



**CALIFORNIA COASTAL COMMISSION**

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**Item M7a**

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 Staff: CP-LB  
 Staff Report: 7/25/01  
 Hearing Date: August 6, 2001  
 Commission Action:

**STAFF REPORT: APPEAL**  
**SUBSTANTIAL ISSUE & DE NOVO HEARING**

**LOCAL GOVERNMENT:** City of Los Angeles

**LOCAL DECISION:** Approval with Conditions

**APPEAL NUMBER:** A-5-VEN-01-168 RECORD PACKET COPY

**APPLICANT:** Eller Media Company

**AGENTS:** Dash Stolarz, Eller Media Company  
 Paul A. Jacobs, Richard Hamlin Attorneys

**PROJECT LOCATION:** 4111 Lincoln Boulevard, Venice, City of Los Angeles.

**PROJECT DESCRIPTION:** Appeal of City of Los Angeles approval of local coastal development permit for 50-foot tall, lighted advertising structure (14' x 48' double-faced billboard).

**APPELLANTS:** Coastal Commission Executive Director Peter Douglas  
 Robert Ira Levy

**SUBSTANTIVE FILE DOCUMENTS:**

1. City of Los Angeles Land Use Plan for Venice, certified June 12, 2001.
2. City of Los Angeles Venice Coastal Zone Specific Plan, Ordinance No. 172,897.
3. City of Los Angeles Local Coastal Development Permit No. 2000-9995.
4. Applicant's Response to Appeals, with exhibits, 7/11/01 (Exhibit #8).

**SUMMARY OF STAFF RECOMMENDATION**

Staff recommends that the Commission, after a public hearing, determine that **a substantial issue exists** as to whether the locally approved development conforms with Chapter 3 of the Coastal Act because the development raises significant questions with regards to its impacts on the visual quality of the Venice coastal zone. **See bottom of page eight for the motion to carry out the staff recommendation.**

Staff further recommends that the Commission, after a public hearing, **deny the de novo permit** because the proposed structure violates the visual quality provisions of Coastal Act Section 30251, and its approval would prejudice the ability of the City to prepare a local coastal program that is in conformity with Chapter 3 of the Coastal Act. **See page fifteen for the motion to deny the coastal development permit.**

## I. APPELLANTS' CONTENTIONS

Local Coastal Development Permit No. 2000-9995, approved by the City of Los Angeles West Los Angeles Area Planning Commission on April 4, 2001, has been appealed by the Executive Director of the Coastal Commission and Robert Levy, an area resident (Exhibit #4). The grounds for the appeals are that the approved project conflicts with the visual quality provisions of Coastal Act Section 30251 as applied to the Venice coastal zone (i.e., community character, enhancement of visually degraded areas, and scenic views) and would prejudice the ability of the City to prepare a local coastal program that conforms with Chapter 3.

The Executive Director's appeal asserts that:

- The local coastal development permit authorizes development that would negatively affect community character and public views, thus rendering it inconsistent with Section 30251 of the Coastal Act.
- The local coastal development permit authorizes development that contributes to further degradation of the visual amenities along an important public/coastal access corridor (Highway One) where improvements are needed to enhance the roadway.
- The local coastal development permit authorizes a structure that exceeds the height limit and the view protection policies of the certified Venice Land Use Plan (LUP), which prohibits new billboards (LUP Policies I.B.7, I.D.3 & I.D.4).

Robert Levy's appeal asserts that:

- "The billboard violates the Coastal Act, specifically Chapter 3, Section 30251. The City of Los Angeles has attempted to comply with this (the Coastal Act) by establishing its own ordinances (see below) that do, in fact, prohibit these signs. Admittedly, Los Angeles has erred in this matter. Located on Lincoln Boulevard, this billboard and others like it (753 Washington Boulevard – permitted in error at the same time to the same applicant) have sprung up virtually unchecked. How could this happen? This is the very essence of what the ordinances are supposed to prevent. The billboard is incompatible with the surrounding area, and is a visual blight (day and night). As this coastal area has been redeveloped, and rezoned, there are now virtually hundreds of residential units with a clear view of this blight."
- "Further, and truly disturbing, I believe the spirit of Section 30251 goes to "...where feasible, to *restore and enhance* visual quality in visually degraded areas." It was feasible along this section of Lincoln Boulevard to begin to restore and enhance. It is remarkable that the City, given the resources of the Coastal Act and their own local ordinances, when presented with an opportunity to improve, could fail so miserably on enforcement. Indeed, approval of this project could prejudice any basis of their own local coastal program (LCP), as this billboard is in absolute violation. This section of Lincoln Boulevard, located in the coastal zone, is

certainly in need of protection from visual blight, particularly new sources. This oversight is unacceptable. The applicant has absolutely no regard for the surrounding area, as they have made little attempt to mitigate its negative impact. It simply sets a poor precedent allowing this billboard to remain."

- The locally approved project is inconsistent with the height limits and prohibitions on billboards contained in the following City of Los Angeles planning ordinances:

Oxford Triangle Specific Plan, adopted 7/31/87.

Coastal Transportation Corridor Plan, adopted 9/22/93.

Venice Specific Plan (Ordinance No. 172,897), adopted 10/29/99.

- The City's conditions of approval for the local coastal development permit, approved on April 4, 2001, and are ambiguous and inadequate.

## II. APPLICANT'S RESPONSE

On July 16, 2001, the Long Beach District office of the California Coastal Commission ("Commission") received the "Applicant's Response to Appeals," dated July 11, 2001 (See Exhibit #8). The applicant's Response, including the attached exhibits, documents the history of the proposed billboard as it was reviewed and approved by the City of Los Angeles. The applicant asserts that: (1) the Commission is unconstitutional, (2) the appeal is premature, (3) the local approval of the proposed project was appropriate, (4) the proposed project is consistent with the requirements of the Coastal Act, (5) the appeal is based on policies that did not exist in on October 14, 1998 (the date when the City erroneously issued a sign permit), (6) the applicant has a vested right to the use of the sign, and (7) denial of the coastal development permit would constitute a taking.

Commission staff disagrees with each of these contentions and/or finds that the applicant has failed to raise them in the prescribed time and manner. Commission staff recommends that the Commission adopt specific findings in response to certain of the applicant's assertions. Those findings are set forth below (findings relating to the applicant's first two claims are listed in Section VI.C, under the heading "Findings and Declarations on Substantial Issue," while findings relating to the remainder of the applicant's claims are presented in the section entitled "Findings and Declarations for De Novo Hearing" in Section VIII.D of this staff report).

In brief, the Commission has been presented with a valid appeal on a project that is inconsistent with both the Coastal Act and the applicable local planning policies (as well as those that were in effect at the time the development was erected). The applicant is proposing development in the coastal zone. A coastal development permit must be obtained prior to undertaking development in the coastal zone. The applicant received an approval from one City department but no coastal development permit. It then illegally erected its structure. The applicant has no vested property right in that construction that would prevent the Commission from exercising its responsibilities under the Coastal Act or that would expose the Commission to a "takings" challenge if it were to demand the removal of the development.

On April 4, 2001, long after the applicant had erected its billboard, the City of Los Angeles approved Local Coastal Development Permit No. 2000-9995 for the proposed development and forwarded to the Commission a valid "Notice of Final Action," including conditions of approval and the necessary Coastal Act findings. An appeal period was established for the City's April 4, 2001 action as required by the Coastal Act, and two appeals of the action were filed during the appeal period. The primary basis for the appeals is the claim that the proposed development is inconsistent with the Chapter 3 policies of the Coastal Act. Commission staff agrees that the proposed development is not consistent with the Chapter 3 policies of the Coastal Act, and in specific, with Section 30251. Therefore, staff recommends that the coastal development permit be denied. Commission consideration of the proposed development is based solely upon Chapter 3 policies of the Coastal Act, as if the development has not yet occurred.

### **III. LOCAL GOVERNMENT ACTION**

This appeal involves an after-the-fact local coastal development permit; meaning that the processing of the local coastal development permit has occurred subsequent to the erection of the proposed structure. The following is a description of the timeline of the proposed development, commencing in 1998 with the City's issuance of a demolition permit, and ending with the appeal of the City's after-the-fact local coastal development permit which is the subject of this report.

In August, 1998, City records show that the City of Los Angeles Department of Building and Safety issued a demolition permit to remove a double-faced 12'x 25' sign from the property located at 4111 Lincoln Boulevard, Venice (Exhibit #8, p.26).

On October 15, 1998, the City of Los Angeles Department of Building and Safety issued an over-the-counter sign permit (No. 98048-1000-01812) for the "Installation of new 14'x 48'x 50' high off-site, double-faced, single pole sign using L.A. City Standard Plan No. 104 to project over existing one-story building" at 4111 Lincoln Boulevard, Venice (Exhibit #8, p.13). Although the standard procedure of the Department of Building and Safety is to require each permit applicant to demonstrate that they have obtained the required Coastal Act clearance (either an approved coastal development permit or a coastal development permit exemption) prior to final sign-off on a building or sign permit, this did not occur in this case. The applicant had not obtained any Coastal Act authorization (coastal development permit or exemption) from either the Commission or the City of Los Angeles Planning Department. The City's records show that the sign was erected in December 1998 (Exhibit #8, p.41).

On July 7, 1999, Commission staff received a report by telephone that a new billboard had been erected at 4111 Lincoln Boulevard in Venice without obtaining a coastal development permit. Commission staff investigated the report and confirmed that there is a billboard at that location and that there had been no coastal development permit issued for it by either the Commission or the City of Los Angeles. In a letter dated August 30, 1999, Commission staff informed the landowner (Henry Kamberg Trust) that a coastal development permit must be obtained for any development, including a sign, that is proposed to be located in the coastal zone [Coastal Act Sections 30106 & 30600].

On October 19, 1999, the applicant (Eller Media) submitted Coastal Development Permit Application 5-99-391 to the Commission for the billboard proposed at 4111 Lincoln Boulevard, Venice (Los Angeles County Assessor Parcel No. 4229-004-033 4111). On February 15, 2000, Commission staff returned the coastal development permit application to the applicant with direction to submit an application for a local coastal development permit to the City of Los Angeles Planning Department because the City has accepted coastal development permit authority for Venice pursuant to Section 30600(b) of the Coastal Act.<sup>1</sup>

[Note: The coastal development permit application attached as page 20 of Exhibit #8 (Applicant's Response to Appeals) is for a sign that the applicant proposed at 2471 Lincoln Boulevard, Venice, *not* the sign at issue in this appeal (Exhibit #8, ps.20&21)].

On June 13, 2000, the City of Los Angeles Planning Department accepted the applicant's application for a local coastal development permit for the sign located at 4111 Lincoln Boulevard, Venice.

The City of Los Angeles Office of Zoning Administration held a public hearing for the proposed project and the local coastal development permit on August 10, 2000. On November 30, 2000, City of Los Angeles City Associate Zoning Administrator Leonard S. Levine issued the approval of Local Coastal Development Permit No. 2000-9995 (Exhibit #8, ps.22-29). In the approval of the local coastal development permit, the Zoning Administrator found that the Department of Building and Safety had clearly issued the sign permit in error, and that the proposed project should have been subject to the requirements of the Oxford Triangle Specific Plan (Ordinance No. 170,155, adopted 7/31/87), which was superceded by the Venice Specific Plan (Ordinance No. 172,897, adopted 10/29/99) after the billboard was erected, and the Coastal Transportation Corridor Plan (Ordinance No. 172,019, adopted 9/22/93). In addition, the City should have required the applicant to obtain a local coastal development permit (Exhibit #8, p.26).

The Oxford Triangle Specific Plan and the Venice Specific Plan both include provisions that would prohibit billboards on the project site. The Venice Interim Control Ordinance, in effect prior to the October 29, 1999 adoption of the Venice Specific Plan, limits development on the project site to a maximum of thirty feet. Because of the inconsistency of the proposed project with the local ordinances, and the fact that a coastal development permit was not obtained prior to the construction of the proposed billboard, the sign was not legally erected in 1998.

In any case, the Zoning Administrator approved the local coastal development permit for the 50-foot high billboard with special conditions to require the applicant to obtain City approval under the terms and requirements of the Venice Specific Plan, to reduce the square footage of the billboard to an area not to exceed 12'x 25' or 300 square feet in area, and to require timers to shut-off the sign illumination by 10 p.m. daily. A special condition also stated that, "The grant shall be valid for a period of five years from the date of mailing or from the effective date of the Project Permit, whichever occurs first, and shall be null and void thereafter."

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<sup>1</sup> Section 30600(b) of the Coastal Act allows local governments, under certain conditions, to issue local coastal development permits prior to certification of a Local Coastal Program (LCP). All coastal development permits acted on pursuant to Section 30600(b) are appealable to the Commission. California Public Resources Code Section 30602.

The applicant (Eller Media) appealed the decision of the Zoning Administrator to the West Los Angeles Area Planning Commission (the "Planning Commission") (Exhibit #8, ps.30-38). The Planning Commission held a public hearing for the appeal on February 21, 2001.

On April 4, 2001, the West Los Angeles Area Planning Commission issued its determination to deny the appeal and to sustain the action of the Zoning Administrator approving the local coastal development permit (Exhibit #4). Even though the Planning Commission sustained the action of the Zoning Administrator, it modified the special conditions of Local Coastal Development Permit No. 2000-9995 stating that it would be "difficult to change what has been granted to applicant", and acknowledging the "offer made by applicant to waive compensation if allowed to remain until the termination of the grant." (Exhibit #8, ps.42&43). The special conditions adopted by the Planning Commission removed the Zoning Administrator's size limit (12'x 25' or 300 square feet in area) for the sign and extended the grant term to August 15, 2008, instead of five years from the date of mailing or from the effective date of the Project Permit. The Planning Commission's conditions also prohibit any increase in the size or height of the existing 14'x 48'x 50' high sign (Exhibit #4).

The City's records show that the Planning Commission's extension of the grant term to August 15, 2008 is based on the date of end of applicant's lease of the property from the landowner (Henry Kamberg Trust), and an agreement by the applicant to waive any right to damages and to indemnify the City against any claim or judgement (Exhibit #8, p.57). The applicant asserted that the construction costs for the sign were \$64,000 (Exhibit #8, p.49).

On April 6, 2001, the City's Notice of Final Local Action for the April 4, 2001 approval of Local Coastal Development Permit No. 2000-9995 was received in the Commission's Long Beach office, and the Commission's required twenty working-day appeal period commenced. Both appeals were filed on May 3, 2001, the day before the final day of the appeal period.

In a letter dated April 20, 2001, one of the appellants (Robert Levy) asked the City Planning Department to review the special conditions of the local coastal development permit which were modified by the West Los Angeles Area Planning Commission (Exhibit #7). Mr. Levy, who attended and spoke before the Planning Commission during the public hearing on the appeal, asserted that the conditions contain some ambiguities, omissions and inaccurate language. The central question was whether (and when) the City was going to require that the sign be removed (See Special Conditions 11-13: Exhibit #4, p.3).

On May 31, 2001, the West Los Angeles Area Planning Commission issued a "Corrected Copy" of its determination to deny the appeal and to sustain the action of the Zoning Administrator approving the local coastal development permit (Exhibit #5). The Planning Commission modified Special Conditions 12 and 13 in an attempt to make clearer the intent of the conditions it had adopted on April 4, 2001 (Exhibit #5, p.9). It is unclear whether the City intended this "Corrected Copy" to function as an amendment or a clarification. For example, it is entitled "Corrected Copy", but a parenthetical below the title of the document states: "Correction to amend Condition Nos. 12 and 13. . ."

In any event, the Chief Zoning Administrator was concerned that the May 31, 2001 "Corrected Copy" of the Planning Commission's determination still posed some "potential problems" in terms of enforceability and intent of the special conditions (Exhibit #5, p.10).

The West Los Angeles Area Planning Commission met on June 19, 2001 to discuss the concerns of Robert Levy and the Chief Zoning Administrator. The June 19, 2001 meeting was not a publicly noticed hearing. On July 9, 2001, the West Los Angeles Area Planning Commission issued a one-page "Clarification" of Special Conditions 11, 12 and 13 of Local Coastal Development Permit No. 2000-9995 (Exhibit #6). The clarified conditions limit the grant until August 15, 2008, and seem to require the applicant to remove the billboard by August 16, 2008, unless required by the property owner to remove it earlier.

The applicant claims, in its "Response to Appeals," that the May "Correction" and the July "Clarification" effected substantive changes to the local permit, and that the applicant plans to appeal the "new conditions" imposed upon it in through those actions. Whether the Planning Commission's actions in May and July constituted minor clarifications of an existing, final permit (such that they should now be treated as having applied ever since the Planning Commission's action on April 4), or, alternatively, substantive amendments, need not be resolved by this Commission. In either case, the Commission has before it now a valid appeal of the City's action in April 2001 to issue a local permit. Moreover, unless the Commission finds that its determination as to whether the City's action conformed to the Chapter 3 policies of the Coastal Act turns on the marginal differences that arguably exist between the April, May, and July versions of three of the conditions in the local permit, the question of which version is currently applicable is immaterial.

#### **IV. APPEAL PROCEDURES**

Section 30600(b) of the Coastal Act provides that prior to certification of its Local Coastal Program (LCP), a local jurisdiction may, with respect to development within its area of jurisdiction in the coastal zone and consistent with the provisions of Sections 30604, 30620 and 30620.5, establish procedures for the filing, processing, review, modification, approval, or denial of a coastal development permit. Pursuant to this provision, the City of Los Angeles developed a permit program in order to exercise its option to issue local coastal development permits in 1978.

Sections 13302-13319 of Title 14 of the California Code of Regulations provide procedures for issuance and appeals of locally issued coastal development permits. Section 30602 of the Coastal Act allows any action by local government on a coastal development permit application evaluated under Section 30600(b) to be appealed to the Commission. The standard of review for such an appeal is the Chapter 3 policies of the Coastal Act.

After a final local action on a coastal development permit, the Coastal Commission must be noticed within five days of the decision. After receipt of such a notice which contains all the required information, a twenty working-day appeal period begins during which any person, including the applicant, the Executive Director, or any two members of the Commission, may appeal the local decision to the Coastal Commission (Section 30602).

The appeal and local action are then analyzed to determine if a substantial issue exists as to the conformity of the project to Chapter 3 of the Coastal Act [Section 30625(b)(1)]. If the Commission finds that the appeals raise substantial issues, the Commission then holds a public hearing in which it reviews the coastal development permit as a de novo matter.

In this case, the Notice of Final Local Action was received on April 6, 2001, and two appeals were filed on May 3, 2001. Section 30621 of the Coastal Act states that the appeal hearing must be scheduled within 49 days of the receipt of a valid appeal unless the applicant waives the 49-day requirement. In this case, applicant has waived the 49-day requirement.

At this point, the Commission may decide that the appellant's contentions raise no substantial issue of conformity with the Coastal Act, in which case the action of the local government stands, or the Commission may find that a substantial issue exists with the action of the local government if it finds that the proposed project may be inconsistent with the Chapter 3 policies of the Coastal Act of 1976. If the Commission finds substantial issue, then the hearing will be continued as a de novo permit request. Section 13321 of the Coastal Commission regulations specifies that de novo actions will be heard according to the procedures outlined in Section 13114.

#### V. STAFF RECOMMENDATION ON SUBSTANTIAL ISSUE

The staff recommends that the Commission determine that a substantial issue exists with respect to whether the approval of the project is consistent with the provisions of Chapter 3 of the Coastal Act (commencing with Section 30200), pursuant to PRC Section 30625(b)(1).

**MOTION:** Staff recommends a **NO** vote on the following motion:

*"I move that the Commission determine that Appeal No. A-5-VEN-01-168 raises **NO** substantial issue with respect to the grounds on which the appeal has been filed."*

A majority of the Commissioners present is required to pass the motion.

#### **Resolution to Find Substantial Issue**

The Commission hereby finds that Appeal No. **A-5-VEN-01-168** presents a substantial issue with respect to conformity with the Chapter 3 policies of the Coastal Act.



## VI. FINDINGS AND DECLARATIONS ON SUBSTANTIAL ISSUE

The Commission hereby finds and declares:

### A. Project Description

The proposed project involves the installation of a new 14'x 48' fifty-foot high off-site, double-faced, single pole billboard sign at 4111 Lincoln Boulevard, Venice (Exhibit #3). The proposed project is situated on a commercially zoned (C-4) lot located on the seaward side of Lincoln Boulevard (California Route One) between Washington Boulevard and the Marina Freeway (Exhibit #2). The 12,000 square foot project site is currently occupied by a twenty-foot high, 9,520 square foot warehouse and a 2,480 square foot paved side yard area that is used for the storage of towing trucks (Exhibit #3). The single pole that supports the proposed sign is located in the paved side yard of the property. The proposed double-faced sign has two 672 (14'x 48') square foot sign faces.

The general area is identified in the certified Venice LUP and Venice Specific Plan as the Oxford Triangle area of Southeast Venice (Exhibit #1). Lincoln Boulevard (California Route One) is designated in the certified Venice LUP as a Major Highway.

### B. Factors to be Considered in Substantial Issue Analysis

Section 30625 of the Coastal Act states that the Commission shall hear an appeal of a local government action unless it finds that no substantial issue exists with respect to the grounds on which the appeal has been filed. The term "*substantial issue*" is not defined in the Coastal Act or its implementing regulations. Section 13115(b) of the Commission's regulations simply indicates that the Commission will hear an appeal unless it "finds that the appellant raises no significant questions". In previous decisions on appeals, the Commission has been guided by the following factors:

1. The degree of factual and legal support for the local government's decision that the development is consistent or inconsistent with the Coastal Act;
2. The extent and scope of the development as approved or denied by the local government;
3. The significance of the coastal resources affected by the decision;
4. The precedential value of the local government's decision for future interpretations of its LCP; and,
5. Whether the appeal raises local issues, or those of regional or statewide significance.

Even when the Commission chooses not to hear an appeal, appellants nevertheless may obtain judicial review of the local government's coastal permit decision by filing petition for a writ of mandate pursuant to Code of Civil Procedure, Section 1094.5.

Staff is recommending that the Commission find that a **substantial issue** does exist for the reasons set forth below.

### C. **Substantial Issue Analysis**

As stated in Section III of this report, the grounds for an appeal of a coastal development permit issued by the local government prior to certification of its Local Coastal Program (LCP) are the Chapter 3 policies of the Coastal Act. Any such local government coastal development permit may be appealed to the Commission. The Commission shall hear an appeal unless it determines that no substantial issue exists as to conformity with Chapter 3 policies of the Coastal Act. In this case, staff has recommended that the Commission find that a substantial issue does exist.

As an initial matter, the applicant argues, in its "Response to Appeals" (1) that the Commission violates the California Constitution, based on the trial court ruling in *Marine Forests Society v. California Coastal Commission, Sacramento Superior Court Case No. 00AS00567*; and (2) that the appeal is premature, due to the "new conditions" imposed by the City through its actions in May and/or July. As to the first claim, the Commission notes – as did the applicant in its papers – that the ruling at issue is on appeal. Moreover, the trial court's order explicitly stays the effect of its ruling on the issue of constitutionality pending the conclusion of the appellate review process.

With respect to the applicant's second claim, the Commission finds that the City's May, 2001 issuance of a "Corrected Copy" of its April 4, 2001 Determination, and its July, 2001 "Clarification" are ambiguous regarding whether they constitute substantive amendments to the City's April 4, 2001 Determination. However, were the actions of the City in May and July to constitute substantive amendments, those amendments would be of no force or effect, pursuant to section 13315 of the Coastal Commission's regulations, until the Commission receives a new Notice of Final Local Action. In the interim, this appeal of the City's April 4, 2001 Determination is properly before the Commission. Finally, whether or not the City's actions in May and July constituted amendments to the local coastal development permit is irrelevant due to the nature of the Commission's decision on the appeal of the City's April 4 Determination.

The appellants contend that the City-approved project raises substantial Coastal Act issues with regards to the visual quality of the Venice coastal zone and the City's ability to prepare a local coastal program that is in conformity with Chapter 3 of the Coastal Act.

#### **Consistency with Section 30251 – Community Character & Visual Resources**

The local coastal development permit authorizes the erection of a fifty-foot tall advertising sign. The usual goal of such a project is to have a highly visible structure that is seen by large

numbers of people in an attempt to influence their behavior in some way. The location of the proposed project above Lincoln Boulevard (California Route One), a heavily used coastal access corridor, ensures that it is seen by thousands of people each and every day. The fifty-foot height of the sign enables it to protrude above the roofs of all nearby buildings which have been limited by the City and Commission to a maximum height of thirty feet.

Section 30251 of the Coastal Act states:

*The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.*

Proposals to erect large signs and/or billboards anywhere within the coastal zone raise significant issues of consistency with Section 30251 of the Coastal Act and its requirement to protect the scenic and visual qualities of coastal areas. In the past, the Commission has permitted many commercial uses throughout the coastal zone to have on-site business identification signs subject to strict height and size limits. The Commission has not permitted off-site advertising signs, such as the proposed billboard. The Commission's Interpretive Guidelines for Los Angeles County, adopted in 1980, state that limited signage should be allowed to advertise businesses on a site, but off-site signs like billboards should not be permitted.

The Commission's Interpretive Guidelines state:

*Sign Criteria*

*The Commission recognizes that different situations present different signing problems. For that reason it has chosen to abandon the traditional approach to sign regulation in favor of flexible guidelines under which signs can be considered on their own merits. These guidelines contain general criteria, which must be met before a permit can be issued:*

- 1. Signing shall be restrained in character and no larger than necessary for adequate identification.*
- 2. Signing for an establishment within a commercial or industrial center shall be in harmony with the signing of the entire center. The theme of such signing shall be approved as part of plans for new commercial or industrial center.*

3. *No sign will be allowed which disrupts or detracts from the quality of view or the line of sight in any view corridor. (e.g. no rooftop signs, flashing or blinking signs).*
4. *No scenic values or other public interests should be harmed as a result of signing.*
5. *Signs should be on-site, not off-site.*
6. *On-premise signs should be designed as an integral part of the development.*
7. *Roof signs will not be allowed.*

*Local jurisdiction sign criteria should be utilized except where found to be in contradiction to the California coastal act of 1976 policies.*

The Commission has approved no off-site advertising signs in the Venice area. In 1977, the Commission considered after-the-fact coastal development permit applications for seven off-premise pole signs (billboards) that one company had erected in individual yard areas of residential and commercial properties [See Coastal Development Permit Applications P-77-579 through 585]. The Regional Commission denied the signs, finding that "The cumulative effect of such proposals will be to reduce the overall visual and scenic quality of the coastal zone." The State Commission considered an appeal of the Regional Commission's action, and the denials were upheld [See Appeals A-231-77 et. Seq.]. The signs were subsequently removed.

In 1982, the Commission considered a forty-foot high on-site business identification sign at 36 Washington Boulevard, one block from the beach [See Coastal Development Permit 5-83-722 (Best Signs)]. The Commission approved the sign which identified the business on the site, but required that the height of the sign be limited to twenty feet (the height of the adjacent buildings) in order to reduce its impact on visual quality of the area.

