

## Communication from Public

**Name:** Channel Law Group

**Date Submitted:** 12/15/2023 07:22 AM

**Council File No:** 22-0392

**Comments for Public Posting:** Dear City Clerk: The attached document must be included in the record of Council File 22-0392 and uploaded to the City's Council File Management System before today's, December 15, 2023 City Council Meeting. Thank you.

# Channel Law Group, LLP

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December 15, 2023

## **VIA ELECTRONIC MAIL**

Hon. Paul Krekorian, President  
Los Angeles City Council  
c/o City Clerk  
200 North Spring Street  
Los Angeles, CA 90012  
[Clerk.CPS@lacity.org](mailto:Clerk.CPS@lacity.org)  
LACouncilComment.com

**RE: Council File 22-0392 - Opposition to Agenda Item 16, meeting of December 15, 2023:  
CPC-2022-5401-CA, CPC-2023-3653-ZC and ENV-2022-5286-EIR for  
Metro's Transportation Communications Network (TCN) – SCH #2022040363**

Dear Council President Krekorian, President Pro Tempore Harris-Dawson, Assistant President Pro Tempore Blumenfield, members of the City Council, and City Clerk:

This firm represents the Coalition for a Beautiful Los Angeles (“Coalition”).<sup>1</sup> The purpose of this letter is to provide a brief response to the letter submitted by Remy Moose Manley, LLP (“RMM”) on December 7, 2023 and to correct inaccuracies in their assertions. The RMM letter largely contains conclusory statements unsupported by facts or reasonable assumptions predicated on facts.

### **Introduction – And Lack of An Accurate, Stable or Finite Project Description**

The implementing ordinances for the TCN Program were not available at the time the FEIR for the Program was certified. The Environmental Impact Report (“EIR”) project

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<sup>1</sup> The Coalition for a Beautiful Los Angeles (formerly Coalition to Ban Billboard Blight), established in 1986, is a non-profit dedicated to preserving, protecting and enhancing the scenic beauty and visual character of Los Angeles through education, outreach, and advocacy.

description was thus inaccurate and incomplete. As detailed in comments submitted during the City’s administrative process, including the Channel Law letter dated November 7, 2023<sup>2</sup> and the letter from our client, Coalition for a Beautiful Los Angeles, dated December 4, 2023,<sup>3</sup> the implementing ordinances under consideration at the time these letters were written would result in additional impacts not addressed in the EIR or Addendum for the Project, in the form of inconsistencies with the General Plan and State Law, as well as more severe impacts than addressed in the EIR. Subsequently, the City has attempted to remedy these issues through a succession of changes to these ordinances in response to our comments during review of the Program by the Planning and Land Use (“PLUM”) committee and City Council. However, that does not vitiate the criticism that the City’s Addendum failed to identify or mitigate these impacts. Rather the identification and attempted mitigation of these impacts has occurred external to the California Environmental Quality Act (CEQA) process and only serves to validate our comments.

The citizens of Los Angeles have been put in the position of having to review a series of evolving ordinances for the Transportation Communication Network (TCN) Program put forward by the City to implement the TCN Program, as well as an ever-changing Program.<sup>4</sup>

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<sup>2</sup> [http://clkrep.lacity.org/onlinedocs/2022/22-0392\\_misc\\_11-07-23.pdf](http://clkrep.lacity.org/onlinedocs/2022/22-0392_misc_11-07-23.pdf)

<sup>3</sup> [http://clkrep.lacity.org/onlinedocs/2022/22-0392\\_PC\\_PM\\_12-05-2023.pdf](http://clkrep.lacity.org/onlinedocs/2022/22-0392_PC_PM_12-05-2023.pdf)

<sup>4</sup> Communication from the City Attorney – Amended Section 13.11.TCN Draft Ordinance posted 12/11/2023:

[http://clkrep.lacity.org/onlinedocs/2022/22-0392\\_ord\\_draft\\_12-11-2023.pdf](http://clkrep.lacity.org/onlinedocs/2022/22-0392_ord_draft_12-11-2023.pdf)

Amending Motion 33D (Lee-Krekorian) posted 12/8/2023:

[http://clkrep.lacity.org/onlinedocs/2022/22-0392\\_misc\\_amd\\_33D\\_lee\\_kre\\_12-8-23.pdf](http://clkrep.lacity.org/onlinedocs/2022/22-0392_misc_amd_33D_lee_kre_12-8-23.pdf)

12/8/2023 Version of the Ordinances:

[http://clkrep.lacity.org/onlinedocs/2022/22-0392\\_misc\\_12-08-23.pdf](http://clkrep.lacity.org/onlinedocs/2022/22-0392_misc_12-08-23.pdf)

[http://clkrep.lacity.org/onlinedocs/2022/22-0392\\_misc\\_1\\_12-08-23.pdf](http://clkrep.lacity.org/onlinedocs/2022/22-0392_misc_1_12-08-23.pdf)

