodies that govern Visual aspects of the airport.

**Response to Comment 1-13**

As stated above, in Response to Comment 1-3, the consideration of federal regulations is noted throughout the Initial Study (Appendix A of the Draft EIR) and Chapter IV, Environmental Impact Analysis, of the Draft EIR, as applicable, which states that the proposed off-site signage will comply with all applicable FAA regulations.

**Comment 1-14**

You fail to list the Federal requirements, governing body approvals and impacts.

**Response to Comment 1-14**

As stated above, in Response to Comment 1-3, the consideration of federal regulations is noted throughout the Initial Study (Appendix A of the Draft EIR) and Chapter IV, Environmental Impact Analysis, of the Draft EIR, as applicable, which states the proposed off-site signage will comply with all applicable FAA regulations.

**Comment 1-15**

You finally mention the FAA. What are their inspection requirements. What is the impact on travel time and homeland security issues that may be required by the Department of Homeland Security. What are the anticipated personnel increases, with what budget and source of revenue. Is there impact on the Federal funds as we

approach the Fiscal Cliff.

Is there funding required on a State level and from what source funding.

Is there any City General Funds, grants or identified source funding needed.

#### **Response to Comment 1-15**

Comment is noted and will be forwarded to the decision makers for review and consideration as part of the decision-making process. The proposed Project is the construction and operation of new off-site signage. The new signage would be in accordance with all applicable regulations (including FAA, State Fire Marshall, and City of Los Angeles).

There would be no or very minimal increase in personnel under the proposed Project.

It is anticipated that no Federal, State or City General funds will be required. As appropriate, the revenue generated by the project will be used to operate and maintain the new signage (which may include inspections), as well as other infrastructure at LAX.

#### **Comment 1-16**

How do you distinguish a Pacific Rim traveler from a domestic traveler. You do not indicate foreign travel percentages.

#### **Response to Comment 1-16**

LAX is considered a location and gateway to the Pacific Rim. Whether a traveler is coming to or from a Pacific Rim country or is domestic in origin is irrelevant as the proposed Project is the construction and installation of new off-site signage, which is not dependent or related to traveler origin. The Pacific Rim is not related to the proposed Project and the comment does not state a specific concern or question regarding the sufficiency of the Draft EIR.

#### **Comment 1-17**

We find unusual your “ministerial” approach to federally regulated property. You assume the City is the final authority; so, why have you omitted the potential liability and the sources of revenue to cover that liability or to incur debt to cover that liability.

#### **Response to Comment 1-17**

Refer to Response to Comment 1-3 regarding the Project’s compliance with all applicable FAA regulations. Projects are classified as either discretionary or ministerial. Ministerial projects (State CEQA Guidelines, Section 15369) are governmental decisions involving little or no personal judgment as to the wisdom or manner of carrying out the action. A ministerial decision involves only the use of fixed standards or objective measurements, and the public official cannot use personal, subjective judgment in deciding whether or how the project should be carried out. CEQA applies in situations where a governmental agency can use its judgment in deciding whether and how to carry out or approve a project. As the proposed Project is a “discretionary project,” CEQA applies and this Draft EIR was prepared in accordance to CEQA Statutes and Guidelines.

The commenter did not identify specifically what liability they are concerned with. Liability would be a legal matter, not an environmental matter that CEQA requires be analyzed in an EIR.

**Comment 1-18**

You fail to document Federal Register Docket No. EPA-R09-OAR-2012-0721-0001 September 19, 2012 and October 25, 2012 which states:

In response to a remand by the Ninth Circuit Court of Appeals, and pursuant to the Clean Air Act, EPA is proposing to find that the California State Implementation Plan (SIP) for the Los Angeles-South Coast Air Basin (South Coast) is substantially inadequate to comply with the obligation to adopt and implement a plan providing for attainment of the 1-hour ozone standard.

If EPA finalizes this proposed finding of substantial inadequacy, California would be required to revise its SIP to correct these deficiencies within 12 months of the effective date of our final rule. If EPA finds that California has failed to submit a complete SIP revision as required by a final rule or if EPA disapproves such a revision, such finding or disapproval would trigger clocks for mandatory sanctions and an obligation for EPA to impose a Federal Implementation Plan.

On February 2, 2011, the Ninth Circuit ruled in favor of the petitioners on all three issues and remanded EPA's 2009 final action on the 2003 South Coast 1-Hour Ozone SIP. *Association of Irrigated Residents v. EPA*, 632 F.3d 584 (9th Cir. 2011). In so doing, the court held that EPA must promulgate a FIP under CAA section 110(c) or issue a SIP call where EPA disapproves a new attainment demonstration unless the Agency determines that the SIP as approved remains sufficient to demonstrate attainment of the NAAQS.

or Docket No. EPA-R09-OAR-2012-0713-0001 September 19, 2012 which states:

EPA is proposing to withdraw its final approvals of state implementation plan revisions submitted by the State of California to meet the vehicle-miles-traveled emissions offset requirement under the Clean Air Act for the Los Angeles-South Coast Air Basin 1-hour and 8-hour ozone nonattainment areas.

EPA is also proposing to disapprove the same plan revisions.

EPA is proposing the withdrawal and disapproval actions in response to a remand by the Ninth Circuit Court of Appeals in *Association of Irrigated Residents v. EPA*. The effect of this action, if finalized as proposed, would be to trigger deadlines by which new plan revisions meeting the applicable requirements must be submitted by the State of California and approved by EPA to avoid sanctions and to avoid an obligation on EPA to promulgate a federal implementation plan.

AQMD is not in compliance and with a threat of a federal implementation plan.

AQMD released the Draft Program Environmental Impact Report-2012 Air Quality Management Plan (AQMP) with comments due August 31, 2012 that you fail to mention. Comments to the AQMD Draft EIR-2012 Air Quality Management Plan AQMP were due October 23, 2012.

**Response to Comment 1-18**

The comment does not state a specific concern or question regarding the sufficiency of the Draft EIR in identifying and analyzing the environmental impacts of the proposed Project related to this reference document. More specifically, the Initial Study, which addressed air quality and found the potential impacts to be less than

significant, was available for public review from March 16 to April 16, 2012, which was before the August 31, 2012 Air Quality Management Plan and September 19, 2012 docket referenced by the commenter.

**Comment 1-19**

You also fail to mention the Los Angeles World Airports Sustainability Plan April 2008 Air Quality Apportionment Study (AQAS). How is the comprehensive air monitoring, modeling, and data analysis program being incorporated.

You state in Regulatory Setting-Local Plans-City of Los Angeles General Plan the Elements of the General Plan.

**Response to Comment 1-19**

Regarding the Los Angeles World Airports Sustainability Plan, the comment does not state a specific concern or question regarding the sufficiency of the Draft EIR in identifying and analyzing the environmental impacts of the proposed Project. As detailed in Response to Comment 3-11, since the release of the Draft EIR, LAWA is requiring Los Angeles Green Building Code Tier 1 conformance as a new standard for sustainability for projects within the airport (which has replaced the LAX Sustainability Airport Planning, Design and Construction Guidelines). As applicable, these new sustainability requirements will further reduce the Project's GHG emissions footprint.

The AQAS is designed to assess the incremental impact of LAX operations on local air quality by evaluating the contribution of airport-related activities to concentrations of selected pollutants within communities adjacent to LAX. As detailed in the Initial Study (Appendix A of the Draft EIR), the proposed Project contributes minor construction-related emissions that would not be assessed by the AQAS. Any long-term operational emissions would be negligible. Furthermore, as detailed in the Initial Study (Appendix A of the Draft EIR), the proposed Project would not obstruct or conflict with the applicable SCAQMD plan and thus, no significant impacts would occur.

Regarding the sentence "You state in Regulatory Setting-Local Plans-City of Los Angeles General Plan the Elements of the General Plan," the comment does not state a specific concern or question regarding the sufficiency of the Draft EIR in identifying and analyzing the environmental impacts of the proposed Project. The comment is noted and will be forwarded to the decision makers for review and consideration as part of the decision-making process.

**Comment 1-20**

You fail to recognize the Governor's Office of Planning and Research General Plan guidance for Complete Streets and the Circulation Element.

**Response to Comment 1-20**

Regarding the *General Plan Guidelines: Complete Streets and the Circulation Element* by the Governor's Office of Planning and Research, the comment does not state a specific concern or question regarding the sufficiency of the Draft EIR in identifying and analyzing the environmental impacts of the proposed Project. The Office of Planning and Research published these guidelines for cities and counties to use in integrating multimodal transportation network policies into the circulation elements of their general plans. The general plan statutes (California Government Code §65302[b]) require a circulation element to contain objectives, policies, and standards for transportation systems, including airports, which is correlated with the land use element of the general plan. As detailed in Section IV.A, Land Use and Planning, of the Draft EIR (beginning on page IV.A-15),

the proposed Project would conform to the applicable objectives and policies identified in the Land Use and Economic Development Chapters of the Framework Element, which is part of the City's General Plan. Therefore, although the guidelines are not directly applicable, the proposed Project is consistent with regional and local plans and the impacts of the Project on land uses would be less than significant.

**Comment 1-21**

What accommodations are made for ADA compliance.

**Response to Comment 1-21**

The proposed Project is the placement of new off-site signage within the CTA and on passenger boarding bridges within the Airside Sub-Area, and is not a project that affects directly or indirectly ADA access or compliance.

**Comment 1-22**

You state in Regulatory Setting-Local Plans-Citywide Sign Ordinance:

Section 14.4 of the Planning and Zoning Code regulates the placement, construction, and modification of all exterior signs and sign support structures under Section 4.4, Sign Regulations (Sign Ordinance). Building permits must be obtained from the **Department of Building and Safety** for any proposed signs and electrical permits must be obtained for signs illuminated by electrical lighting. Specific LAMC requirements and restrictions are dependent upon signage type; however, general constraints on design, construction, materials, potential for hazard to traffic and determination of such hazards are applicable.

Would the Bureau of Contract Administration have jurisdiction, not the LADBS? You fail to disclose the Judges decision imposed in pending signage court actions.

**Response to Comment 1-22**

The Los Angeles Department of Building and Safety (i.e., LADBS) is the appropriate City agency to issue permits for off-site signage, not the Bureau of Contract Administration.

The commenter does not reference any specific court case and LAWA and the City are not aware of any legal precedent that would prevent implementation of a sign district at LAX. In addition, CEQA does not require all court actions be disclosed. Comment is noted and will be forwarded to the decision makers for review and consideration as part of the decision-making process.

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**Coalition to**

**Ban Billboard Blight** Defending the Visual Environment

2700 Military Ave., Los Angeles, CA 90064  
310.386.9661

[info@banbillboardblight.org](mailto:info@banbillboardblight.org)  
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Mr. Greg Shoop, Project Coordinator  
City of Los Angeles, Department of City Planning  
200 N Spring Street, Room 621  
Los Angeles, California 90012  
Re: Case No. ENV-2011-1965-EIR and Case No. CPC-2011-1964-SN  
Los Angeles International Airport (LAX) Sign District

Dear Mr. Shoop:

The following are comments on the above referenced DEIR.

The Coalition to Ban Billboard Blight (CBBB) is a registered non-profit organization representing individuals, homeowners associations, civic organizations, and other community groups in the city of Los Angeles. Our mission is to advocate for public policies, regulations, and decisions that protect the city's residents from outdoor advertising that negatively affects the quality of life in communities by degrading scenic and architectural values, dominating neighborhood character with commercial messages, creating potential traffic hazards, and generally increasing visual blight.

2-1

As regards the proposed LAX sign district, we oppose on principle the placement of off-site commercial advertising on city-owned and controlled property. We believe that subjecting users of public spaces to sales pitches for goods and services is antithetical to the idea that citizens should have spaces to gather and mingle that promote civic values. The presence of off-site commercial advertising in these spaces treats the public as consumer first and citizen second, and makes the city a marketing partner and tacit endorser of those goods and services.

In particular, the proposed sign district includes a total of 371,122 sq. ft. of new off-site signage. Put in perspective, a full-sized conventional billboard commonly found on city streets is 672 sq. ft., meaning that the new signage would be the equivalent of 550 of those billboards. Airport patrons would be immersed in a veritable sea of advertising, confronted with sales pitches for goods and services at almost every turn. The airport should be a place that welcomes visitors and residents alike, and that endeavors to make the travel experience as pleasant as possible, but such a vast amount of commercial advertising can only send an insistent message of "Buy, buy, buy."

2-2

The mitigations proposed for the project are, with a single exception, completely inadequate. These mitigations focus on protecting air traffic and surrounding neighborhoods from intrusions of light, but do little to protect airport users from the significant environmental impact of the equivalent of 550 new billboards in a very compact area. The takedown of existing billboards on surrounding commercial streets is the proposed mitigation that could actually have a meaningful environmental impact, but unfortunately the lack of specifics as to the number and location of these billboards make it less than meaningful in the context of this DEIR.

2-3

While the DEIR recognizes the potentially negative aesthetic effects of such massive amounts of signage, it concludes that the accruing benefits in terms of revenue for airport modernization and operations and growth in economic activity and employment in the city as a whole more than offsets those effects. However, the DEIR fails to support these assertions with actual analysis and studies, so that citizens have no way to evaluate the possible results of the signage project. The DEIR even fails to estimate the amount of revenue the airport would get from the signage, a glaring omission for anyone wanting to weigh the pros and cons of the proposal.

2-4

The only alternative consistent with our position is Alternative 1 - No Project. Of the remaining two alternatives, Reduced Signage, and No Digital Signage, we believe that Alternative 3 - No Digital Signage, is the least objectionable. The potentially adverse effects of the digital signage simply aren't adequately addressed by the mitigations proposed by the DEIR.

2-5

Digital signage is intended to be attention-grabbing, and the ability to change messages remotely allows the delivery of far more commercial advertising in a given time period than possible with static signage. LED lighting is by its nature more intense than other forms of lighting commonly used in advertising signage, and one only need observe the digital billboards now in place on city streets and signage in such areas as L.A. Live to understand how the advertising messages dominate their surroundings. Digital signage also consumes energy in significantly higher amounts than conventionally-lighted signage.

2-6

Traffic Safety

The DEIR finds that effects on traffic safety from digital signage would be less than significant because of such mitigations as sign placement and brightness and directional controls. We are assured, for example, that only drivers on the airport's traffic loop would have a full view of the signage, while others would have only an oblique view. Such assurances ring hollow when considering the fact that drivers will be changing lanes, attempting to read wayfinding signs, and generally maneuvering through a heavy mix of traffic that is often proceeding at differing speeds. Amidst this heavy mix are pedestrians crossing back and forth between parking structures, whose safety could be put at risk by distracted motorists.

2-7

A 2006 report by the National Highway Traffic Safety Administration concluded that nearly 80 per cent of crashes involved some form of driver inattention within three

seconds before the event. In 2009, that organization proposed a Manual of Traffic Control Devices with recommendations for the placement of changeable message signs, and it stands to reason that digital advertising displays with their more complex messaging should also not be placed at the following locations, all of which are descriptive of the airport.

- Within an interchange
- At locations where the information load on drivers is already high because of guide signs and other types of information
- In areas where drivers frequently perform lane changing maneuvers in response to static guide sign information, or because of merging or weaving conditions.

2-7 (cont)

There is no concrete evidence offered by the DEIR that the proposed brightness controls will actually mitigate the adverse effects of the digital display signs. Even at the proposed limit of 300 candelas per square meter at night, drivers and pedestrians will be subject to glare and distraction. A 2011 research report by the Lighting Research Center at Rensselaer Polytechnic Institute (Luminance Criteria and Measurement Considerations for Light-Emitting Diode Billboards) concluded that nighttime sign luminances of no more than 100 candelas per square meter optimized "legibility and acceptability, even when competing signs were present." Thus, a limit three times greater would seem to serve only the purpose of drawing greater attention to the ads and thus increase potential driver distraction.