Staff has also reviewed permit records for commercial development approved in Venice. In the cases that the staff has reviewed, developers proposed on-premise business identification signs either attached to the building or, if they were pole signs, smaller relatively low signs that did not obtrude into the sky. Only signs that were necessary to serve the business on the site received Commission approval, and most of the approved signs were controlled in height, square footage, and illumination. In these cases, the Commission addressed the need to reduce visual clutter on beach access routes and the need to control the height of development consistent with existing heights.

In this case, the proposed project is not a business identification sign, and it is excessive in height and size in relation to the surrounding residential and commercial development (Exhibit #10). The sign exceeds the City and Commission's established thirty-foot height limit for the area. The proposed sign is inconsistent with prior Commission actions involving similar development proposals and would set a precedent in Venice and throughout the state for the permitting of large billboards in the coastal zone. Therefore, the City's approval of the

proposed sign raises a substantial issue in regards to the protection of visual quality in the coastal zone.

The City's approval of Local Coastal Development Permit No. 2000-9995 included findings that the proposed project is in conformance with Chapter 3 of the Coastal Act (Exhibit #8, p.27). The City's coastal development permit findings, however, address only the proposed project's impacts on coastal access and recreation, and do not include any analysis of the sign's impacts on visual resources and consistency with Section 30251 Coastal Act. The fact that the local coastal development permit does not include findings in support of the project's consistency with Section 30251 raises a substantial issue.

The proposed sign is located on Lincoln Boulevard (California Route One), a heavily used coastal access corridor. It is highly visible and one of the highest structures along the street. The structure towers over the street and blocks a sizable part of the view (of the sky) above the existing structures (Exhibit #10). The proposed project would not restore and enhance visual quality in a visually degraded area as required by Section 30251, but would contribute to the visual clutter that currently degrades this section of California Route One. Therefore, the proposed project's potential negative effect on the scenic and visual qualities of the Venice coastal zone is a substantial issue.

### **Consistency with Local Planning Policies and Requirements**

The City of Los Angeles does not have a certified LCP for the Venice area. The Los Angeles City Council adopted a proposed Land Use Plan (LUP) for Venice on October 29, 1999. On November 29, 1999, the City submitted the draft Venice LUP for Commission certification. On November 14, 2000, the Commission approved the City of Los Angeles Land Use Plan (LUP) for Venice with suggested modifications. On March 28, 2001, the Los Angeles City Council accepted the Commission's suggested modifications and adopted the Venice LUP as it was approved by the Commission on November 14, 2000. The Venice LUP was officially certified by the Commission on June 12, 2001.

The certified Venice LUP prohibits billboards and rooftop signs, and contains a thirty-foot height limit for the project site. The Venice LUP was not certified in 1998 when the sign was erected, but is relevant at the present time during the processing of the coastal development permit application. The standard of review for the coastal development permit application, and the basis of this appeal, is the Chapter 3 policies of the Coastal Act. The certified LUP provides guidance for the application of the Chapter 3 policies of the Coastal Act.

The proposed project is inconsistent with the following LUP policies:

- **Policy I. B. 7. Commercial Development Standards.** *The following standards shall apply in all commercial land use designations, unless specified elsewhere within this Land Use Plan.*

*[Signage: No roof top or billboard signs.]*

- **Policy I. D. 3. Views of Natural and Coastal Recreation Resources.** *The scale of development shall comply with height limits, setbacks and standards for building massing specified in Policy Groups I.A and I.B, Residential and Commercial Land Use and Development Standards of this LUP, in order to protect public views of highly scenic coastal areas and vista points, including, but not limited to, the canals, lagoon, jetty, pier, Ocean Front Walk, walk streets and pedestrian oriented special communities.*
- **Policy I. D. 4. Signs.** *Roof top signs and billboards are prohibited in all land use categories. Business identification signs shall comply with the height limits and development standards specified in the LUP to ensure they do not adversely affect view sheds and view corridors.*
- **Policy V. A. 5. Streetscapes.** *Streetscape improvements throughout the Venice Coastal Zone shall be maintained and enhanced to enhance pedestrian activity and contribute to a high quality of life and visual image for residents and visitors.*

Approval of development that directly violates the policies of the certified LUP raises a substantial issue regarding the ability of the local government to prepare an LCP which conforms with Chapter 3 policies of the Coastal Act. The City's approval of Local Coastal Development Permit No. 2000-9995 included a finding that the approval of the proposed project could prejudice the City's ability to prepare an LCP that is consistent with the Coastal Act, but that a time-limit on the approved use would ensure that the LCP certification process would not be prejudiced (Exhibit #8, ps.27&28). The City-imposed time-limit on the sign (grant until August 15, 2008) appears to have been determined by the applicant's agreement to indemnify the City against lost advertising income that could result from the denial and removal of the proposed structure (See Special Condition 12, Exhibit #4, p.3).

The local approval implies that a development can be approved in violation of certified LUP policies as long as the term of the approval is limited in some way. This rationale could conceivably be used to approve just about any proposal and would clearly prejudice the ability of the City to prepare an LCP which conforms with Chapter 3 policies of the Coastal Act. Therefore, the City's action on Local Coastal Development Permit No. 2000-9995 approving a development in violation of several policies of the certified Venice LUP raises a substantial issue.

### **Conclusion**

Because of the importance of protecting the visual resources along State Highway One and throughout the state's coastal zone in general, the proposed project must be reviewed and considered very carefully pursuant to the Chapter 3 policies of the Coastal Act. The precedential nature of the proposed project makes this appeal significant not just for Los Angeles, but for the whole coastal zone. Therefore, the Commission finds that a substantial issue exists with regards to the visual quality of the Venice coastal zone.

## VII. STAFF RECOMMENDATION ON DE NOVO HEARING

The staff recommends that the Commission vote **NO** on the following motion and adopt the resolution to **DENY** the coastal development permit application:

### MOTION

*"I move that the Commission approve Coastal Development Permit No. A-5-VEN-01-168 as submitted by the applicant."*

Staff recommends a **NO** vote which would result in the adoption of the following resolution and findings. An affirmative vote by a majority of the Commissioners present is needed to pass the motion.

### Resolution for Denial

The Commission hereby denies a coastal development permit for the proposed development on the grounds that the development will not be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976 and would prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act. Approval of the permit application would not comply with CEQA because there are feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

## VIII. FINDINGS AND DECLARATIONS FOR DE NOVO HEARING

The Commission hereby finds and declares:

### A. Project Description

The applicant has requested a coastal development permit to erect a fifty-foot high double-faced billboard sign at 4111 Lincoln Boulevard in Venice, City of Los Angeles (Exhibit #3). The proposed double-faced sign has two 672 (14'x 48') square foot sign faces. The proposed project is situated on a commercially zoned (C-4) lot located on the seaward side of Lincoln Boulevard (California Route One) between Washington Boulevard and the Marina Freeway (Exhibit #2). The 12,000 square foot project site is currently occupied by a twenty-foot high, 9,520 square foot warehouse and a 2,480 square foot paved side yard area that is used for the storage of towing trucks (Exhibit #3). The single pole that supports the proposed sign is located in the paved side yard of the property. This is an after-the-fact application – the sign was installed in December of 1998.

The general area is identified in the certified Venice LUP and Venice Specific Plan as the Oxford Triangle area of Southeast Venice (Exhibit #1). Lincoln Boulevard (California Route One) is designated in the certified Venice LUP as a Major Highway.

**B. Coastal Act Procedures**

The applicant erected the sign in late 1998 without obtaining a coastal development permit from either the Commission or the City of Los Angeles.<sup>2</sup> Instead, the applicant erected the sign based on a sign permit issued by the City of Los Angeles Department of Building and Safety (Exhibit #8, p.13). The City of Los Angeles Planning Department has acknowledged that the Department of Building and Safety issued the sign permit in error, as the applicant should have been required to obtain a coastal development permit from the Planning Department prior to receiving any sign or building permit from the City (Exhibit #8, p.26). Because of the fact that a coastal development permit was not obtained prior to the construction of the proposed billboard, the sign was constructed illegally.

The City of Los Angeles issues coastal development permits within its jurisdiction under section 30600(b) of the Coastal Act. All such local coastal development permits are appealable to the Commission. Ordinarily, if a proposed project is not exempted from obtaining a coastal development permit pursuant to Section 30610 of the Coastal Act, the City will hold a public hearing and act on the application for a local coastal development permit.

For certain minor projects, the Commission will accept the application for a coastal development permit after the City Planning Department has issued a preliminary local approval (formerly an "Approval in Concept" and currently an approved Project Permit pursuant the City's Venice Specific Plan). The Commission accepts coastal development permit applications for only projects that would be eligible for an Administrative Permit under Coastal Act Section 30624. The prerequisite preliminary local approval ensures that a project complies with all local zoning regulations and requires no further discretionary action on the part of the City.

In this case, the proposed sign did not receive any local approval from the City Planning Department. No Project Permit, Approval in Concept or Coastal Permit Exemption was issued by the City Planning Department for the proposed project (until, of course, the City issued the after-the-fact local coastal development permit that is the subject of this appeal).

The Coastal Act and the regulations provide that after the City issues a permit or exemption, it must notify the Commission's Executive Director of its decision (CA 30602; §13315, Title 18 California Code of Regulations.) A locally issued permit is not valid without such a notice. The City sends copies of all notices of final action on permits and copies of all exemption notices to the Commission offices. In this case, Commission staff received no notice of the Department of Building and Safety's issuance of a sign permit. For some unknown reason, a City staff member authorized issuance of the sign permit (by punching a key on a computer) without requiring any evidence from the applicant that the requirements of the Coastal Act had been met. Because the approval of the sign permit was not forwarded to Commission offices, Commission staff had no opportunity to challenge or to correct the error.

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<sup>2</sup> The City of Los Angeles has been authorized by the Commission to issue local coastal development permits pursuant to Section 30600(b) of the Coastal Act, which allows local governments, under certain conditions, to issue local coastal development permits prior to certification of a Local Coastal Program (LCP).



A coastal development permit must be obtained for any development, including a sign, that is proposed to be located in the coastal zone [Coastal Act Sections 30106 & 30600]. The sign is ineligible for a coastal development permit exemption under Coastal Act Section 30610 because it is neither an addition to an existing structure nor repair and maintenance of an existing structure, types of development that could be eligible for a coastal development permit exemption in this location. Therefore, the sign is illegal.

In addition to the error concerning the proposed project's non-conformance with coastal permit requirements, the City has also acknowledged that the sign permit was issued in violation of applicable City zoning codes, including the Venice Interim Control Ordinance (superceded in 1999 by the Venice Specific Plan), the Oxford Triangle Specific Plan (Ordinance No. 170,155), and the Coastal Transportation Corridor Plan (Ordinance No. 172,019). The Venice Specific Plan and the Oxford Triangle Specific Plan include prohibitions on billboards in the Oxford Triangle Subarea where the proposed project is located. The Venice Interim Control Ordinance and the Venice Specific Plan also have a thirty-foot height limit that applies to development in the Oxford Triangle Subarea. The sign is fifty feet tall.

The City official who signed-off on the proposed sign's sign permit on October 15, 1998 failed to note that the Venice Interim Control Ordinance (ICO) supersedes other City zoning ordinances in this area. In 1998, when the City erroneously issued the sign permit, the Venice ICO limited heights of all structures within 118 feet of Lincoln Boulevard to thirty feet. The proposed fifty-foot tall sign project is located within fifty feet of Lincoln Boulevard and should not have been approved because it exceeds the thirty-foot height limit.

### C. Visual Resources

Section 30251 of the Coastal Act states:

*The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.*

Section 30251 of the Coastal Act requires that the scenic and visual resources of coastal areas be considered and protected as a resource of public importance. In addition, permitted development must be visually compatible with surrounding areas and must enhance visual quality in visually degraded areas.

Section 30253 of the Coastal Act states, in part:

*New development shall:*

*(5) Where appropriate, protect special communities and neighborhoods, which, because of their unique characteristics, are popular visitor destination points for recreational uses.*

Section 30253(5) requires the Commission to consider the impacts of development on the views experienced by visitors to coastal areas, and to assure that development does not impact special communities and neighborhoods. The proposed fifty-foot tall sign is not visually compatible with surrounding areas, significantly impacts the views of coastal visitors and does not conform to Section 30251 of the Coastal Act.

### **Views Protected by the Coastal Act**

The Coastal Act protects public views, including views from public roads, particularly major beach access routes, such as Lincoln Boulevard, Venice Boulevard, Washington Boulevard and Culver Boulevard. In coastal areas, even where the view of the shoreline is obstructed, the sky reflects the light of the ocean. In many areas near the coast, the Commission has protected views in coastal areas, including views of the sky, by limiting the height of development and by requiring development to be set back or stepped back from public areas such as beaches, walkways and public roads.

The proposed sign is located about 1.5 miles inland of Venice Beach, but only about two thousand feet inland of the Marina del Rey (Exhibit #1). The proposed sign does not block any views of the water or beach, but does obstruct a large part of the sky as it towers above the adjacent development (Exhibit #10). The proposed structure, therefore, is inconsistent with the requirements of Section 30251 of the Coastal Act because it has a significant negative impact on the views of coastal visitors. Therefore, the coastal development permit is denied.

The applicant claims, in its "Response to Appeals," that Section 30251 applies only to scenic and visual qualities "to and along the ocean and scenic coastal areas." This is not true. Section 30251 goes on to address broader concerns, including some related to visually degraded areas. Nor does the case law cited by the applicant stand for the propositions for which it is cited. Thus, this argument is without merit.

### **Community Character**

Section 30251 of the Coastal Act requires that development be sited and designed to be visually compatible with the character of surrounding areas, and to restore and enhance visual quality in visually degraded areas. The Lincoln Boulevard commercial corridor, where the project is located, is a visually degraded area that is currently being improved and enhanced through the cooperative efforts of the City of Los Angeles, the County of Los Angeles, and the California Department of Transportation.

Lincoln Boulevard, designated in the certified Venice LUP as a Major Highway, is a major coastal access route (State Highway One) that links coastal towns to the north (Santa Monica and Malibu) and to the south (Redondo Beach and Hermosa Beach). It is the one and only

major coastal highway in western Los Angeles County. There are interchanges with Lincoln Boulevard at the Marina Freeway (State Highway 90) and at the Santa Monica Freeway (I-10). The public uses Lincoln Boulevard to connect from the freeways to east-west beach access routes, including Rose Avenue, Mindanao, and Jefferson, Venice, Washington, Pico and Ocean Park Boulevards. Lincoln is also a major commuter route, one of the busiest highways in the state. The eastern (inland) edge of the Lincoln Boulevard right-of-way is also the inland boundary of the Venice coastal zone (Exhibit #1).

The properties situated along Lincoln Boulevard are developed primarily with automobile oriented commercial uses (e.g. drive-through fast food restaurants, auto sales and services, mini-malls, gas stations, video rental, supermarkets and furniture sales). A few visitor-serving commercial uses, such as Brennan's Pub and other restaurants, are located within a few blocks of the proposed sign. Several high-density residential developments, including a new 200-foot tall residential condominium building, have been built recently on the larger lots located south of the project site (Exhibit #2).

Typical of older Los Angeles neighborhoods, the commercial uses along the boulevard are confined to a row of commercially designated lots that face the street with no setback from the public sidewalks that exist on both sides of the street. With the exception of the newer mid- and high-rise residential buildings located south of the site near Marina del Rey, most of the development is one-story, with an occasional two-story building. Commercial development appears to be more intense and higher on the inland side of Lincoln Boulevard, presumably because the City has more permissive zoning codes for the side of the street that is located outside of the coastal zone.

Behind the commercial strip on the seaward side of Lincoln Boulevard there is a residential neighborhood comprised primarily of two and three-story structures (Exhibit #2). Behind the strip on the eastern (inland) side of the boulevard there are low intensity industrial uses that are being displaced by commercial and residential uses, including a shopping center, a Costco, and a complex that includes offices and an entertainment center.

The applicant contends that as a result of the highway-oriented uses, the area is already visually degraded and cluttered with numerous on-premise signs and older billboards. Existing power lines also obscure the views of the sky above the one and two-story buildings. Billboards, however, are not typical of the development situated along the west side of Lincoln Boulevard. In fact, in the stretch of Lincoln Boulevard south of Washington Boulevard, this is the only off-site billboard on the west side of Lincoln, although there are three such signs located outside of the coastal zone on the east side of Lincoln Boulevard.

On the west side of the street there is one 25-foot high pole sign advertising Budget Rental Cars on the rental car operation site. Newly redeveloped gas stations have one consolidated sign with the company identification and a price board. These on-site signs conform to the thirty-foot height limit. All other signs, though cluttered, are smaller and directly related to the businesses on the sites. The proposed sign is an exception because of its fifty-foot height and because it is an off-site advertising sign.

The Coastal Act requires that the new development being permitted along Lincoln Boulevard must be designed to restore and enhance visual quality in this visually degraded area. This portion of the coastal zone is in need of improvement. The Lincoln Boulevard commercial corridor, where the project is located, is a visually degraded area that is currently being improved and enhanced through the cooperative efforts of the City of Los Angeles, the County of Los Angeles, City of Santa Monica, City of Culver City, and the California Department of Transportation. The City, County and State have embarked upon a Lincoln Boulevard improvement program with the goal of improving traffic circulation, but also to improve the visual quality of the area (Exhibit #9). The City requires that new developments properties along the street be enhanced visually using landscaping. Heights of new structures are also limited in order to protect views of the sky.

The proposed project would not restore and enhance visual quality in a visually degraded area as required by Section 30251, but would contribute to the visual clutter that currently degrades this section of California Route One. Therefore, the proposed project does not comply with the requirements of Section 30251 of the Coastal Act, and is denied.

### **Venice Permit History (Structural Height)**

The Coastal Act requires that development be compatible with nearby special communities and neighborhoods. Excessive structural heights can adversely affect the scenic and visual qualities of coastal areas. The Commission has recognized in both prior permit and appeal decisions that the residential portion of the Southeast Venice area is a special coastal neighborhood. The proposed project site abuts this Southeast Venice residential community area, also known as the Oxford Triangle (Exhibit #1). The Commission has consistently limited residential and commercial structures in this area to a maximum height of thirty feet above the fronting street. The City has adopted the thirty-foot height limit into the certified Venice LUP.

In 1980, the Commission adopted the Regional Interpretive Guidelines for Los Angeles County, which include a set of building standards for the Southeast Venice area. In Southeast Venice the Commission has found that the low intensity neighborhood should be protected, and in response, has imposed height limits on residential and commercial development to assure that new development is in scale with adjacent development. These density, height and parking standards have been routinely applied to coastal development permits in the Southeast Venice area since 1980. The City has also limited new development in the Southeast Venice area to a maximum height of thirty feet. The thirty-foot height limit for Southeast Venice is the standard of the Commission's Regional Interpretive Guidelines as well as the City of Los Angeles Interim Control Ordinance (ICO) for Venice (superceded in 1999 by the Venice Specific Plan). The Venice Specific Plan and the certified Venice LUP currently limit development in the Oxford Triangle to a maximum of thirty feet.

Exceptions to the thirty-foot height limit were granted for the high-density residential projects located south of the project site. The City issued the coastal development permits for these multistory high-density residential projects. Two of the local coastal development permits were appeal to the Commission. In both cases the Commission found that no substantial issue existed with the City's approval of these projects [See Appeal Files A-5-VEN-98-222 (CDP 97-

15 EMC Snyder) and A-5-90-653 (CDP 90-0069 Channel Gateway]. In the case of the 200-foot tall residential tower, the City required a large setback from Lincoln Boulevard in order to mitigate the projects' negative impacts to the public's views of the sky. The additional height for another project was permitted by the City for a public purpose in order to make development of housing for low and moderate income residents feasible. Exceptions to height limits in order to provide for low and moderate-income housing are required by state law. These projects may be the first phase of intensification of southern Lincoln Boulevard to a mid-rise urban corridor, in which high-rise residential and commercial buildings are displacing the auto dealerships and trailer rentals.

In this case the proposed sign is 50 feet high. Its east edge is at the property line, very close to the sidewalk and street. No public purpose is contended for its height; there is no set back from Lincoln Boulevard, and the sign is highly visible from a number of blocks away. A finding of consistency with the visual resource policies of the Coastal Act cannot be made. Therefore, the coastal development permit is denied.

### **Venice Permit History (Signs)**

The Commission has approved no off-site advertising signs in the Venice area. In 1977, the Commission considered after-the-fact coastal development permit applications for seven off-premise pole signs (billboards) that one company had erected in individual yard areas of residential and commercial properties [See Coastal Development Permit Applications P-77-579 through 585]. The Regional Commission denied the signs, finding that "The cumulative effect of such proposals will be to reduce the overall visual and scenic quality of the coastal zone." The State Commission considered an appeal of the Regional Commission's action, and the denials were upheld [See Appeals A-231-77 et. Seq.]. The signs were subsequently removed.

In 1982, the Commission considered a forty-foot high on-site business identification sign at 36 Washington Boulevard, one block from the beach [ See Coastal Development Permit 5-83-722 (Best Signs)]. The Commission approved the sign which identified the business on the site, but required that the height of the sign be limited to twenty feet (the height of the adjacent buildings) in order to reduce its impact on visual quality of the area.

Staff has also reviewed permit records for commercial development approved in Venice. In the cases that the staff has reviewed, developers proposed on-premise business identification signs either attached to the building or, if they were pole signs, smaller relatively low signs that did not obtrude into the sky. Only signs that were necessary to serve the business on the site received Commission approval, and most of the approved signs were controlled in height, square footage, and illumination. In these cases, the Commission addressed the need to reduce visual clutter on beach access routes and the need to control the height of development consistent with existing heights.

In this case, the proposed project is not a business identification sign, and it is excessive in height and size in relation to the surrounding thirty-foot high residential and commercial development (Exhibit #10). It exceeds the City and Commission's established thirty-foot height limit for the area. The proposed sign is inconsistent with prior Commission actions

involving similar development proposals and would set a precedent in Venice and throughout the state for the permitting of large billboards in the coastal zone. The proposed development would negatively affect the visual resources of the coastal zone and is inconsistent with the requirements of section 30251 of the Coastal Act. Therefore, the coastal development permit is denied.

### **Recent City Coastal Development Permit Decision**

In 1996, the City approved Coastal Development Permit No. 96-10 (Pep Boys) for an automobile parts supply store at the intersection of Rose Avenue and Lincoln Boulevard, two miles north of the proposed project. At Rose Avenue, the commercial development along Lincoln Boulevard is low-rise but cluttered, but behind the commercially developed strip there is a low-scale residential neighborhood. The City conditioned the local coastal development permit to require the development to install "sensitive and lovingly maintained landscaping". In addition, no pole sign was allowed, even though the applicant requested one.

### **Current Planning Efforts**

The Los Angeles City Council, on October 29, 1999, adopted a proposed Local Coastal Program Land Use Plan for Venice. Among other things, the Venice LUP: (1) prohibit billboards in the Venice coastal zone, (2) limit the height of commercial development in the Oxford Triangle (Southeast Venice) to thirty feet maximum. All structures, including business identification signs, must conform to the thirty-foot height limit, which is consistent with the character of the existing development. The Venice LUP was officially certified by the Commission on June 12, 2001.

The certified Venice LUP prohibits billboards and rooftop signs, and contains a thirty-foot height limit for the project site. The Venice LUP was not certified in 1998 when the sign was erected, but is relevant at the present time during the processing of the coastal development permit application. The standard of review for the coastal development permit application, and the basis of this appeal, is the Chapter 3 policies of the Coastal Act. The certified LUP provides guidance for the application of the Chapter 3 policies of the Coastal Act.

The certified Venice LUP contains the following commercial development policies applicable to signs:

- **Policy I.B.7 Commercial Development Standards:** *The following standards shall apply in all commercial land use designations, unless specified elsewhere:*

**[Signage:** *No roof top or billboard signs.]*

- **Policy I. D. 3. Views of Natural and Coastal Recreation Resources.** *The scale of development shall comply with height limits, setbacks and standards for building massing specified in Policy Groups I.A and I.B, Residential and Commercial Land Use and Development Standards of this LUP, in order to protect public views of highly scenic coastal areas and vista points, including, but not*

*limited to, the canals, lagoon, jetty, pier, Ocean Front Walk, walk streets and pedestrian oriented special communities.*

- **Policy I. D. 4. Signs.** *Roof top signs and billboards are prohibited in all land use categories. Business identification signs shall comply with the height limits and development standards specified in the LUP to ensure they do not adversely affect view sheds and view corridors.*
- **Policy V. A. 5. Streetscapes.** *Streetscape improvements throughout the Venice Coastal Zone shall be maintained and enhanced to enhance pedestrian activity and contribute to a high quality of life and visual image for residents and visitors.*

The proposed sign violates each of the above-stated policies of the certified LUP. First, it is a billboard, a type of land use that is prohibited by LUP Policies I.B.7 and I.D.4. Policies I.B.7 and I.D.3 require that new development comply with development standards, including the LUP's thirty-foot height limit that is applicable to the project site. The billboard is fifty feet tall. The proposed billboard is inconsistent with LUP Policy V.A.5 because it would not in any way "contribute to a high quality of life and visual image for residents and visitors."

Approval of the coastal development permit would prejudice the ability of the City to complete the LCP certification process by setting a precedent for allowing new development that does not conform to the LUP. The LUP would become the standard of review when, and if, the City completes the LCP certification process in Venice. Currently, the certified LUP provides guidance for the interpretation of the Chapter 3 policies of the Coastal Act.

In addition, the City of Los Angeles Department of Transportation (DOT) is the lead agency in an interagency planning process for improvements along Lincoln Boulevard. After much discussion California Department of Transportation, Culver City, Los Angeles City, Los Angeles County, and Santa Monica have formed an interagency group to study Lincoln Boulevard (Exhibit #9). The study will address methods of widening and increasing the capacity of Lincoln Boulevard, but also possible modal shifts, and possible improvements in visual quality and pedestrian access. The request for proposal states:

The City of Los Angeles Department of Transportation (LADOT), as the lead agency of the Lincoln Corridor Task Force (LCTF) which also includes representatives from the California Department of Transportation (Caltrans), the County of Los Angeles, and the Cities of Culver City and Santa Monica, requests written proposals from consultant firms to provide assistance in preparing a conceptual corridor alternatives study for Lincoln Boulevard between Manchester Avenue and the Santa Monica Freeway interchange.

The objectives of the study are (1) to identify goals, objectives and vision for the corridor of various jurisdictions, (2) to identify discrete segments of Lincoln Boulevard which share similar physical roadway traits, adjacent land use characteristics and urban design constraints, (3) to quantify the future traffic demand to Year 2010 along the Lincoln Boulevard corridor, (4) to identify a broad range of technically feasible alternatives (both traditional and non-traditional solutions) for the corridor, and (5) to recommend a set of alternatives in a multi-jurisdictional environment which uniquely balances capacity enhancing measures, corridor aesthetics, urban design components and multi-modal objectives within each identified discrete

**segment of Lincoln Boulevard.** The study must consider Caltrans' desire to relinquish Lincoln Boulevard as a state highway, the City of Santa Monica's desire that there be no street widening in their city, the ability of the transportation system to accommodate major development projects in the area including Playa Vista in the City of Los Angeles, Costco in the City of Culver City, and the Marina del Rey Local Coastal Program in Los Angeles County. The results of the study will help the LCTF to determine the long-term needs of the corridor and to develop a set of transportation enhancement alternatives to be carried forward into a detailed evaluation.