[http://clkrep.lacity.org/onlinedocs/2022/22-0392\\_misc\\_2\\_12-08-23.pdf](http://clkrep.lacity.org/onlinedocs/2022/22-0392_misc_2_12-08-23.pdf)

Council Action 12/8/2023: [http://clkrep.lacity.org/onlinedocs/2022/22-0392\\_CAF\\_12-8-23.pdf](http://clkrep.lacity.org/onlinedocs/2022/22-0392_CAF_12-8-23.pdf)

Report of the City Attorney 12/8/2023: [http://clkrep.lacity.org/onlinedocs/2022/22-0392\\_rpt\\_atty\\_12-07-23.pdf](http://clkrep.lacity.org/onlinedocs/2022/22-0392_rpt_atty_12-07-23.pdf)

Attachment to Communication dated 12/07/2023 – Updated Zone Change Draft Ordinance:

[http://clkrep.lacity.org/onlinedocs/2022/22-0392\\_ord\\_draft\\_12-07-2023.pdf](http://clkrep.lacity.org/onlinedocs/2022/22-0392_ord_draft_12-07-2023.pdf)

Corrected Report from Planning and Land Use Management Committee posed 12/07/23:

[http://clkrep.lacity.org/onlinedocs/2022/22-0392\\_rpt\\_PLUM\\_12-05-23.CORRECTED.pdf](http://clkrep.lacity.org/onlinedocs/2022/22-0392_rpt_PLUM_12-05-23.CORRECTED.pdf)

Amending Motion 13A (Lee – Krekorian) posted 12/6/2023: [http://clkrep.lacity.org/onlinedocs/2022/22-0392\\_misc\\_13A\\_12-06-23.pdf](http://clkrep.lacity.org/onlinedocs/2022/22-0392_misc_13A_12-06-23.pdf)

[http://clkrep.lacity.org/onlinedocs/2022/22-0392\\_misc\\_13A\\_12-06-23.pdf](http://clkrep.lacity.org/onlinedocs/2022/22-0392_misc_13A_12-06-23.pdf)

Report of the Planning and Land Use Management Committee posted 12/05/2023:

[http://clkrep.lacity.org/onlinedocs/2022/22-0392\\_rpt\\_PLUM\\_12-05-2023.pdf](http://clkrep.lacity.org/onlinedocs/2022/22-0392_rpt_PLUM_12-05-2023.pdf)

Draft Ordinances Dated 12/01/2023:

[http://clkrep.lacity.org/onlinedocs/2022/22-0392\\_misc\\_12-01-23.pdf](http://clkrep.lacity.org/onlinedocs/2022/22-0392_misc_12-01-23.pdf)

[http://clkrep.lacity.org/onlinedocs/2022/22-0392\\_misc\\_1\\_12-01-23.pdf](http://clkrep.lacity.org/onlinedocs/2022/22-0392_misc_1_12-01-23.pdf)

[http://clkrep.lacity.org/onlinedocs/2022/22-0392\\_misc\\_2\\_12-01-23.pdf](http://clkrep.lacity.org/onlinedocs/2022/22-0392_misc_2_12-01-23.pdf)

City Attorney Report dated 12/01/2023: [http://clkrep.lacity.org/onlinedocs/2022/22-0392\\_rpt\\_atty\\_12-01-23.pdf](http://clkrep.lacity.org/onlinedocs/2022/22-0392_rpt_atty_12-01-23.pdf)

Updated Draft Zone Change Ordinance with Maps dated 11/22/2023: [http://clkrep.lacity.org/onlinedocs/2022/22-0392\\_misc\\_200\\_11-22-23.pdf](http://clkrep.lacity.org/onlinedocs/2022/22-0392_misc_200_11-22-23.pdf)

Communications from the Clerk dated 11/20/2023 summarizing changes made at PLUM meeting of 11/7/2023:

[http://clkrep.lacity.org/onlinedocs/2022/22-0392\\_misc\\_11-20-23.pdf](http://clkrep.lacity.org/onlinedocs/2022/22-0392_misc_11-20-23.pdf)

Communications from Council District 5 dated 11/08/2023: [http://clkrep.lacity.org/onlinedocs/2022/22-0392\\_misc\\_11-07-23ky.pdf](http://clkrep.lacity.org/onlinedocs/2022/22-0392_misc_11-07-23ky.pdf)

[http://clkrep.lacity.org/onlinedocs/2022/22-0392\\_misc\\_11-07-23ky.pdf](http://clkrep.lacity.org/onlinedocs/2022/22-0392_misc_11-07-23ky.pdf)

Communications from Council District 13 dated 11/07/2023: [http://clkrep.lacity.org/onlinedocs/2022/22-0392\\_misc\\_11-07-23h.pdf](http://clkrep.lacity.org/onlinedocs/2022/22-0392_misc_11-07-23h.pdf)