2-8

Likewise, the directional controls on the LED lighting in the digital displays are proposed by the DEIR as a mitigation by directing light in a specific direction to minimize driver distraction. Unfortunately, there are no studies cited or demonstrations offered to actually show that these controls will achieve the desired result. And even if these controls, along with the brightness controls, would achieve the desired result, there is no detail in the DEIR about enforcement, i.e., who would take the measurements, who would provide the instruments, how often would they be checked, and so on.

2-9

The DEIR also fails to address the potential negative impact on traffic congestion and delay in the airport loop. When people are distracted, even if only for a short time, and, for example, remain queued at a signal rather than proceeding forward, there occurs a delay in all the traffic behind that vehicle. Considering the number of traffic signals in the airport and the opportunities for sign-caused delays, there could be many opportunities for sign-caused delays that should have been analyzed by the DEIR.

2-10

Energy Use

The DEIR finds that 1,331 metric tons per year of additional CO2 emissions attributable to the 38,649 sq. ft. of proposed digital display signs is less than significant. Using figures provided by the U.S. Environmental Protection Agency, that amount is roughly equivalent to the annual usage of 260 average passenger vehicles. However, the accuracy of that figure is open to question, since no details are provided as to how it was calculated and some studies, such as one conducted for Scenic Philadelphia entitled "Illuminating the issues, Digital Signage and Philadelphia's Green Future" found for example that the

2-11

actual energy usage of a full-sized digital billboard in Florida was more than 150,000 Kwh/yr, which if applied to the proposed LAX digital signage would mean more than three times the DEIR estimate.

2-11 (cont)

But even if the figure provided is accurate, we believe that increasing the city's carbon footprint in any amount to support more outdoor advertising is contrary to the expressed desire of the Mayor and other city officials to make Los Angeles a green city, and should not be allowed.

2-12

To summarize, we believe the environmental analysis of this project is incomplete and flawed, and that the proposed mitigations for negative effects are completely insufficient.

Sincerely,

Dennis Hathaway, President  
Coalition to Ban Billboard Blight

**COMMENT LETTER NO. 2**

Coalition to Ban Billboard Blight  
Dennis Hathaway  
2700 Military Ave.  
Los Angeles, CA 90064

**Comment 2-1**

The Coalition to Ban Billboard Blight (CBBB) is a registered non-profit organization representing individuals, homeowners associations, civic organizations, and other community groups in the city of Los Angeles. Our mission is to advocate for public policies, regulations, and decisions that protect the city's residents from outdoor advertising that negatively affects the quality of life in communities by degrading scenic and architectural values, dominating neighborhood character with commercial messages, creating potential traffic hazards, and generally increasing visual blight.

As regards the proposed LAX sign district, we oppose on principle the placement of offsite commercial advertising on city-owned and controlled property. We believe that subjecting users of public spaces to sale pitches for goods and services is antithetical to the idea that citizens should have spaces to gather and mingle that promote civic values. The presence of off-site commercial advertising in these spaces treats the public as consumer first and citizen second, and makes the city a marketing partner and tacit endorser of those goods and services.

**Response to Comment 2-1**

A majority of the comments in Comment 2-1 do not relate to environmental impacts or the adequacy of the Draft EIR; the comments are noted and will be forwarded to the decision makers for review and consideration as part of the decision-making process. As described throughout the Draft EIR, various types of signage (i.e., tenant signage, wayfinding signage, and "on-site" signs which promote a business, use, facility, service or product located on-site at the Los Angeles International Airport [LAX] or airport-related) are already allowed and implemented throughout the Project site. These on-site signs are currently located on terminals, passenger boarding bridges, walls, and sky bridges. The Project site is in a highly developed area. As indicated on page IV.B-49 of the Draft EIR, the viewscape is occupied by urban uses such as multi-story buildings, heavily travelled roadways (including raised roadways), surface parking lots, and existing signage, including billboards and wall signs. As with off-site signage along and within public rights-of-way throughout the City of Los Angeles, the presence of off-site signage proposed within the Project site does not constitute an endorsement by the City.

As indicated on page I-4 of the Draft EIR, as a whole, the LAX Sign District would encourage creative, well-designed signs that contribute in a positive way to the airport's visual environment and create a bold, lively and uniform aesthetic appearance in the messaging, theming and branding occurring throughout LAX that contributes to an image of quality and excellence for the City and promotes Los Angeles as a destination of regional importance. Further, signage is a common feature at major airports across the country, including John F. Kennedy International Airport, Miami International Airport, Baltimore-Washington International Thurgood Marshall Airport, George Bush Intercontinental Airport, John Wayne Airport Orange County, LaGuardia Airport, Toronto International Airport, Fiumicino International Airport, Ninoy Aquino International Airport, Dehli International Airport, and Dubai International Airport. All of these airports feature signage similar to or greater than the existing and proposed signage at LAX. These airports also strive to elevate brands in their key markets by extending ambassadorial messages to arriving and departing passengers. These major US and international airports (listed above) have iconic and dominant format signs that are strategically positioned outside the airport terminals for maximum reach to airport visitors, and airports are moving toward creative synchronized

experiences throughout the airport, such as commercial messaging on the interior and exterior of passenger boarding bridges. Such signage, particularly at major airports such as LAX and those listed above, is specifically designed to reach the airport audience (such as the business/repeat and leisure travelers) using creative and innovative media technology that enhances the airport experience.

As detailed in Section IV.B, Visual Resources, of the Draft EIR, the proposed Project would not substantially alter, degrade, or eliminate the existing visual character of an area, including valued existing features or resources, nor would it substantially contrast with the visual character of the surrounding area and its aesthetic image. Therefore, impacts to aesthetic and visual resources would be less than significant.

### **Comment 2-2**

In particular, the proposed sign district includes a total of 371,122 sq. ft. of new off-site signage. Put in perspective, a full-sized conventional billboard commonly found on city streets is 672 sq. ft., meaning that the new signage would be the equivalent of 550 of those billboards. Airport patrons would be immersed in a veritable sea of advertising, confronted with sales pitches for goods and services at almost every turn. The airport should be a place that welcomes visitors and residents alike, and that endeavors to make the travel experience as pleasant as possible, but such a vast amount of commercial advertising can only send an insistent message of "Buy, buy, buy."

### **Response to Comment 2-2**

As shown in Table II-1 Figures II-6 to II-14 and Figures II-16 to II-17 in Chapter II, Project Description, and Figures IV.B-6a to IV.B-9b of Section IV.B, Visual Resources, of the Draft EIR, under the proposed Project, in the Landside Sub-Area of the Project site there would be approximately 104 possible locations to place digital and/or supergraphic signage, approximately 71 possible column wrap locations, and 80 pylons/poles for possible locations for hanging signs. There will be a limit to the amount of signage allowed at one time within the Landside Sub-Area. These sign locations would permit on-site and off-site messages. The signage is proposed in locations throughout the CTA and on passenger boarding bridges within the Airside Sub-Area, which would limit the amount visible to each visitor/passenger. This type of signage is a common feature at other major airports across the US and the world.

The LAX Sign District seeks to allow and promote a variety of signage throughout the proposed Sign District in a manner that encourages and contributes to the modernization of LAX in an orderly and flexible way, without cluttering the visitor's visual environment or impacting the surrounding communities. The objectives of the Project (as set forth on page II-28 of Chapter II, Project Description, of the Draft EIR) are as follows

- 1) Promote and enhance LAX as an international gateway to the Pacific Rim, an important public amenity, and maintain an image as one of the nation's premier airports by encouraging creative, well-designed signs that contribute in a positive way to LAX's visual environment.
- 2) Recognize the uniqueness of LAX as a regional economic engine.
- 3) Ensure that new off-site signs are responsive to and integrated with the aesthetic character of the structures on which they are located, and are positioned in a manner that is compatible both architecturally and relative to the other signage at the airport, thereby minimizing potential safety issues.
- 4) Protect adjacent communities from potential adverse impacts of new off-site signs by avoiding visual clutter, including visual impacts of excessive number of signs, excessive sign size, sign illumination, and sign motion/animation.

- 5) Support and enhance limited new off-site signage to the interior of LAX and the urban design, land use, economic development, and modernization objectives of the LAX Master Plan and LAX Specific Plan.

As described under Response to Comment 2-1 above, the LAX Sign District would encourage creative, well-designed signs that contribute in a positive way to the airport's visual environment and create a bold, lively and uniform aesthetic appearance in the messaging, theming and branding occurring throughout LAX that contributes to an image of quality and excellence for the City and promotes Los Angeles as a destination of regional importance. This type of signage is a common feature at other major airports across the US and the world.

### **Comment 2-3**

The mitigations proposed for the project are, with a single exception, completely inadequate. These mitigations focus on protecting air traffic and surrounding neighborhoods from intrusions of light, but do little to protect airport users from the significant environmental impact of the equivalent of 550 new billboards in a very compact area. The takedown of existing billboards on surrounding commercial streets is the proposed mitigation that could actually have a meaningful environmental impact, but unfortunately the lack of specifics as to the number and location of these billboards make it less than meaningful in the context of this DEIR.

### **Response to Comment 2-3**

As previously discussed, and detailed in Section IV.B, Visual Resources, of the Draft EIR, the proposed Project would not substantially alter, degrade, or eliminate the existing visual character of an area, including valued existing features or resources, nor would it substantially contrast with the visual character of the surrounding area and its aesthetic image. The commenter provides no justification for why they believe that the Project Design Features proposed are not sufficient. With the implementation as part of the Project's design and operation of 18 Project Design Features and four LAX Master Plan (Los Angeles World Airport [LAWA] adopted) commitments identified on pages II-5 through II-7 of the Draft EIR, impacts were determined to be less than significant and no mitigation measures are required. For example, Project Design Features include limiting visibility from off-airport areas (i.e., surrounding communities) and prohibiting digital displays and externally lit signs on the Airside Sub-Area. The signage is designed to be viewed by visitors to LAX and travelers as opposed to viewed from off-airport locations; thus, because the new off-site signs will not be visible from off-airport, it would not affect the use of landscaping or other screening methods to obscure views of the airport from the surrounding communities. As specified in the Project Design Features, no new off-site signage would be placed along the Project boundary and no electronic or light enhanced signage would be visible from the adjacent residential areas.

Further, as the commenter noted, the proposed Project would include a plan to remove billboards in LAWA's control. The number and location of the billboards to be removed and the timing of the removals will be addressed under the new sign ordinance. The Project site and surrounding area is a highly developed urbanized environment. As detailed in Section IV.B, Visual Resources, of the Draft EIR, the visual character is dominated by a diverse range of mid-rise commercial and office development with various types of on-site signage and existing billboards along Sepulveda Boulevard. Regardless of the number and location of billboards to be removed, which would constitute an aesthetic improvement to the surrounding area, the impacts associated with the Project, as addressed throughout Chapter IV, Environmental Impact Analysis, of the Draft EIR, would be less than significant even without the removal of any of the existing billboards.

### **Comment 2-4**

While the DEIR recognizes the potentially negative aesthetic effects of such massive amounts of signage, it concludes that the accruing benefits in terms of revenue for airport modernization and operations and growth in economic activity and employment in the city as a whole more than offsets those effects. However, the DEIR

fails to support these assertions with actual analysis and studies, so that citizens have no way to evaluate the possible results of the signage project. The DEIR even fails to estimate the amount of revenue the airport would get from the signage, a glaring omission for anyone wanting to weigh the pros and cons of the proposal.

#### **Response to Comment 2-4**

As previously discussed, and detailed in Section IV.B, Visual Resources, of the Draft EIR, the proposed Project would not substantially alter, degrade, or eliminate the existing visual character of an area, including valued existing features or resources, nor would it substantially contrast with the visual character of the surrounding area and its aesthetic image. Comment 2-4 asserts that the Draft EIR failed to estimate the amount of revenue for consideration of the proposed Project. Revenue associated with the proposed Project is not relevant in the Draft EIR because it is not a CEQA issue and does not relate to environmental impacts or the adequacy of the Draft EIR. In addition, the balancing of the benefits of revenue outweighing impacts is also not relevant in a CEQA analysis. The comment will be forwarded to the decision makers for review and consideration as part of the decision-making process.

#### **Comment 2-5**

The only alternative consistent with our position is Alternative 1 - No Project. Of the remaining two alternatives, Reduced Signage, and No Digital Signage, we believe that Alternative 3 - No Digital Signage, is the least objectionable. The potentially adverse effects of the digital signage simply aren't adequately addressed by the mitigations proposed by the DEIR.

#### **Response to Comment 2-5**

The comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

As stated in Response to Comment 2-3 above, based on the analysis contained in Chapter IV (Environmental Impact Analysis) of the Draft EIR, implementation of the proposed Project, which includes the implementation of 18 Project Design Features and four LAX Master Plan (LAWA adopted) commitments (identified on pages II-5 through II-7 of the Draft EIR) would effectively address the potential impacts of the LAX Sign District. These Project Design Features also include limitations on intensity and refresh rates of digital signage. Therefore, the proposed Project would not result in any significant impacts and no mitigation measures are required.

#### **Comment 2-6**

Digital signage is intended to be attention-grabbing, and the ability to change messages remotely allows the delivery of far more commercial advertising in a given time period than possible with static signage. LED lighting is by its nature more intense than other forms of lighting commonly used in advertising signage, and one only need observe the digital billboards now in place on city streets and signage in such areas as L.A. Live to understand how the advertising messages dominate their surroundings. Digital signage also consumes energy in significantly higher amounts than conventionally-lighted signage.

#### **Response to Comment 2-6**

The effects of digital signage were analyzed in detail in the Draft EIR and determined to result in less than significant impacts. The comment is noted and will be forwarded to the decision makers for review and consideration as part of the decision-making process.

As to the commenter's statement regarding energy usage, the electrical usage and impacts on GHG emissions associated with the operation of the proposed digital display signs was analyzed in the Initial Study attached to the Notice of Preparation circulated for the proposed Project (a copy of the Initial Study is included as Appendix A of the Draft EIR). Operation of the proposed digital display signs (Controlled Refresh I and Controlled Refresh III combined) would consume approximately 272 kilowatts at full power. Assuming that the digital signage is operated at full power 24 hours per day, approximately 2,383,499 kilowatt-hours per year (kWh/year) would be consumed. Thus far in 2012, LAX consumed approximately 162,424,878 kWh (this number only includes meters that LAWA pays and does not include the meters assigned to tenants).<sup>1</sup> Therefore, the digital displays signs proposed under the LAX Sign District would only increase energy consumption at LAX by approximately 1.5 percent, which would result in a less than significant impact.

### **Comment 2-7**

The DEIR finds that effects on traffic safety from digital signage would be less than significant because of such mitigations as sign placement and brightness and directional controls. We are assured, for example, that only drivers on the airport's traffic loop would have a full view of the signage, while others would have only an oblique view. Such assurances ring hollow when considering the fact that drivers will be changing lanes, attempting to read wayfinding signs, and generally maneuvering through a heavy mix of traffic that is often proceeding at differing speeds. Amidst this heavy mix are pedestrians crossing back and forth between parking structures, whose safety could be put at risk by distracted motorists.

A 2006 report by the National Highway Traffic Safety Administration concluded that nearly 80 per cent of crashes involved some form of driver inattention within three seconds before the event. In 2009, that organization proposed a Manual of Traffic Control Devices with recommendations for the placement of changeable message signs, and it stands to reason that digital advertising displays with their more complex messaging should also not be placed at the following locations, all of which are descriptive of the airport.