The Marina del Rey is located to the south and west of this proposed development. The Commission recently approved an LCP amendment for Los Angeles County that would allow high intensity redevelopment of the marina. The object of the redesign is to replace the "sea of cars" that has typified the current marina with high rise development punctuated with views of the water. The LCP includes strict design guidelines, including controls on signs. Playa Capital's Playa Vista property is located a mile to the south. The Commission has not approved any urban uses on the Playa Vista site, with the exception of a flood control basin/freshwater marsh. However, Playa Vista has received City approval for a high intensity multistory development outside the coastal zone and is pursuing approval for a dense project that will range from 60 to 140 feet above sea level.

### **Commission's Guidelines on Signs.**

The Commission's policy on outdoor advertising in this area is reflected in its permit history and in its interpretive guidelines, which it adopted in 1980. These guidelines were adopted to summarize actions on numerous small projects that had come before both the predecessor Commission and the Commission itself in the first years of its existence. The Commission adopted these guidelines based on a direction for the legislature that it would adopt such guidelines make its decisions as predictable as possible. However, regulation of individual projects then and now are based on the Chapter 3 policies of the Coastal Act.

The guidelines allowed reasonable signs to advertise businesses on the site but did not allow off-site signs. Permitted on-site business identification signs are subject to strict height and size limits.

The Commission's Interpretive Guidelines state:

#### Sign Criteria

*The Commission recognizes that different situations present different signing problems. For that reason it has chosen to abandon the traditional approach to sign regulation in favor of flexible guidelines under which signs can be considered on their own merits. These guidelines contain general criteria, which must be met before a permit can be issued:*

1. *Signing shall be restrained in character and no larger than necessary for adequate identification.*



2. *Signing for an establishment within a commercial or industrial center shall be in harmony with the signing of the entire center. The theme of such signing shall be approved as part of plans for new commercial or industrial center.*
3. *No sign will be allowed which disrupts or detracts from the quality of view or the line of sight in any view corridor. (e.g. no rooftop signs, flashing or blinking signs).*
4. *No scenic values or other public interests should be harmed as a result of signing.*
5. *Signs should be on-site, not off-site.*
6. *On-premise signs should be designed as an integral part of the development.*
7. *Roof signs will not be allowed.*

*Local jurisdiction sign criteria should be utilized except where found to be in contradiction to the California coastal act of 1976 policies.*

The proposed sign is inconsistent with the Commission's sign guidelines, the policies of the certified LUP, and Section 30251 of the Coastal Act. Therefore, the coastal development permit is denied.

### **City of Los Angeles Ordinances**

The City of Los Angeles sign ordinance establishes a 42-foot height limit for "off-site" signs on lots that are more than one hundred feet of street frontage. It allows extra height if a sign is placed on the roof of a structure. The pole for this sign is placed in a side yard but the sign itself extends over the structure's roof. The sign is fifty feet high. The City sign ordinance also establishes that the signs are subject to the height limits for the district in which they are located. The underlying lot is zone C4 (OX) a district that allows 14:1 FAR, essentially an unlimited height. However, the area is also subject to the overlay districts of:

Venice Specific Plan (Ordinance No. 172,897)  
Oxford Triangle Specific Plan (Ordinance No. 170,155)  
Coastal Transportation Corridor Plan (Ordinance No. 172,019)

The locally approved billboard is inconsistent with the above-stated City of Los Angeles planning ordinances which all prohibit billboards in the Oxford Triangle Subarea where the proposed project is located. The Venice Specific Plan (formerly the Venice Interim Control Ordinance) also limit development on the project site to a maximum of thirty feet.

As noted above, this project is inconsistent in height with neighboring structures and provides no public policy reason for granting an exception to height limits. It will be highly visible from Lincoln Boulevard and will interrupt views of the sky and will be visible from nearby low scale

residential neighborhoods. It is inconsistent with guidelines and ordinances developed by the City and the Commission to assure consistency with the visual resource and community character policies of the Coastal Act and with previous City and Commission policy decisions on these issues.

Section 30251 of the Coastal Act requires that the scenic and visual qualities of coastal areas shall be considered and protected. The Commission finds that the proposed project does not conform to the visual resource policies contained in Section 30251 and 30253 of the Coastal Act because it exceeds local heights, interrupts the view of the skyline, and intrudes in the view of travelers along a coastal access route. Therefore the project must be denied.

**D. Additional Arguments Raised by the Applicant in its "Response to Appeals"**

**The Applicant Has No Property Right that Outweighs the Coastal Act Policies**

The applicant argues that, in making this determination, the Commission must weigh Coastal Act protections against the applicant's commercial interests, as recognized by the Outdoor Advertising Act. Response to Appeals at 7, citing Cal. Bus. & Prof. Code §§ 5200 *et seq.* The applicant goes on to argue that this balancing process should lead the Commission to allow the applicant to retain its billboard, despite any potential conflicts with the Coastal Act, and that this is why the City Planning Commission took the action it took in its original Determination (Apr. 4, 2001).

The Commission is charged with responsibility for enforcing the Coastal Act. Neither the Outdoor Advertising Act nor any other statutory scheme grants the applicant a property right or a protectable commercial interest in its billboard that outweighs the Commission's responsibilities under the Coastal Act. Thus, the Commission's decision, as outlined above, is appropriate.

**The Billboard Does Violate the Coastal Act**

The applicant argues that the billboard does not violate the Coastal Act. Response to Appeals at 8-9. For the reasons stated above, the Commission finds otherwise. The applicant again refers to the Outdoor Advertising Act, and to its prohibition against compelled removal of any lawfully erected advertising display. See Cal. Bus. & Prof. Code § 5412 ("no advertising display which was lawfully erected anywhere within this state shall be compelled to be removed . . . without payment of compensation"). However, because the billboard at issue was not lawfully erected, the prohibition in section 5412, by its own terms, does not apply here.

**The Fact that Billboard Preceded the Venice LUP and Specific Plan is Irrelevant**

The applicant notes that the Venice LUP and the Venice Specific Plan were adopted after the billboard was erected. Response to Appeals at 9-10. As indicated above, though, the Commission's findings are based ultimately on the Chapter 3 policies of the Coastal Act rather than on the policies of the Venice LUP or Specific Plan. Those planning documents are used

only as guidance, to interpret the policies of the Coastal Act. Furthermore, to the extent that local planning policies are relevant to this analysis, either to aid with the interpretation of the Coastal Act or to determine that the billboard was not lawfully authorized by the City in the first place, the Oxford Triangle Specific Plan and the Venice Interim Control Ordinance, both of which preceded the construction of the billboard, include similar policies regarding height limits and/or prohibitions of billboards.

### **The Applicant Has No Vested Right to the Use of its Sign**

The applicant asserts that it has a vested right to the use of its billboard. Response to Appeals at 10-11. The Commission notes that this is not the appropriate forum in which to raise a claim of vested rights. The Commission provides a formal claims procedure, via sections 13200 to 13206 of its regulations, for filing claims of vested rights, pursuant to Section 30608 of the Coastal Act. If the applicant wishes to avail itself of that process in order to file a claim of vested rights, it may do so. Moreover, although the claim of vested rights is not appropriately raised here, the Commission notes that the applicant has not established, and cannot establish, the primary criterion for a claim of vested rights under Section 30608 – that the right was obtained prior to the effective date of the Coastal Act.

The primary case law cited by the applicant for the proposition that one may obtain vested rights through the acquisition of a permit (Trans-Oceanic Oil Corp. v. City of Santa Barbara (1948) 85 Cal. App. 2d 776) involved the revocation of authorization for legal development that was conducted pursuant to a valid permit. The applicant has no right to unpermitted, non-conforming development. Much more recent case law, involving an attempt to use Trans-Oceanic's vested rights holding to estop a government body from denying the validity of a permit, clarified that the principles outlined in Trans-Oceanic do not apply in cases where a permit was issued in conflict with applicable laws and would defeat the policies of local planning laws. See, e.g., Pettit v. Fresno (1993) 34 Cal. App. 3d 813 (holding that the government could not be estopped "to deny the validity of a building permit issued in violation of a zoning ordinance," and that Trans-Oceanic was "readily distinguishable" because it involved a valid permit).

The other case cited by the applicant (Traverso v. People ex rel. Dep't of Transp. (1993) 6 Cal. 4<sup>th</sup> 1152) deals only with the question of whether the Outdoor Advertising Act satisfies procedural due process requirements. It never mentions the phrase "vested rights" at all. The case does note that one can have a property interest in a billboard – even if it was erected illegally – sufficient to require due process protections; however, due process is not at issue here. There is no question that the applicant is being provided the "notice and the opportunity to be heard" that Traverso required. Traverso, 6 Cal. 4<sup>th</sup> at 1163. Moreover, Traverso only found such procedures to be necessary prior to the revocation of a permit for a billboard that was initially erected pursuant to "two valid permits." Traverso, 6 Cal. 4<sup>th</sup> at 1157. Again, the applicant before the Commission here has never received the necessary final authorization for the construction of the billboard at issue.

### **The Granting of this Appeal Does Not Effect a Regulatory Taking**

Based, in part, on the prior argument, the applicant claims that it has a property right in its billboard the deprivation of which would constitute a regulatory "taking" requiring compensation. Response to Appeals at 11. As indicated above, the applicant had no right to erect its billboard because it had not obtained a coastal development permit. Thus, its billboard is illegal, and it has no compensable property right in that billboard. The applicant once again cites the Outdoor Advertising Act to strengthen its takings claim, but, as noted above, that act is inapplicable due to the illegal construction of the billboard.

As explained above, the Traverso case did note that one can have a property interest in an illegal billboard, but only for purposes of due process protections. The applicant here has received ample process to satisfy and exceed the requirements of Traverso. However, nothing in Traverso, or anything else cited by the applicant, establishes that one can develop a property right in an illegal construction that would implicate a constitutional takings claim. Moreover, analogous case law involving the removal of billboards that constituted nuisances explains that enforcement actions against public nuisances do not constitute takings. People ex rel. Dept. of Transportation v. Hadley Fruit Orchards, Inc. (1976) 59 Cal.App.3d 49, 53 ("Regulations regarding and restrictions upon the use of property in an exercise of the police power for an authorized purpose, do not constitute the taking of property without compensation or give rise to constitutional cause for complaint" [citations omitted]); see also Scott v. City of Del Mar (1997) 58 Cal.App.4th 1296, 1306 ("Compensation is not constitutionally mandated, even if . . . appropriate permits were obtained for the original construction . . . .")

Finally, the Commission notes that, even if there were a legitimate takings claim here, that claim would not apply until the Commission demanded the removal of the billboard. The Commission is not now requiring that the billboard be removed, but only acting on the applicant's request for a permit. In addition, the Commission notes that the applicant has presented no evidence that it investigated the alternative uses to which its leasehold could be put, either prior to entering into the leasehold agreement or subsequently.

In sum, the denial of this after-the-fact permit does not constitute a taking subject to any constitutional limitations.

#### **E. Local Coastal Program**

Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal development permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act:

Section 30604(a) states:

*Prior to certification of the Local Coastal Program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a Local*

*Coastal Program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200). A denial of a Coastal Development Permit on grounds it would prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200) shall be accompanied by a specific finding which sets forth the basis for such conclusion.*

The City of Los Angeles does not have a certified Local Coastal Program for the Venice area. The Los Angeles City Council adopted a proposed Land Use Plan (LUP) for Venice on October 29, 1999. On November 29, 1999, the City submitted the draft Venice LUP for Commission certification. On November 14, 2000, the Commission approved the City of Los Angeles Land Use Plan (LUP) for Venice with suggested modifications. On March 28, 2001, the Los Angeles City Council accepted the Commission's suggested modifications and adopted the Venice LUP as it was approved by the Commission on November 14, 2000. The Venice LUP was officially certified by the Commission on June 12, 2001.

The proposed project does not conform to the development policies of the certified Venice LUP regarding height and signage. The City is engaged in other planning efforts to reduce the visual clutter that the applicant points out existing along Lincoln. Approval of this project would make it difficult to implement specific height and sign policies found in the LUP. Moreover, as discussed above, the proposed development is inconsistent with the Chapter 3 policies of the Coastal Act. Therefore, the Commission finds that approval of the proposed development would prejudice the City's ability to prepare a Local Coastal Program consistent with the policies of Chapter 3 of the Coastal Act, and is not consistent with Section 30604(a) of the Coastal Act.

#### **F. Unpermitted Development**

Prior to applying for the required coastal development permit for the proposed sign, the applicant received a sign permit from the City of Los Angeles Department of Building and Safety and installed billboard in late 1998. Later, the City determined that the authorization was issued in error, but approved Local Coastal Development Permit No. 2000-9995. The billboard approved by the City's local coastal development permit is the subject of this appeal. Because Local Coastal Development Permit No. 2000-9995 has been appealed to the Commission, there is not a coastal development permit approving the billboard.

No Coastal development permit has been obtained to authorize the billboard in the coastal zone. Although development has taken place prior to Commission action on this coastal development permit, consideration of the application by the Commission is based solely upon Chapter 3 policies of the Coastal Act. Commission action on this permit application does not constitute a waiver of any legal action with regard to the alleged violation nor does it constitute an admission as to the legality of any development undertaken on the subject site without a coastal development permit.

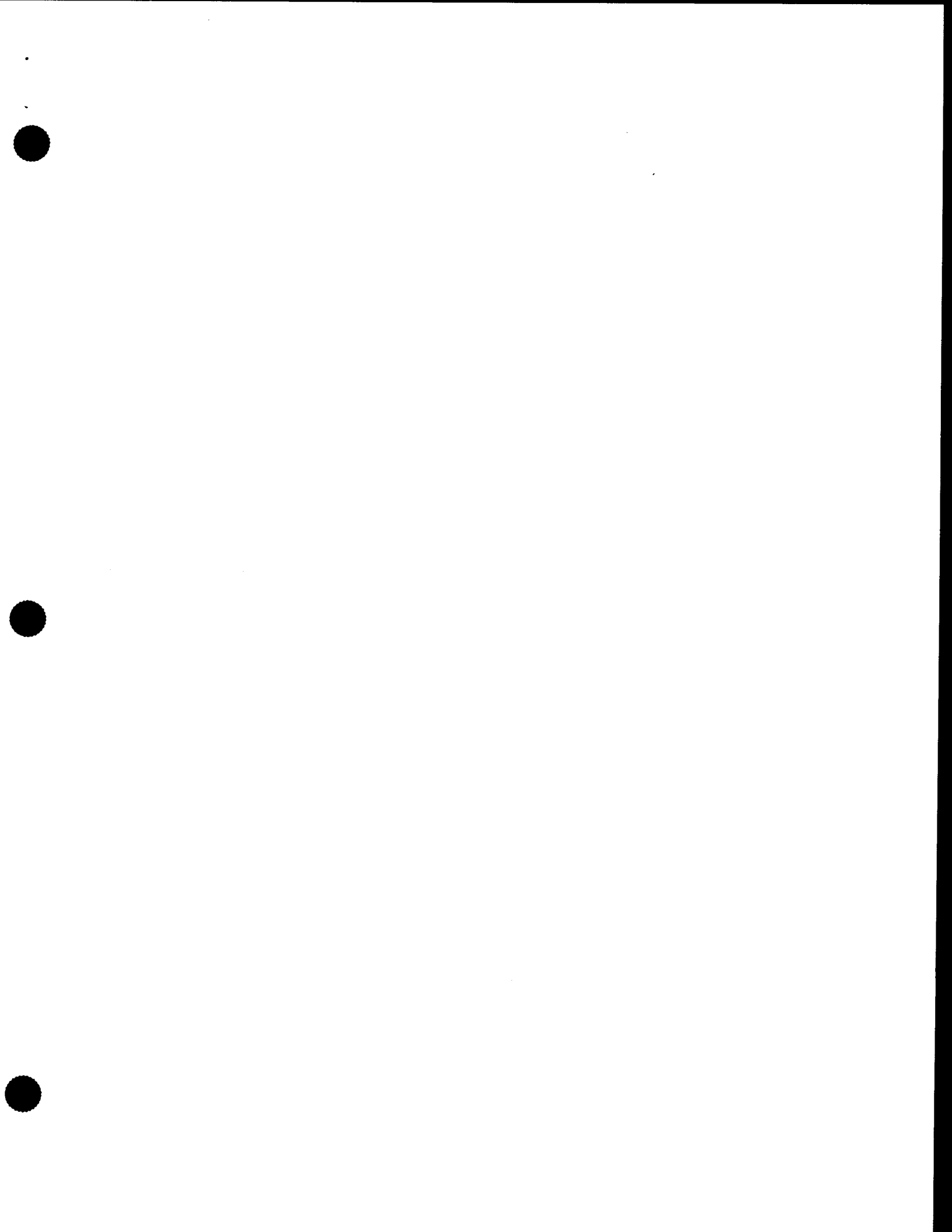
**G. California Environmental Quality Act (CEQA)**

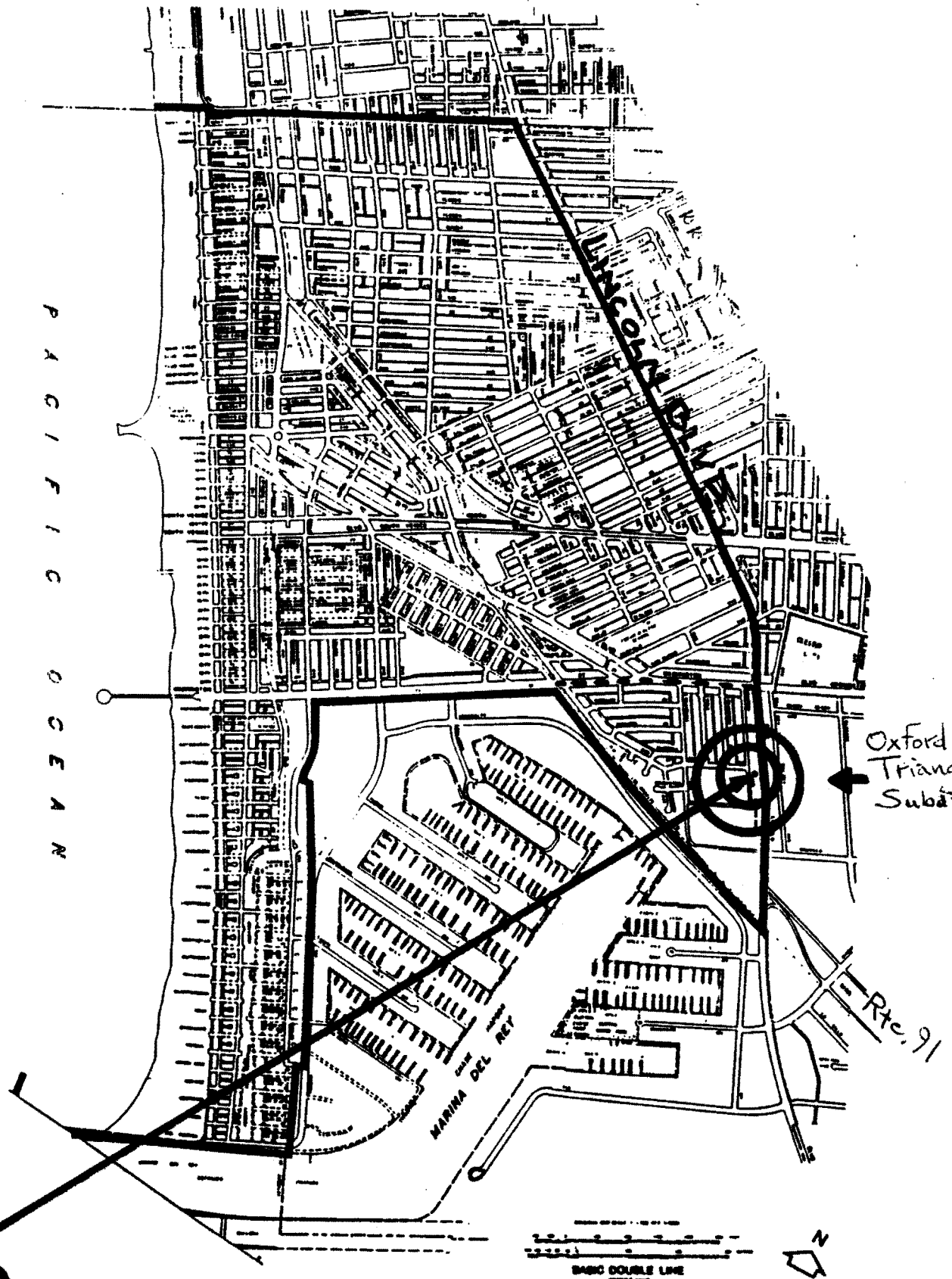
Section 13096 Title 14 of the California Code of Regulations requires Commission approval of a coastal development permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

In this case, there are two viable uses on the property actively being implemented: a warehouse and, the storage of vehicles. The maintenance and continued operation of the present uses constitutes a feasible alternative to the construction of the fifty-foot high sign. The existing building conforms to the thirty-foot height limit and is consistent with community character, represented by the predominate heights in the area (one and two stories). The denial of this project would reduce the sign's negative visual impact to persons using Lincoln Boulevard in Venice, and would protect the Venice skyline. The sign as proposed, will interfere with views of the clouds, coastal sunsets and coastal sky for travelers along Lincoln (State Highway One.) Approval of this sign could establish a precedent that would have a cumulative impact on the views of traveler along Lincoln.

There are feasible alternatives or mitigation measures available that will lessen any significant adverse impact the activity would have on the environment. Therefore, the Commission finds that the proposed project is not consistent with CEQA and the policies of the Coastal Act.

End/cp





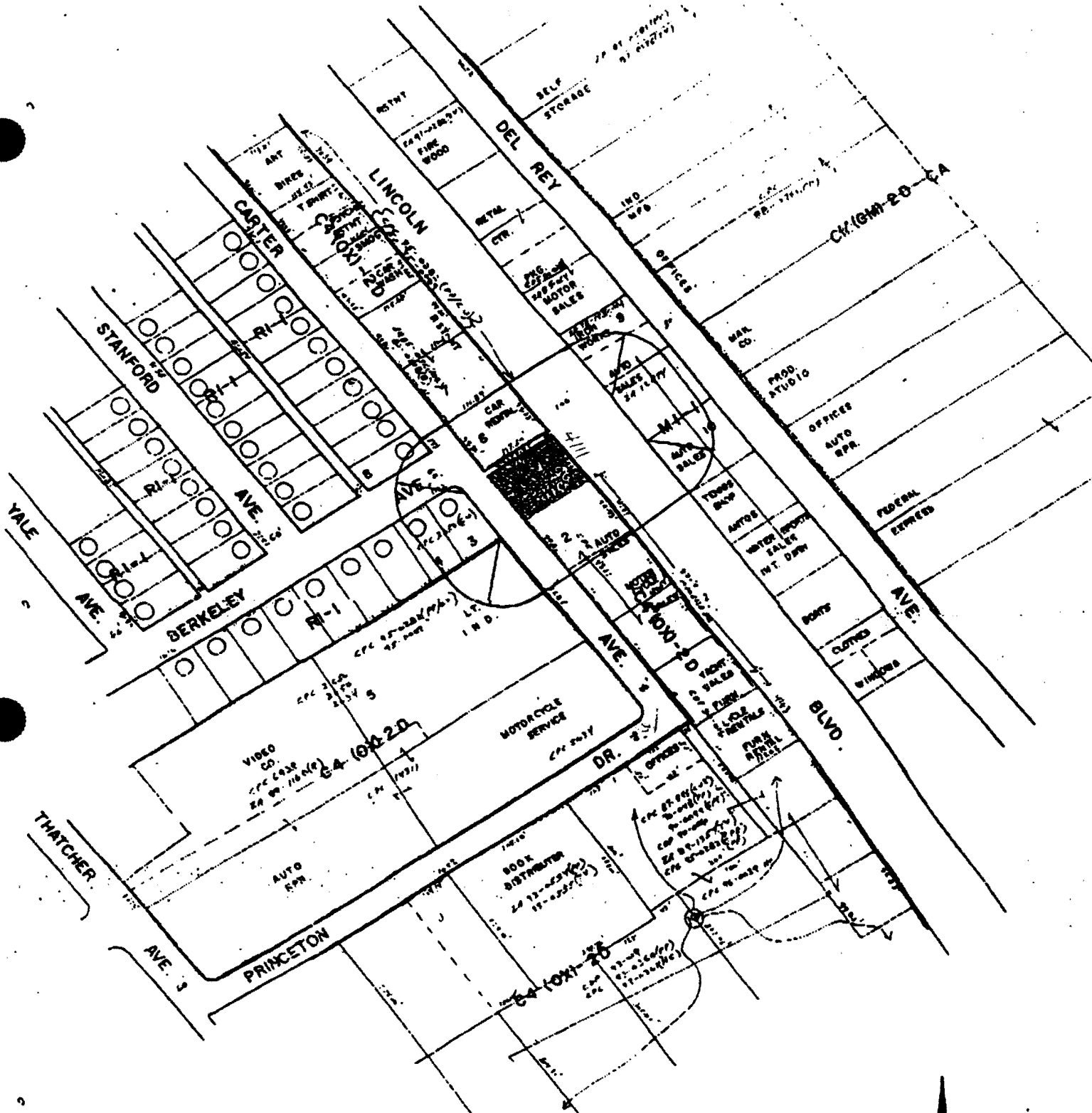
Site: 4111 Lincoln Blvd.

**VENICE COASTAL ZONE**

**COASTAL COMMISSION**  
A5-VEN-01-168

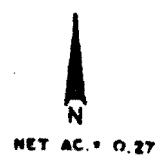
EXHIBIT # 1  
PAGE 1 OF 1





LEGAL LOT 27, WRIGHTS ADDITION  
TO OCEAN PARK. (M.B. 5-174)

**COASTAL DEVELOPMENT PERMIT**



C.D. 6  
C.T. 2741.00  
P.A. VENICE  
T.R. 079.3 5/6

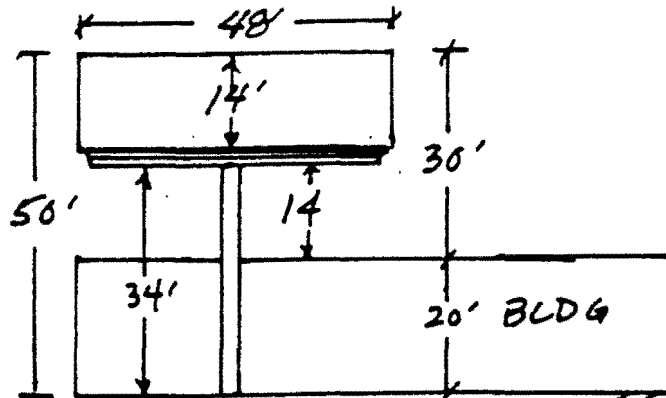
Valley Zoning Service  
21501 Lindero Street, Suite 300  
Woodland Hills, CA 91367  
(818) 906-7118

CASE NO.:  
DATE: 4-17-2000  
SCALE: 1" = 100'

**COASTAL COMMISSION**  
**A5-VEN-01-168**

EXHIBIT # 2  
PAGE 1 OF 1

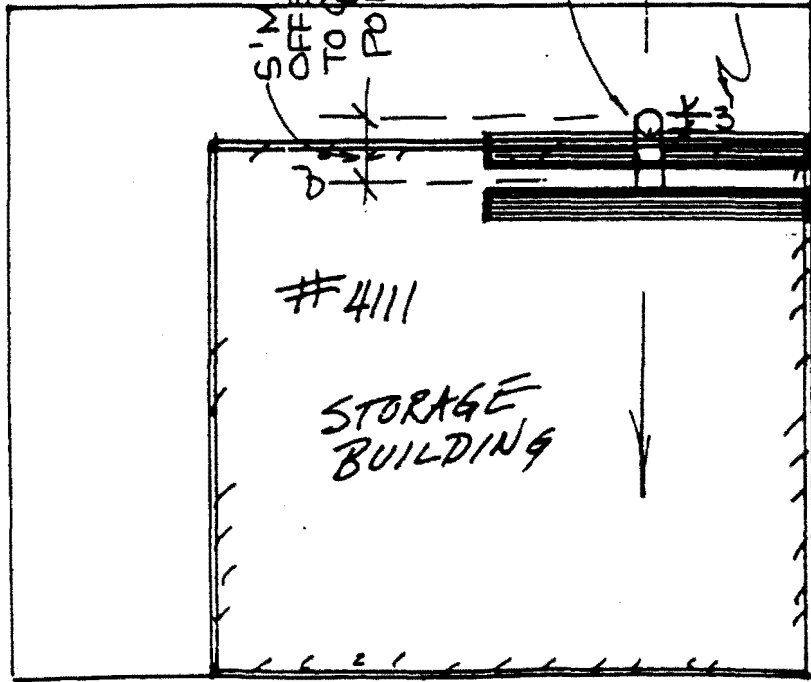
WASHINGTON BLVD.