[http://clkrep.lacity.org/onlinedocs/2022/22-0392\\_misc\\_11-07-23h.pdf](http://clkrep.lacity.org/onlinedocs/2022/22-0392_misc_11-07-23h.pdf)

Communications from Councilmember Hernandez dated 11/07/2023: [http://clkrep.lacity.org/onlinedocs/2022/22-0392\\_misc\\_cd1\\_11-07-23.pdf](http://clkrep.lacity.org/onlinedocs/2022/22-0392_misc_cd1_11-07-23.pdf)

Organizations and the public are thus having to deal with a project description that is not accurate, stable or finite both when it comes to the environmental documents for the Program and the Project as a whole. In fact, as shown in **Attachment A**, the Ordinances still contain internal inconsistencies. Coalition members and members of the public should not be put in the position of having to identify inaccuracies and inconsistencies in a succession of draft Ordinances for the Program.

RMM asserts that: (1) the comments raised during the City’s administrative process are comments that “generally raise issues that were already addressed in the Certified Final EIR and subsequent Addendum prepared for the Project” by the City and (2) that comments “asserting that further environmental review is required are unsupported, particularly because all of the changes to the TCN Program required by the City in the implementing ordinances will reduce the environmental impacts of the TCN Program. Both of these contentions are untrue.

First, because the City was not the Lead Agency and thus residents and Neighborhood and Community Councils were not properly engaged in the environmental process, the public and organizations have had to document, during the City’s administrative process, rather than the environmental process, that the Program and implementing ordinances will impact: the potential for affordable housing production by locating digital signs on public parcels identified by the City or Metro as potential housing sites; and, will have greater impacts on historic resources, open space, existing housing, as well as public safety due to location of TNC signs on the High Injury Network than acknowledged in the EIR or Addendum. In addition, we and others have documented that the proposed Ordinances do not comply with State law or the City’s General Plan. As a result, a number of changes have been made to the TCN Program and the Ordinances. These changes are a tacit acknowledgement of the validity of the impact-related comments submitted during the City’s administrative process, as well as problems with the Ordinances themselves.

Second, RMM asserts that all of the changes made since issuance of the Addendum are impact-reducing changes. This is not true. For example:

- PLUM amended the Program to reduce the takedown of existing billboards from 125 to 50 prior to installation of new digital billboards. This is in contrast to the billboard industry’s 2002 offer to remove 2,500 static billboards in exchange for

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Communications from Councilmember Krekorian dated 11/06/2023: [http://clkrep.lacity.org/online/docs/2022/22-0392\\_misc\\_11-06-23.pdf](http://clkrep.lacity.org/online/docs/2022/22-0392_misc_11-06-23.pdf)

Proposed Code Amendment Ordinances posted 11/02/2023, dated September 14, 2023:

[http://clkrep.lacity.org/online/docs/2022/22-0392\\_misc\\_1\\_11-02-23.pdf](http://clkrep.lacity.org/online/docs/2022/22-0392_misc_1_11-02-23.pdf)

Proposed Zone Change Ordinance posted 11/02/2023: [http://clkrep.lacity.org/online/docs/2022/22-0392\\_misc\\_2\\_11-02-23.pdf](http://clkrep.lacity.org/online/docs/2022/22-0392_misc_2_11-02-23.pdf)

Department of City Planning Recommendation Report dated September 14, 2023:

[http://clkrep.lacity.org/online/docs/2022/22-0392\\_misc\\_300\\_10-26-23.pdf](http://clkrep.lacity.org/online/docs/2022/22-0392_misc_300_10-26-23.pdf)

Addendum dated August 2023: [http://clkrep.lacity.org/online/docs/2022/22-0392\\_misc\\_400\\_10-26-23.pdf](http://clkrep.lacity.org/online/docs/2022/22-0392_misc_400_10-26-23.pdf)

50 freeway facing digital billboard structures. The reduced takedown ratio will increase the aesthetic impacts of the Program.

- PLUM amended the Program to allow takedowns of poster board sized signs (200 square feet) instead of takedowns of actual billboards. This will increase the aesthetic impacts of the Program.
- PLUM amended the Program to increase hours of operation from freeway-facing signs to operate nearly 24-hours per day from 5:00 a.m. to 3:00 a.m. This will increase impacts, particularly to adjacent residential areas, sensitive areas, and further reduce safety on the high-injury network.

## **I. Improper Lead Agency & Lack of City Authority**

RMM asserts that commenters are wrong when they assert that the City, rather than Metro should have been the Lead Agency for the project. They cite CEQA Guidelines §15051(a), which states: “(a) If the project will be carried out by a public agency, that agency shall be the Lead Agency even if the project would be located within the jurisdiction of another public agency.” In this case, the City is not just responsible for several discretionary approvals for the Project, pursuant to the Memorandum of Agreement between the City and Metro, the City is a defacto partner in carrying out the project,<sup>5</sup> despite the fact that the MOA states that the City is not a joint venturer or partner with the LACMTA. However, the City will receive 50 percent of the revenues from the project, the TCN Program will be integrated with the LACMTA’s Regional Intelligent Information Transportation System that works in coordination with Los Angeles Department of Transportation, and the City is responsible for carrying out key elements of the project such as the development, adoption and implementation of the implementing ordinances. Furthermore, since the City’s adoption of the implementing ordinances is a necessary precondition for project implementation, the City is the agency responsible for taking the first meaningful act regarding project approval.

