

November 6, 2023

File Number: 89EH-376404

**BY EMAIL**

Planning and Land Use Management  
Committee  
Los Angeles City Council  
City of Los Angeles  
200 N. Spring Street, Room 340  
Los Angeles, California 90012  
email: clerk.plumcommittee@lacity.org

Re: Proposed TCN Ordinances – Requested Revisions  
(November 7 PLUM Hearing-Council File No. 22-0392)

Honorable Councilmembers:

This firm represents the Los Angeles County Metropolitan Transportation Authority ("LACMTA") with respect to the proposed Transportation Communication Network Program (the "TCN Program"). LACMTA very much appreciates the City's significant efforts thus far, in particular the exemplary work by the Department of City Planning, to implement the TCN Program in accordance with the Memorandum of Agreement (the "MOA") dated as of January 12, 2022, executed by LACMTA and the City of Angeles (the "City").

On September 14, 2023, the City Planning Commission (the "CPC") considered three ordinances with respect to the TCN Program (the "TCN Ordinances"), the principal of which (the "TCN District Ordinance") would establish the Transportation Communication Network District (the "TCN District"). The CPC recommended that the City Council approve the TCN Ordinances, subject to several recommended changes. The CPC's Letter of Determination was transmitted to the Planning and Land Use Management Committee (the "PLUM Committee") on October 26, 2023. Attached to that determination letter is the current version of the TCN Ordinances, which incorporates the changes requested by the CPC.

The purpose of this brief letter is to summarize LACMTA's proposed substantive revisions to the TCN District Ordinance that it believes are reasonable and appropriate to achieve the purposes of the TCN Program, as follows:

1. Section 5.E.1 (Termination of Sign Rights). LACMTA requests that this provision be revised to state that the TCN District Ordinance will expire upon the expiration of the MOA, as that agreement may be amended following the adoption of the ordinance.

2. Sections 6.F and Tables 7-1 and 7-2.

a. Freeway Facing Signs. The CPC recommended the removal of Freeway Facing Signs FF-3, FF-13 and FF-14. LACMTA does not contest the removal of FF-13 and FF-14, but requests that FF-3 be retained. The removal of FF-3 was recommended because it is less than 2,640 feet from the closest Freeway Facing Sign on the same side of a freeway. However, that is substantially farther than the minimum separation of 1,000 feet required by Caltrans and FF-3 is located approximately 1,700 feet from the closest Freeway Facing Sign (FF-1).

b. Non-Freeway Facing Signs. LACMTA will not contest the elimination of Non-Freeway Facing Signs NFF-1, NFF-7, NFF-12 and NFF-20 from the TCN Program.

3. Section 6.G.2.d and e (Refresh Rate). With respect to subsection d., the language should be revised to clarify that this requirement only applies to Freeway Facing Signs and Non-Freeway Facing Signs (and not to unrelated Off-Site Signs with Digital Displays), which LACMTA has always understood is the intent. With respect to subsection e., LACMTA requests a minimum separation of not more than 1,500 feet between Freeway Facing Signs and Non-Freeway Facing Signs on the same side of a Freeway or roadway, rather than 2,640 feet.

4. Section 6.J.2 (Refresh Rate). Please modify this section to clarify that LACMTA will use the Digital Displays for up to 1/8th of the overall period when the Digital Displays are in use.

5. Section 6.K.3 (Platforms and Ladders). LACMTA requests that this provision be modified to state that any ladder, platform or other service appurtenance for a sign that is visible from a public right-of-way will be shielded from such public view to the extent feasible.

6. Section 8 (Sign Reduction). This section sets forth the requirements for the removal of existing, static Off-Site Signs in connection with the construction and operation of the new Freeway Facing Signs and Non-Freeway Facing Signs. LACMTA requests that Section 8 be revised to include the following elements:

- Establish sign removal banks for the Freeway Facing Signs and Non-Freeway Facing Signs to provide a framework to keep track of the existing, static signs to be removed and apply banked signs as building permits are issued for Freeway Facing Signs and Non-Freeway Facing Signs.
- With respect to Freeway Facing Signs, LACMTA must remove 200 existing, static signs located within the boundaries of the City, provided that (1) 50 existing Off-Site Signs must be removed prior to the issuance of the first building permit for a Freeway Facing Sign, (2) thereafter, LACMTA must remove a minimum of four (4) existing Off-Site Signs for the issuance of a building permit for each Freeway Facing Sign and (3) LACMTA must use good-faith efforts to remove all or substantially all of the existing Off-Site Signs located on LACMTA's properties within the boundaries of the City.

- In order to obtain building permits for Non-Freeway Facing Signs, LACMTA must remove, on a rolling and cumulative basis, three square feet of sign area on existing Off-Site Signs within the boundaries of the City for each square foot of new sign area on a Non-Freeway Facing Sign. The removed signs shall be located within 2,640 feet of a Non-Freeway Facing Sign site, provided that (1) the 2,640-foot radius may be expanded to 5,280 feet if the inventory of existing signs within the 2,640-foot radius is inadequate and/or LACMTA cannot secure agreements for the removal of a sufficient number of existing signs within such radius and (2) the 5,280-foot radius may be expanded as necessary based on the same considerations.
- The existing Off-Site Signs that are removed shall be presumed to be legal signs and no evidence of the same shall be required.

7. Section 5.B.2.b (Findings for Project Permit Compliance). The additional required finding for the approval of Project Permit Compliance for a Non-Freeway Facing Sign, which finding requires conformance with the General Plan, should be removed because the City Council will have to make this finding to adopt the TCN District Ordinance and it should not thereafter have to be made to approve each Non-Freeway Facing Sign.

8. Section 5.B.2.c (Finding for Modification/Deviation Request). The additional required finding for the approval of modifications, adjustments and exceptions to the TCN District Ordinance with respect to Non-Freeway Facing Signs should also be eliminated. The LAMC already requires numerous findings, and the additional required finding that the modification, adjustment or exception would not constitute a grant of privilege is unnecessary, as well as vague and ambiguous in this context.

We appreciate the PLUM Committee's consideration of LACMTA's requests.

Very truly yours,



Jack H. Rubens  
for SHEPPARD, MULLIN, RICHTER & HAMPTON LLP