

## NOTICE OF EXEMPTION

<p>TO:</p> <p><input checked="" type="checkbox"/> Office of Planning and Research P. O. Box 3044, Room 113 Sacramento, CA 95812-3044</p>	<p>FROM: Name: San Diego Metropolitan (Public Transit System (lead Agency) agency)</p> <p>Contact: Mark Olson Director of Marketing and Communications</p> <p>Address: 1255 Imperial Avenue Suite 1000 San Diego, CA 92101</p> <p>Telephone: 619-557-4588</p>
<p><input checked="" type="checkbox"/> Clerk of the Board of Supervisors or County Clerk (Include County name) Address: Office of the Recorder – County Clerk 1600 Pacific Highway, Suite 260 P.O. Box 121750 San Diego, CA 92112-1750 Phone: (619) 237-0502</p>	
<p>1. Project Title:</p>	<p>Gaslamp Quarter Trolley Station Digital Information Board</p>
<p>2. Project Applicant:</p>	<p><b>San Diego Metropolitan Transit System</b></p> <p>Contact: Mark Olson Director of Marketing and Communications 1255 Imperial Avenue Suite 1000 San Diego, CA 92101 <a href="mailto:Mark.Olson@sdmts.com">Mark.Olson@sdmts.com</a> 619-557-4588</p> <p><b>Big Outdoor Investments, LLC</b></p> <p>Contact:</p>

	<p>Bill Tagliaferri 6 E. 39th St, Suite 1200 New York, NY 10016 (914) 804-1356 <a href="mailto:bill@bigoutdoor.com">bill@bigoutdoor.com</a></p>
<p>3. Project Location – Identify street address and cross streets or attach a map showing project site (preferably a USGS 15’ or 7 1/2’ topographical map identified by quadrangle name):</p>	<p>Gaslamp Quarter Trolley Station 5<sup>th</sup> Avenue between L Street and Harbor Drive, San Diego, CA 92101 See attached map of project site.</p>
<p>4. (a) Project Location – City: City of San Diego</p>	<p>(b) Project Location – County:</p>
<p>5. Description of nature, purpose, and beneficiaries of Project:</p>	<p>On December 8, 2022, the Board of Directors for San Diego Metropolitan Transit System authorized the Chief Executive Officer to execute MTS Doc. G2702.0-23 with Big Outdoor Investments, LLC, a Texas limited liability company (“Big Outdoor”) for a License Agreement to construct and operate a digital information board at the Gaslamp Trolley Station (“Project”) for a base period of 20 years and two five-year options; waived the prohibition on alcohol advertising in MTS Board Policy 21.3(j) as it relates to this Project only up to a maximum of 50% of advertising content; determined that the Project is statutorily and categorically exempt from environmental review under the California Environmental Quality Act, as further explained below; and certified that the Project will be completed by a skilled and trained workforce consistent with the criteria in Public Resources Code section 21080.25.</p> <p>The Gaslamp Trolley Station sits between the San Diego Convention Center and the Gaslamp Quarter District. The station supports the Trolleys’ Green Line and is a popular station for those taking transit downtown for entertainment activities.</p> <p>The Project would be carried out by MTS in conjunction with Big Outdoor pursuant to MTS Board Policy No. 18 (adopted July 25, 2019) authorizing joint development programs with third parties that enhance the financial stability of MTS operations and promote increased transit utilization, among other things. The Project will include a two-sided digital information board</p>

	<p>measuring approximately 20 feet by 30 feet, elevated approximately 20-30 feet above ground (for a total estimate height of not less than 40-50 feet). The estimated square footage of each digital display area is 600 square feet. The area occupied by the digital information board will not exceed a total area of 5,000 square feet of the property owned by MTS. The Project also includes an additional 55-inch LCD screen display at street level solely for MTS use as a supplemental project design feature to further enhance transit related messaging and leverage the larger digital information board.</p> <p>The digital information board may display static image messaging between the hours of 6:00am and 12:00am each day; full motion images are limited to the hours of 6:00am to 11:00pm each day. The digital information board will use LED lights that include auto-dimming technology to maintain LED lighting levels with the applicable ambient light throughout the day and downward facing design.</p> <p>A digital information board at the Gaslamp Trolley Station has significant benefit for transit and for the surrounding community. It will allow MTS to promote MTS's transit services; provide wayfinding information for the surrounding entertainment area; share information about upcoming events in the local community; post Public Service Announcements, Amber Alerts and other public safety messages; package the digital information board into other agreement to activate the Gaslamp Square (i.e. Comic-Con); provide a unique advertising location to attract conventions and other events that help the local economy; and generate additional revenue to support public transit operations in MTS's service area.</p>
<p>6. Name of Public Agency approving project:</p>	<p>San Diego Metropolitan Transit System</p> <p>Contact:</p> <p>Mark Olson  Director of Marketing and Communications  1255 Imperial Avenue  Suite 1000  San Diego, CA 92101  <a href="mailto:Mark.Olson@sdmts.com">Mark.Olson@sdmts.com</a>  619-557-4588</p>