One of the consequences of Metro serving as the Lead Agency has been that the Neighborhood and Community Councils and residents of the City received inadequate notice inhibiting their ability to participate in the environmental review of the Project, as documented in the Coalition for a Beautiful Los Angeles, letter dated December 4, 2023. As noted in CEQA Guidelines Section 15201: “Public participation is an essential part of the CEQA process. Each public agency should include provisions in its CEQA procedures for wide public involvement, formal and informal, consistent with its existing activities and procedures, in order to receive and evaluate public reactions to environmental issues related to the agency’s activities.” In agreeing to Metro serving as Lead Agency the City stifled meaningful participation in the CEQA process, and instead left its residents to raise project and environmental concerns during the administrative process. This was compounded by the City’s issuance of an Addendum for the Ordinances rather than a subsequent EIR, a choice which also disallowed for public participation and comment.

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<sup>5</sup> The MOA is included in Plum Staff Report Exhibit B. [https://clkrep.lacity.org/online/docs/2022/22-0392\\_misc\\_300\\_10-26-23.pdf](https://clkrep.lacity.org/online/docs/2022/22-0392_misc_300_10-26-23.pdf)

RMM asserts that the City participated in the CEQA environmental review process as a responsible agency, but provides no evidence of the City’s participation to counteract the evidence that Channel Law presented regarding the City’s failure to meaningfully participate in the CEQA process or fulfill its obligations as a responsible agency. Furthermore, RMM’s contention that none of the circumstances that would allow the City to assume the role of Lead Agency exist here is without evidentiary support and is contradicted by information in the administrative record. In addition, RMM’s contention that “none of the comments on the Ordinance provide evidence of new significant impacts or substantial increases in the severity of previously identified significant impacts” is also without evidentiary support, is contradicted by information in the administrative record, and is contradicted by changes made by the City in the Program and the draft ordinances in response to comments received during the administrative process regarding the impacts of the Ordinances.

## II. Improper Pre-Commitment

RMM argues that the characterization in Channel Law’s prior letter, that the MOA imposes a financial penalty on the City should the no build alternative be selected, is not an accurate characterization of the MOA, which RMM states “merely provides an agreement on how Metro and the City shall bear the costs of CEQA compliance.” However, this is contrary to a plain reading of the MOA, which states:<sup>6</sup>

**4.1.2 Implementation.** The implementation of this Agreement shall be contingent upon City enacting legislation that allows off-site advertising to be displayed on the TCN Structures and subject to any design and development standards, including any Mitigation Measures. LACMTA’s CEQA reports and analysis for the project shall encompass any City legislative changes needed to allow for the furtherance of this TCN Program. **The City agrees to pay for fifty percent (50%) of LACMTA’s (or its agent’s) cost of the CEQA Compliance Document(s) in the event of a “no build” alternative scenario as described under Section 4.1.3(i). The City’s financial obligation under the “no build” alternative scenario is not expected to exceed \$1,000,000.** Any amount over \$1,000,000 shall be subject to the City reviewing and approving further costs prior to their programming and commitment by LACMTA. (Emphasis added).

It should be noted that the City is not required to pay for a portion of the cost of the Metro EIR if the Program is approved. The MOA thus imposes a financial penalty on the City should the “no build” alternative be selected. This penalty would also accrue should the City fail to approve the required Ordinance(s) and permits for the Project. This condition of the agreement thus represents improper pre-commitment of the City to the Project and has thus prejudiced the ability of the City to either challenge the EIR for the Project, acknowledge impacts of the Project not addressed in the EIR, or opt to oppose implementation of the Project and deny the Project.<sup>7</sup>

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<sup>6</sup> PLUM Staff Report, PDG page 83 (Exhibit B).

<sup>7</sup> This is an example of terms in the MOA that result in a defacto pre-commitment. This is not the only term to so constitute.

The test of improper precommitment in *Save Tara v. City of West Hollywood* (2008) 45 Cal.4th 116 (“*Save Tara*”) case is met. First, the City has effectively circumscribed or limited its discretion by agreeing to a penalty should it fail to approve the project. In addition, the City has committed significant resources to shaping the Project through its development of implementing ordinances, and the succession of changes to those ordinances made in an effort to make the project workable and the implementing ordinances compliant with the law. In essence, the City has foreclosed the meaningful option of denying the project consistent with the recommendation of 28 Neighborhood and Community Councils,<sup>8</sup> 25 environmental and civic organizations,<sup>9</sup> SAG/AFTRA, and the Los Angeles Times. This constitutes improper precommitment.