- Within an interchange
- At locations where the information load on drivers is already high because of guide signs and other types of information
- In areas where drivers frequently perform lane changing maneuvers in response to static guide sign information, or because of merging or weaving conditions

### **Response to Comment 2-7**

As discussed in Section IV.D, Transportation Safety, of the Draft EIR, due to the amount of traffic signals, pedestrian crossings, and vehicular activity, the speed of traffic on the CTA roadways is generally lower than the posted speed limit and much lower than on typical public streets. In addition, the Project site already consists of a number of existing on-site and wayfinding signage within the heavily traveled CTA (which as the commenter noted includes lane changing, entering and exiting the main roadway to access the terminal curbsways, wayfinding signs, and general maneuvering through a heavy mix of shuttles, taxi's, and individual passenger vehicles that is often proceeding at differing speeds). As noted above, the CTA is not a typical roadway. In addition, motorists entering and driving within the CTA operate differently than they would on typical public streets due to the layout and unique roadway conditions (as noted above). The drivers of many of the commercial vehicles (such as the buses, flyaways, taxi's, etc.) use the roadway daily (even several times daily), and, as is common at any major US airport, speeds are expected to be low so that vehicles picking up/dropping off passengers vehicles can read

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<sup>1</sup> Information provided by Andrew Jercha from LAWA Electrical Facilities Management Division, email dated November 19, 2012.

wayfinding and tenant signage. Signage is commonplace at major US airports such as LAX and does not currently constitute a hazard to the safe and efficient operation of vehicles within the CTA. Nonetheless, the proposed Project includes Project Design Features that restrict, among other things, the allowable placement of signs, specify shielding of lights, and limit illumination levels and the control refresh rates of digital signage to lessen the potential for driver distraction to occur. As a result, implementation of Project Design Features would minimize the potential for the Project to cause traffic hazards, congestion, and delays and the impact would be less than significant.

Furthermore, the Citywide Sign Ordinance establishes controls on the size, height, and spacing of signs to protect the visual environment and regulates the design, construction, and maintenance of outdoor off-site message signs to ensure that signs do not interfere with transportation safety or otherwise endanger public safety.

The 2006 NHTSA report cited by the commenter, entitled *The Impact of Driver Inattention on Near-Crash/Crash Risk: An Analysis Using the 100-Car Naturalistic Driving Study Data*, available at <http://www.nhtsa.gov/DOT/NHTSA/NRD/Articles/HF/Reducing%20Unsafe%20behaviors/810594/810594.htm>, does not specifically conclude that nearly 80 percent of crashes involved some form of driver inattention within three seconds before the event. Rather, it indicates that 78 percent of all crashes, 65 percent of all near-crashes, and 73 percent of the 20,000 baseline epochs (6-second segments) contained at least one of the following types of inattention: driving-related inattention, drowsiness, secondary tasks, and non-specific eyegance. Driving while drowsy was a contributing factor for 22 to 24 percent of the crashes and near-crashes. Secondary task distraction contributed to over 22 percent of all crashes and near-crashes. Driver inattention is a contributing factor in approximately 25 to 30 percent of all actual crashes on roadways. The report also concluded that overall, engaging in moderate secondary tasks is not as risky as driving drowsy or talking/texting on the cell phone.

The 2009 edition of the MUTCD for Streets and Highways consists of standards, guidance options and support for the design, application, and placement of changeable message signs only. A changeable message sign, as defined in the MUTCD, is a traffic control device that is capable of displaying one or more alternative messages. Some changeable message signs have a blank mode when no message is displayed, while others display multiple messages with only one of the messages displayed at a time (such as OPEN/CLOSED signs at weigh stations). Such changeable message signs provide driver information and road direction and such guidelines would not apply to on- and off-site commercial message signs. Therefore, the 2009 MUTCD is not applicable to the Project. Furthermore, as detailed in Section IV.D, Transportation Safety, of the Draft EIR, the proposed Project, including the Project Design Features and LAX Master Plan commitments, as well as regulatory requirements, would not constitute a hazard to the safe and efficient operation of vehicles upon a street or a freeway, or the safe and efficient operation of aircraft during takeoff and landing or ground maneuvers, or create a condition that endangers the safety of persons or property; therefore, impacts would be less than significant.

#### **Comment 2-8**

There is no concrete evidence offered by the DEIR that the proposed brightness controls will actually mitigate the adverse effects of the digital display signs. Even at the proposed limit of 300 candelas per square meter at night, drivers and pedestrians will be subject to glare and distraction. A 2011 research report by the Lighting Research Center at Rensselaer Polytechnic Institute (Luminance Criteria and Measurement Considerations for Light-Emitting Diode Billboards) concluded that nighttime sign luminances of no more than 100 candelas per square meter optimized "legibility and acceptability, even when competing signs were present." Thus, a limit three times greater would seem to serve only the purpose of drawing greater attention to the ads and thus increase potential driver distraction.

**Response to Comment 2-8**

As detailed in Section IV.C, Artificial Light and Glare, of the Draft EIR, lighting associated with the proposed Project would not be a substantial new source of new artificial light that could substantially increase or change the existing ambient light levels of the CTA, lighting would not spill off the Project site to affect any adjacent light-sensitive areas, and the proposed Project would not make it difficult for pilots or air traffic control (ATC) personnel to distinguish between existing lights and aeronautical lights or otherwise impair their ability to operate or guide aircraft. Therefore, impacts would be less than significant.

Brightness is greatly impacted by the surrounding ambient level. LAX is in the middle of a high brightness area with other high brightness elements like directional signage, color changing pylons, street lighting, other signage, and adjacent facade lighting. The general sky brightness of this area is quite high. The proposed Project threshold of 300 candelas/m<sup>2</sup> (for an all-white screen) is conservative and is in line with the ambient conditions. The commenter references Luminance Criteria and Measurement Considerations for Light-Emitting Diode Billboards by the Lighting Research Center at Rensselaer Polytechnic Institute, which was conducted along an interstate outside of Albany, New York.<sup>2</sup> Quoting the document “Light from the ambient environment also contributes to luminance, but except for the brightest urban environments, this factor is unlikely to contribute significantly to the sign luminance. In any case, such measurements should probably be made while the sign display is white (or as light-colored as possible) in order to present the maximum luminance.” We agree with this statement, and that the City of Los Angeles is a bright urban environment with digital signage precedents that provide guidance as to appropriate luminance for the ambient conditions. While the Project would limit the maximum brightness to 300 candelas/m<sup>2</sup>, which would be the brightness of an all “white” background (Red/Green/Blue at maximum intensity) in a high ambient brightness location, most digital messaging would be much lower in brightness due to the use of colored light in the message which lowers the intensity.

In addition, the document referenced by the commenter (i.e., Luminance Criteria and Measurement Considerations for Light-Emitting Diode Billboards by the Lighting Research Center at Rensselaer Polytechnic Institute) measures nighttime luminance of an LED sign at 320 candelas/m<sup>2</sup> and says, “... none of the billboards measured in the present study appeared to create significant glare to drivers.” The Institution of Lighting Engineers (referenced in Luminance Criteria and Measurement Considerations for Light-Emitting Diode Billboards) suggests ~600 candelas/m<sup>2</sup> to limit glare in the urban environment. The Project’s digital signage is below this and is appropriate for the environment.

**Comment 2-9**

Likewise, the directional controls on the LED lighting in the digital displays are proposed by the DEIR as a mitigation by directing light in a specific direction to minimize driver distraction. Unfortunately, there are no studies cited or demonstrations offered to actually show that these controls will achieve the desired result. And even if these controls, along with the brightness controls, would achieve the desired result, there is no detail in the DEIR about enforcement, i.e., who would take the measurements, who would provide the instruments, how often would they be checked, and so on.

**Response to Comment 2-9**

As detailed in Section IV.C, Artificial Light and Glare, of the Draft EIR, the daytime and nighttime glare impacts would not be significant because the proposed signage would not incorporate substantial amounts of reflective materials in close proximity to glare-sensitive uses, including vehicle traffic, on- or off-airport, nor would the

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<sup>2</sup> The report cited is available at: <ftp://ftp.hsrc.unc.edu/pub/TRB2011/data/papers/11-0659.pdf>

proposed signage be illuminated by high brightness lighting or special effects.

The purpose of directional controls is to limit views from any adjacent properties (shield and block) and from off-axis views including from above. The effect of horizontal louver blades is discussed in Digital Billboard Recommendations and Comparisons to Conventional Billboards (Ian Lewin PhD, FIES, LC, Lighting Sciences, Inc., 2008) as a means to limit skyglow and represents a significant improvement over traditional billboards which uplift signage and throw illumination up into the night sky. The measurements would be verified by the shop drawings and initial installation programming. Per the Luminance Criteria and Measurement Considerations for Light-Emitting Diode Billboards by the Lighting Research Center at Rensselaer Polytechnic Institute, "...such measurements should probably be made while the sign display is white (or as light-colored as possible) in order to present the maximum luminance..." to set maximum brightness below the threshold of 300 candelas/m<sup>2</sup>, so that any sign image, regardless of color or visual content, would fall below these preprogrammed limits. The approval and installation of digital signage will be conditioned to adhere to the Project Design Features outlined in the monitoring and reporting program (refer to Chapter V of this Final EIR). Enforcement of the conditions of approval will be the responsibility of the City's Department of Building and Safety, LAWA, and the Department of City Planning. Prior to the operation of digital signage, field testing shall be submitted. The LAX sign ordinance, which will be drafted by the Department of City Planning and requires approval by the City of Los Angeles Planning Commission, Planning and Land Use Committee of the City Council, and City Council, will include the Project Design Features and LAWA adopted LAX Master Plan commitments, and off-site signage regulations that describe the submittal, review and enforcement process. It is anticipated that the proposed LAX Sign District will be managed by LAWA under detailed on-airport off-site sign procedures, including a submittal process, design review, regulations and standards for signage to help establish consistency and a uniform standard of quality of the off-site signage, which is similar to the existing LAX Airport Tenant Signage Standards (for on-site signage). The signage procedures and process will not alter the LAX Airport Tenant Signage Standards or otherwise affect signage for LAX tenants, but be in harmony and comparable with those standards. Similar to the existing LAX Airport Tenant Signage Standards, enforcement will be ensured through the approval process (all off-site signage will be reviewed and approved by LAWA) and through any license agreements and/or operational contracts.

#### **Comment 2-10**

The DEIR also fails to address the potential negative impact on traffic congestion and delay in the airport loop. When people are distracted, even if only for a short time, and, for example, remain queued at a signal rather than proceeding forward, there occurs a delay in all the traffic behind that vehicle. Considering the number of traffic signals in the airport and the opportunities for sign-caused delays, there could be many opportunities for sign-caused delays that should have been analyzed by the DEIR.

#### **Response to Comment 2-10**

As discussed in Section IV.D, Transportation Safety, of the Draft EIR, the proposed Project, including the Project Design Features and LAX Master Plan commitments, as well as regulatory requirements, would not constitute a hazard to the safe and efficient operation of vehicles upon a street or a freeway, or the safe and efficient operation of aircraft during takeoff and landing or ground maneuvers, or create a condition that endangers the safety of persons or property; therefore, impacts would be less than significant. In addition, the Project site already consists of a number of existing on-site and wayfinding signage within the heavily traveled CTA, which does not currently constitute a hazard to the safe and efficient operation of vehicles within the CTA. The Project is not a material change in this regard. Impacts would be less than significant.

As detailed in Section IV.D, Transportation Safety, of the Draft EIR, the CTA consists of a very busy and highly controlled roadway system. There are six traffic signals and 18 signalized pedestrian crosswalks within the CTA,

which is higher a concentration than a typical public roadway. While these signals are necessary to assist safe traffic and pedestrian circulation, even without implementation of the proposed Project, they introduce delay and backup of circulating traffic during busy times at the airport. As such, it is difficult for drivers to travel at high speeds on the CTA roadway system due to the traffic control systems and enforcement of the speed limit. The Project signs do not change this configuration and would not result in increased delays. The studies addressing the relationship between digital signage and the potential for driver distraction that leads to traffic safety, that could affect delays, are inconclusive and there is no statistical conclusion or link to increased accidents. Nonetheless, the proposed Project includes Project Design Features that restrict, among other things, the allowable placement of signs, specify shielding of lights, and limit illumination levels and the control refresh rates of digital signage to lessen the potential for driver distraction to occur. Implementation of Project Design Features would minimize the potential for the Project to cause traffic hazards, congestion, and delays.

### **Comment 2-11**

The DEIR finds that 1,331 metric tons per year of additional CO<sub>2</sub> emissions attributable to the 38,649 sq. ft. of proposed digital display signs is less than significant. Using figures provided by the U.S. Environmental Protection Agency, that amount is roughly equivalent to the annual usage of 260 average passenger vehicles. However, the accuracy of that figure is open to question, since no details are provided as to how it was calculated and some studies, such as one conducted for Scenic Philadelphia entitled "Illuminating the issues, Digital Signage and Philadelphia's Green Future" found for example that the actual energy usage of a full-sized digital billboard in Florida was more than 150,000 Kwh/yr, which if applied to the proposed LAX digital signage would mean more than three times the DEIR estimate.

### **Response to Comment 2-11**

As described in the Initial Study (Appendix A of the Draft EIR), the total CO<sub>2</sub>e emissions were determined by using global warming potential factors (e.g., role of aerosols; whether a human influence on present-day climate can be detected; land surface changes; and, the estimation of future climate and sea level change at both global and continental scales) from the Intergovernmental Panel on Climate Change, *Climate Change 1995: The Science of Climate Change*. The South Coast Air Quality Management District has established (and has recently adopted) GHG emissions significance threshold of 10,000 metric tons CO<sub>2</sub>e per year (MTCO<sub>2</sub>e/year) for industrial facilities, which is the category that most closely correlates to the proposed Project. As shown in Table 5 of the Initial Study, total emissions (operational plus amortized construction) would not exceed the 10,000 MTCO<sub>2</sub>e/year threshold and would be less than significant.

The estimated kilowatts per hour for a digital sign at full power, which was used as the basis to determine kilowatt-hours per year (kWh/year) that would be consumed by the maximum amount of digital signage proposed, was based on data on operation of similar signage elsewhere.<sup>3</sup>

### **Comment 2-12**

But even if the figure provided is accurate, we believe that increasing the city's carbon footprint in any amount to support more outdoor advertising is contrary to the expressed desire of the Mayor and other city officials to make Los Angeles a green city, and should not be allowed.

To summarize, we believe the environmental analysis of this project is incomplete and flawed, and that the proposed mitigations for negative effects are completely insufficient.

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<sup>3</sup> *Operating information of similar signage provided by JCDecaux North America, Inc.*

### **Response to Comment 2-12**

As discussed in the Initial Study, GHG emissions that would occur from the installation and operation of the proposed Project would be substantially less than the South Coast Air Quality Management District's GHG significance threshold. Therefore, the proposed Project would not substantially hinder progress towards achieving the goals of the City. In addition, GHG emissions from the proposed Project would also not conflict with Assembly Bill 32, which aims to reduce statewide GHG emissions to 1990 levels by 2020.