NORTH ELEVATION

NO CLOSER THAN 1-FT. TO INT. R.

FROM EXT. WALL TO Q. OF POLE



1078.82' S  
99.93'

LINCOLN BLVD.

(DO NOT DRAW, WRITE, OR PASTE ATTACHMENTS OUTSIDE BORDER)

COASTAL COMMISSION  
A5-VEN-01-168



# West Los Angeles Area Planning Commission

221 North Figueroa Street, Room 1600, Los Angeles, CA 90012-2601 (213) 580-5234

[www.cityofla.org/PLN/index.htm](http://www.cityofla.org/PLN/index.htm)

## DETERMINATION OF THE WEST LOS ANGELES AREA PLANNING COMMISSION

Mailing Date: April 4, 2001  
Case No.: ZA 2000-9995 (CDP) - A

Address: 4111 Lincoln Blvd. South Coast Region

Council District: 6

Plan Area: Venice

Zone: C4 (OX)-2D

D.M.: 105 B 149

Legal Description: Lot 27, Wrights Addition  
to Ocean Park

**RECEIVED**

APR 6 2001

CALIFORNIA  
COASTAL COMMISSION

### COASTAL DEVELOPMENT PERMIT

CEQA: ENV 2000-9996 CE (CDP)

Applicant: Eller Media Company

Appellant: Same

At the meeting on February 21, 2001 the West Los Angeles Area Planning Commission:

**Denied** the Appeal

**Sustained** the action of the Associate Zoning Administrator

**Granted** the Coastal Development Permit

**Modified** Prior conditions

**Adopted** the Findings of the Associate Zoning Administrator

**Adopted** ENV 2000-9996-CE (CDP)

This action was taken by the following votes:

Moved: Lopez

Seconded: Krisiloff

Ayes: Rodman, Hall

Absent: Mobley Wright

**Effective Date:**

Area Planning Commission determination is effective upon the mailing of this report

**Appeal Status:**

Not further appealable

California Coastal Commission, upon receipt of this determination will establish the appeal period

Appealable only to the California Coastal Commission - South Coast District Office

Carla Crayton, Commission Executive Assistant  
West Los Angeles Area Planning Commission

**COASTAL COMMISSION**

A5-VEN-01-168

EXHIBIT # 4

PAGE 1 OF 3

CONDITIONS OF APPROVAL

The conditions and requirements of ZA 2000-9995 CDP, have not been modified substantially, except as indicated below.

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
2. The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Associate Zoning Administrator to impose additional corrective conditions, if, in the Administrator's opinion, such conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
4. All graffiti on the site shall be removed or painted over to match the color of the wall surface to which it is applied within 24 hours of its occurrence.
5. A copy of the first page of this grant and all conditions and/or any subsequent appeal of this grant and its resultant conditions and/or letters of clarification shall be included in the "notes" portion of the building plans submitted to the Associate Zoning Administrator and the Department of Building and Safety for purposes of having a building permit issued.
6. Within 30 days from the issuance of this determination, the applicant shall file for an Exception in compliance with the requirements of the Venice Specific Plan (Ordinance No. 172,897).
7. The Coastal Development Permit grant shall not become effective until such time as approval has been obtained under the terms and requirements of the Venice Specific Plan.
8. Notwithstanding any entitlement to the contrary, the applicant shall maintain the existing square footage of the billboard. At no time during this grant, the billboard be increased in size.
9. The billboard shall be non-illuminated or all lighting shall not be illuminated between the hours of 10 p.m. and 10 a.m., seven days a week.

**COASTAL COMMISSION**  
A5-VEN-01-160

EXHIBIT # 4  
PAGE 2 OF 3

10. Prior to the issuance of any building permits, the applicant shall obtain any required Administrative Approval for the project from the California Coastal Commission.
11. The grant shall be valid until August 15, 2008 or until the site is redeveloped, whichever occurs first, and shall be null and void thereafter.
12. The applicant shall remove its billboard after five years from the issuance of a coastal development permit and before August 15, 2008 upon notice by the City or the property owner that construction of a new project will commence within (60) days. (Volunteered by the applicant)
13. Applicant shall waive all damages and rights of compensation it may be entitled to by law by reason of the removal of its billboard after a five-year period from the issuance of a Coastal Development Permit and will indemnify the City of Los Angeles for any damages it may incur by reason of such removal. (Volunteered by the applicant)
14. There shall be no additional projections onto the permitted sign under this grant.
15. Height of sign shall be limited to existing permitted height.
16. Within 30 days of the effective date of this determination, a covenant acknowledging and agreeing to comply with all the terms conditions established herein shall be recorded in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement must be submitted to the Zoning Administrator for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Associate Zoning Administrator for attachment to the subject case file.

**COASTAL COMMISSION**  
A5-VEN-01-168

EXHIBIT # 4

PAGE 3 OF 3



# West Los Angeles Area Planning Commission

221 North Figueroa Street, Room 1600, Los Angeles, CA 90012-2601 (213) 580-5234

[www.cityofla.org/PLN/index.htm](http://www.cityofla.org/PLN/index.htm)

**CORRECTED COPY**

## DETERMINATION OF THE WEST LOS ANGELES AREA PLANNING COMMISSION

(Correction to amend Conditions nos. 12 and 13 to address the removal of the billboard and waiver of damages. Note: the mailing date of this corrected copy resets the effective date.)

Mailing Date: May 31, 2001  
Case No.: ZA 2000-9995 (CDP) - A

Address: 4111 Lincoln Blvd.  
Council District: 6  
Plan Area: Venice  
Zone: C4 (OX)-2D  
D.M.: 105 B 149  
Legal Description: Lot 27, Wrights Addition  
to Ocean Park

### **COASTAL DEVELOPMENT PERMIT**

CEQA: ENV 2000-9996 CE (CDP)

Applicant: Eller Media Company  
Appellant: Same

At the meeting on February 21, 2001 the West Los Angeles Area Planning Commission:

**Denied** the Appeal

**Sustained** the action of the Associate Zoning Administrator

**Granted** the Coastal Development Permit

**Modified** Prior conditions

**Adopted** the Findings of the Associate Zoning Administrator

**Adopted** ENV 2000-9996-CE (CDP)

RECEIVED  
JUN 4 - 2001  
CALIFORNIA  
COASTAL COMMISSION

This action was taken by the following votes:

Moved: Lopez  
Seconded: Krisiloff  
Ayes: Rodman, Hall  
Absent: Mobley Wright

**Effective Date:**

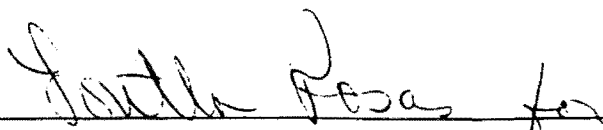
Area Planning Commission determination is effective upon the mailing of this report

**Appeal Status:**

Not further appealable at city level

California Coastal Commission, upon receipt of this determination will establish the appeal period

Appealable only to the California Coastal Commission - South Coast District Office

  
\_\_\_\_\_  
Carla Crayton, Commission Executive Assistant  
West Los Angeles Area Planning Commission

**COASTAL COMMISSION**

AS-VEN-01-16

EXHIBIT # 5  
PAGE 1 OF 11

**WEST LOS ANGELES AREA PLANNING COMMISSION DETERMINATION REPORT**

**BACKGROUND AND APPEAL REQUEST:**

1. On November 30, 2000, Associate Zoning Administrator Leonard S. Levine, pursuant to Los Angeles Municipal Code Section 12.20.2 approved a coastal development permit to allow the continued use and maintenance of an off-premises advertising structure (billboard) located in the single permit area of the California Coastal zone in the C4 (OX)-2D Zone.
2. The applicant appealed the entire determination of the Associate Zoning Administrator's approval.

**FINDINGS:**

1. The Commission determined that the Associate Zoning Administrator **erred** in certain conditions of approval.
2. The mandatory findings of the Associate Zoning Administrator were adopted by the Commission and are delineated in ZA 2000-9995 (CDP).
3. The prior conditions and limitations were modified in part for the following reason:
  - A. To protect the surrounding community and environment.
  - B. To assure a project as described by the applicant.
4. The Commission arrived at its determination based upon its review of available records and evidence contained in the subject and related files and upon testimony and evidence provided at the Commission's hearing on the subject matter.

**SUMMARY OF THE HEARING:**

The Associate Zoning Administrator (AZA) Leonard S. Levine summarized the request, the facts surrounding the case, the action taken, and the findings made. He indicated:

- The advertising structure (billboard) was constructed when the city erred in its permitting process;
- Signage subject to;
  - Oxford Triangle Specific Plan;
  - Venice Specific Plan;

**COASTAL COMMISSION**

AS-VEN-01-168

EXHIBIT # 5

PAGE 2 OF 11

- A term grant was a solution to make the Coastal Development Permit findings;
- Sign is larger and higher than previous sign;
  - Reduction in size of sign is a condition of approval; and
  - Height of sign was not addressed in conditions of approval.

The applicant's representative indicated:

- A legal permit was issued in October 1998;
- Sign was constructed in December 1998;
- Businesses could not operate if permits issued in error are null and void;
- Sign projections are legal;
- Informed coastal development permit was needed after construction;
- There are numerous similar signs in the area;
- Reason's for appealing;
  - Reduced size of sign area;
    - 75% reduction in revenue if size of sign is reduced 50%;
    - Smaller size signs deteriorate faster;
    - Results in different clientele;
  - Interim use;
    - Need to allow a reasonable return on the \$64,000 construction cost;
    - Willing to wave compensation rights, if five year grant is permitted;
- Lease agreement is for a total of 10 years and is subject to termination;
  - Property owner is compensated; and
  - Lease agreement is comprehensive.

**COASTAL COMMISSION**  
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EXHIBIT # 5  
PAGE 3 OF 11



An individual who opposed the request indicated:

- Neighborhood representative opposing the request;
- Experienced difficulty in being notified and informed of the project;
- Sign was approved in error and built during the night;
  - Permits issued in error should be null and void;
  - Sign is huge, a nuisance, ugly and obtrusive to scenic value;
  - Visible from his window approximately 75 yards away;
    - Sign illumination turned on at 5 a.m. is offensive;
    - Applicant was requested to angle sign away from his window but did not respond to request; and
- Remodeled his dwelling without knowing sign would be erected.

The following points were made leading to the Commissioner's determination;

- Concern of community impacts of staff error;
- Agree with AZA's grant of a five year term which considered;
  - Community Impacts;
  - Right to remain;
  - Time to amortize cost;
- At issue is size of sign versus revenue;
- Erection of billboards do not improve the street ambiance;
- Offer made by applicant to waive compensation if allowed to remain until the termination of the grant;
- Development of the property would need a project permit;
- Illumination of the sign on a timer which could be turned off at 10 p.m.,

**COASTAL COMMISSION**

AS-VEN-01-168

EXHIBIT # 5

PAGE 4 OF 11

- Reasonable due to commercial nature of Lincoln Blvd.;
- Revenue "lost" when illumination is turned off early is not a "taking";
- Difficult to change what's been granted to applicant;
- Sign is too high and too large;
  - Permitted size increase in size by error;
  - Prior sign in same location was lower and smaller;
  - Determination conditioned that size of sign be reduced to a size similar to the prior billboard on the site;
- Preferred alternative even though sign should not be there;
  - Allow sign to remain and to be removed at end of term;
  - Accept applicant's offer to waive damages;
- Term of the grant should be tied to 10 year term of the lease; and
- Redevelopment of the property is a concern between lessor and lessee.

The Commission then passed a motion to deny the appeal, sustain the action of the AZA, adopt the AZA's findings and modify the conditions of approval as follows:

- Limit height to its current height;
- Illumination of the sign shall be from 10 a.m. to 10 p.m.;
- No additional protections from current situation;
- Term of grant shall be until August 15, 2008 (date when lease terminates) or sooner if site is redeveloped;
- Indemnify City of Los Angeles for any damages after five years of use (volunteered by the applicant); and
- Size of billboard to remain "as is".

**COASTAL COMMISSION**

AS-VEN-01-168

EXHIBIT # 5

PAGE 5 OF 11

APPEAL RIGHTS:

Appealable. The determination in this matter is only appealable to the California Coastal Commission. Said determination by the West Los Angeles Area Planning Commission will become effective on the date indicated on the front page of this report unless an appeal is filed with the California Coastal Commission in accordance with their procedures. They can be reached at:

California Coastal Commission - South Coast District Office  
200 OceanGate - 10<sup>th</sup> Floor  
Long Beach, CA 90802  
(562) 590-5071  
Attention: Pam Emerson / Charles Posner

Furthermore, this coastal development permit shall be subject to revocation as provided in Section 12.20.2-J of the Los Angeles Municipal Code, as authorized by Section 30333 of the California Public Resources Code and Section 13105 of the California Administrative Code.

A copy of the permit will be sent to the California Coastal Commission. Unless an appeal is filed with the California Coastal Commission before 20 working days have expired from the date the City's determination is deemed received by such Commission, the City's action shall be deemed final.

EFFECTUATION OF THE ACTION:

1. Coastal Development Permit:

All terms and conditions of the approval shall be fulfilled before the use may be established. The instant authorization is further conditional upon the privileges being utilized within two years after the effective date of approval and, if such privileges are not utilized or substantial physical construction work is not begun within said time and carried on diligently to completion, the authorization shall terminate and become void. An Associate Zoning Administrator may extend the termination date for one additional period not to exceed one year, if a written request on appropriate forms, accompanied by the applicable fee is filed therefore with a public Office of the Department of Planning setting forth the reasons for said request and an Associate Zoning Administrator determines that good and reasonable cause exists therefore.

2. Time Extension: A request for permit utilization time extension:

- a. Must be filed at a public counter of the Planning Department, and
- b. The extension application must be accepted prior to the expiration of the time to utilize the grant or other authorization.

**COASTAL COMMISSION**

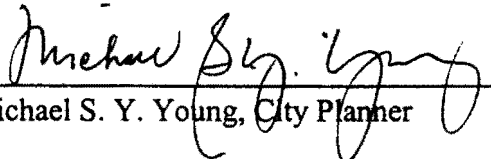
EXHIBIT # 5  
PAGE 6 OF 11

- c. The extension application must be accompanied by the appropriate fee payment and substantial evidence that unavoidable delay has prevented or will prevent the applicant from taking advantage of the grant or authorization within the specified time limits.
- d. WARNING: IF more than one permit is involved, be sure you secure an extension of time for each separate permit, as may be required by law. Often permits have different time limits and extension allowances.

REFERENCED EXHIBITS:

Exhibit No. B-1: Conditions of Approval (attached).

Exhibit No. A-1: Applicant's plot plan (file copy only).

  
\_\_\_\_\_  
Michael S. Y. Young, City Planner

MSY: CNV

**COASTAL COMMISSION**

AS-VEN-01-1

EXHIBIT # 5

PAGE 7 OF 11

CONDITIONS OF APPROVAL

The conditions and requirements of ZA 2000-9995 CDP, have not been modified substantially, except as indicated below.

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
2. The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Associate Zoning Administrator to impose additional corrective conditions, if, in the Administrator's opinion, such conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
4. All graffiti on the site shall be removed or painted over to match the color of the wall surface to which it is applied within 24 hours of its occurrence.
5. A copy of the first page of this grant and all conditions and/or any subsequent appeal of this grant and its resultant conditions and/or letters of clarification shall be included in the "notes" portion of the building plans submitted to the Associate Zoning Administrator and the Department of Building and Safety for purposes of having a building permit issued.
6. Within 30 days from the issuance of this determination, the applicant shall file for an Exception in compliance with the requirements of the Venice Specific Plan (Ordinance No. 172,897).
7. The Coastal Development Permit grant shall not become effective until such time as approval has been obtained under the terms and requirements of the Venice Specific Plan.
8. Notwithstanding any entitlement to the contrary, the applicant shall maintain the existing square footage of the billboard. At no time during this grant, the billboard be increased in size.
9. The billboard shall be non-illuminated or all lighting shall not be illuminated between the hours of 10 p.m. and 10 a.m., seven days a week.

**COASTAL COMMISSION**

AS-VEN-01-168

EXHIBIT # 5

PAGE 8 OF 11

10. Prior to the issuance of any building permits, the applicant shall obtain any required Administrative Approval for the project from the California Coastal Commission.
11. The grant shall be valid until August 15, 2008 or until the site is redeveloped, whichever occurs first, and shall be null and void thereafter.
12. **The applicant shall *dismantle and remove its billboard from the site on August 15, 2008 or before August 15, 2008* upon notice by the City or the property owner that construction of a new project will commence within (60) days. (Volunteered by the applicant)**
13. Applicant shall waive all damages and rights of compensation it may be entitled to by law by reason of the removal of its billboard after a five-year period from the *commencement of the terms of the existing lease which is August 15, 1998* and will indemnify the City of Los Angeles for any damages it may incur by reason of such removal after 5 year period. (Volunteered by the applicant)
14. There shall be no additional projections onto the permitted sign under this grant.
15. Height of sign shall be limited to existing permitted height.
16. Within 30 days of the effective date of this determination, a covenant acknowledging and agreeing to comply with all the terms conditions established herein shall be recorded in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement must be submitted to the Zoning Administrator for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Associate Zoning Administrator for attachment to the subject case file.

**COASTAL COMMISSION**

A5-VEN-01-168


EXHIBIT # 5

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**CITY OF LOS ANGELES**  
INTER-DEPARTMENTAL CORRESPONDENCE

May 30, 2001

TO: The Honorable West Los Angeles  
Area Planning Commission

FROM: Robert Janovici   
Chief Zoning Administrator

SUBJECT: **CASE NO. ZA 2000-9995(CDP) - A**

On February 21, 2001, your Honorable Body met and took an action on the above noted appeal from the action of Associate Zoning Administrator Leonard Levine's approval of a Coastal Development Permit for continued maintenance of a billboard. Your action was to sustain the approval, however, while so doing, you modified certain of the conditions imposed.

After mailing of your written decision to the interested parties (including the applicant) as well as the California Coastal Commission, a written communication was sent to you by a nearby resident questioning whether the written determination and specifically Condition Nos. 11, 12 and 13 accurately reflected your action.

In turn, staff (Michael Young) was requested to listen to the tape of the February 21, 2001 hearing and to make any corrections deemed appropriate. Michael Young has followed your direction and has issued a proposed corrected version of your decision.

While I have no doubt that Mr. Young has accurately memorialized what was stated at the meeting, I find that my review of the corrected version still poses some potential problems in terms of the long range enforceability of your decision and your intent. I understand that the discussion at the hearing took place ad hoc without the benefit of written versions for the Commission to review on the spot and there was considerable input contributed from the applicant's attorney, staff and your members. This unfortunately did not allow for detached reflection which has taken place now. Accordingly, I am suggesting that you consider this input while discussing the matter on June 6, 2001.

In brief, my concerns regarding the enforceability of Condition Nos. 11, 12 and 13 are as noted below:

Condition No. 11

It is unclear what the term "redeveloped" means in this instance. For example, what if a new project could be developed on the site without requiring ~~the~~ <sup>no actual</sup> removal of the billboard. 5

**COASTAL COMMISSION**

PAGE 10 OF 11

Suggestion

"11. This grant shall be valid until August 15, 2008, or upon abandonment of the billboard, whichever occurs first, and shall be null and void thereafter."

Condition No. 12

The City would not provide notice to a tenant (Eller Media) that construction may be taking place on a site. The owner of the property might provide notice to a billboard tenant but that is a private matter between the owner and the tenant, probably covered under the terms of the underlying lease.

What if a new project could be built on the site which does not require removal of a billboard?

Suggestion

"12. The applicant shall dismantle and remove its billboard from the site by August 16, 2008 or before August 16, 2008, if required to do so by the property owner." Upon such action, the use shall be deemed abandoned.

Condition No. 13

I believe that what the Commission meant to do was to have the applicant waive any right to damages against the City emanating from removal of the billboard after August 15, 2003 (five years after commencement of the lease) and before August 15, 2008 (the end of the lease) and to have the applicant indemnify the City if it is sued by a third party (e.g., the owner for removal of the billboard after a five year period has elapsed after commencement of the lease but before the lease has expired under its own terms).

Suggestion

"13. The applicant shall waive all rights to damages and compensation it may be entitled to by law by reason of the removal of the billboard after a five year period from the commencement of the term of the existing lease which is August 15, 1998, and will indemnify the City of Los Angeles for any claim or judgement against the City by any other party by reason of removal of the billboard after August 15, 2001 but before August 15, 2008."

David Kabashima of our Office will be at your meeting of June 6, 2001, for a different case but will also be available to discuss this matter in lieu of Mr. Levine who has retired.

RJ:lmc

**COASTAL COMMISSION**

AS-VEN-01-168

EXHIBIT # 5

PAGE 11 OF 11





# West Los Angeles Area Planning Commission

221 North Figueroa Street, Room 1600, Los Angeles, CA 90012-2601 (213) 580-5234

www.cityofla.org/PLN/index.htm

## CLARIFICATION OF THE WEST LOS ANGELES AREA PLANNING COMMISSION'S DETERMINATION

**RECEIVED**  
South Coast Region

*Clarifying Conditions 11, 12 and 13*

JUL 12 2001

Date: July 9, 2001

Council District: 6  
Plan Area: Venice  
Location: 4111 Lincoln Boulevard

CALIFORNIA

COASTAL COMMISSION

Applicant/Appellant: Eller Media

### COASTAL DEVELOPMENT PERMIT

CASE NO: ZA 2000-9995 (CDP)-A1

At its meeting of June 19, 2001 the West Los Angeles Area Planning Commission clarified the following conditions:

1. Condition 11 (Exhibit No. B-1 page 2)

This grant shall be valid until August 15, 2008, or upon abandonment of the billboard whichever occurs first, and shall be null and void thereafter.

2. Condition 12 (Exhibit No. B-1 page 2)

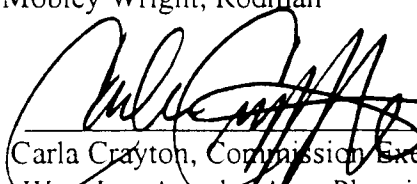
The applicant shall dismantle and remove its billboard from the site by August 16, 2008 or before August 16, 2008, if required to do so by the property owner. Upon such action the use shall be deemed abandoned.

3. Condition 13 (Exhibit No. B-1 page 2)

The applicant shall waive all rights to damages and compensation it may be entitled to by law, by reason of the removal of the billboard after a five year period from the commencement of the term of the existing lease which is August 15, 1998, and will indemnify the City of Los Angeles for any claim or judgement against the City by any other party by reason of removal of the billboard after August 15, 2003, but before August 15, 2008.

This action was taken by the following votes:

Moved: Lopez  
Seconded: Hall  
Ayes: Krisiloff, Mobley Wright, Rodman

  
Carla Crayton, Commission Executive Assistant  
West Los Angeles Area Planning Commission

**COASTAL COMMISSION**  
AS-VEN-01-168

EXHIBIT # 6  
PAGE 1 OF 1

April 20, 2001

To: Matthew S Rodman, Chair, West Los Angeles Area Planning Commission  
From: Robert Levy, Resident  
Re: Case No. ZA 2000-9995 (CDP) -A

Dear Mr. Rodman,

This letter is to request that you and/ or the other commission members review the **DETERMINATION OF THE WEST LOS ANGELES AREA PLANNING COMMISSION** letter that I received from Carla Crayton, Commission Executive Assistant. With all due respect, it appears to me that there are some ambiguities, inaccurate language, and omissions, which do not accurately reflect the record of February 21, 2001. Although I realize it is a difficult task interpreting rather lengthy testimony, we must nevertheless address these mistakes now, so that in the event of an appeal to the California Coastal Commission we will have a reasonably accurate document to which to refer. Further, and perhaps most important, the Conditions Of Approval will ultimately become a recorded and enforceable document. It is therefore incumbent upon us all to insure its clarity and accuracy.

The record explicitly shows that the permit for the billboard was issued in error. This billboard violates The Coastal Act, The Venice Interim Control Ordinance, and The Oxford Specific Plan. The record also indicates that the applicant claims that a substantial amount of money was spent to erect the billboard; and claims significant loss of revenue if required to reduce or remove said sign. These are the issues that the Commissioners were attempting to mitigate. In order to avoid a lawsuit for the City of Los Angeles by applicant, they would allow the unsightly billboard to remain essentially "as is", except for restricted hours of night lighting. At the termination of applicant's lease, require applicant to remove it permanently. Applicant volunteered that if allowed to maintain the billboard a minimum of five years, they would indemnify The City from future loss of revenue claims. And so it is the requisite language in the Conditions of Approval as to the actual, physical removal of the billboard that is, in fact, inadequate.

I have spoken by telephone with Michael Young, City Planner, and Robert Janovici, Chief Zoning Administrator, both of whom suggested that I write this letter. As there are audiotapes and minutes of the meeting, I am certain that the questions and clarifications that I shall mention can easily be resolved. However, I would respectfully submit that this be looked into in a timely manner, as the clock is running on the twenty (20) business day period for appeal. The Coastal Commission "received" the letter April 6, 2001. This puts the deadline at May 4, 2001.

Per my conversation with Michael Young, author of said Conditions: Item #11 was intended to address the "Term" of the grant; Item # 12 was intended to address

**COASTAL COMMISSION**

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EXHIBIT # 7

PAGE 1 OF 2

"Removal" of the billboard; and Item # 13 was intended to address "Indemnification" for the City of Los Angeles.