### **III. Inadequate Project Description**

RMM asserts that comments provided during the administrative process do not “set forth any environmental impacts of the Ordinance that were not adequately analyzed in the Certified Final EIR or Addendum.” This ignores that Channel Law demonstrated in our prior letter that the Ordinances were inconsistent with the General Plan and State Law, something not disclosed in the Certified FEIR or Addendum. The history of the City’s successive changes to the Ordinances and removal of some of the proposed TCN structures which were inconsistent with the General Plan, demonstrates the accuracy of our assertion of new land use impacts not addressed in the FEIR or Addendum, and arising from the specifics of the Ordinances, which were not accurately or adequately described in the FEIR or Addendum.

In addition, members of the Coalition for a Beautiful Los Angeles (“Coalition”) documented that the Ordinances contained inaccurate APN numbers for the project parcels. The Coalition and its members then demonstrated that with correction of the APNs, it then became possible to

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<sup>8</sup> To date, opposition has been expressed by the following Neighborhood and Community Councils: 1. Atwater Village Neighborhood Council, 2. Bel Air-Beverly Crest Neighborhood Council, 3. Brentwood Community Council, 4. Chatsworth Neighborhood Council, 5. Coastal San Pedro Neighborhood Council, 6. East Hollywood Neighborhood Council, 7. Elysian Valley Riverside Neighborhood Council, 8. Greater Wilshire Neighborhood Council, 9. Historic Highland Park Neighborhood Council, 10. Mar Vista Community Council, 11. Neighborhood Council of Westchester/Playa, 12. Pacific Palisades Community Council, 13. Palms Neighborhood Council, 14. Sherman Oaks Neighborhood Council, 15. Studio City Neighborhood Council, 16. Sunland-Tujunga Neighborhood Council, 17. Valley Village Neighborhood Council, 18. Van Nuys Neighborhood Council, 19. Venice Neighborhood Council, 20. West Adams Neighborhood Council, 21. West Los Angeles Neighborhood Council, 22. West Los Angeles Sawtelle Neighborhood Council, 23. Westside Neighborhood Council, 24. Westwood Community Council, 25. Westwood Neighborhood Council, 26. Winnetka Neighborhood Council, 27. Woodland Hills – Warner Center Neighborhood Council, 28. Park Mesa Heights Community Council

<sup>9</sup> To date, opposition has been expressed by the following community and environmental organizations: 1. Bel Air Skycrest Property Owners' Association, 2. Brentwood Homeowners Association, 3. Brentwood Residents Coalition, 4. Canyon Back Alliance, 5. Citizens for a Better Los Angeles, 6. Coalition for a Beautiful Los Angeles, 7. Del Rey Residents Association, 8. Endangered Habitats League, 9. Glassell Park Improvement Association, 10. Hillside Federation, 11. Los Angeles Audubon Society, 12. Los Feliz Improvement Association, 13. North Valley Coalition of Concerned Citizens, Inc., 14. Soft Lights Foundation, 15. Scenic America, 16. Sherman Oaks Homeowners Association, 17. Sierra Club California, 18. Villa Marina Council, 19. Westside Regional Alliance of Councils, 20. Westwood South of Santa Monica Blvd. HOA, 21. Cahuenga Pass Property Owners Association, 22. Land Protection Partners, 23. Los Angeles Conservancy, 24. United Neighbors, 25. Comstock Hills Homeowners Association.

identify sites located on the high-injury network, identified for possible low-income housing, containing historic resources, and other sensitive resources, thus leading to the identification of greater project impacts than identified in the FEIR and Addendum. The accuracy of this analysis and need for additional mitigation is evidenced by the fact that the City has opted to remove some of these sites from the Program identified by the Coalition as resulting in significant unmitigated impacts. However, that does not cure the defects in the environmental documents.

#### **IV. Subsequent EIR Required**

RMM cites comments regarding impacts inadequately addressed in the environmental documents for the project, and states that all of these impacts were already analyzed in the Certified EIR and Addendum, but provides no citations to document this contention for each of the cited issues of concern. (See also discussion under VI, below). RMM also states that “revisions to the Project resulting from the proposed Ordinance were specifically analyzed in the Addendum to the EIR.” However, this ignores the fact that a number of changes have been made to the Ordinances since release of the August 2023 Addendum. As previously discussed in this letter, because it was an “Addendum,” the Addendum was not circulated for public review and comment. As documented in Channel Law’s prior letter, specifics of the Ordinances necessitated preparation of a Subsequent EIR. RMM has failed to demonstrate that our showing of the potential for significant impacts not addressed in the FEIR or Addendum was inaccurate, but has merely offered a conclusionary statement, not supported by substantial evidence, that “(n)one of the information that the comments referenced constitute new information requiring recirculation, as any additional information merely clarifies, amplifies, or makes insignificant clarifications to the already adequate Draft EIR.”