With the implementation as part of the Project's design and operation of 18 Project Design Features and four LAX Master Plan (LAWA adopted) commitments (identified on pages II-5 through II-7 of the Draft EIR), impacts of the proposed Project were analyzed in the Draft EIR and were determined to be less than significant and no mitigation measures are required. As evidenced by the analysis in the Draft EIR, and as shown in the responses to the comments on the Draft EIR, none of the comments received identified any issues that were not addressed in the Draft EIR (and the Initial Study, which was circulated with the Notice of Preparation for a 30-day review period starting on March 16, 2012, and ending on April 16, 2012, and was provided as Appendix A of the Draft EIR), and there is no substantial evidence that the Project will have a significant effect on the environment. The comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**Westwood South of Santa Monica Blvd**  
**Homeowner's Association**  
*Incorporated November 8, 1971*  
P. O. Box 64213  
Los Angeles, CA 90064-0213  
[www.westwoodsouth.org](http://www.westwoodsouth.org)

November 26, 2012

Mr. Greg Shoop, Project Coordinator  
City of Los Angeles, Department of City Planning  
200 N Spring Street, Room 621  
Los Angeles, California 90012

Re: Case No. ENV-2011-1965-EIR and Case No. CPC-2011-1964-SN  
Los Angeles International Airport (LAX) Sign District

Dear Mr. Shoop:

Our homeowners association represents over 3,800 single family and condominium homeowners in the West Los Angeles area. Our community has a great deal of experience co-existing with a large concentration of offsite advertising signs in our area. We have digital billboards that shine directly into the homes and yards of our residents. We have intersections where the placement of digital signage has resulted in distracted drivers who miss left turn arrows and delay waiting traffic. (We have one intersection where there are THREE digital billboards visible to drivers.) We cannot report to you the numbers of accidents and/or "fender benders" that have resulted as a result of these distractions because, sadly, the LAPD does not record such data on accident reports when taken. However, we can report to you that these signs are distracting and have negative impacts on nearby traffic. It is therefore with great concern that we submit the following comments on the above-referenced DEIR.

3-1

3-2

Los Angeles already "hosts" thousands of billboards and on and off-site signs. While it has been difficult for the City to regulate and limit signage in the past, recent court rulings, we trust, will make it possible for the City to finally enforce the intent of the Sign Ordinance adopted by the City Council in 2002. The proliferation of signage that exists across the City has been centered primarily on private land (with the exception of the City's "street furniture" program that provides bus shelters and other sign-holding facilities). The opening up of City-owned and/or controlled property to signage is a policy that should not be left to the airport or any singular entity. We believe that it is a departure from past practice that should be openly discussed and debated citywide. We are deeply worried that the adoption of a sign district at LAX could have precedent setting impacts on other city properties. We are adamantly opposed to the placement of offsite advertising at city libraries, park and recreation facilities where our citizens 3

3-3

come to learn, have respite from their daily activities, etc. We are sorry to see that those proposing the sign district at LAX do not understand that the placement of signage creates a commercialized welcome mat to those entering our municipality. It will no longer be the Mayor, the City Council or the Airport Commission welcoming visitors to Los Angeles. It will be the advertisers who pay for placement that will become the “face” of Los Angeles to travelers arriving here. And, what kind of image is projected when the ads placed somehow don’t measure up to the kinds of standards or messages that one might wish to see (as opposed to those that one would NOT want to view)? We can refer you to a homeowner in our area who was so frustrated with the “view” from her kitchen and dining room windows of scantily clad women placed on a nearby oversized sign that she eventually moved away. She did not want her five-year-old son to be gazing at the bare midriffs or tightly clad derrieres of strange women 24/7. Each ad on a City-controlled property carries with it, unfortunately, an implied endorsement. It is difficult to know which images will offend those entering the City at LAX and even more difficult (impossible) to control content. We see the placement of offsite advertisements as opening a Pandora’s Box of sorts.

3-3  
(cont)

We are stunned at the number of square feet of signage being requested for this sign district. It is shocking to learn that LAWA seeks to permit the installation of 371,122 sq. ft. of new off-site signage. We understand that that is the equivalent of 550 standard billboards. How can that be possible? And, even more important, by allowing so many signs to be placed, one must ask whether the value of each sign is going to be greatly diminished as compared to allowing fewer “choice” signs at higher value to advertisers and the airport. We have not seen an economic analysis that compares the income possible from different levels/quantities of signs. This would seem to be important information missing from the DEIR. If the goal is to maximize income from signage, what mix and quantity of signage would result in the desired income flow? How are we to evaluate the program if we do not have information about estimated income, the sources of income (conventional signs, digital signs, locations of signs, etc.). How can project alternatives be adequately compared and contrasted? What is the city gaining in exchange for allowing a sign district to move forward (and which is the best alternative if a district is to be adopted)?

3-4

It is difficult to propose mitigations when the exact scope and specific impacts are not known. That said, given the enormity of the proposed program, the mitigations proposed for the project are, with one exception, thoroughly inadequate. While the stated mitigations focus on protecting air traffic and surrounding neighborhoods from intrusions of light, they do very little to protect airport users from the significant environmental impact of the equivalent of 550 new billboards in a very compact area. The takedown of existing billboards on surrounding commercial streets is the proposed mitigation that could actually have a meaningful environmental impact, but unfortunately the lack of specifics as to the number and location of these billboards make it less than meaningful in the context of this DEIR. We must know what the numbers and placement of signs to be removed will be so that it can be judged as to whether or not even this important mitigation is adequate in scope.

3-5

In reviewing the project alternatives included in the DEIR, the only alternative consistent with our position is Alternative 1 - No Project. Of the remaining two alternatives, Reduced Signage, and No Digital Signage, we believe that Alternative 3 - No Digital Signage, is the least objectionable. The potentially adverse effects of the digital signage have not been adequately addressed by the mitigations proposed by the DEIR.

3-6

The outdoor advertising industry is rushing to promote the placement of digital signage even before highway traffic studies have been completed. They are unable to site reputable research studies that support their contentions related to digital sign safety. We know from our own experiences here in Los Angeles that the signs distract drivers. The City of Los Angeles' own Department of Transportation (DOT) has invested resources in the development of a "Watch the Road" campaign which it has been promoting in recent years. Do we suggest a change in that campaign... something to the effect of "Watch the Digital Sign?" I suspect not because drivers will watch the signs and will need even greater reminders to WATCH THE ROAD. Our experience has shown that not only are the messages and changing messages a distraction, but the intensity of light glaring from these signs is often-times blinding to drivers. Further, some drivers have more sensitivity to bright light than others rendering them at a great disadvantage when faced with a digital sign while driving. Those considering the placement of this signage need to remember that digital sign brightness is more intense than the lighting from conventional billboard signage. The proposed limit of 300 candelas per square meter at night as a mitigation measure will not be adequate to protect from glare and distractions. One must also keep in mind issues related to cumulative impacts when more than one sign is visible to a driver.

3-7

3-8

Since time is a very important commodity to a traveler (and people scurrying to catch a plane do not wish to be late and those arriving are anxious to leave the airport and head toward their destination), it is important that LAWA evaluate the potential impacts of digital sign placement on the airport loop on driver distraction and the resulting delay in response. When driver distraction results in delayed response and that delay results in fewer cars crossing through traffic signals, eventually that results in area-wide/airport wide delays affecting cars, buses, shuttles and first responders. No one likes getting stuck in traffic congestion; no one should tolerate getting stuck in traffic congestion that can be prevented.

3-9

Those considering implementation must also be very certain that the view of all traffic signals in close proximity to digital signage is carefully evaluated. We have one digital sign where drivers are unable to see a traffic signal when the color of the signal (red or green) corresponds with the color projected on the billboard screen. Yes, a red signal becomes invisible when it appears and disappears on the billboard's LED screen where/when a red background appears. You must guarantee that the vision of the signs from all angles do not conflict with the views of the digital billboards (or that the views of the digital billboards do not conflict with the views of the traffic signals). To do otherwise is to endanger drivers, passengers and pedestrians and will open the City up to potential litigation and liability should accidents occur as a result of this confusion.

3-10

The DEIR finds that effects on traffic safety from digital signage would be less than significant because of such mitigations as sign placement and brightness and directional controls. We are assured, for example, that only drivers on the airport's traffic loop would have a full view of the signage, while others would have only an oblique view. Such assurances ring hollow when considering the fact that drivers will be changing lanes, entering and exiting the main roadway to access the terminal curbsways, attempting to read wayfinding signs, and generally maneuvering through a heavy mix of traffic that is often proceeding at differing speeds. Amidst this heavy mix are shuttles dropping off and picking up riders and pedestrians crossing back and forth between parking structures, whose safety could be put at risk by distracted motorists. How did the DEIR come to the conclusion that effects on traffic safety would be less than significant if the majority of traffic coming and going to the airport is doing so on the airport's traffic loop?

3-11

We will leave a discussion of the 2006 report by the National Highway Traffic Safety Administration to the comment letter of the Coalition to Ban Billboard Blight. We believe that the study draws conclusions that mirror our own experiences and are sensible "common sense" recommendations. We would hope that LAWA would apply those findings to their proposal.

3-12

We are not certain that the DEIR adequately evaluates the impact of the proposed signage on energy consumption and the City's quest to be "green." The DEIR finds that 1,331 metric tons per year of additional CO2 emissions attributable to the 38,649 sq. ft. of proposed digital display signs is less than significant. However, the calculations used to determine this figure are unclear. Further, a study conducted for Scenic Philadelphia entitled "Illuminating the issues, Digital Signage and Philadelphia's Green Future" found that the actual energy usage of a full-sized digital billboard in Florida was more than 150,000 Kwh/yr, which if applied to the proposed LAX digital signage would mean more than three times the DEIR estimate. Clearly, further documentation is needed to determine the energy cost of the proposed sign district plan. What is the cost benefit analysis for determining whether or not the income derived from the sign district is "worth" the environmental cost?

3-13

We are grateful for the opportunity to comment on the DEIR which we find to be both incomplete and flawed. The associated mitigations proposed are completely insufficient as they neither address all impacts or adequately mitigate those negative impacts identified.

Sincerely,



Barbara Broide  
President

**COMMENT LETTER NO. 3**

Westwood South of Santa Monica Boulevard Homeowners Association  
Barbara Broide  
P.O. Box 64213  
Los Angeles, CA 90064-0213

**Comment 3-1**

Our homeowners association represents over 3,800 single family and condominium homeowners in the West Los Angeles area. Our community has a great deal of experience co-existing with a large concentration of offsite advertising signs in our area. We have digital billboards that shine directly into the homes and yards of our residents. We have intersections where the placement of digital signage has resulted in distracted drivers who miss left turn arrows and delay waiting traffic. (We have one intersection where there are THREE digital billboards visible to drivers.)

**Response to Comment 3-1**

The comments in Comment 3-1 do not relate to environmental impacts or the adequacy of the Draft EIR; the comments are noted and will be forwarded to the decision makers for review and consideration as part of the decision-making process.

**Comment 3-2**

We cannot report to you the numbers of accidents and/or “fender benders” that have resulted as a result of these distractions because, sadly, the LAPD does not record such data on accident reports when taken. However, we can report to you that these signs are distracting and have negative impacts on nearby traffic. It is therefore with great concern that we submit the following comments on the above-referenced DEIR.

**Response to Comment 3-2**

The comments in Comment 3-2 do not relate to environmental impacts or the adequacy of the Draft EIR; the comments are noted and will be forwarded to the decision makers for review and consideration as part of the decision-making process.

**Comment 3-3**

Los Angeles already “hosts” thousands of billboards and on and off-site signs. While it has been difficult for the City to regulate and limit signage in the past, recent court rulings, we trust, will make it possible for the City to finally enforce the intent of the Sign Ordinance adopted by the City Council in 2002. The proliferation of signage that exists across the City has been centered primarily on private land (with the exception of the City’s “street furniture” program that provides bus shelters and other sign-holding facilities). The opening up of City-owned and/or controlled property to signage is a policy that should not be left to the airport or any singular entity. We believe that it is a departure from past practice that should be openly discussed and debated citywide. We are deeply worried that the adoption of a sign district at LAX could have precedent setting impacts on other city properties. We are adamantly opposed to the placement of offsite advertising at city libraries, park and recreation facilities where our citizens come to learn, have respite from their daily activities, etc. We are sorry to see that those proposing the sign district at LAX do not understand that the placement of signage creates a commercialized welcome mat to those entering our municipality. It will no longer be the Mayor, the City Council or the Airport Commission welcoming visitors to Los Angeles. It will be the advertisers who pay for placement that will

become the “face” of Los Angeles to travelers arriving here. And, what kind of image is projected when the ads placed somehow don’t measure up to the kinds of standards or messages that one might wish to see (as opposed to those that one would NOT want to view)? We can refer you to a homeowner in our area who was so frustrated with the “view” from her kitchen and dining room windows of scantily clad women placed on a nearby oversized sign that she eventually moved away. She did not want her five-year old son to be gazing at the bare midriffs or tightly clad derrieres of strange women 24/7. Each ad on a City-controlled property carries with it, unfortunately, an implied endorsement. It is difficult to know which images will offend those entering the City at LAX and even more difficult (impossible) to control content. We see the placement of offsite advertisements as opening a Pandora’s Box of sorts.

### **Response to Comment 3-3**

The comment is noted and will be forwarded to the decision makers for review and consideration as part of the decision-making process. The proposed Project is within LAX and no signage is proposed for any other City property. As a whole, the LAX Sign District would encourage creative, well-designed signs that contribute in a positive way to the airport’s visual environment and create a bold, lively and uniform aesthetic appearance in the messaging, theming and branding occurring throughout LAX that contributes to an image of quality and excellence for the City and promotes Los Angeles as a destination of regional importance. Of the various types of City owned/controlled facilities noted by the commenter (i.e., libraries and park and recreation facilities), the Project site is unique in that it already has on-site signage and is set-up similar to a “campus” where the surrounding neighborhoods have limited views of the interior (i.e., Central Terminal Area) where a majority of the proposed off-site signage will be placed. Further, signage is a common feature at major airports across the country, including John F. Kennedy International Airport, Miami International Airport, Baltimore-Washington International Thurgood Marshall Airport, George Bush Intercontinental Airport, John Wayne Airport Orange County, LaGuardia Airport, Toronto International Airport, Fiumicino International Airport, Ninoy Aquino International Airport, Dehli International Airport, and Dubai International Airport. All of these airports feature signage similar to the existing and proposed signage at LAX. These airports also strive to elevate brands in their key markets by extending ambassadorial messages to arriving and departing passengers.

As detailed in Section IV.B, Visual Resources, of the Draft EIR, the proposed Project would not substantially alter, degrade, or eliminate the existing visual character of an area, including valued existing features or resources, nor would it substantially contrast with the visual character of the surrounding area and its aesthetic image. Therefore, impacts to aesthetic and visual resources would be less than significant.

The proposed Project would include a sign ordinance which would contain provisions that establish regulations such as sign types, placement, number, dimensions, illumination, motion/animation, etc. As stated above, the establishment of the LAX Sign District, as implemented under the new sign ordinance, will create a uniform aesthetic appearance in the messaging, theming and branding occurring throughout LAX that contributes to an image of quality and excellence for the City and promotes Los Angeles as a destination of regional importance.

### **Comment 3-4**

We are stunned at the number of square feet of signage being requested for this sign district. It is shocking to learn that LAWA seeks to permit the installation of 371,122 sq. ft. of new off-site signage. We understand that that is the equivalent of 550 standard billboards. How can that be possible? And, even more important, by allowing so many signs to be placed, one must ask whether the value of each sign is going to be greatly diminished as compared to allowing fewer “choice” signs at higher value to advertisers and the airport. We have not seen an economic analysis that compares the income possible from different levels/quantities of signs. This would seem to be important information missing from the DEIR. If the goal is to maximize income from signage, what mix and quantity of signage would result in the desired income flow? How are we to evaluate the program

if we do not have information about estimated income, the sources of income (conventional signs, digital signs, locations of signs, etc.). How can project alternatives be adequately compared and contrasted? What is the city gaining in exchange for allowing a sign district to move forward (and which is the best alternative if a district is to be adopted?)?