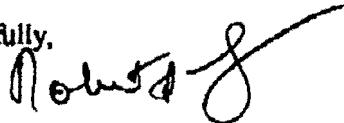
Term. The date here is accurate. However, applicant's representative indicated in testimony (Page 3, Determination) that if all permits issued in error were null and void (as the code states), businesses could not operate. Commissioners seemed to go along with this. Here we have exactly the same language, *null and void*, in the conditions. There is no language here (#11) that goes far enough. If counsel for applicant were to argue this at some future action or appeal, nothing in this language assures us that the result would be different. What then does null and void mean? It needs to be clarified. The code states that a permit issued in error shall be null and void. Instead of immediately declaring it null and void, you, the commissioners are offering a grant until August 15, 2008. This is the term. To explain what they were after here, the Commissioners' testimony then went to the actual, *physical* removal.

Removal. Specifically, at the meeting, it was said more than one time that the billboard would or should be taken down (understood: dismantled, including the standard) permanently on or before August 15, 2008. As you, Mr. Rodman pointed out, since there was no "option" to extend in the lease, this seemed like an ideal time to terminate the grant and remove the billboard. Again, per my conversation with Michael Young, item #12 of the Conditions Of Approval was *intended* to address removal. Unfortunately, the first line of item #12, "The applicant shall remove its billboard after *five* years from the issuance of a coastal development permit and before August 15, 2008 upon notice by the City or the property owner that construction...." is simply inaccurate. This time period, five (5) years was the length of time (volunteered by the applicant) after which time they would indemnify the City from any damages that they may incur by reason of such removal. It has nothing to do with actual removal of the billboard. Indeed, Item # 13 goes to the indemnification.... If, in fact, it were as written in Item # 12, then applicant would be required to remove billboard in *roughly 2006*. That would be wonderful, but not what was stated at the hearing. It is easy to envision capable counsel for the applicant addressing this inaccuracy upon subsequent appeal of this action. This is not what the record states, nor what the commissioners asked for in allowing the grant. Indeed, Item # 12, in addressing "removal" should state as a *follow-up* to Item # 11 that "The applicant shall dismantle and remove its billboard from the site on or before August 15, 2008, and certainly no later than this date." Period. As this is to be a recorded document (see Item 16), it need not be further conditioned by the current language, necessitating "notice by the City or the property owner that construction of a new project...." It should simply state that the billboard will be disassembled and removed by such date (August 15, 2008) at the expense of the owner of the billboard. That was the intent, and it needs to be clarified, and then recorded.

Indemnification. Nothing wrong here if language in Items 11, and 12 are corrected and clarified.

In summary, the Determination Letter dated April 4, 2001 does not accurately reflect the record of the hearing, specifically with respect to the Conditions imposed. It is hoped that this letter will help to clarify and correct the aforementioned concerns. Thank-you in advance for your careful review.

Respectfully,



Robert Ira Levy  
3140 Stanford Ave  
Marina Del Rey, Ca. 90292

Cc: Robert Janovici Chief Zoning Administrator  
Charles Posner/ Pam Emerson, California Coastal Commission  
Michael Young, City Planner

COASTAL COMMISSION

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EXHIBIT # 7

PAGE 2 OF 2

RE: APPEAL NO. A-5-VEN-01  
PROJECT: BILLBOARD AT 4111 LINCOLN BLVD.

RECEIVED  
South Coast Region

JUL 16 2001

**ELLER MEDIA COMPANY'S RESPONSE TO APPEALS** CALIFORNIA  
COASTAL COMMISSION

**INTRODUCTION**

Eller Media Company (Eller) is in the outdoor advertising business. Eller applied for a permit to install a billboard at 4111 Lincoln Boulevard in Los Angeles. A permit was issued on October 15, 1998 (Exhibit "A"). The permit issued by the City of Los Angeles indicates that the site is located in the Coastal Zone.

Pursuant to a Lease Agreement (Exhibit "B") and in reliance upon its permit, Eller constructed its billboard with full knowledge of the City, at a cost of \$64,623.00. On August 30, 1999, the California Coastal Commission advised Eller that its billboard was in the coastal zone and that it required a coastal development permit pursuant to the California Coastal Act (Exhibit "C"). Eller complied and filed its Coastal Permit Application with the California Coastal Commission (Exhibit "D" [p.1]). On January 28, 2000, the Coastal Commission advised Eller that it would not accept its application and that it should file its application with the City of Los Angeles (Exhibit "E").

Eller filed its application for a development application with the City Planning Department. A hearing was held on August 8, 2000, before Associate Zoning Administrator Leonard S. Levine. On November 30, 2000, the zoning administrator issued his written determination, approving Eller's permit application subject to thirteen (13) separate conditions (Exhibit "F").

Eller appealed the decision of the zoning administrator to the West Los Angeles Area Planning Commission (Exhibit "G"). Of specific concern to Eller were conditions

**COASTAL COMMISSION**

A5-VEN-01-168

requiring that its sign area be reduced by more than 50%; that the permit be limited to five years; that Eller obtain approval under the terms of the Venice Specific Plan; and that Eller's sign be required to conform to code regulations not existing at the time its sign was built.

The hearing was held on February 21, 2001. The speakers at the hearing were Mr. Robert Levy who resides near in the neighborhood, Ed Dato, Vice-President of Public Affairs for Eller Media Company, and Paul A. Jacobs, representing Eller. Mr. Levy expressed his opposition to the sign based upon size, height, lighting and proximity to his home. Eller indicated that it constructed the sign in good faith reliance on a permit issued by the City and that its lease extended to August 15, 2008. In a Supplement To Appeal filed with the West Area Planning Commission on February 12, 2001, the Declaration of Ed Dato was attached, in which Eller indicated that the billboard generates revenues in excess of \$93,000.00 per year (Exhibit "H"). At the hearing, Eller agreed that it would remove its sign after five years from the issuance of a coastal development permit should the City or owner wish to begin construction on a new project, and in addition, would waive all damages and rights of compensation it may be entitled to by law by reason of the removal of the billboard before the end of its lease.

In its written Determination Of the West Los Angeles Area Planning Commission, dated April 4, 2001, the Commission attempted to balance the concerns of Mr. Levy with the rights of Eller under its permit, modifying certain conditions of the Associate Zoning Administrator and adding new conditions (Exhibit "I"). The new conditions imposed by the Commission and intended to address the concerns of Mr. Levy included the following:

- The right of the Associate Zoning Administrator to impose additional

**COASTAL COMMISSION**

conditions if such conditions are necessary for the protection of persons in the neighborhood (Condition No. 3).

- Graffiti removal (Condition No. 4).
- Coastal Development Permit shall not become effective until such time as Eller has obtained an Exception from compliance with Venice Specific Plan (Condition Nos. 6 & 7).
- Illumination the billboard prohibited between 10 p.m. and 10 a.m. (Condition No.9).
- Eller will remove its billboard at anytime after five years from the *issuance of a coastal development permit upon notice by the City or owner that construction of a new project would commence* within 60 days (Condition Nos. 11 &12).
- Eller will waive rights to damages and compensation (Condition Nos.13).

On May 3, 2001, the Coastal Commission Executive Director and Robert Levy filed an Appeal From Coastal Permit Decision of Local Government.

On May 31, 2001, the West Los Angeles Area Planning Commission issued through City Planner Michael S.Y. Young, its Corrected Copy Determination (Exhibit "J"). Of significance was the change in Condition No. 13, providing that applicant waived damages and rights of compensation under the law by reason of the removal of the billboard after a five-year period from the *commencement of the terms of the existing lease which is August 15, 1998.*

In a letter dated May 30, 2001 Chief Zoning Administrator Robert Janovici, wrote a letter to the West Area Planning Commission suggesting changes in Conditions Nos. 11-

**COASTAL COMMISSION**

13 of the "corrected version" issued on May 31 by Mr. Young (Exhibit "K").

The matter of the "clarification" regarding Conditions Nos. 11-13 was scheduled for the West Area Planning Commission meeting of June 6 and continued to June 20, 2001. Eller responded to the "clarification of conditions" in its letter to the West Los Angeles Area Planning Commission, on June 11, 2001 (Exhibit "L").

Pursuant to written notice, the West Los Angeles Area Planning Commission held a hearing on June 20, 2001 at which time the Commission "clarified" three of the conditions of approval. At least one of these conditions was substantially modified from its original form and substance and Eller intends to appeal the imposition of that condition. Condition No. 13 has been significantly changed from that agreed upon by Eller at the hearing of February 21st. While Eller had agreed to waive any right of compensation commencing five years after a coastal development permit was issued, the condition was changed to commence the five-year period from the time the lease was executed. This condition is unfair, as Eller did not even have its billboard installed when the five-year period was to commence.

Written notice of the determination was dated July 9, 2001. A copy of the notice is attached and marked Exhibit "M".

### **ARGUMENT**

#### **1. THE CALIFORNIA COASTAL COMMISSION VIOLATES THE SEPARATION OF POWERS PROVISION OF THE CALIFORNIA CONSTITUTION, ART. III.**

In the Sacramento Superior Court case of *Marine Forests Society et al v. California Coastal Commission, et al*, Case No. 00AS00567, the trial court held that the California Coastal Commission is unconstitutionally structured because two-thirds of its

**COASTAL COMMISSION**

commissioners are appointed by and serve at the will of the Legislature, yet exercise executive branch functions such as issuing permits and cease and desist orders. The court

**COASTAL COMMISSION**



further found that "a separation of powers violation occurs when the exercise of the power of one branch of government defeats or materially impairs the authority of another branch".

An appeal of this decision was recently filed by the Commission.

**2. THE APPEAL AND HEARING BEFORE THE COMMISSION IS PREMATURE AS THE CITY OF LOS ANGELES HAS ISSUED NEW CONDITIONS WHICH HAVE THE EFFECT OF VACATING ITS PREVIOUS DECISION.**

On July 10, 2001, Eller received Clarification Of The West Los Angeles Area Planning Commissions' Determination, mailed on July 9, 2001, which modified three conditions imposed in its earlier Determination arising out of its hearing of February 21, 2001. Eller has a right to and will appeal to the Coastal Commission the written Determination dated July 9, 2001.

A trial de novo hearing on the appeals presently before the board would fail to consider the new conditions and Determination of the Commission, which superceded the Determination that is the subject of the appeals. Further, a hearing on the appeals now pending would preclude Eller from a fair opportunity to have its appeal heard without prejudice or prejudgment of the issues in this matter--- which is certain to exist should the Coastal Commission proceed to hearing without considering Eller's appeal.

It is preferable to have these matters heard at the same time and place rather than bifurcating appeals involving the same factual and legal issues.

**COASTAL COMMISSION**

**3. THE DETERMINATION OF THE WEST AREA PLANNING COMMISSION OF FEBRUARY 21, 2001, ADEQUATELY BALANCES THE INTERESTS OF THE SURROUNDING NEIGHBORHOOD WITH THE LEGITIMATE COMMERCIAL INTERESTS OF ELLER.**

Eller erected its billboard structure pursuant to a legal permit issued by the City of Los Angeles. The protections provided under the Coastal Act must be balanced against the commercial interests of Eller, recognized and protected under the Outdoor Advertising Act (Business and Professions Code §§ 5200 et seq). Under Section 5226, the Legislature finds:

(a) Outdoor advertising is a legitimate commercial use of property adjacent to roads and highways.

(b) Outdoor advertising is an integral part of the business and marketing function, and established segment of the national economy, and should be allowed to exist in business areas, subject to reasonable controls in the public interest.

The West Area Planning Commission did exactly what it was mandated to do under both the California Coastal Act and Business and Professions Code--it made a determination which balanced the interests of the neighbors and Eller. Eller agreed to cut short its lease and revenues generated from advertising and its rights to fair compensation in return for a fair return on its investment for a portion of its remaining lease period.

**COASTAL COMMISSION**

**4. ELLER'S BILLBOARD STRUCTURE COMPLIES WITH THE COASTAL RESOURCES PLANNING AND MANAGEMENT POLICIES.**

Eller's billboard structure is consistent with the policies described in Chapter 3 of the California Coastal Act. The structure does not interfere with the public's right of access to the coast, nor adversely impact marine resources, environmentally sensitive habitat areas or water-oriented recreational activities.

The billboard structure is consistent with the development policies of Chapter 3 for the following reasons:

- It is located within a traffic corridor already highly developed and urbanized in which on-site and off-site signs are numerous.
- It does not interfere with views to and along the ocean.
- It does not interfere with public access to the coast

The clear language of §30251 indicates that it was intended to apply to scenic and visual qualities "cited and designed to protect views to and along the ocean and scenic coastal areas". This language encompasses a geographic area much more restrictive than the "coastal zone". The two appellate cases on the subject are both supportive of this contention. In *Bel Mar Estates v. California Coastal Com.* (1981) 115 Cal.App. 3d 936, the court considered a 531 acre development of 174 homes in the Santa Monica Mountains overlooking the Pacific Coast Highway, which required the construction of a 4-lane highway, and the filling of a scenic canyon. A second case applying this section is *Paoli v. California Coastal Com* (1986) 178 Cal.App.3d 544, in which the court considered the construction of a 10-unit inn, single-family residence, dining room and 16-space

**COASTAL COMMISSION**

parking lot at the junction of State Highways 1 and 128 in Mendocino County described as a "critical view corridor" in the Mendocino County's land use plan.

The Eller billboard, located on a section of Lincoln Boulevard that is extremely developed with on and off-site signs, does not constitute an obstruction of a coastal view nor is it an unwelcome obtrusion into the views of visitors and tourists enjoying the coastal environment. It is not in a location contemplated under §30251.

**5. THE APPEAL OF THE EXECUTIVE DIRECTOR IS BASED UPON POLICIES WHICH DID NOT EXIST AT THE TIME ELLER'S PERMIT WAS ISSUED.**

The Land Use Plan of the Venice Local Coastal Program ("LUP") was approved the California Coastal Commission on November 14, 2000. It was adopted by the City of Los Angeles on March 28, 2001. The Appeal From Coastal Permit Decision Of Local Government by Coastal Commission Executive Director cites the policies of the LUP, which were not in existence as of October 15, 1998—the date Eller's permit was issued by the City of Los Angeles. (Exhibit "A"). The policies cited in this appeal come under Policy Group I—Locating And Planning **New Development** etc. The Eller billboard is not a "new development".

The LUP makes reference to the The Venice Specific Plan, which was not approved by the City Council until October 29, 1999---almost a year **after** the Eller permit was issued by the City.

While the LUP makes reference to a Local Implementation Plan (LIP) it is Eller's understanding that no such LIP has yet been adopted, and that the document serving that purpose is the Venice Specific Plan.

**COASTAL COMMISSION**

The passage and retroactive application of laws is unconstitutional. Eller's sign is a legal, nonconforming use and subject to the legal protections of such uses.

**6. ELLER HAS A VESTED RIGHT TO THE USE OF ITS SIGN.**

Eller applied for a permit with the City of Los Angeles for its existing billboard. The City of Los Angeles issued it a permit with knowledge that the west side of Lincoln Boulevard is in the coastal zone (the east side of the street is not). Its permit is not limited to specific time duration. In reliance upon its permit, Eller proceeded in good faith to erect its billboard structure and incur substantial expenses in its construction. Further, it has obligated itself under a lease with the owner of the real property on which the billboard is located. The projected loss of revenues from the taking of this billboard is extraordinary.

By reason of the above-stated facts, Eller's right to maintain its billboard is vested. "Where a permit to build a building has been acted upon, and where the owner has, as in this instance, proceeded to incur obligations and to in good faith proceed to erect the building, such rights are vested property rights, protected by the federal and state Constitutions" [*Trans-Oceanic Oil Corp. v. Santa Barbara* (1948) 85 Cal. App. 2d 776 at 784.

The California Supreme Court in the case of *Traverson v. People ex rel Dept of Transp.* (1993) 6 C4th 1152 at 1164, has recognized that billboards are a protectible property interest:

Consistent with this well-established due process doctrine, we find a billboard constitutes a protectible property interest. The value of a billboard, and thus its potential for achieving protected property status, derives primarily from its use as an advertising medium. It is

**COASTAL COMMISSION**

uncontradicted that a single billboard can generate several thousand dollars per month in advertising revenues. We also note that, aside from its value as an advertising medium, the billboard itself has inherent, pecuniary worth.

**7. THE GRANTING OF THE APPEALS WOULD EFFECTUATE A TAKING OF ELLER'S SIGN WITHOUT FAIR COMPENSATION.**

Should the denial of the coastal development permit result in the loss or revocation of Eller's permit, a regulatory taking would have occurred, resulting in significant damages to Eller.

No advertising sign which has been lawfully erected may be compelled to be removed without payment of compensation (Business and Professions Code §§5412). The denial of a coastal development permit will subject Eller to an action by the City to revoke its sign permit. Such an action is a regulatory taking and subject to compensation.

**CONCLUSION**


Eller has agreed to significant conditions modifying its right to maintain its billboard structure. The West Los Angeles Area Planning Commission imposed conditions on the Eller permit, which substantially reduce the environmental impacts. The conditions modify a building permit of unlimited duration to one for approximately five years and require a waiver by Eller of damages for uncompensated taking.

**COASTAL COMMISSION**

The accommodation agreed to by Eller represents a fair resolution for all parties and it is requested that the Coastal Commission support the determination by the City of Los Angeles.

DATED: July 11, 2001

Richard Hamlin Attorneys



Paul A. Jacobs

**COASTAL COMMISSION**



Plan Check =  
Eve de

Reference =

Sign City of Los Angeles - Department of Building and Safety Status: Ready to Issue  
**APPLICATION FOR INSTALLATION**  
**AND INSPECTION OF SIGNS** Status Date: 10/15/98  
 Over the Counter Permit Printed on: 10/15/98 11:33

TRACT	BLOCK	LOT(s)	USE	MAP REF #	PARCEL ID # (PIN)	BOOK/PAGE/PAT
WRIGHTS ADDITION TO		27	1	M B 5-174	105B149 35	4229 - 004 - 1

**1. PARCEL INFORMATION**  
 Alley - 8' @ SIDE  
 BAS Branch Office - WLA  
 Council District - 6  
 Census Tract - 2741.000  
 Coastal Zone Cons. Act - YES  
 District Map - 105B149  
 Energy Zone - 6  
 Fire District - 2  
 Highway Dedication - YES  
 Lot Size - 100' X 120'  
 Lot Type - Interior/THROUGH  
 Thomas Brothers Map Grid - 672  
 ZONING: C4-(OX) 2, D/

**4. DOCUMENTS**  
 ZI - 1412  
 ZI - 1466  
 ZI - 1874

**5. CHECKLIST ITEMS**  
 Fabricator Req'd - Shop Welds  
 Fabricator Req'd - Structural Steel  
 Special Inspect - H/S Bolt  
 Special Inspect - Structural Observation  
 Special Inspect - Field Welding

**6. PROPERTY OWNER, TENANT, APPLICANT INFORMATION**  
 Owner(s): Kamberg, Henry Tr Henry Kamberg Tru12500 Culver Blvd NO 106 LOS ANGELES CA 90066  
 Tenant: - L. A. Classified  
 Applicant (Relationship: Agent for Contractor): Lorna Hobbs - Eller Media Company 1550 W. Washington Blvd. LOS ANGELES, CA 90007 (213) 731-5111

**7. EXISTING USE**  
 PROPOSED USE  
 19 Sign

**8. DESCRIPTION OF WORK**  
 INSTALLATION OF NEW 14' X 48' X 50' HIGH OFF-SITE, DOUBLE-FACED, SINGLE POLE SIGN USING L.A. CITY STANDARD PLAN NO. 104 TO PROJECT OVER EXISTING ONE-STORY BUILDING.

9. # Bldgs on Site & Use: 1-STORAGE BUILDING

For information and/or inspection requests originating within LA County, call toll-free (888)-LA4BUILT; outside LA County, call (213)-977-6941.

**10. APPLICATION PROCESSING INFORMATION**  
 BLDG. PC By: Alice Gong DAS PC By:  
 OK for Cashier: Alice Gong Coord. OK:  
 Signature: Date:

For Cashier's Use Only - W/O #: 8480181

**11. PROJECT VALUATION & FEE INFORMATION** Final Fee Period

Permit Valuation: \$40,000		PC Valuation:	
FINAL TOTAL Sign	2,399.58	Electrical Service Fee	12.00
Permit Fee Subtotal Sign	1,400.00	Control Devices Fee	10.00
Plan Check Subtotal Sign	700.00		
Fire Hydrant Refuse-To-Pay			
E.Q. Instrumentation	8.40		
O.S. Surcharge	43.17		
Sys. Surcharge	129.50		
Planning Surcharge	63.51		
Planning Surcharge Misc Fee	5.00		
Permit Issuing Fee	17.00		
Signs or Gas Tube Systems Fee			
Additional Branch Circuits/Circuits F	11.00		
Sewer Cap ID:		Total Bond(s) Due:	

10/15/98 12:37:10PM LAG6 T-217-000  
 BLDG PLAN CHECK 700.00  
 INVOICE # 0000009 PP  
 BLDG PERMIT CO 1,400.00  
 EI COMMERCIAL 8.40  
 SYS DEV 129.50  
 ONE STOP 43.17  
 MISCELLANEOUS 5.00  
 CITY PLAN SURC 63.51  
 TOTAL 2,399.58  
 DOC# 06141003  
 CRCARD 2,399.58

98LA 8001

**12. ATTACHMENTS**  
 Misc. (See Comments)  
 Plot Plan

EXHIBIT A PAGE 1  
 PAGE 13 OF 59



Sign# 64413(P) Height from Grade 50 Feet  
 Sign# 64413(P) Illuminated Sign  
 Sign# 64413(P) Sign Area 672 Sqft  
 Sign# 64413(P) Sign Length 48 Feet  
 Sign# 64413(P) Sign Width 14 Feet  
 Sign# 64413(P) Street Frontage 100 Feet

**14. APPLICATION COMMENTS**

MISC ATTACHMENT IS SIGN PRE-INSPECTION COMPLETED ON 9-3-98 BY INSPECTOR D. CARNEY (P.C.#G6704) WHICH SHOWS EXISTING OFF-SITE SIGN ON SAME SITE (DEMOLISHED UNDER PERMIT NO. 98048-10000-01490 & FINALED BY DALE CARNEY ON 10-14-98) AND EXISTING 5' X 12' OFF-SITE SIGN APPROXIMATELY 48' FROM PROPOSED SIGN

In the event that any bid (i.e. 1-16) is filed to capacity, it is possible that additional information that has been captured electronically is not printed. Nevertheless, the information printed herein exceeds that required by Section 19825 of the Health and Safety Code of the State of California.

**15. Building Relocated From:**

16. CONTRACTOR, ARCHITECT, & ENGINEER NAME	ADDRESS	CLASS	LICENSE#	PHONE#
(E) Kelly Vincent K	3435 Ocean Park Blvd #210, Santa Monica, CA 90405		C12494	(310) 828-3431
(C) Eller Media Company	1550 W Washington Blvd, Los Angeles, CA 90007	D42	702550	(310) 730-4257

Unless a shorter period of time has been established by an official action, plan check approval expires one and a half years after the plan check fee has been paid. This permit expires two years after the building permit fee has been paid or 180 days after the fee has been paid and construction has not commenced or if work is suspended, discontinued or abandoned for a continuous period of 180 days (Sec. 98.9602 LAMC). Claims for refund of fees paid must be filed within one year from the date of expiration for permits granted by the Dept. of Building & Safety (Sec. 22.12 & 22.13 LAMC).

**17. LICENSED CONTRACTOR'S DECLARATION**

I hereby affirm under penalty of perjury that I am licensed under the provisions of Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code, and my license is in full force and effect. (For 1 or 2 family dwellings, use the declaration attachment if separate general, electrical, plumbing, and/or HVAC contractor's & workers' comp. declarations are desired.)

License Class \_\_\_\_\_ Lic. No. \_\_\_\_\_ Print \_\_\_\_\_ Sign \_\_\_\_\_

**18. WORKERS' COMPENSATION DECLARATION**

I hereby affirm, under penalty of perjury, one of the following declarations:

- I have and will maintain a certificate of consent to self insure for workers' compensation, as provided for by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued.
- I have and will maintain workers' compensation insurance, as required by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued. My workers' compensation insurance carrier and policy number are  
 Carrier \_\_\_\_\_ Policy Number: \_\_\_\_\_
- I certify that in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to the workers' compensation laws of California and agree that if I should become subject to the workers' compensation provisions of Section 3700 of the Labor Code, I shall forthwith comply with those provisions.

Sign: \_\_\_\_\_ Date: \_\_\_\_\_  Contractor  Authorized Agent  Owner

WARNING: FAILURE TO SECURE WORKERS' COMPENSATION COVERAGE IS UNLAWFUL, AND SHALL SUBJECT AN EMPLOYER TO CRIMINAL PENALTIES AND CIVIL FINES UP TO ONE HUNDRED THOUSAND DOLLARS (\$100,000), IN ADDITION TO THE COST OF COMPENSATION, DAMAGES AS PROVIDED FOR IN SECTION 3706 OF THE LABOR CODE, INTEREST, AND ATTORNEY'S FEES.

**19. CONSTRUCTION LENDING AGENCY**

I hereby affirm under penalty of perjury that there is a construction lending agency for the performance of the work for which this permit is issued (Sec. 3097, Civil Code).

Lender's name \_\_\_\_\_ Lender's address: \_\_\_\_\_

**20. ASBESTOS REMOVAL**

Notification of asbestos removal  is not applicable  Letter was sent to the AQMD or EPA Sign: \_\_\_\_\_ Date: \_\_\_\_\_

**21. OWNER-BUILDER DECLARATION**

I hereby affirm under penalty of perjury that I am exempt from the Contractors License Law for the following reason (Section 7031.5, Business and Professions Code. Any city or county which requires a permit to construct, alter, improve, demolish, or repair any structure, prior to its issuance, also requires the applicant for such permit to file a signed statement that he or she is licensed pursuant to the provisions of the Contractors License Law (Chapter 9 commencing with Sec. 7000 of Division 3 of the Business and Professions Code) or that he or she is exempt therefrom and the basis for the alleged exemption. Any violation of Section 7031.5 by any applicant for a permit subjects the applicant to a civil penalty of not more than five hundred dollars (\$500).)