#### **V. Inadequate Findings**

Here again, RMM makes conclusionary statement, unsupported by substantial evidence that “(t)he City’s findings—including with regard to the Project’s General Plan Consistency and environmental impacts—comply with the requirements in CEQA Guidelines section 15091, and are supported by substantial evidence.”

#### **VI. Inadequate Impact Analysis**

- **Traffic Safety Impacts**

RMM’s letter fails to address information submitted during the administrative process that the FEIR offered inadequate mitigations for signs located on the City’s High Injury Network and the Addendum failed to even mention the issue, resulting in greater safety impacts than addressed in the environmental documents for the Program.

- **Land Use Impacts**

As noted in comments submitted during the administrative process, a number of the proposed TCN structures would be located in a way that posed conflicts with the General Plan. RMM states that: “As also explained in the Certified Final EIR and Addendum, impacts resulting from any inconsistencies of NFF-7 and NFF-12 with the Mobility Plan would be less than significant. (Draft EIR, Section IV.I – Land Use, p. IV.I-21.) Further, NFF-7, NFF-12, and FF-30 have been eliminated from the Project, therefore further reducing any potential impacts relating to inconsistencies with the Mobility Plan.” However, the environmental documents fail to provide adequate justification for concluding General Plan inconsistencies would be less than significant. The fact that the City has opted to remove these TCN structures from the Program in response to comments submitted during the administrative process, is tacit acknowledgement that impacts would have been significant. While removal of these structures from the Program may reduce these specific General Plan inconsistencies, it does not fix the defects in the environmental documents for the project.

In addition, while it may (or may not) be true that the Program would not interfere with the City’s ability to install Vision Zero improvements designed to enhance the safety of the High Injury Network, this does not cure the fact that unless such improvements are installed prior to installation and operation of the TCN structures in question, safety impacts will result.

- **Historic Resource Impacts**

RMM’s letter addresses the fact that comments have indicated that NFF-6 is located too close to historic Angels Flight Railway. However, RMM does not address the fact that comments submitted during the administrative process, including the letter from the Coalition, have established that the Program will result in significant impacts to other historic resources adjacent to, or sharing a site with a TCN structure.

- **Aesthetics, Light, and Glare Impacts**

RMM states that the “Certified Final EIR evaluated potential impacts on all known and reasonably foreseeable residential uses.” However, this ignores the fact that the Coalition, after bringing inaccuracies in the APN numbers for a number of TCN structures in the draft Ordinances, to the City’s attention both directly and via the Channel Law letter, that a number of the structures would be located on parcels identified by Metro and/or the City as possible sites for low-income housing. The environmental documents fail to acknowledge the potential for housing on all of these sites. The impact analysis in the environmental documents is thus inaccurate and fails to identify potential impacts.

- **Biological Resources Impacts**

As acknowledged by RMM, “Comments stated that several of the signs are located too close to biological resources, and therefore inconsistent with the proposed Ordinances’ requirements. Specifically, comments stated that TCN structures FF-29 and FF-30 are within 200 feet of an ecological reserve, and the proposed Ordinances prohibit signs within 200 feet of an ecological preserve. Commenters also claimed that TCN structures are also located too close to Bowtie State Park (FF-13 and FF-14), Ballona Wetlands (FF-30), the Barnsdall Art Park/World UNESCO Site (NFF-1), and Sepulveda Basin Wildlife Reserve/Woodley Park (FF-25).” FF-13, FF-14, FF-29, FF-30, and NFF-1 have now been eliminated from the Project. This is a tacit acknowledgement of the accuracy of the comments regarding the significant impacts of these TCN structures.

## **VII. Additional Mitigation**

RMM asserts that “all potential impacts resulting from the Project – including modifications recommended by the City Council’s Planning and Land Use Management Committee (PLUM) – are already less than significant or less than significant with mitigations. Therefore, no additional mitigation is required.” Given the inadequacies in the environmental documents, substantial evidence does not support this contention.

We adopt and incorporate by reference all Project comments and objections raised by all others during both Metro’s and the City’s environmental review and land use entitlement processes for the Project. As detailed in comment letters submitted during the administrative process by Channel Law, the Coalition and others, the City cannot proceed with approval of the Project and certification of the environmental documents for the Project. The proposed Ordinance(s) continue to violate State Law and continue to contain inconsistencies. The existing environmental documentation for the proposed Project is insufficient for the actions before you. In the absence of the preparation of a Subsequent EIR, the approval of the Ordinance(s) and other actions before you would also be in violation of CEQA.

The Coalition and other members of the public have provided the City with an invaluable service – the identification of problems with the draft Ordinances, the Program and the environmental documents. We would urge you to listen to the public, to trust in their judgement and recommendation, and to reject the TCN Program.