#### **Response to Comment 3-4**

The comment is noted and will be forwarded to the decision makers for review and consideration as part of the decision-making process. As shown in Table II-1, Figures II-6 to II-14 and Figures II-16 to II-17 in Chapter II, Project Description, and Figures IV.B-6a to IV.B-9b of Section IV.B, Visual Resources, of the Draft EIR, under the proposed Project, there would be approximately 104 possible locations to place digital and/or supergraphic signage, approximately 71 possible column wrap locations, and 80 pylons/poles for possible locations for hanging signs. There will be a limit to the amount of signage allowed at one time within the Landside Sub-Area. These sign locations would permit on-site and off-site messages. The signage is proposed in locations throughout the CTA and on passenger boarding bridges, which would limit the amount visible to each visitor/passenger. This type of signage is a common feature at other major airports across the US and the world.

The potential economics associated with the proposed Project is not relevant in the Draft EIR because it is not a CEQA issue and does not relate to environmental impacts or the adequacy of the Draft EIR. As detailed in Section 16131 of the GEQA Guidelines, economic (or social) effects of a project shall not be treated as significant effects on the environment. Although an EIR may trace a chain of cause and effect from a proposed decision on a project through anticipated economic (or social) changes resulting from the project, CEQA does not require an analysis of economic impacts unless those impacts are tied to a physical environmental impact. With the implementation as part of the Project's design and operation of 18 Project Design Features and four LAX Master Plan (LAWA adopted) commitments (identified on pages II-5 through II-7 of the Draft EIR), impacts of the proposed Project were analyzed in the Draft EIR and determined to be less than significant, and no mitigation is required.

#### **Comment 3-5**

It is difficult to propose mitigations when the exact scope and specific impacts are not known. That said, given the enormity of the proposed program, the mitigations proposed for the project are, with one exception, thoroughly inadequate. While the stated mitigations focus on protecting air traffic and surrounding neighborhoods from intrusions of light, they do very little to protect airport users from the significant environmental impact of the equivalent of 550 new billboards in a very compact area. The takedown of existing billboards on surrounding commercial streets is the proposed mitigation that could actually have a meaningful environmental impact, but unfortunately the lack of specifics as to the number and location of these billboards make it less than meaningful in the context of this DEIR. We must know what the numbers and placement of signs to be removed will be so that it can be judged as to whether or not even this important mitigation is adequate in scope.

#### **Response to Comment 3-5**

Refer to Response to Comment 2-3. Based on the analysis contained in Chapter IV (Environmental Impact Analysis) of the Draft EIR, implementation of the proposed Project, which includes the implementation of 18 Project Design Features and four LAX Master Plan (LAWA adopted) commitments (identified on pages II-5 through II-7 of the Draft EIR) would effectively address the potential impacts of the LAX Sign District. Therefore, potential impacts associated with the proposed Project would not result in any significant impacts and no mitigation was required. As described in Response to Comment 3-4, above, as shown in Table II-1, Figures II-6 to II-14 and Figures II-16 to II-17 in Chapter II, Project Description, and Figures IV.B-6a to IV.B-9b of Section

IV.B, Visual Resources, of the Draft EIR, under the proposed Project, there would be approximately 104 possible locations to place digital and/or supergraphic signage, approximately 71 possible column wrap locations, and 80 pylons/poles for possible locations for hanging signs. There will be a limit to the amount of signage allowed at one time within the Landside Sub-Area. The signage is proposed in locations throughout the CTA (Landside Sub-Area) and on passenger boarding bridges (Airside Sub-Area), which would limit the amount visible to each visitor/passenger. The amount visible to each visitor/passenger would be further limited to those signs that are within direct visual range.

Further, as the commenter noted, the proposed Project will include a plan to remove existing billboards (within LAWA's control). The number and location of the billboards to be removed billboards and the timing of the removals will be addressed under the new sign ordinance. Regardless of the number and location of billboards to be removed, which would constitute a benefit to the surrounding area, the impacts associated with the Project, as addressed throughout the Draft EIR, are less than significant even without the removal of any of the existing billboards.

### **Comment 3-6**

In reviewing the project alternatives included in the DEIR, the only alternative consistent with our position is Alternative 1 - No Project. Of the remaining two alternatives, Reduced Signage, and No Digital Signage, we believe that Alternative 3 - No Digital Signage, is the least objectionable. The potentially adverse effects of the digital signage have not been adequately addressed by the mitigations proposed by the DEIR.

### **Response to Comment 3-6**

The comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Based on the analysis contained in Chapter IV (Environmental Impact Analysis) of the Draft EIR, and summarized in Table I-1 starting on page I-10 in Chapter I (Introduction), the proposed Project includes implementation of 18 Project Design Features and four LAX Master Plan (LAWA adopted) commitments (identified on pages II-5 through II-7 of the Draft EIR) that would effectively address and mitigate impacts of the LAX Sign District. Therefore, the proposed Project would not result in any significant impacts and no mitigation is required.

### **Comment 3-7**

The outdoor advertising industry is rushing to promote the placement of digital signage even before highway traffic studies have been completed. They are unable to site reputable research studies that support their contentions related to digital sign safety. We know from our own experiences here in Los Angeles that the signs distract drivers. The City of Los Angeles' own Department of Transportation (DOT) has invested resources in the development of a "Watch the Road" campaign which it has been promoting in recent years. Do we suggest a change in that campaign... something to the effect of "Watch the Digital Sign?" I suspect not because drivers will watch the signs and will need even greater reminders to WATCH THE ROAD.

### **Response to Comment 3-7**

The proposed Project applicant is LAWA and not the advertising industry. The digital signage is not proposed on freeways, highways, or major arterial streets that allow for faster speeds, only on internal areas visible only from internal access roads at LAX. This type of signage is a common feature at other major airports across the US and the world. As detailed in Section IV.D, Transportation Safety, beginning on page IV.D-18, the Federal Highway

Administration's (FHWA's) "*Safety and Environmental Design Considerations in the Use of Commercial Electronic Variable Message Signage*" stated that no credible statistical evidence has existed since 1980 to support the conclusion that digital signage negatively impacted road safety. Continued research by governmental agencies (such as the FHWA), as well as industry sponsored studies, have not been able to resolve this complex issue. In fact, in 2009 FHWA published "*The Effects of Commercial Electronic Variable Message Signs (CEVMS) on Driver Attention and Distraction: An Update*," which proposed a long-term program of research that consists of three stages: determination of distraction, basis for possible regulation, and relationship of distraction to crashes. Research has yet to provide statistically sufficient evidence to support the relationship between electronic signage and traffic incidents.

The "Watch the Road" campaign aims to visibly improve traffic safety and mobility in the Los Angeles region by changing motorist, bicyclist and pedestrian behavior through coordinated education and enforcement efforts. However, this program is not necessarily about the negative impact of commercial message signs. Watch the Road focuses on behaviors that contribute to crashes, such as speeding, aggressive driving, cell phone use while driving, driving under the influence, etc.

Further, the commenter provides no technical evidence, only opinions. The Draft EIR provides a comprehensive analysis of impacts from digital signage and concludes that the Project will result in less than significant impacts. The comments are noted and will be forwarded to the decision makers for review and consideration as part of the decision-making process.

### **Comment 3-8**

Our experience has shown that not only are the messages and changing messages a distraction, but the intensity of light glaring from these signs is often-times blinding to drivers. Further, some drivers have more sensitivity to bright light than others rendering them at a great disadvantage when faced with a digital sign while driving. Those considering the placement of this signage need to remember that digital sign brightness is more intense than the lighting from conventional billboard signage. The proposed limit of 300 candelas per square meter at night as a mitigation measure will not be adequate to protect from glare and distractions. One must also keep in mind issues related to cumulative impacts when more than one sign is visible to a driver.

### **Response to Comment 3-8**

The Draft EIR provides a comprehensive analysis of light and glare impacts and concludes that the Project will result in less than significant impacts. As detailed in Section IV.C, Artificial Light and Glare, of the Draft EIR, brightness is greatly impacted by the surrounding ambient level. LAX is in the middle of a high brightness area with other high brightness elements like directional signage, color changing pylons, street lighting, other signage, adjacent facade lighting. The general sky brightness of this area is quite high. The Project threshold of 300 candelas/m<sup>2</sup> (for an all-white screen) is conservative and is in line with the ambient conditions.

Compliance with regulatory requirements and applicable Project Design Features, including LAMC Section 93.0117, which prohibits light spill-over and requires that light sources be shielded and directed downward, and LAX Master Plan Commitments LI-3 and DA-1, would ensure that cumulative projects would not result in a substantial change to existing artificial light conditions, artificial lighting that would interfere with the performance of an on- or off-airport activity, or an increase in lighting that would generate light intensity of more than 0.3 footcandles as measured at the property line of a residential property or make it difficult for pilots or ATC personnel to distinguish between existing lights and aeronautical lights or otherwise impair their ability to operate or guide aircraft. Therefore, cumulative projects, in combination with the proposed Project, would not result in significant cumulative artificial light and glare impacts.

**Comment 3-9**

Since time is a very important commodity to a traveler (and people scurrying to catch a plane do not wish to be late and those arriving are anxious to leave the airport and head toward their destination), it is important that LAWA evaluate the potential impacts of digital sign placement on the airport loop on driver distraction and the resulting delay in response. When driver distraction results in delayed response and that delay results in fewer cars crossing through traffic signals, eventually that results in area-wide/airport wide delays affecting cars, buses, shuttles and first responders. No one likes getting stuck in traffic congestion; no one should tolerate getting stuck in traffic congestion that can be prevented.

**Response to Comment 3-9**

Refer to Response to Comment 2-10. As detailed in Section IV.D, Transportation Safety, beginning on page IV.D-24, the proposed Project includes Project Design Features to minimize the potential for traffic hazards and would comply with regulations that are consistent with factors identified as reducing safety concerns. Such Project Design Features include regulating placement of the signs to minimize visibility from off-airport roadways, restricting allowable placement of signs, shielding of lights, and limiting illumination levels and the control refresh rates of digital signage to lessen the potential for driver distraction to occur. In areas within the Landside Sub-Area (i.e., CTA) where the location of the signage would be facing oncoming traffic (i.e., line-of-sight of moving traffic), CR III digital display signs are proposed because they would change or refresh simultaneously every 12 hours. In areas within the CTA not directly in the line-of-sight of moving traffic (such as on the surfaces of parking structures parallel to the roadway) CR I digital display signs are proposed, which have a controlled refresh of no more than one refresh event every eight seconds. Refer to Figures II-7 to II-12 and Figure II-14 in Chapter II, Project Description, of the Draft EIR, as revised in Chapter IV, Corrections and Additions, of this Final EIR. The exception is the proposed location of the CR I digital display sign on the east elevation of parking structure P1 (refer to Figure II-6 in Chapter II, Project Description, as revised in Chapter IV, Corrections and Additions, of this Final EIR). This location is at the southwestern area of a traffic signal (a three-way stop associated with westbound traffic on World Way and northbound and southbound traffic on Sky Way/96th Street at the entrance to the CTA). Because the Parking Structure P1 digital is at an intersection that has a notable amount of oncoming traffic, the CR I at this location would be timed such that the controlled refresh event would occur only once every 14 seconds.

As detailed in Section IV.D, Transportation Safety, of the Draft EIR, the CTA consists of a very busy and highly controlled roadway system. There are six traffic signals and 18 signalized pedestrian crosswalks within the CTA, which is a higher concentration than a typical public roadway. Due to the amount of traffic signals, pedestrian crossings, and vehicular activity, the speed of traffic on the CTA roadways is generally lower than the posted speed limit and much lower than on typical public streets. While these signals are necessary to assist safe traffic and pedestrian circulation, even without implementation of the proposed Project, they introduce delay and backup of circulating traffic during busy times at the airport. As such, it is difficult for drivers to travel at high speeds on the CTA roadway system due to the traffic control systems and enforcement of the speed limit. The studies addressing the relationship between digital signage and the potential for driver distraction that leads to traffic safety, that could affect delays, are inconclusive and there is no statistical conclusion or link to increased accidents. In addition, the Project site already consists of a number of existing on-site and wayfinding signage which does not currently constitute a hazard to the safe and efficient operation of vehicles within the CTA. The Project is not a material change in this regard and would not result in increased delays or accidents. Nonetheless, the proposed Project includes Project Design Features that restrict, among other things, the allowable placement of signs, specify shielding of lights, and limit illumination levels and the control refresh rates of digital signage to lessen the potential for driver distraction to occur. As a result, implementation of Project Design Features would minimize the potential for the Project to cause traffic hazards, congestion, and delays. Additionally, Project Design Features associated with the proposed Project includes a requirement that digital signage would be

equipped with sensors that modify the brightness of the sign in response to ambient lighting conditions, thus ensuring that brightness of the displays at various times of day and night would not present a traffic delay, distraction, or hazard. Therefore, impacts would be less than significant.

### **Comment 3-10**

Those considering implementation must also be very certain that the view of all traffic signals in close proximity to digital signage is carefully evaluated. We have one digital sign where drivers are unable to see a traffic signal when the color of the signal (red or green) corresponds with the color projected on the billboard screen. Yes, a red signal becomes invisible when it appears and disappears on the billboard's LED screen where/when a red background appears. You must guarantee that the vision of the signs from all angles do not conflict with the views of the digital billboards (or that the views of the digital billboards do not conflict with the views of the traffic signals). To do otherwise is to endanger drivers, passengers and pedestrians and will open the City up to potential litigation and liability should accidents occur as a result of this confusion.

### **Response to Comment 3-10**

The regulations in the sign ordinance would not allow signage to resemble wayfinding or traffic signs in color/style or placement. As detailed in Section IV.D, Transportation Safety, of the Draft EIR, the proposed Project, including the Project Design Features and LAX Master Plan commitments, as well as regulatory requirements, would not constitute a hazard to the safe and efficient operation of vehicles upon a street or a freeway, or the safe and efficient operation of aircraft during takeoff and landing or ground maneuvers, or create a condition that endangers the safety of persons or property; therefore, impacts would be less than significant.

Specifically, several of the Project Design Features deal with the placement and operation of the digital signage in a manner that will limit potential impacts on traffic, as well as pedestrian safety. Digital display signs shall be limited in their refresh events. CR I images would refresh (change) no more than one event every eight seconds (with the exception being Parking Structure 1 which would refresh every 14 seconds). CR III images would refresh no more than one event every 12 hours. In addition, the CR III images on the sky bridges would refresh simultaneously no more than one event every 12 hours. In addition, the digital displays would have the LEDs aimed horizontally towards the street view using a cubic louvering system to help to limit light trespass, directing the visual impact of the display to the appropriate audience, and directing light away from flight paths and highly focused driving tasks. Refer to Figure IV.C-2 (in Section IV.C, Artificial Light and Glare), on page IV.C-13 of the Draft EIR, for a typical light emitting diode beam spread and plan view of the layout for the directionality of the LEDs associated with the digital display signs. Digital signage would also be subject to limits on brightness levels (i.e., 4,500 candelas per meters squared [ $\text{cd}/\text{m}^2$ ] during the daytime and  $300 \text{ cd}/\text{m}^2$  during the nighttime) and equipped with sensors that modify the brightness of the sign in response to ambient lighting conditions. The digital displays would be dimmed slowly at dusk over a 45 minute fade rate, controlled by an astronomical time clock. The transition from day to nighttime brightness would be required to occur gradually, to prevent a sudden change in perceptible brightness levels by pedestrians and motorists. Once the final locations and exact dimensions of the digital signage are established, similar to the existing process and standards LAWA maintains for the placement of tenant signage and on-site commercial signage guidelines, a review of the proposed signage type and location will occur to insure that the traffic signs are not directly aligned with the digital signage.