- I, as the owner of the property, or any employees with wages as their sole compensation, will do the work, and the structure is not intended or offered for sale (Sec. 7044, Business & Professions Code. The Contractors License Law does not apply to an owner of property who builds or improves thereon, and who does such work himself or herself or through his or her own employees, provided that such improvements are not intended or offered for sale. If, however, the building or improvement is sold within one year from completion, the owner-builder will have the burden of proving that he or she did not build or improve for the purpose of sale).
- I, as the owner of the property, am exclusively contracting with licensed contractors to construct the project (Sec. 7044, Business & Professions Code. The Contractors License Law does not apply to an owner of property who builds or improves thereon, and who contracts for such projects with a contractor(s) licensed pursuant to the Contractors License Law.)
- I am exempt under Sec. \_\_\_\_\_ Bus. & Prof. Code for the following reason: \_\_\_\_\_

Print: \_\_\_\_\_ Sign: \_\_\_\_\_ Date: \_\_\_\_\_  Owner  Authorized Agent

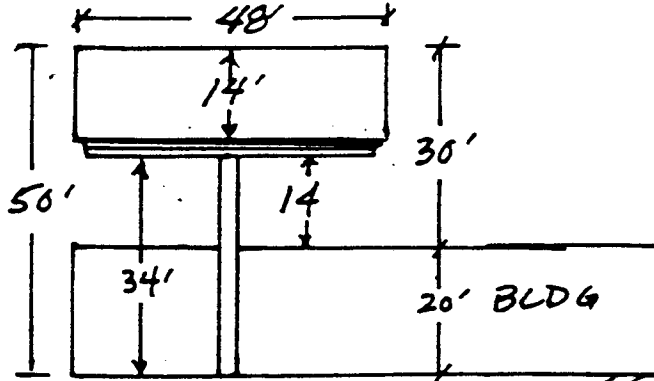
**22. FINAL DECLARATION**

I certify that I have read this application and state that the above information is correct. I agree to comply with all city and county ordinances and state laws relating to building construction, and hereby authorize representatives of this city to enter upon the above-mentioned property for inspection purposes. I realize that this permit is an application for inspection and that it does not approve or authorize the work specified herein. Also that it does not authorize or permit any violation or failure to comply with any applicable law. Furthermore, that neither the City of Los Angeles nor any board, department officer or employee thereof, make any warranty, nor shall be responsible for the performance or results of any work described herein, nor the condition of the property nor the soil upon which such work is performed. I further affirm under penalty of perjury, that the proposed work will not destroy or unreasonably interfere with any access or utility easement belonging to others and located on my property, but in the event such work does destroy or unreasonably interfere with such easement, a substitute easement(s) satisfactory to the holder(s) of the easement will be provided (Sec. 91.0106.4.3.4 LAMC).

Print \_\_\_\_\_ Sign \_\_\_\_\_ Date \_\_\_\_\_  Owner  Contractor  Author Agent

Over the Counter Permit

WASHINGTON BLVD.



NORTH ELEVATION

GRADE

NO CLOSER THAN 1-FT. TO INT. R.

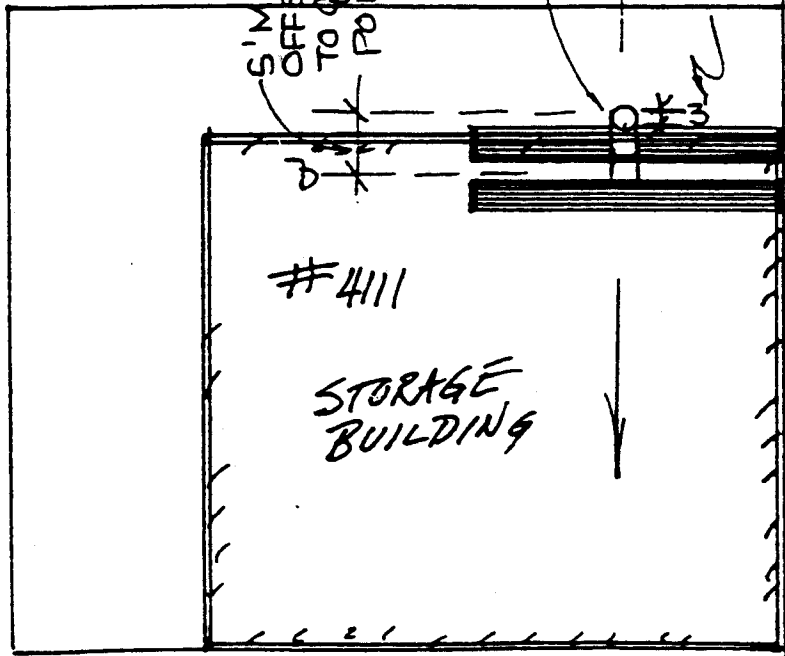
FROM EXT. WALL TO C. OF POLE

1078.82' S

LINCOLN BLVD.

99.93'

(DO NOT DRAW, WRITE, OR PASTE ATTACHMENTS OUTSIDE BORDER)



#4111

STORAGE BUILDING



# ELLER MEDIA COMPANY LEASE AGREEMENT

1 The undersigned ("Landlord") leases to ELLER MEDIA COMPANY, a Delaware corporation ("Eller"), the following  
2 described property ("Property"), for the purpose of erecting and maintaining outdoor advertising structures, including  
3 fixture connections, panels, signs, copy and any equipment and accessories as Eller may place thereon (collectively,  
4 the "Structures"), together with free access to the Property and use of the Property to construct, improve, supple-  
5 ment, post, paint, illuminate, maintain, repair, or remove the Structures. Eller may license the use of the Structures, or  
6 any portion thereof, for any lawful purpose. The Property is located at:

7 4111 Lincoln Blvd W/L 1078.62' S Washington  
8 Wly 1 Lot 27 Wright's Add to Ocean Park in  
9 the City/Township of Los Angeles County of Los Angeles  
10 State of California

11 2. This Lease shall be in effect for a base term of twenty (20) years, commencing on August 15, 1998

13 3. The rent shall be \_\_\_\_\_ (\$ \_\_\_\_\_) dollars  
14 per year, payable by Eller in twelve (12) equal monthly payments in advance.

15 4. This Lease shall continue in full force and effect for its initial term and thereafter for subsequent like terms,  
16 unless not less than ninety (90) days before the end of any such term Landlord or Eller gives Notice of termination.  
17 Eller shall have the right to terminate the Lease at the end of any monthly period during the initial term or any subse-  
18 quent term upon Notice to Landlord served not less than thirty (30) days prior to the end of such monthly period.  
19 ~~Landlord shall have the right to terminate the Lease at the end of any monthly period during the initial term or any subse-~~  
20 ~~quent term upon Notice to Eller served not less than thirty (30) days prior to the end of such monthly period.~~  
21 ~~Landlord shall have the right to terminate the Lease at the end of any monthly period during the initial term or any subse-~~  
22 ~~quent term upon Notice to Eller served not less than thirty (30) days prior to the end of such monthly period.~~  
23 If ownership of the Property changes, Landlord shall promptly notify Eller of such change and furnish the new owner with a copy of this Lease.

INITIAL  
FK  
A

24 5. Eller is the owner of all Structures and has the right to remove the Structures at any time or within one hundred  
25 twenty (120) days following the termination of this Lease. If for any reason, Eller's Structures are removed, material-  
26 ly damaged or destroyed, all rent payments shall cease until the Structures are rebuilt. If the Structures are removed  
27 for any reason, only the above-ground portions of the Structures, need be removed. Eller has the sole right to make  
28 any necessary applications with, and obtain permits from, governmental entities for the construction, use and main-  
29 tenance of the Structures. All such permits remain the property of Eller.

30 6. Landlord and Landlord's tenants, agents, or other persons acting on Landlord's behalf, shall not place or main-  
31 tain any object on the Property or any neighboring property owned or controlled by Landlord which, in Eller's sole op-  
32 inion, would obstruct the view of the advertising copy on the Structures. If Landlord fails to remove the obstruction with-  
33 in five (5) days after Notice from Eller, Eller may in its sole discretion: (a) remove the obstruction at Landlord's expense;  
34 (b) cancel this Lease, remove any or all of the Structures, and receive all pre-paid rent for any unexpired term of this  
35 Lease; or (c) reduce the rent to One Hundred Dollars (\$100.00) per year while the obstruction continues. Eller may trim  
36 any trees and vegetation on the Property and on any adjacent property controlled by Landlord as often as Eller in its  
37 sole discretion deems appropriate to prevent obstructions.

Eller and Landlord mutually agree:

38 7. If, ~~in any event~~ (a) the view of the Structures' advertising copy becomes entirely or partially obstruct-  
39 ed; (b) the Property cannot safely be used for the erection or maintenance of the Structures for any reason; (c) the  
40 Structures' value is substantially reduced by lower vehicular circulation; (d) the Structures' value for advertising pur-  
41 poses is otherwise diminished; (e) Eller is unable to obtain or maintain any necessary permit for the erection, use  
42 and/or maintenance of the Structures as Eller may desire; or (f) the Structures ~~are prevented~~ or restricted by law,  
43 Eller may immediately at its option either: (i) reduce rent in direct proportion to the loss suffered; or (ii) cancel this  
44 Lease and receive all pre-paid rent for any unexpired term of this Lease. If Eller is prevented from illuminating its signs  
45 by law, or other cause beyond Eller's control, the rent shall be reduced by one-third.

INITIAL  
FK  
A

46 8. In the event the Structures or any part thereof, or any portion of the Property, is condemned by proper authori-  
47 ties, or any right-of-way from which the Structures are visible is relocated, Eller shall have the right to relocate the  
48 Structures on Landlord's remaining Property or to terminate this Lease upon not less than thirty (30) days' Notice and  
49 to receive all pre-paid rent for any unexpired term of this Lease. Any condemnation award for Structures shall accrue to  
50 Eller. If condemnation proceedings are initiated, Landlord shall use its best efforts to include Eller as a party thereto.

ADDENDUM TO  
ELLER MEDIA COMPANY  
LEASE AGREEMENT  
(the "Lease")

This Addendum modifies and supplements, to the extent expressly set forth below, the provisions of the attached Lease. Capitalized terms defined in the Lease have the same meanings in this Addendum.

- 1. **Modifications** (Specify line number.)  
Paragraph 2. Line 11 - term to read ten (10) years.
- 2. **Additions** (Use numbered Sections starting with 17.)
- 17. Effective August 15, 1998 and continuing for each subsequent year a cost of living adjustment shall be figured and added on the base rate. Based upon the U.S. Bureau of Labor Statistics Consumer Price Index, Los Angeles, Long Beach, Metropolitan Area, with 1998 as the base year.
- 18. If at any time during the term of this lease, the property is sold to a third party bona fide purchaser, said purchaser shall have the right to terminate this lease by giving notice to Lessee not later than thirty (30) days following the date when the sale is completed. The purchaser shall, upon giving such notice of sale, provide Lessee with acceptable evidence thereof, and return to Lessee all rent paid for the unexpired term plus the total cost of construction and removal of Lessee's signs, less 1/50th of such cost for each full month of this lease prior to the notice of termination. The cost of construction and removal shall not exceed Fifty Thousand (\$50,000.00) Dollars.
- 19. In the event of any alleged breach of this lease, both parties shall promptly submit their grievance to binding arbitration before a mutually selected arbitrator who shall utilize the most current rules of the American Arbitration Association.

The provisions set forth on each of the above lines are fully incorporated into the Lease.

ELLER MEDIA COMPANY  
 By: [Signature]  
 Its: SQ. CAL REAL ESTATE MGR.  
 Date: 7-15-98

Henry Kamberg  
 Landlord  
 Date: 6-27-98

**CALIFORNIA COASTAL COMMISSION**

South Coast Area Office  
209 OceanGate, Suite 1000  
Long Beach, CA 90802-4372  
(562) 590-5071



**NOTICE OF VIOLATION OF THE CALIFORNIA COASTAL ACT**  
**CONFIDENTIAL-CERTIFIED MAIL**

August 30, 1999

Henry Kamberg  
Henry Kamberg Trust  
12500 Cuiver Blvd.  
Los Angeles, CA 90066-6656

PROPERTY LOCATION: 4111 Lincoln Blvd., Venice, City of Los Angeles.

VIOLATION FILE NO.: V-5-VEN-99-016 (Kamberg).

Dear Mr. Kamberg:

Staff of the California Coastal Commission has confirmed that development consisting of a erection of billboard (approximately 45' high) has been undertaken at the above described property, which is in the coastal zone, without a necessary coastal development permit in violation of the California Coastal Act (PRC §30000 et seq.). Pursuant to Coastal Act section 30600, any person wishing to perform or undertake any development in the coastal zone is required to obtain a coastal development permit authorizing such development.

Development is defined under the Coastal Act as:

"Development" means, on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511).

As used in this section, "structure" includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line. (PRC§ 30106)

In most cases, violations involving unpermitted development may be resolved by completing an application for a coastal development permit for either the removal of the unpermitted development and restoration of any damaged resources or for authorization of the development "after-the-fact". In order to resolve this matter administratively, you must immediately stop all unpermitted development activities and submit a complete coastal development permit application to the Commission's South Coast Area office for either the removal of the unpermitted development and restoration of any damaged resources or for authorization of the development "after-the-fact" by October 17, 1999. For your convenience, a permit application form is enclosed. Also enclosed is a Waiver of Legal Argument form. We must receive the signed waiver with your permit application, in order to delay the referral of this matter to our Statewide Enforcement Unit.

Coastal Act section 30820(a) provides that any person who violates any provision of the Coastal Act may be subject to a penalty not to exceed \$30,000. Section 30820(b) states that a person who intentionally and knowingly undertakes development that is in violation of the Coastal Act may be civilly liable in an amount which shall not be less than \$1,000 and not more than \$15,000 per day for each day in which the violation persists.

Please contact Charles Posner at our South Coast Area office, (562) 590-5071, to discuss the resolution of this matter. Failure to comply with this notice will result in the referral of this file to the Commission's Statewide Enforcement Unit in San Francisco.

Sincerely,



Pam Emerson  
South Coast Area Office  
Enforcement Supervisor

enc: Coastal Development Permit Application Form  
Waiver of Legal Argument Form

cc: Nancy Cave, Statewide Enforcement Supervisor  
Charles Posner, South Coast District

CALIFORNIA COASTAL COMMISSION  
SOUTH COAST AREA  
200 OCEANGATE 10<sup>TH</sup> FLOOR  
LONG BEACH, CA 90802-4325  
(562) 590-5071 FOR HEARING IMPAIRED (415) 904-5200  
FAX (562) 590-5084

✓ #219519  
R# 1853



DEC 30 1999

CALIFORNIA COASTAL COMMISSION

APPLICATION FOR COASTAL DEVELOPMENT PERMIT

SECTION I. APPLICANT

1 Name, mailing address, and telephone number of all applicants.

ELLER MEDIA CO. 1550 W. WASHINGTON BLVD. LOS ANGELES CA. 90007

323-730-4244 MR. E. DATO. V.P. DIR. OF PUBLIC AFFAIRS.

(Area code/daytime phone number)

Note: All applicants for the development must complete Appendix A, the declaration of campaign contributions.

2 Name, mailing address and telephone number of applicant's representatives, if any. Please include all representatives who will communicate on behalf of the applicant or the applicant's business partners, for compensation, with the Commission or the staff. (It is the applicant's responsibility to update this list, as appropriate, including after the application is accepted for filing. Failure to provide this information prior to communication with the Commission or staff may result in denial of the permit or criminal penalties.)

MR E. DATO V.P. DIR. OF PUBLIC AFFAIRS. 1550 W. WASHINGTON BLVD.

LOS ANGELES CA 90007 323-730-4244

(Area code/daytime phone number)

SECTION II. PROPOSED DEVELOPMENT

Please answer all questions. Where questions do not apply to your project, for instance, project height for a land division, indicate Not Applicable or N.A.

1 Project Location, include street address, city, and/or county. If there is no street address, include other description such as nearest cross streets.

2471 LINCOLN BLVD.

number street  
LOS ANGELES CA. VENICE AREA LOS ANGELES CO.

city county

Assessor's Parcel Number(s) (obtainable from tax bill or County Assessor): APN-4237-023-016

FOR OFFICE USE ONLY  <b>5-99-485</b>  APPLICATION NUMBER	RECEIVED	12/30/99
	FILED	
	FEE	600
	DATE PAID	12/30/99

**CALIFORNIA COASTAL COMMISSION**

South Coast Area Office  
 200 Oceangate, Suite 1000  
 Long Beach, CA 90802-4302  
 (562) 590-5071



January 28, 2000

Ed Dato, Director of Public Affairs  
 Eller Media Company  
 1550 W. Washington Blvd.  
 Los Angeles, CA 90007

Re: Coastal Development Permit Application 5-99-485 (Venice Billboard).

Dear Mr. Dato:

On December 30, 1999, our office received the above referenced application for a coastal development permit to erect a 42-foot high billboard at 2471 Lincoln Boulevard in Venice. After careful consideration of the application, we have determined that we are unable to accept the application for a coastal development permit. Therefore, we are returning the application materials and we will begin processing a refund of the \$600 application fee.

The coastal development permit that is required for the proposed development must be obtained from the City of Los Angeles. Pursuant to Section 30600(b) of the Coastal Act, the City of Los Angeles has opted to issue its own coastal development permits prior to certification of a Local Coastal Program (LCP) except for those permits eligible for issuance as administrative coastal development permits by the Executive Director under section 30624. The proposed billboard would not qualify for an administrative coastal development permit under Section 30624 of the Coastal Act because the proposed project could not comply with the local land use regulations of the local government, in this case the Venice Specific Plan of the City of Los Angeles. The proposed project may also result in significant adverse environmental impacts.

You may apply to the City of Los Angeles for a local coastal development permit for the proposed project. It is unlikely, however, that the City could make the necessary findings for the local approvals that would be necessary to permit the proposed project. If the City does approve a local coastal development permit for the proposed project, it may be appealed to the Coastal Commission. Section 30602 of the Coastal Act establishes that all City of Los Angeles actions on coastal development permits are appealable to the Coastal Commission by any person.

If you have any questions regarding this matter, please call me at (562) 590-5071.

Sincerely,

  
 Charles Posner  
 Coastal Program Analyst

cc: Rbt. Janovici, Chief Zoning Administrator - 212530-2411-1111  
 Gurdon Miller, City of L.A. Planning Dept. E.M.H. 4 1111 @ Planning Dept.  
 Helene Bibas, City of L.A. Planning Dept.

**COASTAL COMMISSION**

EXHIBIT # 8

~~SECRET~~ E PAGE 21 OF 59



CITY OF LOS ANGELES  
CALIFORNIA



RICHARD J. RIORDAN  
MAYOR

RECEIVED

DEC 4 2000

DEPARTMENT OF  
CITY PLANNING  
CON HOWE  
DIRECTOR

FRANKLIN P. EBERHARD  
DEPUTY DIRECTOR

OFFICE OF  
ZONING ADMINISTRATION

221 NORTH FIGUEROA STREET  
ROOM 1500  
LOS ANGELES, CA 90012-2601  
TEL: 213-580-5495  
FAX: 213-580-5589

ROBERT JANOVICI  
CHIEF ZONING ADMINISTRATOR  
—  
ASSOCIATE ZONING ADMINISTRATORS  
R. NICOLAS BROWN  
EMILY J. GABEL-LUDDY  
DANIEL GREEN  
LOURDES GREEN  
DAVID KABASHIMA  
ALBERT LANDINI  
LEONARD S. LEVINE  
JON PERICA  
SARAH RODGERS

November 30, 2000

PUBLIC AFFAIRS

Dash Stolarz (A)  
Eller Media Company  
1550 West Washington Boulevard  
Los Angeles, CA 90007

Henry Kamberg (O)  
12500 Culver Boulevard, #106  
Los Angeles, CA 90066

Department of Building and Safety

CASE NO. ZA 2000-9995 CDP  
COASTAL DEVELOPMENT PERMIT  
4111 Lincoln Boulevard  
Venice Planning Area  
Zone : C4(OX)-2D  
D. M. : 105E149  
C. D. : 6  
CEQA : ENV 2000-9996-CE(CDP)  
Fish and Game: Exempt  
Legal Description: Lot 27, Wrights  
Addition to Ocean Park

Pursuant to Los Angeles Municipal Code Section 12.20.2, I hereby APPROVE:

a coastal development permit to allow the continued use and maintenance of an off-premises advertising structure (billboard) located in the single permit area of the California Coastal zone in the C4 (OX)-2D Zone,

upon the following additional terms and conditions:

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
2. The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective conditions, if, in the Administrator's opinion, such conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
4. All graffiti on the site shall be removed or painted over to match the color of the wall surface to which it is applied within 24 hours of its occurrence.



5. A copy of the first page of this grant and all conditions and/or any subsequent appeal of this grant, and its resultant conditions and/or letters of clarification shall be included in the "notes" portion of the building plans submitted to the Zoning Administrator and the Department of Building and Safety for purposes of having a building permit issued.
6. Within 30 days from the issuance of this determination, the applicant shall file for an Exception in compliance with the requirements of the Venice Specific Plan (Ordinance No. 172,897).
7. This Coastal Development Permit grant shall not become effective until such time as approval has been obtained under the terms and requirements of the Venice Specific Plan.
8. Notwithstanding any entitlement to the contrary, the applicant shall reduce the square footage of the billboard to an area not to exceed 12 x 25 feet or 300 square feet in area, similar to the size of the prior billboard on the site.
9. The billboard shall be non-illuminated or timers shall be installed on the existing lights so that all sign illumination is terminated by 10 p.m. daily.
10. A new building permit shall be obtained for the reduced in size billboard.
11. Prior to the issuance of any building permits, the applicant shall obtain any required Administrative Approval for the project from the California Coastal Commission.
12. This grant shall be valid for a period of five years from the date of mailing or from the effective date of the Project Permit, whichever occurs first, and shall be null and void thereafter.
13. Prior to the issuance of any permits relative to this matter, a covenant acknowledging and agreeing to comply with all the terms conditions established herein shall be recorded in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement must be submitted to the Zoning Administrator for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Zoning Administrator for attachment to the subject case file.

**OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES - TIME EXTENSION**

All terms and conditions of the approval shall be fulfilled before the use may be established. The instant authorization is further conditional upon the privileges being utilized within two years after the effective date of approval and, if such privileges are not utilized or substantial physical construction work is not begun within said time and carried on diligently to completion, the authorization shall terminate and become void. A Zoning Administrator may extend the termination date for one additional period not to exceed one year, if a written request on appropriate forms, accompanied by the applicable fee is filed therefore with a public Office of the Department of City Planning setting forth the reasons

for said request and a Zoning Administrator determines that good and reasonable cause exists therefore.

### TRANSFERABILITY

This authorization runs with the land. In the event the property is to be sold, leased, rented or occupied by any person or corporation other than yourself, it is incumbent that you advise them regarding the conditions of this grant.

### VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR

Section 12.29 of the Los Angeles Municipal Code provides:

"If any portion of a privilege authorized by a variance or conditional use is utilized, the conditions of the variance or conditional use authorization immediately become effective and must be strictly complied with. The violation of any valid condition imposed by the Administrator, Board or Commission in connection with the granting of any variance, approval of a conditional use or other action pursuant to the authority of this chapter, shall constitute a violation of this chapter and shall be subject to the same penalties as any other violation of this Code."

Every violation of this determination is punishable as a misdemeanor and shall be punishable by a fine of not more than \$1,000 or by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment.

### APPEAL PERIOD - EFFECTIVE DATE

The applicant's attention is called to the fact that this grant is not a permit or license and that any permits and licenses required by law must be obtained from the proper public agency. Furthermore, if any condition of this grant is violated or if the same be not complied with, then the applicant or his successor in interest may be prosecuted for violating these conditions the same as for any violation of the requirements contained in the Municipal Code. The Zoning Administrator's determination in this matter will become effective after DECEMBER 14, 2000, unless an appeal therefrom is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of the Zoning Administrator's action, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. Such offices are located at:

Figueroa Plaza  
201 North Figueroa Street, #300  
Los Angeles, CA 90012  
(213) 977-6083

6251 Van Nuys Boulevard  
First Floor  
Van Nuys, CA 91401  
(818) 756-8596

Furthermore, this coastal development permit shall be subject to revocation as provided in Section 12.20.2-J of the Los Angeles Municipal Code, as authorized by Section 30333

of the California Public Resources Code and Section 13105 of the California Administrative Code.

Provided no appeal has been filed by the above-noted date, a copy of the permit will be sent to the California Coastal Commission. Unless an appeal is filed with the California Coastal Commission before 20 working days have expired from the date the City's determination is deemed received by such Commission, the City's action shall be deemed final.

### NOTICE

The applicant is further advised that all subsequent contact with this office regarding this determination must be with the Zoning Administrator who acted on the case. This would include clarification, verification of condition compliance and plans or building permit applications, etc., and shall be accomplished **BY APPOINTMENT ONLY**, in order to assure that you receive service with a minimum amount of waiting. You should advise any consultant representing you of this requirement as well.

### FINDINGS OF FACT

After thorough consideration of the statements contained in the application, the plans submitted therewith, the report of the Zoning Analyst thereon, the statements made at the public hearing on August 8, 2000, all of which are by reference made a part hereof, as well as knowledge of the property and surrounding district, I find as follows:

### BACKGROUND

The subject property is a level, rectangular-shaped, interior, record lot, having a frontage of approximately 99 feet on the west side of Lincoln Boulevard and an approximate depth of 119 feet. The site is developed with a vacant building and the subject billboard.

Adjoining property to the north of the subject property is zoned C4(OX)-2D and is developed with a one-story commercial building occupied by a car rental business. Adjoining property to the south of the subject property is zoned C4(OX)-2D and is developed with a two-story commercial building occupied by auto sales. Properties to the east, across Lincoln Boulevard, are zoned M1-1 and are developed with one-story commercial buildings occupied by auto sales, a tennis shop and an antique store. Properties to the west, across Carter Avenue, are zoned R1-1 and are developed with single-family dwellings.

Lincoln Boulevard, adjoining the subject property to the east, is a designated Major Highway dedicated to a width of 100 feet and improved with curb, gutter and sidewalk.

Carter Avenue, adjoining the subject property to the rear, is a Local Street dedicated to a width of 40 feet and improved with curb, gutter and sidewalk.

There are no relevant zoning related cases on the subject property or on surrounding properties in the immediate neighborhood.

## PROJECT

The subject property is a 100- X 117-foot commercially zoned lot currently developed with a vacant building and an existing billboard. In August of 1998 the applicant applied for and received approval to demolish an existing double faced 12- X 25-foot off-site sign on the property. Subsequently, on October 15, 1998, approval was issued in error for the construction of a 14- X 48-foot, 50-foot in height double faced billboard to project over the roof of the existing building on the property. The billboard was constructed and is in place at the current time. As a part of the approval process the Coastal Commission determined that a full Coastal Development Permit should be required of the project. As no such approval was previously obtained, the applicant has filed the instant application.

## DISCUSSION

At the time of its approval the project was found to lie within the area governed by the Venice Coastal Interim Control Ordinance, the Coastal Transportation Corridor Specific Plan and the Oxford Triangle Specific Plan. Records from that time indicate that the project was cleared for construction with a finding that none of these regulations applied to the proposed project. This was, in fact, in error.

The Oxford Triangle Specific Plan, Ordinance No. 170,155 includes the property upon which the subject billboard is constructed. Section 9b2 of that plan reads as follows:

"All proposed signs shall be architecturally compatible with adjacent structures given their proposed location, size and purpose. Neither rooftop signs nor billboards will be permitted in the C4(OX)-2-D zone." (Emphasis added).

Clearly, the previous permit sign off indicating that the Oxford Triangle Specific Plan did not apply to the proposed billboard was in error and the billboard should not have been constructed.

The Coastal Transportation Corridor Specific Plan (ICO) (Ordinance No. 172,019) has since been superseded by a new Venice Specific Plan (Ordinance 172,897). Under the former ICO which was in effect at the time of the subject billboard's application for construction, the proposed billboard was also located in the Oxford Triangle area and qualified as a project under the ICO. It should have been required to obtain either a project permit or a hardship exemption prior to being erected. The ICO restricted the height of all projects on C4 (OX)2-D to a height of 30 feet when located within 118 feet of Lincoln Boulevard.