<p>7. Name of Person or Agency undertaking the project, including any person undertaking an activity that receives financial assistance from the Public Agency as part of the activity or the person receiving a lease, permit, license, certificate, or other entitlement of use from the Public Agency as part of the activity:</p>	<p><b>San Diego Metropolitan Transit System</b>  Contact:  Mark Olson  Director of Marketing and Communications  1255 Imperial Avenue  Suite 1000  San Diego, CA 92101  <a href="mailto:Mark.Olson@sdmts.com">Mark.Olson@sdmts.com</a>  619-557-4588</p> <p><b>Big Outdoor Investments, LLC</b>  Contact:  Bill Tagliaferri  6 E. 39th St, Suite 1200  New York, NY 10016  (914) 804-1356  <a href="mailto:bill@bigoutdoor.com">bill@bigoutdoor.com</a></p> <p>Click to enter applicant</p>
<p>8. Exempt status: (check one)</p>	
<p>(a) <input type="checkbox"/> Ministerial project.</p>	
<p>(b) <input type="checkbox"/> Not a project.</p>	
<p>(c) <input type="checkbox"/> Emergency Project.</p>	
<p>(d) <input checked="" type="checkbox"/> Categorical Exemption.  State type and section number:</p>	<p>Class 3, 14 Cal. Code Regs., § 15303 (new construction or conversion of small structures)  Class 11, 14 Cal. Code Regs., § 15311 (accessory structures)  Class 32, 14 Cal. Code Regs., § 15332 (in-fill development projects)</p>
<p>(e) <input type="checkbox"/> Declared Emergency.</p>	
<p>(f) <input checked="" type="checkbox"/> Statutory Exemption.  State Code section number:</p>	<p>Pub. Resources Code, § 21080.25 (b)(2), (7), (8) (transportation project exemptions and criteria)  Pub Resources Code, § 21080(b)(10), (11); 14 Cal. Code Regs., § 15275(a) (specified mass transit projects)</p>
<p>(g) <input type="checkbox"/> Other. Explanation:</p>	
<p>9. Reason why project was exempt:</p>	<p>The Project is statutorily exempt under Public Resources Code section 21080.25, subdivision</p>

(b), which includes projects that would improve customer information and wayfinding for transit riders (subdivision (b)(2)) and the maintenance, repair, relocation replacement, or removal of any utility infrastructure associated with these types of projects (subdivision (b)(7), (8)). The Project is a state-of-the-art digital display at MTS's Gaslamp Trolley Station, located within the existing MTS right-of-way between the San Diego Convention Center and the Gaslamp Quarter, that will provide wayfinding information, promote transit services and generate additional revenue to support public transit operations within MTS's service area. Therefore, it is within the scope of projects subject to Public Resources Code section 21080.25(b)(2) and (7).

In compliance with the statutory exemption criteria in Public Resources Code section 21080.25, subdivision (c), the Project would be carried out by MTS as the lead agency under CEQA by execution of a License Agreement for the construction and operation of the Project at MTS's Gaslamp Trolley Station subject to all terms and conditions therein, including payment of a license fee and dedication of a minimum of 10 percent share of advertising display time which may be used for wayfinding and informational messaging such as transit schedules and special MTS promotions or emergency messaging, as needed, and which may not be sold to third parties. Therefore, MTS is carrying out the Project by executing a License Agreement for construction and operation.

Although "wayfinding" is not specifically defined in State law, the San Diego Municipal Code uses the term to mean signage displayed near the public right-of-way "that directs pedestrians and cyclists to nearby attractions and transit connections." (*See* SDMC § 143.1020(b)(7)(I).)

Here, the Project will improve customer information and wayfinding for transit riders at MTS's Gaslamp Station by dedicating a minimum of 10 percent of display time (plus additional unsold display time) solely for wayfinding and informational messaging such as train schedules and special transit-ridership

promotions and will therefore meet the legislative purpose of improving mobility and connectivity by enhancing access to transit. This percentage is consistent with other digital wayfinding projects that use private advertising dollars to finance the wayfinding installation, maintenance and liability related to such devices instead of scarce public transit fare dollars, regardless of whether the wayfinding/advertising device is a smaller kiosk or a larger digital format like the one proposed at the Gaslamp station. The private advertising dollar method of enhancing transit wayfinding is just a different means of financing the same wayfinding function as a device paid for entirely by public transit dollars. Additionally, the project's revenue sharing will also provide reliable revenue to MTS to continue improving its transit system in accordance with its governing laws.

The Project would also be located within MTS's existing public right-of-way in the City of San Diego. Public Resources Code section 21071(a)(1) defines an "Urbanized area" as an incorporated city that has a population of at least 100,000 persons. The City of San Diego is an incorporated city that has a population of 1.382 according to the United States Census Bureau. Therefore, the Project is in an urbanized area within an existing public right-of-way.