### **Comment 3-11**

The DEIR finds that effects on traffic safety from digital signage would be less than significant because of such mitigations as sign placement and brightness and directional controls. We are assured, for example, that only drivers on the airport's traffic loop would have a full view of the signage, while others would have only an oblique view. Such assurances ring hollow when considering the fact that drivers will be changing lanes, entering and

exiting the main roadway to access the terminal curbsides, attempting to read wayfinding signs, and generally maneuvering through a heavy mix of traffic that is often proceeding at differing speeds. Amidst this heavy mix are shuttles dropping off and picking up riders and pedestrians crossing back and forth between parking structures, whose safety could be put at risk by distracted motorists. How did the DEIR come to the conclusion that affects on traffic safety would be less than significant if the majority of traffic coming and going to the airport is doing so on the airport's traffic loop?

### **Response to Comment 3-11**

As detailed in Section IV.D, Transportation Safety (starting on page IV.D-24), the analysis associated with the proposed Project entailed the development and implementation of a Supplemental Use District for signage (i.e., LAX Sign District) to permit new commercial off-site signage within the entirety of the CTA (Landside Sub-Area) and Airside Sub-Area of LAX subject to certain restrictions. In areas within the Landside Sub-Area (i.e., CTA) where the location of the signage would be facing oncoming traffic (i.e., line-of-sight of moving traffic), CR III digital display signs are proposed because they would change or refresh simultaneously every 12 hours. In areas within the CTA not directly in the line-of-sight of moving traffic (such as on the surfaces of parking structures parallel to the roadway) CR I digital display signs are proposed, which have a controlled refresh of no more than one refresh event every eight seconds. Refer to Figures II-7 to II-12 and Figure II-14 in Chapter II, Project Description, of the Draft EIR, as revised in Chapter IV, Corrections and Additions, of this Final EIR. The exception is the proposed location of the CR I digital display sign on the east elevation of parking structure P1 (refer to Figure II-6 in Chapter II, Project Description, as revised in Chapter IV, Corrections and Additions, of this Final EIR). This location is at the southwestern area of a traffic signal (a three-way stop associated with westbound traffic on World Way and northbound and southbound traffic on Sky Way/96<sup>th</sup> Street at the entrance to the CTA). Because the digital signage at Parking Structure P1 (east elevation) is at an intersection that has a notable amount of oncoming traffic, the CR I at this location would be timed such that the controlled refresh event would occur every 14 seconds. The analysis determined that the proposed Project, including the Project Design Features and LAX Master Plan commitments, as well as regulatory requirements, would not constitute a hazard to the safe and efficient operation of vehicles upon a street or a freeway, or the safe and efficient operation of aircraft during takeoff and landing or ground maneuvers, or create a condition that endangers the safety of persons or property; therefore, impacts would be less than significant. Due to the amount of traffic signals, pedestrian crossings, and vehicular activity, the speed of traffic on the CTA roadways is generally lower than the posted speed limit and much lower than on typical public streets. As described in Section IV.D, Transportation Safety, of the Draft EIR (beginning on page IV.D-18), the studies addressing the relationship between digital signage and the potential for driver distraction that leads to traffic safety, that could affect delays, are inconclusive and there is no statistical conclusion or link to increased accidents. In addition, the Project site already consists of a number of existing on-site and wayfinding signage within the heavily traveled CTA, which do not currently constitute a hazard to the safe and efficient operation of vehicles within the CTA. The Project is not a material change in this regard. Nonetheless, the proposed Project includes Project Design Features that restrict, among other things, the allowable placement of signs, specify shielding of lights, and limit illumination levels and the control refresh rates of digital signage to lessen the potential for driver distraction to occur. No signs are proposed on freeways, highways, or any major arterials that allow for faster speeds. As a result, implementation of Project Design Features would minimize the potential for the Project to cause traffic hazards, congestion, and delays and the impact would be less than significant.

In addition, the signage would be subject to a new LAX-specific sign ordinance that would differ from and supersede LAMC signage regulations. As with the existing on-site and wayfinding signage within the CTA, the proposed signs would, and are intended to, be visible to motorists and pedestrians within the CTA, and not to the surrounding communities.

The Citywide Sign Ordinance establishes controls on the size, height, and spacing of signs to protect the visual environment and regulates the design, construction, and maintenance of outdoor off-site message signs to ensure that signs do not interfere with transportation safety or otherwise endanger public safety. Any signs that are determined by the Department of Building and Safety to have the potential of creating a safety risk are sent to LADOT for review. If LADOT determines that the signs would be a safety hazard, a permit will not be issued. Further, the LAX Specific Plan requires that prior to approving any sign the Executive Director must consult with LADOT to determine that the sign is not a hazard to traffic.

**Comment 3-12**

We will leave a discussion of the 2006 report by the National Highway Traffic Safety Administration to the comment letter of the Coalition to Ban Billboard Blight. We believe that the study draws conclusions that mirror our own experiences and are sensible “common sense” recommendations. We would hope that LAWA would apply those findings to their proposal.

**Response to Comment 3-12**

The comment is noted and will be forwarded to the decision makers for review and consideration as part of the decision-making process. Refer to Response to Comment 2-7. As described in Section IV.D, Transportation Safety, of the Draft EIR (beginning on page IV.D-18), studies addressing the relationship between digital signage and the potential for driver distraction have not made any statistical conclusion regarding traffic accidents. Furthermore, the proposed Project, including the Project Design Features and LAX Master Plan commitments, as well as regulatory requirements, would not constitute a hazard to the safe and efficient operation of vehicles upon a street or a freeway, or the safe and efficient operation of aircraft during takeoff and landing or ground maneuvers, or create a condition that endangers the safety of persons or property; therefore, impacts would be less than significant.

**Comment 3-13**

We are not certain that the DEIR adequately evaluates the impact of the proposed signage on energy consumption and the City’s quest to be “green.” The DEIR finds that 1,331 metric tons per year of additional CO2 emissions attributable to the 38,649 sq. ft. of proposed digital display signs is less than significant. However, the calculations used to determine this figure are unclear. Further, a study conducted for Scenic Philadelphia entitled “Illuminating the issues, Digital Signage and Philadelphia’s Green Future” found that the actual energy usage of a full-sized digital billboard in Florida was more than 150,000 Kwh/yr, which if applied to the proposed LAX digital signage would mean more than three times the DEIR estimate. Clearly, further documentation is needed to determine the energy cost of the proposed sign district plan. What is the cost benefit analysis for determining whether or not the income derived from the sign district is “worth” the environmental cost?

We are grateful for the opportunity to comment on the DEIR which we find to be both incomplete and flawed. The associated mitigations proposed are completely insufficient as they neither address all impacts or adequately mitigate those negative impacts.

**Response to Comment 3-13**

The comment is noted and will be forwarded to the decision makers for review and consideration as part of the decision-making process. Refer to Response to Comment 2-11. As shown in Table 5 of the Initial Study, total emissions (operational plus amortized construction) would not exceed the 10,000 MTCO2e/year threshold and would be less than significant. In addition, the State of California has adopted the first-in-the-nation Green Building Code (CALGreen). Following suit, the City of Los Angeles adopted CALGreen into the LAMC with

minor local modifications, which means that as part of Los Angeles Department of Building and Safety review, building projects that require the City's Department of Building and Safety review (such as the digital signage structures proposed under the proposed Project) are subject to the Los Angeles Green Building Code (Ordinance 181479). Further, and since the release of the Draft EIR, LAWA is requiring Los Angeles Green Building Code Tier 1 conformance as a new standard for sustainability for projects over \$200,000 within the airport. As applicable, these new rigorous sustainability requirements will further reduce the Project's GHG emissions footprint.

Regarding a cost benefit analysis associated with the proposed Project, cost (revenue) is not relevant in the Draft EIR because it is not a CEQA issue and does not relate to environmental impacts or the adequacy of the Draft EIR. In addition, the balancing of the benefits of revenue outweighing impacts is also not relevant in a CEQA analysis. The comment will be forwarded to the decision makers for review and consideration as part of the decision-making process.

With the implementation as part of the Project's design and operation of 18 Project Design Features and four LAX Master Plan (LAWA adopted) commitments (identified on pages II-5 through II-7 of the Draft EIR), impacts of the proposed Project were analyzed in the Draft EIR and were determined to be less than significant and no mitigation is required. As evidenced by the analysis in the Draft EIR, and as shown in the responses to the comments, none of the comments received identified any issues that were not addressed in the Draft EIR (and the Initial Study, which was circulated with the Notice of Preparation for a 30-day review period starting on March 16, 2012, and ending on April 16, 2012, and was provided as Appendix A of the Draft EIR). There is no substantial evidence that the Project will have a significant effect on the environment. The comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**NATIVE AMERICAN HERITAGE COMMISSION**

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October 16, 2012

Mr. Greg Shoop, Project Planner

**City of Los Angeles City Planning Department**

200 North Spring Street, Room 621  
 Los Angeles, CA 90012

Re: SCH#2012031055; CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for the "Los Angeles International Airport Sign District Project," located at the Los Angeles International Airport (LAX); Los Angeles County California

Dear Mr. Shoop:

The Native American Heritage Commission (NAHC) is the State of California 'Trustee Agency' for the protection and preservation of Native American cultural resources pursuant to California Public Resources Code §21070 and affirmed by the Third Appellate Court in the case of EPIC v. Johnson (1985: 170 Cal App. 3<sup>rd</sup> 604).

This letter includes state and federal statutes relating to Native American historic properties or resources of religious and cultural significance to American Indian tribes and interested Native American individuals as 'consulting parties' under both state and federal law. State law also addresses the freedom of Native American Religious Expression in Public Resources Code §5097.9. This project is also subject to California Government Code Section 65352.3.

The California Environmental Quality Act (CEQA – CA Public Resources Code 21000-21177, amendments effective 3/18/2010) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per the CEQA Guidelines defines a significant impact on the environment as 'a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including ... objects of historic or aesthetic significance.' In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE), and if so, to mitigate that effect. The NAHC recommends that lead agencies conduct a Sacred Lands File search of the proposed 'area of potential effect' (APE) as part of their due diligence.

The NAHC "Sacred Sites," as defined by the Native American Heritage Commission and the California Legislature in California Public Resources Code §§5097.94(a) and 5097.96. Items in the NAHC Sacred Lands Inventory are confidential and exempt from the Public Records Act pursuant to California Government Code §6254 (r).

Early consultation with Native American tribes in your area is the best way to avoid unanticipated discoveries of cultural resources or burial sites once a project is underway.

Culturally affiliated tribes and individuals may have knowledge of the religious and cultural significance of the historic properties in the project area (e.g. APE). We strongly urge that you make contact with the list of Native American Contacts on the attached list of Native American contacts, to see if your proposed project might impact Native American cultural resources and to obtain their recommendations concerning the proposed project. Pursuant to CA Public Resources Code § 5097.95, the NAHC requests cooperation from other public agencies in order that the Native American consulting parties be provided pertinent project information. Consultation with Native American communities is also a matter of environmental justice as defined by California Government Code §65040.12(e). Pursuant to CA Public Resources Code §5097.95, the NAHC requests that pertinent project information be provided consulting tribal parties, including archaeological studies. The NAHC recommends *avoidance* as defined by CEQA Guidelines §15370(a) to pursuing a project that would damage or destroy Native American cultural resources and California Public Resources Code Section 21083.2 (Archaeological Resources) that requires documentation, data recovery of cultural resources, construction to avoid sites and the possible use of covenant easements to protect sites.

Furthermore, the NAHC if the proposed project is under the jurisdiction of the statutes and regulations of the National Environmental Policy Act (e.g. NEPA; 42 U.S.C. 4321-43351). Consultation with tribes and interested Native American consulting parties, on the NAHC list, should be conducted in compliance with the requirements of federal NEPA and Section 106 and 4(f) of federal NHPA (16 U.S.C. 470 *et seq*), 36 CFR Part 800.3 (f) (2) & .5, the President's Council on Environmental Quality (CSQ, 42 U.S.C 4371 *et seq.* and NAGPRA (25 U.S.C. 3001-3013) as appropriate. The 1992 *Secretary of the Interiors Standards for the Treatment of Historic Properties* were revised so that they could be applied to all historic resource types included in the National Register of Historic Places and including cultural landscapes. Also, federal Executive Orders Nos. 11593 (preservation of cultural environment), 13175 (coordination & consultation) and 13007 (Sacred Sites) are helpful, supportive guides for Section 106 consultation. The aforementioned Secretary of the Interior's *Standards* include recommendations for all 'lead agencies' to consider the historic context of proposed projects and to "research" the cultural landscape that might include the 'area of potential effect.'

Confidentiality of "historic properties of religious and cultural significance" should also be considered as protected by California Government Code §6254( r) and may also be protected under Section 304 of he NHPA or at the Secretary of the Interior discretion if not eligible for listing on the National Register of Historic Places. The Secretary may also be advised by the federal Indian Religious Freedom Act (cf. 42 U.S.C., 1996) in issuing a decision on whether or not to disclose items of religious and/or cultural significance identified in or near the APEs and possibility threatened by proposed project activity.

Furthermore, Public Resources Code Section 5097.98, California Government Code §27491 and Health & Safety Code Section 7050.5 provide for provisions for inadvertent discovery of human remains mandate the processes to be followed in the event of a discovery of human remains in a project location other than a 'dedicated cemetery'.

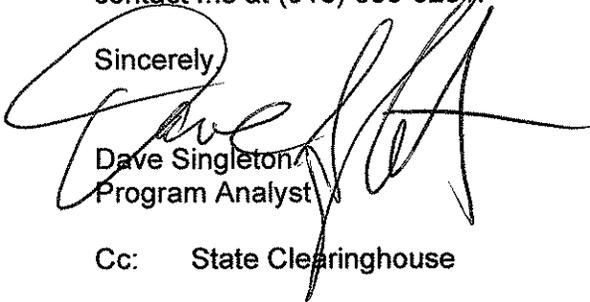
To be effective, consultation on specific projects must be the result of an ongoing relationship between Native American tribes and lead agencies, project proponents and their contractors, in the opinion of the NAHC. Regarding tribal consultation, a relationship built around regular meetings and informal involvement with local tribes will lead to more qualitative consultation tribal input on specific projects.

4-1  
cont.

Finally, when Native American cultural sites and/or Native American burial sites are prevalent within the project site, the NAHC recommends 'avoidance' of the site as referenced by CEQA Guidelines Section 15370(a).

If you have any questions about this response to your request, please do not hesitate to contact me at (916) 653-6251.

Sincerely,



Dave Singleton  
Program Analyst

Cc: State Clearinghouse

Attachment: Native American Contact List

4-1  
cont.