The current Venice Specific Plan also includes the subject property within the Plan boundaries as part of the Oxford Triangle Subarea. The Venice Specific Plan now mandates a Project Permit for any project which requires a Coastal Development Permit. Under Section 9 of the Specific Plan, Commercial and Industrial Design Standards, rooftop or billboard signs are specifically prohibited.

**FINDINGS**

In order for a coastal development permit to be granted all of the requisite findings contained in Section 12.20.2.G of the Los Angeles Municipal Code must be made in the affirmative. Following is a delineation of the findings and the application of the facts of this case to the same.

1. The development is in conformance with Chapter 3 of the California Coastal Act of 1976 (commencing with Section 30200 of the California Public Resources Code).

The proposed project has been found to be consistent with all the required features of the Coastal Act including:

- a. Shoreline access
- b. Recreation and visitor serving facilities
- c. Water and marine resources
- d. Dredging, filling and shoreline structures
- e. Commercial Fishing and recreational boating
- f. Environmentally sensitive habitat areas
- g. Agriculture
- h. Hazards
- i. Forestry and Soils resources
- j. Locating and planning new development
- k. Coastal visual resources and special communities
- l. Public works
- m. Industrial and energy development

The project consists of an existing billboard that is located on the west side of Lincoln Boulevard southerly of Washington Boulevard. While in the coastal zone, the project is located significantly distant from the shoreline so as not to impact public access or recreational opportunities. In this regard, the project is consistent with the provisions and goals of the California Coastal Act. No public improvements attendant to the project will be required as a part of this approval. No beach access will be impaired by the project nor will there be any restriction to sensitive coastal resources. Lastly, development of the project will not hinder the City's ability to develop a Coastal plan for this area since the sign has been conditioned herein to limit the amount of time that it may be maintained on the subject property. Thereafter, the subject property may be developed in accordance with the City's Coastal Plan.

The Coastal Act provides that maximum access and recreational opportunities shall be provided for all of the people consistent with public safety needs and the need to protect public rights, rights of property owners and natural resources from overuse. The subject project is an existing billboard on an otherwise unoccupied lot in the Oxford Triangle area, well removed from coastal resources. The property is privately owned and is already developed a small vacant building in addition to the subject billboard sign.

2. **The development will not prejudice the ability of the City of Los Angeles to prepare a Local Coastal Program (LCP) that is in conformance with Chapter 3 of the California Coastal Act of 1976.**

The City of Los Angeles has recently completed a coastal plan for the Venice area. The Venice Specific Plan outlines the requirements for development in the coastal portions of the Venice community. It should be noted that at the time that a permit for the sign was approved the Venice ICO was in effect and not the current Venice Specific Plan. The ICO required project permits but also permitted hardship exemptions. Development under the ICO was limited to 45 feet on C4(OX)2D zoned lots. The subject project seemingly complies with the Specific Plan which does not address billboards or the height of billboards, however a project permit is required for the construction of said billboard under the terms of the Specific Plan.

The Oxford Triangle Specific Plan, however, does not permit billboards in the C4(OX)-2-D Zone. Since this Specific Plan is a part of the City of Los Angeles' Local Coastal Program (LCP), any long term maintenance of this sign at this location could prejudice the City's ability to develop its LCP. Because the sign is in place, the only way in which the sign can be fairly maintained on the property and to guarantee the ultimate compliance of this site with the LCP is to limit the amount of time that the sign can continue to exist and to require that the sign obtain a Project Permit under the Venice Specific Plan. In so doing, the short term existence of the sign does not prejudice the City's ability to develop an LCP for this area.

3. **The Interpretive Guidelines for Coastal Planning Permits as established by the California Coastal Commission (revised October 14, 1980), and any subsequent amendments thereto have been reviewed, analyzed and considered in making this determination.**

The Interpretive Guidelines provide that signs meet certain standards. Among these, signs are not allowed which disrupt or detract from the quality of view or the line of sight of any view corridor e.g. no roof top signs not flashing or blinking signs. Signs should not harm scenic values or public interests, signs should be on-site and not off-site. Clearly off-site signs are not permitted by the guidelines. While precluding off-site signs, the guidelines are intended to be flexible in order to recognize different situations that may present themselves. The case of the subject billboard is unique in that, while not permitted by the guidelines, it has been constructed due to an error in the City's permitting process. In order to ensure that the requirements of the guidelines are met in the long term, and recognizing the intent of the guidelines to observe some flexibility, the instant Coastal Development Permit circumscribed herein by requiring that the sign be removed in five years, and that the requirements of the Venice Specific Plan now be observed. By complying with the newly adopted Venice Specific Plan the proposed project will meet or exceed the requirements of the Interpretive Guidelines for a project in this subarea.

4. **The decision of the permit granting authority has been guided by any applicable decisions of the California Coastal Commission pursuant to Section 30625(c) of the California Public Resources Code.**

This grant is consistent with previous Coastal Commission grants for similar types of projects in the Venice area.

5. **The development is not located between the nearest public road and the sea or shoreline of any body of water located within the Coastal Zone, and the proposed development is in conformance with the public access and public recreation policies of Chapter 3 of the California Coastal Act of 1976.**

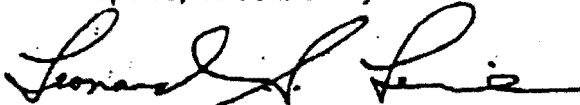
The proposed development project is located on the Lincoln Boulevard near Washington Boulevard. It is approximately one mile from any shoreline or body of water and is not located between the nearest public road and any sea or shoreline.

6. **Any other findings as may be required for the development by the California Environmental Quality Act have been made a part of this determination.**

The project qualifies for a categorical exemption as a minor structure appurtenant to existing commercial structures on the property. As a part of this Coastal Development Permit and a Project Permit approval for the project, a Categorical Exemption was prepared for this project.

#### ADDITIONAL MANDATORY FINDINGS

7. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 154,405, have been reviewed and it has been determined that this project is located in Zone C. areas of minimal flooding. (No shading)
8. On May 25, 2000, the subject project was issued a Notice of Exemption (Article III, Section 3, City CEQA Guidelines), log reference ENV 2000-9996-CE(CDP), for a Categorical Exemption, Class 11, Category 6, City CEQA Guidelines, Article VII, Section 1, State EIR Guidelines, Section 15100. I hereby adopt that action.
9. Fish and Game: The subject project, which is located in Los Angeles County, will not have an impact on fish or wildlife resources or habitat upon which fish and wildlife depend, as defined by California Fish and Game Code Section 711.2.



LEONARD S. LEVINE  
Associate Zoning Administrator  
Direct Telephone No. (213) 580-5490

LSL:lmc

cc: Councilmember Ruth Galanter  
Sixth District  
Adjoining Property Owners  
County Assessor



CITY OF LOS ANGELES  
PLANNING DEPARTMENT

MASTER APPEAL FORM

APPEAL TO THE: Area Planning Commission

REGARDING CASE NO.: ZA 2000-9995-CDP

This application is to be used for any authorized appeals of discretionary actions by the Planning Department. Appeals must be delivered in person with the following information filled out and be in accordance with the Municipal Code. A copy of the action being appealed must be included. If the appellant is the original applicant, a copy of the receipt must also be included.

**APPELLANT INFORMATION: PLEASE PRINT CLEARLY**

Name Eller Media Company  
Mailing Address c/o Richard Hamlin Attorneys, 4640 Admiralty Way, Ste. 1010  
Marina del Rey, CA Zip: 90292-6618

Work Phone: ( 310 ) 822-2676 Home Phone ( ) N/A

- a) Are you or do you represent the original applicant?  
(Circle One) YES NO
- b) Are you filing to support the original applicant's position?  
(Circle One) YES NO
- c) Are you filing for yourself or on behalf of other parties, an organization or company? (Circle One) SELF OTHER
- d) If "other" please state the name of the person(s), organization or company (print clearly or type)

\_\_\_\_\_  
\_\_\_\_\_

**REPRESENTATIVE**

Name Richard Hamlin Attorneys  
Mailing Address 4640 Admiralty Way, Suite 1010  
Marina del Rey, CA Zip 90292-6618

Work Phone: (310) 822-2676 Home Phone: ( ) N/A

**APPEAL INFORMATION**

A complete copy of the decision letter is necessary to determine the final date to appeal, under what authorizing legislation, and what, if any, additional materials are needed to file the appeal.

Final Date to Appeal: 12-14-00

Authorizing Legislation \_\_\_\_\_

**REASONS FOR APPEALING**

Are you appealing the entire decision or parts of it?

Entire       Part

Indicate: 1) How you are aggrieved by the decision; and 2) Why do you believe the decision-maker erred or abused their discretion? If you are not appealing the whole determination, please explain and specifically identify which part of the determination you are appealing.

Attach additional sheets if necessary.

See attached Supplement to Appeal.

**ADDITIONAL INFORMATION**

- original applicants must pay mailing fees to BTC and submit copy of receipt. (BTC not required for Building and Safety Appeals)
- any additional information or materials required for filing an appeal must be provided in accordance with the LAMC regulations as specified in the original determination letter. **Copy of determination/decision letter required.**
- acceptance of a complete and timely appeal is based upon successful completion and examination of all the required information.
- if appeal is to the Board of Zoning Appeals six copies are required.

I certify that the statements contained in this application are complete and true:

Appellant *Paul Jacobs*  
Eller Media Co. By: Paul A. Jacobs, Richard Hamlin Attorneys

**OFFICIAL USE ONLY**

Receipt No. \_\_\_\_\_ Amount \_\_\_\_\_ Date \_\_\_\_\_

Application Received By \_\_\_\_\_

Application Deemed Complete \_\_\_\_\_

Copies provided:       Determination       Receipt (original applicant only)

Determination Authority Notified (if necessary)

## APPEAL SUPPLEMENT

### INTRODUCTION

Eller Media Company (Eller) is in the outdoor advertising business. It constructed a billboard at 4111 Lincoln Boulevard pursuant to a permit issued by the Department of Building and Safety for the City of Los Angeles (Department). Many months after its sign was constructed, Eller was advised by the California Coastal Commission that it was required to obtain a coastal development permit. Eller applied for and obtained approval, subject to conditions which would make it economically infeasible to continue to maintain its billboard. Eller appeals the conditions of approval for its Coastal Development Permit pursuant to Los Angeles Municipal Code (LAMC) §12.20.2H.

### FACTUAL BACKGROUND

Eller applied for a permit to install a billboard at 4111 Lincoln Boulevard in Los Angeles. A permit was issued on October 15, 1998 (Exhibit A). Pursuant to a Lease Agreement (Exhibit B), Eller constructed its billboard with full knowledge of the City at a cost, estimated at this time, of approximately \$50,000.00.

On August 30, 1999, Eller was advised by the California Coastal Commission that its billboard was in the coastal zone and that it required a coastal development permit pursuant to the California Coastal Act (Exhibit C).

Eller complied and filed its Coastal Permit Application with the California Coastal Commission (Exhibit D [p.1]). On January 28, 2000, the Coastal Commission advised Eller that it would not accept its application and that it should file its application with the City of Los Angeles (Exhibit E).

Eller filed its application for a development application with the City Planning Department. A hearing was held on August 8, 2000, before Associate Zoning Administrator Leonard S. Levine. On November 30, 2000, the zoning administrator issued his written determination, approving Eller's permit application subject to thirteen (13) separate conditions (Exhibit F). Of specific concern to Eller are conditions requiring that its sign area be reduced by more than 50% (No.8); that the permit be limited to five years (No.12); that Eller obtain approval under the terms of the Venice Specific Plan (No.7) that Eller's sign be required to conform to code regulations not existing at the time its sign was built (No.1) and that the Zoning Administrator may impose additional conditions (No.3).

#### ARGUMENT

#### 1. THE CITY IS ESTOPPED FROM ADDING NEW CONDITIONS WHICH WILL PRECLUDE ELLER'S USE OF ITS SIGN

The City does not have unlimited discretion to now impose conditions which effectively deprive Eller from the use of its sign. Once a permit has been issued, the power of a municipality to revoke it is limited [*O'Hagen v. Board of Zoning Adjustment, City of Santa Rosa*, (1971) 19 Cal.App.3d 151 at 158]. The zoning administrator's determination and imposition of conditions have the practical effect of reducing Eller's effective use of its sign by more than 50% and then after five years, completely eliminating the sign.

Eller had a right to rely upon its permit and incurred substantial expenses in good faith reliance on it. Its permit applications specifically referenced the applicability of the California Coastal Act. Such reliance is sufficient to estop the City from prohibiting its use by reason of its mistake. This rule makes good sense. Allowing a city to revoke permits

from businesses and cause substantial damage to them based upon error in issuing a permit, in addition to being extremely unfair, would cause chaos in the business community by creating uncertainty in every permit.

There is no compelling public necessity that would justify the imposition of conditions which reduce and then terminate Eller's use of its sign. In balancing the equities in this matter, any damage caused to Eller by the City's actions far outweighs any possible harm to the City that this off-site sign might cause. The Eller sign is one of many on Lincoln Boulevard in proximity to this location. The sign does not interfere with access to the coast, nor views of the coast.

**2. THE CONDITIONS OF THE COASTAL DEVELOPMENT PERMIT OPERATE TO TAKE ELLER'S PROPERTY WITHOUT COMPENSATION AND WITHOUT DUE PROCESS OF LAW.**

Condition No. 8 would result in Eller reducing its sign area by more than 50%, resulting in a more than 75% loss of advertising revenue for a period of five years. Thereafter Condition No. 12 terminates Eller's permit as of November 30, 2005, or thirteen (13) years sooner than the expiration of its lease agreement with the owner of the property. The California and United States Constitution guarantee private property shall not be taken for public use without compensation to the owner.

**CONCLUSION**

Based upon the foregoing reasons, Eller requests the Commission to remove those conditions which are inconsistent with its present use and maintenance of its sign and those ordinances under which its sign permit was issued by the City of Los Angeles.

**Case No. ZA 2000-9995-CDP**  
**Hearing Date: February 21, 2001**

**RECEIVED**  
CITY OF LOS ANGELES

FEB 12 2001

CITY PLANNING DEPT.  
WEST LOS ANGELES  
AREA PLANNING COMMISSION

**SUPPLEMENT TO APPEAL**

This Supplement To Appeal is intended to detail the financial losses that Eller will incur should the conditions of the Office of Zoning Administration be imposed. Eller constructed its sign in December 1998 pursuant to a twenty-year lease and a permit issued by the City of Los Angeles

The construction costs of installing Eller's sign were \$64,623. During the last year, the revenue generated from both sign faces was \$93,348.00 (Declaration of Ed Dato ¶ 3,4).

If Condition No. 8 were imposed, the Eller sign would be reduced by more than fifty-percent (50%) allowing the reduced sign to remain for a period of five years. This reduction would result in a seventy-five percent (75%) loss in revenue (Declaration of Ed Dato, ¶5). Over a five-year period (permitted under Condition No. 8) Eller projects that it would lose \$350,055 in revenues because of the reduction in sign area.

At the end of the five-year period, Eller's permit would be terminated (Condition No. 12) although Eller's rights under its lease continue until November 15, 2018. Assuming that the five-year period expired as of August 15, 2006, Eller would lose twelve years of its remaining lease that would have generated revenue of approximately \$1,120,176.


EXHIBIT H PAGE 1

EXHIBIT # 8  
PAGE 35 OF 59

Eller's project is environmentally compatible with the existing commercial uses on Lincoln Boulevard and should be permitted to remain.<sup>1</sup>

DATED: February 12, 2001

RICHARD HAMLIN ATTORNEYS

  
By: Paul A. Jacobs

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<sup>1</sup> Eller is in the process of negotiating with the owner, additional improvement to the property.

## DECLARATION

1. I am the Vice-President of Public Relations for Eller Media Company and have personal knowledge concerning the following facts.

2. I have been employed with Eller Media Co. for thirty-seven (37) years. I am familiar with the records kept by Eller relating to the construction of its signs structures and the revenues which are generated from the rentals to advertisers. I have possession of those records of our costs and revenues related to the billboard sign structure located at 4111 Lincoln Boulevard, in Los Angeles.

3. Our billboard was constructed at 4111 Lincoln Boulevard pursuant to a permit issued by the Department of Building and Safety. Construction and installation of our sign occurred on December 3, 1998 (Exhibit G). The total costs of designing, engineering, and installation of the sign structure was \$64,623.00 (Exhibit H).

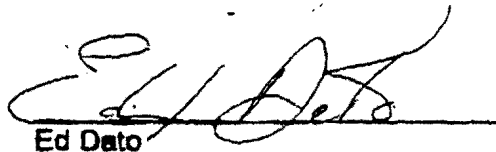
4. The attached Lease Information Report (Exhibit I) depicts our revenues for the sign structure between March 1, 2000 and February 28, 2001. Revenues depicted are net, after deductions for commissions and costs of maintenance. The revenue information for the south-facing display is depicted by the number "Bullet 7086" under the column "Location". The total net revenue is shown under the column designated "Amount" and reflects total receipts of \$45,791. The revenue information for the north-facing display is depicted by the number "Bullet 7087" and reflects the receipt of net revenues in the amount of \$47,557.00.

5. Should Eller be required to replace it existing sign with a new one that is limited to 300 square feet, the rates that could be charged to advertisers would be reduced by seventy-five percent (75%).



I declare under penalty of perjury that the foregoing is true and correct.

Executed this 12th day of February, 2001, at Los Angeles, California.

  
Ed Dato



# West Los Angeles Area Planning Commission

221 North Figueroa Street, Room 1600, Los Angeles, CA 90012-2601 (213) 580-5234

[www.cityofla.org/PLN/index.htm](http://www.cityofla.org/PLN/index.htm)

## DETERMINATION OF THE WEST LOS ANGELES AREA PLANNING COMMISSION

Mailing Date: April 4, 2001  
Case No.: ZA 2000-9995 (CDP) - A

Address: 4111 Lincoln Blvd.  
Council District: 6  
Plan Area: Venice  
Zone: C4 (OX)-2D  
D.M.: 105 B 149  
Legal Description: Lot 27, Wrights Addition  
to Ocean Park

### COASTAL DEVELOPMENT PERMIT

CEQA: ENV 2000-9996 CE (CDP)

Applicant: Eller Media Company  
Appellant: Same

At the meeting on February 21, 2001 the West Los Angeles Area Planning Commission:

**Denied** the Appeal

**Sustained** the action of the Associate Zoning Administrator

**Granted** the Coastal Development Permit

**Modified** Prior conditions

**Adopted** the Findings of the Associate Zoning Administrator

**Adopted** ENV 2000-9996-CE (CDP)

This action was taken by the following votes:

Moved: Lopez  
Seconded: Krisiloff  
Ayes: Rodman, Hall  
Absent: Mobley Wright

#### Effective Date:

Area Planning Commission determination is effective upon the mailing of this report

#### Appeal Status:

Not further appealable

California Coastal Commission, upon receipt of this determination will establish the appeal period

Appealable only to the California Coastal Commission - South Coast District Office

Carla Crayton, Commission Executive Assistant  
West Los Angeles Area Planning Commission

**WEST LOS ANGELES AREA PLANNING COMMISSION DETERMINATION REPORT**

**BACKGROUND AND APPEAL REQUEST:**

1. On November 30, 2000, Associate Zoning Administrator Leonard S. Levine, pursuant to Los Angeles Municipal Code Section 12.20.2 approved a coastal development permit to allow the continued use and maintenance of an off-premises advertising structure (billboard) located in the single permit area of the California Coastal zone in the C4 (OX)-2D Zone.
2. The applicant appealed the entire determination of the Associate Zoning Administrator's approval.

**FINDINGS:**

1. The Commission determined that the Associate Zoning Administrator erred in certain conditions of approval.
2. The mandatory findings of the Associate Zoning Administrator were adopted by the Commission and are delineated in ZA 2000-9995 (CDP).
3. The prior conditions and limitations were modified in part for the following reason:
  - A. To protect the surrounding community and environment.
  - B. To assure a project as described by the applicant.
4. The Commission arrived at its determination based upon its review of available records and evidence contained in the subject and related files and upon testimony and evidence provided at the Commission's hearing on the subject matter.

**SUMMARY OF THE HEARING:**

The Associate Zoning Administrator (AZA) Leonard S. Levine summarized the request, the facts surrounding the case, the action taken, and the findings made. He indicated:

- The advertising structure (billboard) was constructed when the city erred in its permitting process;
- Signage subject to;
  - Oxford Triangle Specific Plan;

- Venice Specific Plan;
- A term grant was a solution to make the Coastal Development Permit findings;
- Sign is larger and higher than previous sign;
  - Reduction in size of sign is a condition of approval; and
  - Height of sign was not addressed in conditions of approval.

The applicant's representative indicated:

- A legal permit was issued in October 1998;
- Sign was constructed in December 1998;
- Businesses could not operate if permits issued in error are null and void;
- Sign projections are legal;
- Informed coastal development permit was needed after construction;
- There are numerous similar signs in the area;
- Reason's for appealing;
  - Reduced size of sign area;
    - 75% reduction in revenue if size of sign is reduced 50%;
    - Smaller size signs deteriorate faster;
    - Results in different clientele;
  - Interim use;
    - Need to allow a reasonable return on the \$64,000 construction cost;
    - Willing to wave compensation rights, if five year grant is permitted;
- Lease agreement is for a total of 10 years and is subject to termination;
- Property owner is compensated; and

EXHIBIT I PAGE 3

EXHIBIT # 8

PAGE 41 OF 59

- Lease agreement is comprehensive.

An individual who opposed the request indicated:

- Neighborhood representative opposing the request;
- Experienced difficulty in being notified and informed of the project;
- Sign was approved in error and built during the night;
  - Permits issued in error should be null and void;
  - Sign is huge, a nuisance, ugly and obtrusive to scenic value;
  - Visible from his window approximately 75 yards away;
    - Sign illumination turned on at 5 a.m. is offensive;
    - Applicant was requested to angle sign away from his window but did not respond to request; and
- Remodeled his dwelling without knowing sign would be erected.

The following points were made leading to the Commissioner's determination;

- Concern of community impacts of staff error;
- Agree with AZA's grant of a five year term which considered;
  - Community Impacts;
  - Right to remain;
  - Time to amortize cost;
- At issue is size of sign versus revenue;
- Erection of billboards do not improve the street ambiance;
- Offer made by applicant to waive compensation if allowed to remain until the termination of the grant;
- Development of the property would need a project permit;

- Illumination of the sign on a timer which could be turned off at 10 p.m.;
  - Reasonable due to commercial nature of Lincoln Blvd.;
  - Revenue "lost" when illumination is turned off early is not a "taking";
- Difficult to change what's been granted to applicant;
- Sign is too high and too large;
  - Permitted size increase in size by error;
  - Prior sign in same location was lower and smaller;
  - Determination conditioned that size of sign be reduced to a size similar to the prior billboard on the site;
- Preferred alternative even though sign should not be there;
  - Allow sign to remain and to be removed at end of term;
  - Accept applicant's offer to waive damages;
- Term of the grant should be tied to 10 year term of the lease; and
- Redevelopment of the property is a concern between lessor and lessee.

The Commission then passed a motion to deny the appeal, sustain the action of the AZA, adopt the AZA's findings and modify the conditions of approval as follows:

- Limit height to its current height;
- Illumination of the sign shall be from 10 a.m. to 10 p.m.;
- No additional protections from current situation;
- Term of grant shall be until August 15, 2008 (date when lease terminates) or sooner if site is redeveloped;
- Indemnify City of Los Angeles for any damages after five years of use (volunteered by the applicant); and
- Size of billboard to remain "as is".

APPEAL RIGHTS:

Appealable. The determination in this matter is only appealable to the California Coastal Commission. Said determination by the West Los Angeles Area Planning Commission will become effective on the date indicated on the front page of this report unless an appeal is filed with the California Coastal Commission in accordance with their procedures. They can be reached at:

California Coastal Commission - South Coast District Office  
200 Oceangate - 10<sup>th</sup> Floor  
Long Beach, CA 90802  
(562) 590-5071  
Attention: Pam Emerson / Charles Posner

Furthermore, this coastal development permit shall be subject to revocation as provided in Section 12.20.2-J of the Los Angeles Municipal Code, as authorized by Section 30333 of the California Public Resources Code and Section 13105 of the California Administrative Code.

A copy of the permit will be sent to the California Coastal Commission. Unless an appeal is filed with the California Coastal Commission before 20 working days have expired from the date the City's determination is deemed received by such Commission, the City's action shall be deemed final.

EFFECTUATION OF THE ACTION:

1. Coastal Development Permit:

All terms and conditions of the approval shall be fulfilled before the use may be established. The instant authorization is further conditional upon the privileges being utilized within two years after the effective date of approval and, if such privileges are not utilized or substantial physical construction work is not begun within said time and carried on diligently to completion, the authorization shall terminate and become void. An Associate Zoning Administrator may extend the termination date for one additional period not to exceed one year, if a written request on appropriate forms, accompanied by the applicable fee is filed therefore with a public Office of the Department of Planning setting forth the reasons for said request and an Associate Zoning Administrator determines that good and reasonable cause exists therefore.

2. Time Extension: A request for permit utilization time extension:

- a. Must be filed at a public counter of the Planning Department, and
- b. The extension application must be accepted prior to the expiration of the time to utilize the grant or other authorization.

- c. The extension application must be accompanied by the appropriate fee payment and substantial evidence that unavoidable delay has prevented or will prevent the applicant from taking advantage of the grant or authorization within the specified time limits.
- d. WARNING: IF more than one permit is involved, be sure you secure an extension of time for each separate permit, as may be required by law. Often permits have different time limits and extension allowances.

AMERICANS WITH DISABILITIES ACT (ADA) NOTICE:

As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability and, upon request, will provide reasonable accommodation to ensure equal access to its programs, services, and activities.

REFERENCED EXHIBITS:

Exhibit No. B-1: Conditions of Approval (attached).

Exhibit No. A-1: Applicant's plot plan (file copy only).

---

Michael S. Y. Young, City Planner

MSY: CNV

EXHIBIT   7   PAGE   7  

EXHIBIT #   8  

PAGE  45  OF  59



CONDITIONS OF APPROVAL

The conditions and requirements of ZA 2000-9995 CDP, have not been modified substantially, except as indicated below.

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
2. The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Associate Zoning Administrator to impose additional corrective conditions, if, in the Administrator's opinion, such conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
4. All graffiti on the site shall be removed or painted over to match the color of the wall surface to which it is applied within 24 hours of its occurrence.
5. A copy of the first page of this grant and all conditions and/or any subsequent appeal of this grant and its resultant conditions and/or letters of clarification shall be included in the "notes" portion of the building plans submitted to the Associate Zoning Administrator and the Department of Building and Safety for purposes of having a building permit issued.
6. Within 30 days from the issuance of this determination, the applicant shall file for an Exception in compliance with the requirements of the Venice Specific Plan (Ordinance No. 172,897).
7. The Coastal Development Permit grant shall not become effective until such time as approval has been obtained under the terms and requirements of the Venice Specific Plan.
8. Notwithstanding any entitlement to the contrary, the applicant shall maintain the existing square footage of the billboard. At no time during this grant, the billboard be increased in size.
9. The billboard shall be non-illuminated or all lighting shall not be illuminated between the hours of 10 p.m. and 10 a.m., seven days a week.