Sincerely,



Jamie T. Hall

### **Attachments:**

- A. Letter Detailing Inconsistencies in the Ordinances

**ATTACHMENT A**  
**Letter Detailing Inconsistencies in the Ordinances**

# Coalition for a Beautiful Los Angeles

*Defend our Public Spaces • Protect Our Visual Environment*

December 14, 2023

Los Angeles City Council  
Los Angeles City Hall  
200 N. Spring Street  
Los Angeles, CA 90012  
VIA EMAIL

RE: Inconsistencies and Conflicts in Metro TCN Ordinance; Council File # 22-0392

Dear Councilmembers:

Coalition for a Beautiful Los Angeles (Coalition)<sup>1</sup> asks City Council members to review and correct the inconsistencies and missing conditions from Metro TCN digital billboard program (Program) Ordinances that are scheduled for approval at Friday, December 15, 2023, City Council hearing. These inconsistencies and missing conditions, as outlined below, weaken the City's authority to regulate the Program and impose corrective measures if needed.

## **I. Inconsistent Language: the TCN Ordinance does not agree with itself**

Two technical-correction amendments were adopted into the TCN Ordinance without removing the original language, making the existing text confusing, contradictory, and difficult to understand:

### G. General Sign Location Requirements (page 15)

#### 2. Prohibited locations:

c. Freeway Facing Signs and Non-Freeway Facing Signs shall not be located on a site within 200 feet, as measured from the centerline of a roadway designated as a scenic highway, scenic parkway, scenic corridor or scenic route as designated by the State of California Department of Transportation. Freeway Facing Signs and Non-Freeway Facing Signs shall not be located on a site within 500 feet of the centerline of a scenic highway as designated in Mobility Plan 2035.

There are references to both 200 feet (original language) and 500 feet (corrected language) for the distance between the centerline of a scenic highway.

d. TCN Support Structures with a Digital Display(s) shall be at least 1,000 feet away from any other digital Off-Site Sign with a Digital Display on the same side of any portion of a Freeway for Freeway Facing Signs or on the same side of any portion of a roadway other than a Freeway for Non-Freeway Facing Signs, provided that such Off-Site Signs shall not include Digital Displays installed in or on bus and transit shelters pursuant to the Sidewalk and Transit Amenities Program (STAP) established by the City or any successor program. The foregoing shall not be construed to prohibit Off-Site Signs with double-faced Digital Displays

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<sup>1</sup> The Coalition for a Beautiful Los Angeles (formerly Coalition to Ban Billboard Blight), established in 1986, is a non-profit dedicated to preserving, protecting and enhancing the scenic beauty and visual character of Los Angeles through education, outreach, and advocacy.

oriented toward opposing directions of the Freeway or roadway other than a Freeway. Compliance will be verified with measurements taken between the TCN Support Structures or other applicable Off-Site Signs with a Digital Display(s).

e. TCN Support Structures with a Digital Display(s) for Freeway Facing Signs located on the same side of a Freeway shall not be located within a minimum distance of 1,500 feet from another TCN Support Structure with a Digital Display(s) for Freeway Facing Signs.

There are references to both 1,000 feet (original language) and 1,500 feet (corrected language) as the distance for freeway-facing (FF) signs located on the same side of a freeway.

## **II. Mathematical inconsistencies**

As part of the Metro TCN Program, the ordinance addresses the required removal of 200 static billboards in conjunction with the installation of 52 FF sign faces that will be installed on 29 FF sign structures. However, the language in the section of the ordinance devoted to describing the planned takedown process, does not appear to meet the Memorandum of Agreement (MOA) 200-sign takedown requirement.<sup>2</sup> With the initial removal of 50 signs, and the described formula (4 sign takedown for each sign after the first 50), it does not appear that the total of 200 signs will be removed prior to the completion of digital billboard installation.

### Section 8 SIGN REDUCTION (pages 23-24)

#### A. Removal of Off-site signage

1. For Freeway Facing Signs, a total of two hundred (200) static OffSite Sign Faces, inclusive of associated Sign structures, located within the legal boundaries of the City of Los Angeles, shall be removed in accordance with the provisions below:

i. A total of fifty (50) static Off-Site Sign Faces shall be removed anywhere within the City boundaries prior to the approval of the first new Freeway Facing Sign.

ii. After the first fifty (50) static Off-Site Sign Faces are removed, a minimum of four (4) static Off-Site Sign Faces shall be removed prior to the approval of a new Freeway Facing Sign, until the total two hundred (200) static Off-Site Sign Faces have been removed. The removal of the minimum of four (4) static Off-Site Sign Faces removed for each new Freeway Facing Sign shall occur within 2,640 feet of the Freeway Facing Sign for which that Off-Site Sign Face removal is to be credited. The 2,640-foot radius may be expanded to up to a 5,280-foot radius if LACMTA determines that the inventory of static Off-Site Sign Faces within the 2,640-foot radius will not result in the removal of the required number of static Off-Site Sign Faces; if LACMTA determines that 300 (2) a 5,280-foot radius will not result in the removal of the required number of static Off-Site Sign Faces, then the balance of the minimum of four signs required to be removed that are not located within the 5,280-foot radius shall be within the boundaries of the Council District of the new Freeway Facing Sign; if LACMTA determines that the boundaries of the Council District of the new Freeway Facing Sign will not result in the removal of the required number of static Off-Site Sign Faces, then the removed signs shall be within the boundaries of the City of Los Angeles.