**Native American Contacts  
Los Angeles County  
October 16, 2012**

LA City/County Native American Indian Comm  
Ron Andrade, Director  
3175 West 6th St, Rm. 403  
Los Angeles , CA 90020  
randrade@css.lacounty.gov  
(213) 351-5324  
(213) 386-3995 FAX

Ti'At Society/Inter-Tribal Council of Pimu  
Cindi M. Alvitre, Chairwoman-Manisar  
3094 Mace Avenue, Apt. B Gabrielino  
Costa Mesa, , CA 92626  
calvitre@yahoo.com  
(714) 504-2468 Cell

Tongva Ancestral Territorial Tribal Nation  
John Tommy Rosas, Tribal Admin.  
Private Address Gabrielino Tongva  
  
**tattnlaw@gmail.com**  
310-570-6567

Gabrieleno/Tongva San Gabriel Band of Mission  
Anthony Morales, Chairperson  
PO Box 693 Gabrielino Tongva  
San Gabriel , CA 91778  
GTTribalcouncil@aol.com  
(626) 286-1632  
(626) 286-1758 - Home  
(626) 286-1262 -FAX

Gabrielino Tongva Nation  
Sam Dunlap, Cultural Resources Director  
P.O. Box 86908 Gabrielino Tongva  
Los Angeles , CA 90086  
samdunlap@earthlink.net  
  
(909) 262-9351 - cell

Gabrielino Tongva Indians of California Tribal Council  
Robert F. Dorame, Tribal Chair/Cultural Resources  
P.O. Box 490 Gabrielino Tongva  
Bellflower , CA 90707  
**gtongva@verizon.net**  
562-761-6417 - voice  
562-761-6417- fax

Gabrielino-Tongva Tribe  
Bernie Acuna  
1875 Century Pk East #1500 Gabrielino  
Los Angeles , CA 90067  
(619) 294-6660-work  
(310) 428-5690 - cell  
(310) 587-0170 - FAX  
bacuna1@gabrieinotribe.org

Gabrielino-Tongva Tribe  
Linda Candelaria, Chairwoman  
1875 Century Pk East #1500 Gabrielino  
Los Angeles , CA 90067  
lcandelaria1@gabrielinoTribe.org  
626-676-1184- cell  
(310) 587-0170 - FAX

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2012031055; CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for the Los Angeles International Airport (LAX) Sign District Project; located at LAX; Los Angeles County, California.

**Native American Contacts  
Los Angeles County  
October 16, 2012**

Gabrieleno Band of Mission Indians  
Andrew Salas, Chairperson  
P.O. Box 393                      Gabrielino  
Covina                      , CA 91723  
(626) 926-4131  
gabrielenoindians@yahoo.  
com

**This list is current only as of the date of this document.**

**Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.**

**This list is applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2012031055; CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for the Los Angeles International Airport (LAX) Sign District Project; located at LAX; Los Angeles County, California.**

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**COMMENT LETTER NO. 4**

Native American Heritage Commission  
Dave Singleton, Program Analyst  
915 Capitol Mall, Room 364  
Sacramento, CA 95814

**Comment 4-1**

The Native American Heritage Commission (NAHC) is the State of California 'Trustee Agency' for the protection and preservation of Native American cultural resources pursuant to California Public Resources Code §21070 and affirmed by the Third Appellate Court in the case of EPIC v. Johnson (1985: 170 Cal App .• 3'd 604).

This letter includes state and federal statutes relating to Native American historic properties or resources of religious and cultural significance to American Indian tribes and interested Native American individuals as 'consulting parties' under both state and federal law. State law also addresses the freedom of Native American Religious Expression in Public Resources Code §5097.9. This project is also subject to California Government Code Section 65352.3.

The California Environmental Quality Act (CEQA - CA Public Resources Code 21000-21177, amendments effective 3/18/2010) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per the CEQA Guidelines defines a significant impact on the environment as 'a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including ... objects of historic or aesthetic significance.' In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE), and if so, to mitigate that effect. The NAHC recommends that lead agencies conduct a Sacred Lands File search of the proposed 'area of potential effect' (APE) as part of their due diligence.

The NAHC 'Sacred Sites,' as defined by the Native American Heritage Commission and the California Legislature in California Public Resources Code §§5097.94(a) and 5097.96. Items in the NAHC Sacred Lands Inventory are confidential and exempt from the Public Records Act pursuant to California Government Code §6254 (r).

Early consultation with Native American tribes in your area is the best way to avoid unanticipated discoveries of cultural resources or burial sites once a project is underway. Culturally affiliated tribes and individuals may have knowledge of the religious and cultural significance of the historic properties in the project area (e.g. APE). We strongly urge that you make contact with the list of Native American Contacts on the attached [list of Native American contacts](#), to see if your proposed project might impact Native American cultural resources and to obtain their recommendations concerning the proposed project. Pursuant to CA Public Resources Code §5097.95, the NAHC requests cooperation from other public agencies in order that the Native American consulting parties be provided pertinent project information. Consultation with Native American communities is also a matter of environmental justice as defined by California Government Code §65040.12(e). Pursuant to CA Public Resources Code §5097.95, the NAHC requests that pertinent project information be provided consulting tribal parties, including archaeological studies. The NAHC recommends *avoidance* as defined by CEQA Guidelines §15370(a) to pursuing a project that would damage or destroy Native American cultural resources and California Public Resources Code Section 21083.2 (Archaeological Resources) that requires documentation, data recovery of cultural resources, construction to avoid sites and the possible use of covenant easements to protect sites.

Furthermore, the NAHC if the proposed project is under the jurisdiction of the statutes and regulations of the National Environmental Policy Act (e.g. NEPA; 42 U.S.C. 4321-43351). Consultation with tribes and interested Native American consulting parties, on the NAHC list, should be conducted in compliance with the requirements of federal NEPA and Section 106 and 4(f) of federal NHPA (16 U.S.C. 470 *et seq.*), 36 CFR Part 800.3 (f)(2) & .5, the President's Council on Environmental Quality (CSQ, 42 U.S.C 4371 *et seq.* and NAGPRA (25 U.S.C. 3001-3013) as appropriate. The 1992 *Secretary of the Interiors Standards for the Treatment of Historic Properties* were revised so that they could be applied to all historic resource types included in the National Register of Historic Places and including cultural landscapes. Also, federal Executive Orders Nos. 11593 (preservation of cultural environment), 13175 (coordination & consultation) and 13007 (Sacred Sites) are helpful, supportive guides for Section 106 consultation. The aforementioned Secretary of the Interior's *Standards* include recommendations for all 'lead agencies' to consider the historic context of proposed projects and to "research" the cultural landscape that might include the 'area of potential effect.'

Confidentiality of "historic properties of religious and cultural significance" should also be considered as protected by California Government Code §6254(r) and may also be protected under Section 304 of the NHPA or at the Secretary of the Interior discretion if not eligible for listing on the National Register of Historic Places. The Secretary may also be advised by the federal Indian Religious Freedom Act (cf. 42 U.S.C., 1996) in issuing a decision on whether or not to disclose items of religious and/or cultural significance identified in or near the APEs and possibility threatened by proposed project activity.

Furthermore, Public Resources Code Section 5097.98, California Government Code §27491 and Health & Safety Code Section 7050.5 provide for provisions for inadvertent discovery of human remains mandate the processes to be followed in the event of a discovery of human remains in a project location other than a 'dedicated cemetery'.

To be effective, consultation on specific projects must be the result of an ongoing relationship between Native American tribes and lead agencies, project proponents and their contractors, in the opinion of the NAHC. Regarding tribal consultation, a relationship built around regular meetings and informal involvement with local tribes will lead to more qualitative consultation tribal input on specific projects.

Finally, when Native American cultural sites and/or Native American burial sites are prevalent within the project site, the NAHC recommends 'avoidance' of the site as referenced by CEQA Guidelines Section 15370(a).

#### **Response to Comment 4-1**

As discussed in the Initial Study (Appendix A of the Draft EIR), which was available for public review from March 16 to April 16, 2012, no significant impacts associated with cultural resources would occur. The proposed Project is the placement of signage on existing building facades and structures; no grading or excavation into soils is expected to occur. Of the previously-identified historical resources at LAX, only the Theme Building (eligible for the National Register of Historic Places), which is in the center of the LAX terminals, is located within the Project site. Although the proposed Project includes potential for signage on terminal facades, parking structures, sky bridges, columns, and hanging signs throughout the Central Terminal Area (Landside Sub-Area) and signage within a portion of the Airside Sub-Area (i.e., supergraphics and passenger boarding bridge signs), no signage would be placed on or at the Theme Building. Therefore, there would be no direct impacts and no adverse indirect impacts on historical resources because of their design, distance, and intervening development. Although signage is proposed on the parking structures, including the internal roadway areas that traverse the Central Complex, there would be no interruption of primary views that characterize the Theme Building and its Setting.

In addition, the Project site is a highly disturbed area that has long been, and is currently being, used for airport and airport-related uses. Based on previous surveys and records searches conducted at LAX, no archaeological or traditional burial sites have been identified within the LAX boundaries. Additionally, as the proposed Project is

the placement of signage on existing building facades and structures, no grading or excavation into soils is expected to occur, which would further limit the potential for archaeological resources, burial or Native American sites to be encountered with implementation of the proposed Project.

Therefore, this issue was not discussed in the Draft EIR consistent with State CEQA Guidelines Section 15063(c)(3).



# City of El Segundo

## Planning & Building Safety Department

**Elected Officials:**

*Carl Jacobson,*  
Mayor  
*Suzanne Fuentes,*  
Mayor Pro Tem  
*Bill Fisher,*  
Council Member  
*Dave Atkinson,*  
Council Member  
*Marie Felthauer,*  
Council Member  
*Tracy Weaver,*  
City Clerk  
*Chris Powell,*  
City Treasurer

**Appointed Officials:**

*Greg Carpenter,*  
City Manager  
*Mark D. Hensley,*  
City Attorney

**Department Directors:**

*Deborah Cullen,*  
Financial/Human Resources  
*Kevin Smith,*  
Fire Chief  
*Debra Brighton,*  
Library Services  
*Sam Lee,*  
Planning and Building  
Safety  
*Mitch Tavera,*  
Police Chief  
*Stephanie Katsoulas,*  
Public Works  
*Robert Cummings,*  
Recreation & Parks

[www.elsegundo.org](http://www.elsegundo.org)

November 26, 2012

Mr. Greg Shoop, Project Coordinator  
City of Los Angeles, Department of City Planning  
200 North Spring Street, Room 621  
Los Angeles, CA 90012

**RE: DEIR Comments for the LAX Sign District Project  
Case No. ENV-2011-1965-EI; Case No. CPC-2011-1964-SN  
State Clearinghouse No. 2012031055**

Dear Mr. Shoop:

The City of El Segundo appreciates the opportunity to provide the following comments regarding the Draft Environmental Impact Report (DEIR) for the Los Angeles International Airport (LAX) Sign District Project:

- 1) The City of El Segundo's concerns regarding any signage located at LAX relate to potential impacts to the City's residential community from artificial light and glare and sign clutter visible on the south side of the Sign District area, as well as transportation safety that could impact the City generally. Several of the project design features and LAX Master Plan Commitments are critical to ensuring that LAX Sign District light and glare impacts are less than significant to the residential neighborhoods in the City of El Segundo.

5-1

The City of El Segundo is opposed to electronic or light enhanced signage that would be visible from residential neighborhoods within El Segundo including supergraphics and digital display signage installed within or visible from the Airside Sub-Area. The City of El Segundo is opposed to new off-site signage placed along the Project boundary. Therefore, the City of El Segundo requests that the project design

features and LAX Master Plan Commitments be strictly adhered to at all times. Implementation of the following design features and Master Plan Commitments is essential to ensuring that impacts are reduced:

- A) **Project Design Feature:** No new off-site signage would be placed along the Project boundary, and no electronic or light enhanced signage would be visible from the adjacent residential areas (City of El Segundo to the south).
- B) **Project Design Feature:** No electronic or light enhanced signage would be installed within or be visible from the Airside Sub-Area.
- C) **Project Design Feature:** Digital displays would display static images only.
- D) **Project Design Feature:** No Supergraphics or digital displays on the Airside Sub-Area.
- E) **Project Design Feature:** Supergraphics would have matte finishes.
- F) **LAX Master Plan Commitment LU-4 Neighborhood Compatibility Program and DA-1 Provide and Maintain Airport Buffer Areas.** Ensure implementation of landscaping, screening, setbacks, light shielding and other mechanisms to reduce impacts as outlined in these Commitments. Always include notification of the City of El Segundo in addition to property owners and applicants in community outreach efforts when new development on airport property is in proximity to and could potentially affect nearby residential uses.
- G) **LAX Master Plan Commitment LI-2 Use of Non-Glare Generating Building Materials:** El Segundo agrees that LAX facilities should be constructed to maximize use of non-reflective materials and to minimize use of undifferentiated expanses of glass.

5-1  
cont.

- 2) Several of the project design features and LAX Master Plan Commitments are critical to ensuring that LAX Sign District transportation impacts are less than significant to the City of El Segundo. Therefore, the City of El Segundo requests that the project design features and LAX Master Plan Commitments be strictly adhered to at all times. Implementation of the following design features and Master Plan Commitments is essential to ensuring that impacts are reduced:

5-2

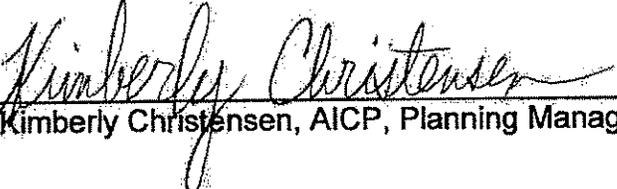
- A) Items listed in Item #1 above.
- B) **LAX Master Plan Commitment LI-3 Lighting Controls:** Ensuring that lighting type and placement will not interfere with aeronautical lights or otherwise impair Airport Traffic Control Tower or pilot operations. Ensure that lighting is shielded and focused to avoid glare or unnecessary light spill-over.

- 3) The City of El Segundo requests notification in writing in the future if any deviations from the project design features and LAX Master Plan Commitments are proposed.
- 4) The City of El Segundo retains the right to review any future proposed changes to the Sign District including, but not limited to, sign size, sign location, sign types, and levels of illumination.

5-3  
5-4

Thank you for the opportunity to comment on the LAX Sign District Project. Please refer all future notification to both my attention and to Greg Carpenter, City Manager, at the same address. If you have any questions regarding El Segundo's comments, please contact me at (310) 524-2340.

Sincerely,

  
Kimberly Christensen, AICP, Planning Manager

Cc: Greg Carpenter, City Manager  
Sam Lee, Planning and Building Safety Director

**COMMENT LETTER NO. 5**

City of El Segundo  
Planning and Building Safety Department  
Kimberly Christensen, Planning Manager  
350 Main Street  
El Segundo, CA 90245-3813

**Comment 5-1**

1) The City of El Segundo's concerns regarding any signage located at LAX relate to potential impacts to the City's residential community from artificial light and glare and sign clutter visible on the south side of the Sign District area, as well as transportation safety that could impact the City generally. Several of the project design features and LAX Master Plan Commitments are critical to ensuring that LAX Sign District light and glare impacts are less than significant to the residential neighborhoods in the City of El Segundo.

The City of El Segundo is opposed to electronic or light enhanced signage that would be visible from residential neighborhoods within El Segundo including supergraphics and digital display signage installed within or visible from the Airside Sub-Area. The City of El Segundo is opposed to new off-site signage placed along the Project boundary. Therefore, the City of El Segundo requests that the project design features and LAX Master Plan Commitments be strictly adhered to at all times. Implementation of the following design features and Master Plan Commitments is essential to ensuring that impacts are reduced:

- A. **Project Design Feature:** No new off-site signage would be placed along the Project boundary, and no electronic or light enhanced signage would be visible from the adjacent residential areas (City of El Segundo to the south).
- B. **Project Design Feature:** No electronic or light enhanced signage would be installed within or visible from the Airside Sub-Area.
- C. **Project Design Feature:** Digital displays would display static images only.
- D. **Project Design Feature:** No Supergraphics or digital displays on the Airside Sub-Area.
- E. **Project Design Feature:** Supergraphics would have matte finishes.
- F. **LAX Master Plan Commitment LU-4 Neighborhood Compatibility Program and DA-1 Provide and Maintain Airport Buffer Areas.** Ensure implementation of landscaping, screening, setbacks, light shielding and other mechanisms to reduce impacts as outlined in these Commitments. Always include notification of the City of El Segundo in addition to property owners and applicants in community outreach efforts when new development on airport property is in proximity to and could potentially affect nearby residential uses.
- G. **LAX Master Plan Commitment LI-2 Use of Non-Glare Generating Building Materials:** El Segundo agrees that LAX facilities should be constructed to maximize use of non-reflective materials and to minimize use of undifferentiated expanses of glass.