The Project would not add physical infrastructure that increases new automobile capacity on existing rights-of-way except for minor modifications needed for the efficient and safe movement of transit vehicles. The Project consists of construction and operation of an outdoor advertising structure and supporting structures, fixture connections, electrical supply and related equipment and accessories and will not increase new automobile capacity on existing rights-of-way.

The Project is proposed to be located at MTS's Gaslamp Trolley Station, located between the San Diego Convention Center and the Gaslamp Quarter and does not require demolition of any affordable housing units.

In compliance with the statutory exemption criteria in Public Resources Code section

21080.25, subdivision (d), the Project would be constructed by a skilled and trained workforce or, alternatively, under a project labor agreement. The construction contract for the Project will include an enforceable commitment to MTS that the contractor and its subcontractors at every tier will use a skilled and trained workforce to perform all work on the project or a contract that falls within an apprenticeship occupation in the building and construction trades in accordance with Chapter 2.9 (commencing with Section 2600) of Part 1 of Division 2 of the Public Contract Code. The Board's December 8, 2022, action included certification that the Project will be completed by a skilled and trained workforce consistent with the criteria in Public Resources Code section 21080.25.

The Project is also statutorily exempt under Public Resources Code section 21080, subdivisions (b)(10), (11) and State CEQA Guidelines section 15275, subdivision (a) as a project for the institution or increase of passenger or commuter service on rail lines or high-occupancy vehicle lanes already in use, including the modernization of existing stations and parking facilities. Due to its improvement of the Gaslamp Station location and addition of passenger wayfinding improvements to the existing MTS transit use, the Project falls within this statutory exemption.

Additionally, the Project is categorically exempt under State CEQA Guidelines section 15303 (Class 3) because it consists of the construction and location of limited numbers of new, small facilities or structures. The Project consists of construction and operation of an outdoor advertising structure and supporting structures, fixture connections, electrical supply and related equipment and accessories, to be located within an urbanized area on premises not to exceed a total of 5,000 square feet. Within urbanized areas, the Class 3 categorical exemption applies by its terms to commercial structures of up to 10,000 square feet in floor area and accessory or appurtenant structures. Based on its size and location, the Project therefore falls within the Class 3 categorical exemption.

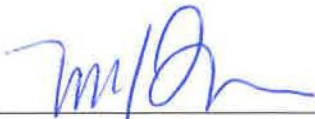
State CEQA Guidelines section 15311 (Class 11) also specifically exempts construction, or replacement of minor structures accessory to (appurtenant to) existing commercial, industrial, or institutional facilities, including but not limited to on-premise signs. The Project would also fall within this exemption as construction of an on-premise sign accessory to MTS's transit use.

Finally, State CEQA Guidelines section 15332 (Class 32) applies to projects characterized as infill development that is consistent with the applicable general plan designation and policies and zoning designation and regulations; occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses; is on a site with no value as habitat for endangered, rare or threatened species; would not result in any significant effects relating to traffic, noise, air quality or water quality; and is on a site that can be adequately served by all required utilities and public services. Here, the Project meets the criteria for infill development.

None of exceptions to the categorical exemptions in State CEQA Guidelines section 15300.2 applies. The Project is not located in a particularly sensitive environment as the Project is located entirely within developed areas of downtown San Diego and all impact areas are within disturbed areas of the site. The cumulative impact of successive projects of the same type in the same place, over time is not significant, as no similar wayfinding and advertising structures of this scale are proposed within the MTS right-of-way in downtown San Diego. The Project will not result in any damage to scenic resources within a highway officially designated as a state scenic highway as it is not located within a designated state scenic highway. The Project site is not included on any list compiled pursuant to Section 65962.5 of the Government Code. The Project will not cause a substantial adverse change in the significance of a historical resource. Although the Gaslamp Quarter is a designated historic district, the Project will not impact any designated contributing resources and will enhance the transit user and pedestrian experience within the historic district by providing wayfinding and transit information.



<p>10. Lead Agency Contact Person: Telephone:</p>	<p>Mark Olson Director of Marketing and Communications 1255 Imperial Avenue Suite 1000 San Diego, CA 92101  <a href="mailto:Mark.Olson@sdmts.com">Mark.Olson@sdmts.com</a> 619-557-4588</p>
<p>11. If filed by applicant: Attach Preliminary Exemption Assessment (Form "A") before filing. <i>Not applicable</i></p>	
<p>12. Has a Notice of Exemption been filed by the public agency approving the project? Yes <input type="checkbox"/> No <input type="checkbox"/> <i>Not applicable</i></p>	
<p>13. Was a public hearing held by the Lead Agency to consider the exemption? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If yes, the date of the public hearing was: December 8, 2022</p>	



Signature

Date: December 8, 2022

MARK OLSON

Name

Title: Director of Marketing and Communications

Signed by Lead Agency

Signed by Applicant

Date Received for Filing: Click to enter date

(Clerk Stamp Here)

Authority cited: Sections 21083 and 21110, Public Resources Code.  
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

# Gaslamp Quarter Station- Near 5<sup>th</sup> Avenue and East Harbor Drive