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<sup>2</sup> The City doesn't appear to be in possession of a list of billboard locations targeted for removal in order to verify the locations of billboards to be removed.

iii. The size of the static Off-Site Sign Faces to be removed, that are not located on LACMTA property, shall be no less than 300 square feet or a combination of smaller signs that total no less than 300 square feet.

The Ordinance requires the removal of 50 static off-site FF sign faces prior to installation of the first billboard structure, in addition to a 4:1 takedown for the remaining 28 structures; that is 50 plus 112 (4 x 28), totaling 162 – NOT meeting the MOA-required 200 static billboard takedown.

Alternatively, if the calculations are done based upon FF sign faces, the resulting number would require removal of significantly more signs than the defined goal of 200 (approximately 254) and more than Metro claimed to have available for takedown.

In either case, the numbers do not add up.

Additionally, the amendment (iii) that adds language pertaining to the inclusion of signs that are poster-sized or smaller, represents a serious change from what was stated in the EIR, recommended by Planning and CPC. The public was presented with a plan to reduce billboard blight by removing a minimum of 200 static billboards. There was no earlier discussion as to the difference between signs on Metro property or other land.<sup>3</sup> The industry standard makes a clear distinction between the size of billboards (672 square feet) and the standard size of advertising posters (220 square feet). The current language that allows for removal of signs no less than 300 square feet or a combination of signs that total no less than 300 square feet means essentially that any size sign can be counted for takedown. This undermines one of the main stated public benefits of the program.

Billboard company literature as well as generic resources make clear distinctions between billboards and posters.

The [Lamar advertising company website](#) notes the following:

How big is a billboard? Typically 14 feet high and 48 feet wide, a bulletin provides 672 square feet of space for your ad. Bulletins offer unparalleled visibility.

[Adquick](#) notes the following:

A [bulletin](#) is the billboard you picture in your mind when you visualize what a billboard looks like. Bulletins are 14 feet high and 48 feet wide, offering 672 square feet of advertising space.

The next size billboard down from a bulletin is a [poster](#). Posters are smaller than bulletins, with the standard size measuring 10 feet high by 22 feet wide, offering 220 square feet of advertising space.

Further, it should be noted that poster-sized and smaller signs counted toward removals are very often not lighted signs. Thus the claim that the takedown ratio to installation of digital billboards will result in a mitigation of light reduction cannot be met.

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<sup>3</sup> In other cities, Metro has been required to remove billboards whether on Metro land or private property to meet takedown requirements.

### III. Lack of protections for the City and its citizens

The City has not included any conditions giving City Council the authority to impose additional corrective measures if the impacts from digital billboards aren't mitigated as described in the Program, e.g. are proven to increase accidents, intrusive light glare, block visibility, etc. Further, there are no provisions to update to new technologies following initial installations as they become available over the life of this decades-long Program.

The City Attorney reviewed language recommended by the City Planning Commission (CPC) during consideration of amendments to strengthen the 2002 Sign Ordinance in what was referred to as "Version B+." That language states:

- Based on new or updated information and studies, the City Council reserves the right to amend the standards and other provisions set forth in this Section and the illumination limitations set forth in Section 14.4.4 E of this Code in order to mitigate impacts on the visual environment on residential or other properties, to reduce driver distractions or other hazards to traffic, or to otherwise protect and promote the public health, safety and welfare. Further, the City Council reserves the right to apply these amended standards to existing signs and digital displays.

It is critical that the City reserve its authority and include the above language, especially given the long duration of the digital billboard Program. As CPC president Samantha Millman stated in a September 14, 2023 Los Angeles Times post, the panel is "experimenting with something that has not been done before in the City."<sup>4</sup>

### IV. Unable to meet City's fiduciary responsibility

It does not appear the City has any ability to weigh in on Program costs and keep them from escalating out of control or protect against unnecessary or inflated expenses even though it will share 50 of those costs. Language that provides the City with audit powers and defined roles in the strategic decisions that govern project delivery costs must be included in any approved Program Ordinance.

We appreciate your review of these issues and inconsistencies so that they may be addressed and/or removed and the program improved before it is adopted.

Thank you for your attention to these important matters,



Barbara Broide  
Co-President



Wendy-Sue Rosen  
Co-President

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<sup>4</sup> David Zahniser, [L.A. planning commission backs plan for 80 digital billboards on Metro sites](https://www.latimes.com/california/story/2023-09-14/planning-commission-endorses-dozens-of-new-digital-billboards-in-los-angeles), LA Times, September 14, 2023, available at: <https://www.latimes.com/california/story/2023-09-14/planning-commission-endorses-dozens-of-new-digital-billboards-in-los-angeles>