**Response to Comment 5-1**

The comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration. As detailed in Section IV.B, Visual Resources, and Section IV.C, Artificial Light and Glare, of the Draft EIR, signage would blend into this distant background and not change the visual character or light or glare of the Project site from the City of El Segundo.

In addition, the approval and installation of digital signage will be conditioned to adhere to the Project Design Features and LAX Master Plan (LAWA approved) Commitments outlined throughout the Draft EIR and detailed in the monitoring and reporting program (refer to Chapter V of this Final EIR). Enforcement of the conditions of approval will be the responsibility of the City's Department of Building and Safety, LAWA, and the Department of City Planning. Prior to the operation of digital signage, field testing shall be submitted. The LAX sign ordinance, which will be drafted by the Department of City Planning and requires approval by the City of Los Angeles Planning Commission, Planning and Land Use Management Committee of the City Council, and City Council, will include the Project Design Features and LAWA adopted LAX Master Plan Commitments, and off-site signage regulations that describe the submittal, review and enforcement process. It is anticipated that the proposed LAX Sign District will be managed by LAWA under detailed on-airport off-site sign procedures, including a submittal process, design review, regulations and standards for signage to help establish consistency and a uniform standard of quality of the off-site signage, which is similar to the existing LAX Airport Tenant Signage Standards (for on-site signage). The signage procedures and process will not alter the LAX Airport Tenant Signage Standards or otherwise affect signage for LAX tenants, but be in harmony and comparable with those standards. Similar to the existing LAX Airport Tenant Signage Standards, enforcement will be ensured through the approval process (all off-site signage will be reviewed and approved by LAWA) and through any license agreements and/or operational contracts.

Item D of the City of El Segundo's comment notes that implementation of Project Design Feature: No Supergraphics or digital displays on the Airside Sub-Area, is only partially correct. While the Airside Sub-Area does not include digital signage, the signage within the Airside Sub-Area, on the passenger boarding bridges, are supergraphics, as described throughout the Draft EIR and specifically in Table II-1 of Chapter 2, Project Description (page II-9). The supergraphics on the passenger boarding bridges will be a matte finish, unlit, and typical of what is on passenger boarding bridges at other major airports (refer to Figure IV.B-11 of Section IV.B, Visual Resources, of the Draft EIR, for an example of typical signage proposed for the passenger boarding bridges).

#### **Comment 5-2**

2) Several of the project design features and LAX Master Plan Commitments are critical to ensuring that LAX Sign District transportation impacts are less than significant to the City of El Segundo. Therefore, the City of El Segundo requests that the project design features and LAX Master Plan Commitments be strictly adhered to at all times. Implementation of the following design features and Master Plan Commitments is essential to ensuring that impacts are reduced:

- A. Items listed in Item #1 above.
- B. **LAX Master Plan Commitment LI-3 Lighting Controls:** Ensuring that lighting type and placement will not interfere with aeronautical lights or otherwise impair Airport Traffic Control Tower or pilot operations. Ensure that lighting is shielded and focused to avoid glare or unnecessary light spill-over.

#### **Response to Comment 5-2**

The comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration. As described in Response to Comment 5-1 above, the LAX sign ordinance, which will be drafted by the Department of City Planning and requires approval by the City of Los Angeles Planning Commission, Planning and Land Use Management Committee of the City Council, and City Council, will include the Project Design Features and LAX Master Plan (LAWA approved) Commitments, and off-site signage guidelines that describe the submittal, review and enforcement process. There are several other Project Design Features (refer to page II-6 of Chapter II, Project Description, of the Draft EIR) that address airport operations and

glare/light spill-over, such as the allowable locations and sizes of signs, as well as direction of light emitting diodes (LEDs) downward. These features have been designed to limit visibility from off-airport locations (i.e., surrounding communities) and to not visually or otherwise negatively affect airport operations. In addition, limits on refresh rates, brightness and illuminance levels of signage, and dimming of lights of digital displays to transition from day to nighttime brightness would be required to occur gradually, to prevent a sudden change in perceptible brightness levels by pedestrians and motorists, as well as mindful for Air Traffic Control personnel or pilot operations.

**Comment 5-3**

3) The City of El Segundo requests notification in writing in the future if any deviations from the project design features and LAX Master Plan Commitment are proposed.

**Response to Comment 5-3**

The comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration. Any changes to the Project that would require a revision to the LAX sign ordinance would need to be analyzed in a separate environmental document and require notice to the surrounding community, including the City of El Segundo, in the future.

**Comment 5-4**

4) The City of El Segundo retains the right to review any future proposed changes to the Sign District including, but not limited to, sign size, sign location, sign types, and levels of illumination.

**Response to Comment 5-4**

The comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration. Refer to Response to Comment 5-3, above.



EDMUND G. BROWN JR.  
GOVERNOR

STATE OF CALIFORNIA  
GOVERNOR'S OFFICE of PLANNING AND RESEARCH  
STATE CLEARINGHOUSE AND PLANNING UNIT



KEN ALEX  
DIRECTOR

November 27, 2012

Greg Shoop  
City of Los Angeles, Dept. of City Planning  
200 N. Spring Street, Room 621  
Los Angeles, CA 90012

Subject: Los Angeles International Airport (LAX) Sign District  
SCH#: 2012031055

Dear Greg Shoop:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on November 26, 2012, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

6-1

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan  
Director, State Clearinghouse

Enclosures  
cc: Resources Agency

**Document Details Report  
State Clearinghouse Data Base**

**SCH#** 2012031055  
**Project Title** Los Angeles International Airport (LAX) Sign District  
**Lead Agency** Los Angeles, City of

**Type** EIR Draft EIR  
**Description** The proposed Project entails the development and implementation of a Sign District at LAX. The proposed Project includes a maximum of approximately 81,522 s.f. of proposed new signage within the Landside Sub-Area and a maximum of approximately 289,600 s.f. of proposed new signage within the Airside Sub-Area. The proposed Project would include a range of off-site signage, including supergraphics, digital display signs, passenger boarding bridge signs, column signs, and hanging signs. Off-site signs advertise a business, use, facility, service or product not found at LAX (non-airport-related signage).

**Lead Agency Contact**

**Name** Greg Shoop  
**Agency** City of Los Angeles, Dept. of City Planning  
**Phone** 213 978 1243 **Fax**  
**email**  
**Address** 200 N. Spring Street, Room 621  
**City** Los Angeles **State** CA **Zip** 90012

**Project Location**

**County** Los Angeles  
**City** Los Angeles, City of  
**Region**  
**Lat / Long** 33° 56' 38" N / 118° 24' 14" W  
**Cross Streets** generally Sepulveda Boulevard and Century Boulevard  
**Parcel No.**  

Township	Range	Section	Base

**Proximity to:**

**Highways** Hwy 1 (Lincoln/Sepulveda)  
**Airports** LAX  
**Railways**  
**Waterways** Pacific Ocean  
**Schools** St. Bernard High School  
**Land Use** Airport/LAX - L Zone (Airport Landside Sub-Area) and LAX - A Zone (Airport Airside Sub-Area)

**Project Issues** Traffic/Circulation; Landuse; Cumulative Effects; Other Issues

**Reviewing Agencies** Resources Agency; California Coastal Commission; Department of Fish and Game, Region 5; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; Office of Emergency Management Agency, California; Caltrans, Division of Aeronautics; California Highway Patrol; Caltrans, District 7; Air Resources Board, Airport/Energy Projects; Regional Water Quality Control Board, Region 4; Native American Heritage Commission

**Date Received** 10/11/2012 **Start of Review** 10/11/2012 **End of Review** 11/26/2012

6-1  
cont.

**NATIVE AMERICAN HERITAGE COMMISSION**

915 CAPITOL MALL, ROOM 364  
 SACRAMENTO, CA 95814  
 (916) 653-6251  
 Fax (916) 657-5390  
 Web Site [www.nahc.ca.gov](http://www.nahc.ca.gov)  
[ds\\_nahc@pacbell.net](mailto:ds_nahc@pacbell.net)

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 11/26/12  
 e



RECEIVED

OCT 18 2012

STATE CLEARING HOUSE

October 16, 2012

Mr. Greg Shoop, Project Planner

**City of Los Angeles City Planning Department**

200 North Spring Street, Room 621  
 Los Angeles, CA 90012

Re: SCH#2012031055; CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for the "Los Angeles International Airport Sign District Project;" located at the Los Angeles International Airport (LAX); Los Angeles County California

Dear Mr. Shoop:

The Native American Heritage Commission (NAHC) is the State of California 'Trustee Agency' for the protection and preservation of Native American cultural resources pursuant to California Public Resources Code §21070 and affirmed by the Third Appellate Court in the case of EPIC v. Johnson (1985: 170 Cal App. 3<sup>rd</sup> 604).

This letter includes state and federal statutes relating to Native American historic properties or resources of religious and cultural significance to American Indian tribes and interested Native American individuals as 'consulting parties' under both state and federal law. State law also addresses the freedom of Native American Religious Expression in Public Resources Code §5097.9. This project is also subject to California Government Code Section 65352.3.

The California Environmental Quality Act (CEQA – CA Public Resources Code 21000-21177, amendments effective 3/18/2010) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per the CEQA Guidelines defines a significant impact on the environment as 'a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including ...objects of historic or aesthetic significance.' In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE), and if so, to mitigate that effect. The NAHC recommends that lead agencies conduct a Sacred Lands File search of the proposed 'area of potential effect' (APE) as part of their due diligence.

The NAHC "Sacred Sites," as defined by the Native American Heritage Commission and the California Legislature in California Public Resources Code §§5097.94(a) and 5097.96. Items in the NAHC Sacred Lands Inventory are confidential and exempt from the Public Records Act pursuant to California Government Code §6254 (r).

Early consultation with Native American tribes in your area is the best way to avoid unanticipated discoveries of cultural resources or burial sites once a project is underway.

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Culturally affiliated tribes and individuals may have knowledge of the religious and cultural significance of the historic properties in the project area (e.g. APE). We strongly urge that you make contact with the list of Native American Contacts on the attached list of Native American contacts, to see if your proposed project might impact Native American cultural resources and to obtain their recommendations concerning the proposed project. Pursuant to CA Public Resources Code § 5097.95, the NAHC requests cooperation from other public agencies in order that the Native American consulting parties be provided pertinent project information. Consultation with Native American communities is also a matter of environmental justice as defined by California Government Code §65040.12(e). Pursuant to CA Public Resources Code §5097.95, the NAHC requests that pertinent project information be provided consulting tribal parties, including archaeological studies. The NAHC recommends *avoidance* as defined by CEQA Guidelines §15370(a) to pursuing a project that would damage or destroy Native American cultural resources and California Public Resources Code Section 21083.2 (Archaeological Resources) that requires documentation, data recovery of cultural resources, construction to avoid sites and the possible use of covenant easements to protect sites.

Furthermore, the NAHC if the proposed project is under the jurisdiction of the statutes and regulations of the National Environmental Policy Act (e.g. NEPA; 42 U.S.C. 4321-43351). Consultation with tribes and interested Native American consulting parties, on the NAHC list, should be conducted in compliance with the requirements of federal NEPA and Section 106 and 4(f) of federal NHPA (16 U.S.C. 470 *et seq.*), 36 CFR Part 800.3 (f) (2) & .5, the President's Council on Environmental Quality (CSQ, 42 U.S.C 4371 *et seq.* and NAGPRA (25 U.S.C. 3001-3013) as appropriate. The 1992 *Secretary of the Interiors Standards for the Treatment of Historic Properties* were revised so that they could be applied to all historic resource types included in the National Register of Historic Places and including cultural landscapes. Also, federal Executive Orders Nos. 11593 (preservation of cultural environment), 13175 (coordination & consultation) and 13007 (Sacred Sites) are helpful, supportive guides for Section 106 consultation. The aforementioned *Secretary of the Interior's Standards* include recommendations for all 'lead agencies' to consider the historic context of proposed projects and to "research" the cultural landscape that might include the 'area of potential effect.'

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Confidentiality of "historic properties of religious and cultural significance" should also be considered as protected by California Government Code §6254(r) and may also be protected under Section 304 of the NHPA or at the Secretary of the Interior discretion if not eligible for listing on the National Register of Historic Places. The Secretary may also be advised by the federal Indian Religious Freedom Act (cf. 42 U.S.C., 1996) in issuing a decision on whether or not to disclose items of religious and/or cultural significance identified in or near the APEs and possibility threatened by proposed project activity.

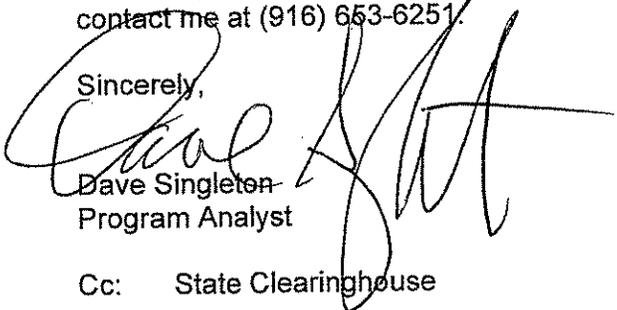
Furthermore, Public Resources Code Section 5097.98, California Government Code §27491 and Health & Safety Code Section 7050.5 provide for provisions for inadvertent discovery of human remains mandate the processes to be followed in the event of a discovery of human remains in a project location other than a 'dedicated cemetery'.

To be effective, consultation on specific projects must be the result of an ongoing relationship between Native American tribes and lead agencies, project proponents and their contractors, in the opinion of the NAHC. Regarding tribal consultation, a relationship built around regular meetings and informal involvement with local tribes will lead to more qualitative consultation tribal input on specific projects.

Finally, when Native American cultural sites and/or Native American burial sites are prevalent within the project site, the NAHC recommends 'avoidance' of the site as referenced by CEQA Guidelines Section 15370(a).

If you have any questions about this response to your request, please do not hesitate to contact me at (916) 653-6251.

Sincerely,



Dave Singleton  
Program Analyst

Cc: State Clearinghouse

Attachment: Native American Contact List

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cont.

**COMMENT LETTER NO. 6**

State of California Governor's Office of Planning and Research  
State Clearinghouse and Planning Unit  
Scott Morgan, Director  
1400 10th Street  
Sacramento, CA 95812

**Comment 6-1**

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed the document. The review period closed on November 26, 2012, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

“A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation.”

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review.

[The Document Details Report and Native American Heritage Commission Letter follow the State Clearinghouse comments]

**Response to Comment 6-1**

This is the transmittal letter from the State Clearinghouse that indicates the Lead Agency has complied with state requirements for distribution of the Draft EIR. No response is required.

The State Clearinghouse transmittal included one responding agency's comments, from the Native American Heritage Commission, which was received directly from the Commission. Refer to Comment Letter No. 4, above, for the comments from the Native American Heritage Commission letter and the Lead Agency's responses to those comments.