EXHIBIT        PAGE 8

EXHIBIT # 8

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10. Prior to the issuance of any building permits, the applicant shall obtain any required Administrative Approval for the project from the California Coastal Commission.
11. The grant shall be valid until August 15, 2008 or until the site is redeveloped, whichever occurs first, and shall be null and void thereafter.
12. The applicant shall remove its billboard after five years from the issuance of a coastal development permit and before August 15, 2008 upon notice by the City or the property owner that construction of a new project will commence within (60) days. (Volunteered by the applicant)
13. Applicant shall waive all damages and rights of compensation it may be entitled to by law by reason of the removal of its billboard after a five-year period from the issuance of a Coastal Development Permit and will indemnify the City of Los Angeles for any damages it may incur by reason of such removal. (Volunteered by the applicant)
14. There shall be no additional projections onto the permitted sign under this grant.
15. Height of sign shall be limited to existing permitted height.
16. Within 30 days of the effective date of this determination, a covenant acknowledging and agreeing to comply with all the terms conditions established herein shall be recorded in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement must be submitted to the Zoning Administrator for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Associate Zoning Administrator for attachment to the subject case file.



# West Los Angeles Area Planning Commission

221 North Figueroa Street, Room 1600, Los Angeles, CA 90012-2601 (213) 580-5234

[www.cityofla.org/PLN/index.htm](http://www.cityofla.org/PLN/index.htm)

CORRECTED COPY

## DETERMINATION OF THE WEST LOS ANGELES AREA PLANNING COMMISSION

(Correction to amend Conditions nos. 12 and 13 to address the removal of the billboard and waiver of damages. Note: the mailing date of this corrected copy resets the effective date.)

Mailing Date: May 31, 2001

Case No.: ZA 2000-9995 (CDP) - A

### COASTAL DEVELOPMENT PERMIT

CEQA: ENV 2000-9996 CE (CDP)

Address: 4111 Lincoln Blvd.

Council District: 6

Plan Area: Venice

Zone: C4 (OX)-2D

D.M.: 105 B 149

Legal Description: Lot 27, Wrights Addition  
to Ocean Park

Applicant: Eller Media Company

Appellant: Same

At the meeting on February 21, 2001 the West Los Angeles Area Planning Commission:

Denied the Appeal

Sustained the action of the Associate Zoning Administrator

Granted the Coastal Development Permit

Modified Prior conditions

Adopted the Findings of the Associate Zoning Administrator

Adopted ENV 2000-9996-CE (CDP)

This action was taken by the following votes:

Moved: Lopez

Seconded: Krisiloff

Ayes: Rodman, Hall

Absent: Mobley Wright

#### Effective Date:

Area Planning Commission determination is effective upon the mailing of this report

California Coastal Commission, upon receipt of this determination will establish the appeal period

#### Appeal Status:

Not further appealable at city level

Appealable only to the California Coastal Commission - South Coast District Office

Carla Crayton, Commission Executive Assistant  
West Los Angeles Area Planning Commission

EXHIBIT PAGE

PAGE 47 OF 59

WEST LOS ANGELES AREA PLANNING COMMISSION DETERMINATION REPORT

BACKGROUND AND APPEAL REQUEST:

1. On November 30, 2000, Associate Zoning Administrator Leonard S. Levine, pursuant to Los Angeles Municipal Code Section 12.20.2 approved a coastal development permit to allow the continued use and maintenance of an off-premises advertising structure (billboard) located in the single permit area of the California Coastal zone in the C4 (OX)-2D Zone.
2. The applicant appealed the entire determination of the Associate Zoning Administrator's approval.

FINDINGS:

1. The Commission determined that the Associate Zoning Administrator erred in certain conditions of approval.
2. The mandatory findings of the Associate Zoning Administrator were adopted by the Commission and are delineated in ZA 2000-9995 (CDP).
3. The prior conditions and limitations were modified in part for the following reason:
  - A. To protect the surrounding community and environment.
  - B. To assure a project as described by the applicant.
4. The Commission arrived at its determination based upon its review of available records and evidence contained in the subject and related files and upon testimony and evidence provided at the Commission's hearing on the subject matter.

SUMMARY OF THE HEARING:

The Associate Zoning Administrator (AZA) Leonard S. Levine summarized the request, the facts surrounding the case, the action taken, and the findings made. He indicated:

- The advertising structure (billboard) was constructed when the city erred in its permitting process;
- Signage subject to;
  - Oxford Triangle Specific Plan;
  - Venice Specific Plan;

- A term grant was a solution to make the Coastal Development Permit findings;
- Sign is larger and higher than previous sign;
  - Reduction in size of sign is a condition of approval; and
  - Height of sign was not addressed in conditions of approval.

The applicant's representative indicated:

- A legal permit was issued in October 1998;
- Sign was constructed in December 1998;
- Businesses could not operate if permits issued in error are null and void;
- Sign projections are legal;
- Informed coastal development permit was needed after construction;
- There are numerous similar signs in the area;
- Reason's for appealing;
  - Reduced size of sign area;
    - 75% reduction in revenue if size of sign is reduced 50%;
    - Smaller size signs deteriorate faster;
    - Results in different clientele;
  - Interim use;
    - Need to allow a reasonable return on the \$64,000 construction cost;
    - Willing to wave compensation rights, if five year grant is permitted;
- Lease agreement is for a total of 10 years and is subject to termination;
  - Property owner is compensated; and
  - Lease agreement is comprehensive.

An individual who opposed the request indicated:

- Neighborhood representative opposing the request;
- Experienced difficulty in being notified and informed of the project;
- Sign was approved in error and built during the night;
  - Permits issued in error should be null and void;
  - Sign is huge, a nuisance, ugly and obtrusive to scenic value;
  - Visible from his window approximately 75 yards away;
    - Sign illumination turned on at 5 a.m. is offensive;
    - Applicant was requested to angle sign away from his window but did not respond to request; and
- Remodeled his dwelling without knowing sign would be erected.

The following points were made leading to the Commissioner's determination;

- Concern of community impacts of staff error;
- Agree with AZA's grant of a five year term which considered;
  - Community Impacts;
  - Right to remain;
  - Time to amortize cost;
- At issue is size of sign versus revenue;
- Erection of billboards do not improve the street ambiance;
- Offer made by applicant to waive compensation if allowed to remain until the termination of the grant;
- Development of the property would need a project permit;
- Illumination of the sign on a timer which could be turned off at 10 p.m.;

- Reasonable due to commercial nature of Lincoln Blvd.;
- Revenue "lost" when illumination is turned off early is not a "taking";
- Difficult to change what's been granted to applicant;
- Sign is too high and too large;
  - Permitted size increase in size by error;
  - Prior sign in same location was lower and smaller;
  - Determination conditioned that size of sign be reduced to a size similar to the prior billboard on the site;
- Preferred alternative even though sign should not be there;
  - Allow sign to remain and to be removed at end of term;
  - Accept applicant's offer to waive damages;
- Term of the grant should be tied to 10 year term of the lease; and
- Redevelopment of the property is a concern between lessor and lessee.

The Commission then passed a motion to deny the appeal, sustain the action of the AZA, adopt the AZA's findings and modify the conditions of approval as follows:

- Limit height to its current height;
- Illumination of the sign shall be from 10 a.m. to 10 p.m.;
- No additional protections from current situation;
- Term of grant shall be until August 15, 2008 (date when lease terminates) or sooner if site is redeveloped;
- Indemnify City of Los Angeles for any damages after five years of use (volunteered by the applicant); and
- Size of billboard to remain "as is".

APPEAL RIGHTS:

Appealable. The determination in this matter is only appealable to the California Coastal Commission. Said determination by the West Los Angeles Area Planning Commission will become effective on the date indicated on the front page of this report unless an appeal is filed with the California Coastal Commission in accordance with their procedures. They can be reached at:

California Coastal Commission - South Coast District Office  
200 Oceangate - 10<sup>th</sup> Floor  
Long Beach, CA 90802  
(562) 590-5071  
Attention: Pam Emerson / Charles Posner

Furthermore, this coastal development permit shall be subject to revocation as provided in Section 12.20.2-J of the Los Angeles Municipal Code, as authorized by Section 30333 of the California Public Resources Code and Section 13105 of the California Administrative Code.

A copy of the permit will be sent to the California Coastal Commission. Unless an appeal is filed with the California Coastal Commission before 20 working days have expired from the date the City's determination is deemed received by such Commission, the City's action shall be deemed final.

EFFECTUATION OF THE ACTION:

1. Coastal Development Permit:

All terms and conditions of the approval shall be fulfilled before the use may be established. The instant authorization is further conditional upon the privileges being utilized within two years after the effective date of approval and, if such privileges are not utilized or substantial physical construction work is not begun within said time and carried on diligently to completion, the authorization shall terminate and become void. An Associate Zoning Administrator may extend the termination date for one additional period not to exceed one year, if a written request on appropriate forms, accompanied by the applicable fee is filed therefore with a public Office of the Department of Planning setting forth the reasons for said request and an Associate Zoning Administrator determines that good and reasonable cause exists therefore.

2. Time Extension: A request for permit utilization time extension:

- a. Must be filed at a public counter of the Planning Department, and
- b. The extension application must be accepted prior to the expiration of the time to utilize the grant or other authorization.

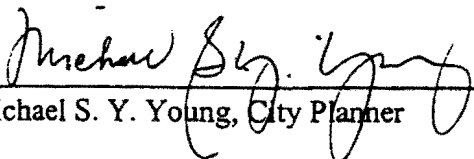


- c. The extension application must be accompanied by the appropriate fee payment and substantial evidence that unavoidable delay has prevented or will prevent the applicant from taking advantage of the grant or authorization within the specified time limits.
- d. WARNING: IF more than one permit is involved, be sure you secure an extension of time for each separate permit, as may be required by law. Often permits have different time limits and extension allowances.

REFERENCED EXHIBITS:

Exhibit No. B-1: Conditions of Approval (attached).

Exhibit No. A-1: Applicant's plot plan (file copy only).

  
\_\_\_\_\_  
Michael S. Y. Young, City Planner

MSY: CNV

CONDITIONS OF APPROVAL

The conditions and requirements of ZA 2000-9995 CDP, have not been modified substantially, except as indicated below.

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
2. The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Associate Zoning Administrator to impose additional corrective conditions, if, in the Administrator's opinion, such conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
4. All graffiti on the site shall be removed or painted over to match the color of the wall surface to which it is applied within 24 hours of its occurrence.
5. A copy of the first page of this grant and all conditions and/or any subsequent appeal of this grant and its resultant conditions and/or letters of clarification shall be included in the "notes" portion of the building plans submitted to the Associate Zoning Administrator and the Department of Building and Safety for purposes of having a building permit issued.
6. Within 30 days from the issuance of this determination, the applicant shall file for an Exception in compliance with the requirements of the Venice Specific Plan (Ordinance No. 172,897).
7. The Coastal Development Permit grant shall not become effective until such time as approval has been obtained under the terms and requirements of the Venice Specific Plan.
8. Notwithstanding any entitlement to the contrary, the applicant shall maintain the existing square footage of the billboard. At no time during this grant, the billboard be increased in size.
9. The billboard shall be non-illuminated or all lighting shall not be illuminated between the hours of 10 p.m. and 10 a.m., seven days a week.

10. Prior to the issuance of any building permits, the applicant shall obtain any required Administrative Approval for the project from the California Coastal Commission.
11. The grant shall be valid until August 15, 2008 or until the site is redeveloped, whichever occurs first, and shall be null and void thereafter.
12. The applicant shall *dismantle and* remove its billboard *from the site on August 15, 2008 or* before August 15, 2008 upon notice by the City or the property owner that construction of a new project will commence within (60) days. (Volunteered by the applicant)
13. Applicant shall waive all damages and rights of compensation it may be entitled to by law by reason of the removal of its billboard after a five-year period from the *commencement of the terms of the existing lease which is August 15, 1998* and will indemnify the City of Los Angeles for any damages it may incur by reason of such removal after 5 year period. (Volunteered by the applicant)
14. There shall be no additional projections onto the permitted sign under this grant.
15. Height of sign shall be limited to existing permitted height.
16. Within 30 days of the effective date of this determination, a covenant acknowledging and agreeing to comply with all the terms conditions established herein shall be recorded in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement must be submitted to the Zoning Administrator for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Associate Zoning Administrator for attachment to the subject case file.

JUN - 1 2001

May 30, 2001

TO: The Honorable West Los Angeles  
Area Planning Commission

FROM: Robert Janovici   
Chief Zoning Administrator

SUBJECT: CASE NO. ZA 2000-9995(CDP) - A

On February 21, 2001, your Honorable Body met and took an action on the above noted appeal from the action of Associate Zoning Administrator Leonard Levine's approval of a Coastal Development Permit for continued maintenance of a billboard. Your action was to sustain the approval, however, while so doing, you modified certain of the conditions imposed.

After mailing of your written decision to the interested parties (including the applicant) as well as the California Coastal Commission, a written communication was sent to you by a nearby resident questioning whether the written determination and specifically Condition Nos. 11, 12 and 13 accurately reflected your action.

In turn, staff (Michael Young) was requested to listen to the tape of the February 21, 2001 hearing and to make any corrections deemed appropriate. Michael Young has followed your direction and has issued a proposed corrected version of your decision.

While I have no doubt that Mr. Young has accurately memorialized what was stated at the meeting, I find that my review of the corrected version still poses some potential problems in terms of the long range enforceability of your decision and your intent. I understand that the discussion at the hearing took place ad hoc without the benefit of written versions for the Commission to review on the spot and there was considerable input contributed from the applicant's attorney, staff and your members. This unfortunately did not allow for detached reflection which has taken place now. Accordingly, I am suggesting that you consider this input while discussing the matter on June 6, 2001.

In brief, my concerns regarding the enforceability of Condition Nos. 11, 12 and 13 are as noted below:

Condition No. 11

It is unclear what the term "redeveloped" means in this instance. For example, what if a new project could be developed on the site without requiring actual removal of the billboard.

Suggestion

"11. This grant shall be valid until August 15, 2008, or upon abandonment of the billboard, whichever occurs first, and shall be null and void thereafter."

Condition No. 12

The City would not provide notice to a tenant (Eller Media) that construction may be taking place on a site. The owner of the property might provide notice to a billboard tenant but that is a private matter between the owner and the tenant, probably covered under the terms of the underlying lease.

What if a new project could be built on the site which does not require removal of a billboard?

Suggestion

"12. The applicant shall dismantle and remove its billboard from the site by August 16, 2008 or before August 16, 2008, if required to do so by the property owner." Upon such action, the use shall be deemed abandoned.

Condition No. 13

I believe that what the Commission meant to do was to have the applicant waive any right to damages against the City emanating from removal of the billboard after August 15, 2003 (five years after commencement of the lease) and before August 15, 2008 (the end of the lease) and to have the applicant indemnify the City if it is sued by a third party (e.g., the owner for removal of the billboard after a five year period has elapsed after commencement of the lease but before the lease has expired under its own terms).

Suggestion

"13. The applicant shall waive all rights to damages and compensation it may be entitled to by law by reason of the removal of the billboard after a five year period from the commencement of the term of the existing lease which is August 15, 1998, and will indemnify the City of Los Angeles for any claim or judgement against the City by any other party by reason of removal of the billboard after August 15, 2001 but before August 15, 2008."

David Kabashima of our Office will be at your meeting of June 6, 2001, for a different case but will also be available to discuss this matter in lieu of Mr. Levine who has retired.

RJ:Imc

EXHIBIT K PAGE 2

EXHIBIT # 8  
PAGE 57 OF 59

RICHARD HAMLIN

ATTORNEYS

4640 ADMIRALTY WAY, SUITE 1010  
MARINA DEL REY, CALIFORNIA 90292

TEL (310) 822-2676  
FAX (310) 306-9069

PAUL A. JACOBS

June 11, 2001

West Los Angeles Area Planning Commission  
221 North Figueroa Street, Room 1600  
Los Angeles, CA 90012

Re: Case No. ZA 2000-9995 (CDP)-A, Coastal Development Permit  
Applicant: Eller Media Company

TO MEMBERS OF THE COMMISSION:

It is my understanding that this matter will be on your agenda under "Commission Business" for your meeting of June 20<sup>th</sup>. The matter relates to clarification of Condition umbers. 11, 12, and 13.

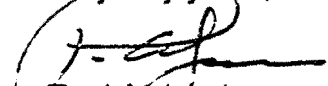
I have read the proposed modifications to the conditions by Mr. Young and Mr. Janovici. I have also listened to the tape of your meeting of February 21<sup>st</sup> at which time Eller discussed its agreement to waive compensation for removal of its sign.

During your discussion of this matter and after the public hearing was closed, one commissioner suggested that the five-year period should start from the date of the commencement of the lease (August 15, 1998). This would be contrary to what most of us considered to be the purpose of the five-year period--- **to assure that Eller would have a return on its investment for at least five years based upon the use of its billboard.** Construction of our billboard was completed on December 15, 1998 (see Eller's Appeal Supplement, Exhibit "G", filed with the Commission on February 12<sup>th</sup>). At minimum, the five-year period should commence on December 15, 1998. There is often a gap between the execution of a lease and the completed construction of the billboard.

While there was no specific discussion about when the five-year period would commence, I had in mind the time period provided in Condition Number 12 of Associate Zoning Administrator Leonard S. Levine's report of November 30, 2000 (see Eller's Appeal Supplement, Exhibit "F"). That condition states: "The grant shall be valid for a period of five years from the date of mailing or from **the effective date of the Project Permit**, whichever occurs first, and shall be null and void thereafter" (emphasis added).

Eller believes that Condition Number 13 as drafted and mailed on April 4, 2001, correctly reflects the intent of Eller and the Commission to reach a fair accommodation on this issue.

Very truly yours,

  
Paul A. Jacobs

cc: Ed Dato, Dash Stolarz

**EXHIBIT** L

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# West Los Angeles Area Planning Commission

221 North Figueroa Street, Room 1600, Los Angeles, CA 90012-2601 (213) 580-5234

www.cityofla.org/PLN/index.htm

JUL 10 2001

## CLARIFICATION OF THE WEST LOS ANGELES AREA PLANNING COMMISSIONS' DETERMINATION

*Clarifying Conditions 11, 12 and 13*

Date: July 9, 2001

Council District: 6

Plan Area: Venice

Location: 4111 Lincoln Boulevard

Applicant/Appellant: Eller Media

### COASTAL DEVELOPMENT PERMIT

CASE NO: ZA 2000-9995 (CDP)-A1

At its meeting of June 19, 2001 the West Los Angeles Area Planning Commission clarified the following conditions:

1. Condition 11 (Exhibit No. B-1 page 2)

This grant shall be valid until August 15, 2008, or upon abandonment of the billboard whichever occurs first, and shall be null and void thereafter.

2. Condition 12 (Exhibit No. B-1 page 2)

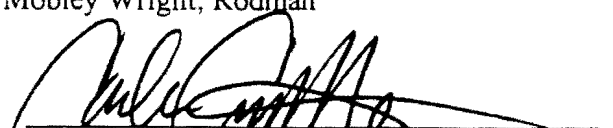
The applicant shall dismantle and remove its billboard from the site by August 16, 2008 or before August 16, 2008, if required to do so by the property owner. Upon such action the use shall be deemed abandoned.

3. Condition 13 (Exhibit No. B-1 page 2)

The applicant shall waive all rights to damages and compensation it may be entitled to by law, by reason of the removal of the billboard after a five year period from the commencement of the term of the existing lease which is August 15, 1998, and will indemnify the City of Los Angeles for any claim or judgement against the City by any other party by reason of removal of the billboard after August 15, 2003, but before August 15, 2008.

This action was taken by the following votes:

Moved: Lopez  
Seconded: Hall  
Ayes: Krisiloff, Mobley Wright, Rodman

  
Carla Crayton, Commission Executive Assistant  
West Los Angeles Area Planning Commission

**LINCOLN CORRIDOR TASK FORCE  
GENERAL INFORMATION**

MAY 10 2001

**GOALS AND OBJECTIVES**

The Lincoln Corridor Task Force (LCTF), including representatives from the County of Los Angeles, Caltrans, the Cities of Culver City, Los Angeles and Santa Monica, was formed to join these agencies in an effort to address the increasing congestion along a five-mile stretch of Lincoln Boulevard between Manchester Avenue and the Santa Monica (I-10) Freeway and to determine the long-term transportation needs of the corridor. The California Coastal Commission, MTA and SCAG are also represented in the LCTF as ex-officio members providing technical review and comment on consultant work products and LCTF discussions.

The main goals and objectives of the Lincoln Corridor Task Force are:

1. to identify goals, objectives and vision of the various jurisdictions for the corridor.
2. to establish a transportation improvement plan for Lincoln Boulevard in a multi-jurisdictional environment which uniquely balances capacity enhancing measures, corridor aesthetics, urban design components and multi-modal objectives.
3. to identify a set of technically feasible transportation enhancements established by consensus of the LCTF agencies with input from affected businesses, residents and stakeholders.
4. to identify a mechanism to pool financial resources to implement mutually agreed upon set of preferred alternatives.

**HISTORY**

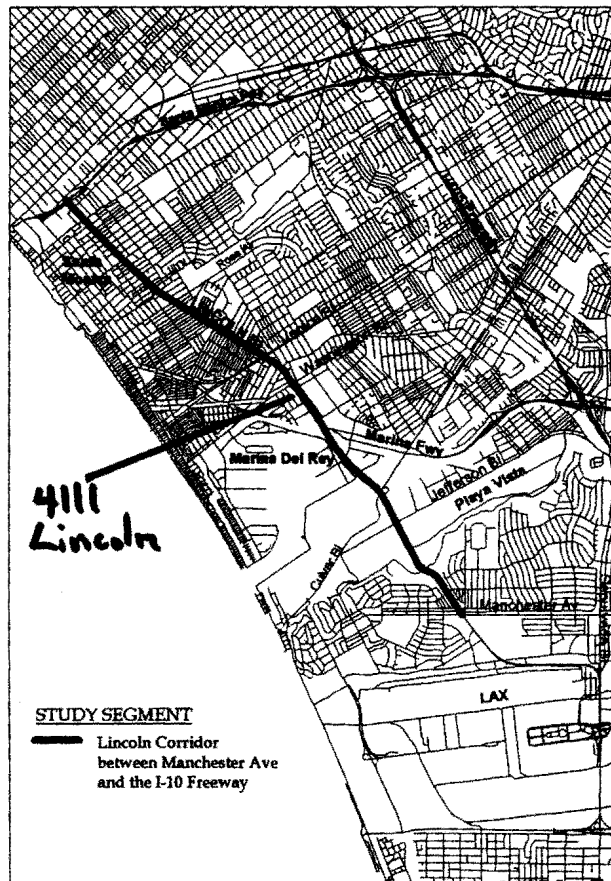
The agencies began meeting in 1998 to discuss potential solutions for dealing with the traffic congestion along the Lincoln Corridor. In October 1998, the City of Los Angeles became the lead agency and the committee was officially named the LCTF by the agencies. During 1999, the LCTF met monthly to prepare an Interagency Agreement, to

draft a Scope of Work, to establish a budget for the study, and to apply for grants to the CALIFORNIA COASTAL COMMISSION. ON August 2000, the Interagency Agreement was signed and executed, which defined the roles and financial obligations of the agencies in the preparation of the first phase study.

**STUDY AREA**

Lincoln Boulevard is a State Route (SR 1) and a CMP facility that has suffered increasing congestion due to the continued growth in traffic along the corridor. This north-south major highway provides four to six travel lanes within the study area and connects the Central Business District (CBD) in Santa Monica to the Los Angeles International Airport and provides major coastal access to several westside beach communities, as well as access to a host of other regional activity centers.

Caltrans' "1999 Traffic Volumes" booklet indicates that the average daily traffic (ADT) along this 5-mile stretch of Lincoln Boulevard was as high as 64,000



**COASTAL COMMISSION**

Page 1

May 7, 2001

EXHIBIT # 9

PAGE 1 OF 12



## LINCOLN CORRIDOR TASK FORCE GENERAL INFORMATION

vehicles. According to Caltrans, numerous intersections along the corridor operate at unsatisfactory levels-of-service of E and F. These congestion levels are expected to worsen with the construction of some large development projects planned and proposed for the westside.



LINCOLN BL @ WASHINGTON BL. FACING SOUTH

Over the years, local traffic mitigation measures have been constructed in a fragmented and disjointed fashion with limited implementation of significant, long-term, and regional traffic enhancement measures that benefit the multitude of jurisdictions that Lincoln Boulevard serves. Although some of the agencies have individual mechanisms to collect traffic mitigation fees from development projects, there is no collective mechanism for pooling these financial resources to construct a mutually agreed upon set of improvements for the corridor.

### LINCOLN CORRIDOR IMPROVEMENT STUDY

Phase 1: An outside consultant will be hired to perform the first phase of the transportation study. The focus of the first phase study is to initially examine a wide range of possible transportation/urban enhancement solutions for the corridor. Based on physical, environmental, financial and political constraints, and with input from affected stakeholders, any fatally flawed improvements will be dismissed early on in the process. This would

narrow the field of improvement options to alternatives that are worthy of further detailed analysis in the second phase study. Also, by employing an objective ranking system, the field of improvement options will be further narrowed and prioritized, then forwarded to the LCTF for approval and adoption.

It is anticipated that the Request for Proposals to hire a consultant will be released in June 2001 and a consultant team selected by September 2001. The study period is anticipated to be twelve months and should be completed by September 2002. The total budget for the first study phase is \$130,000, with the City of Los Angeles agreeing to fund 50% of the cost, the County funding 25%, and the Cities of Culver City and Santa Monica each providing 12.5% of the cost. Also, \$62,500 from SCAG's Overall Work Program has been committed to fund a portion of the study.

Phase 2: Once the first phase has been completed, the next study phase will include a more detailed and quantitative analysis of the preferred set of improvements identified in the Conceptual Corridor Alternatives Study. Engineering and feasibility analyses will be conducted to estimate the potential impacts of the proposed improvements. Also, this phase will include cost estimates and benefit-to-cost ratios. The results of this second and final phase will be a final set of urban design and traffic-flow enhancements, along with an identified funding mechanism to pay for the implementation of the improvements. A new or amended Interagency Agreement will be required for the second phase study.

### COMMITTEES

Lincoln Corridor Task Force: The LCTF, which is the decision-making body, will ultimately approve the release of the Request for Proposals, selection of the consultant team, and adoption of the final list of proposed transportation enhancements. In making their decisions, the LCTF will consider public comments, the TAC's recommendations, and the results of the study. Pursuant to the Brown Act, all meetings will be open to the public.

May 7, 2001

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**LINCOLN CORRIDOR TASK FORCE  
GENERAL INFORMATION**

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Technical Advisory Committee: This committee includes technical staff from the agencies of the LCTF. The role of this advisory group is to provide technical assistance to the consultant team in the development of the corridor study. The TAC serves as the advisory body to the LCTF, which ultimately is the decision-making body. The TAC will meet on a monthly basis and, pursuant to the Brown Act, all meetings will be open to the public.

Citizen Advisory Committee: To ensure public participation during the development of the Conceptual Corridor Alternatives Study, it is essential that information regarding key milestones of the study be made available to the neighboring homeowner and business associations. A Citizen Advisory Committee (CAC) made up of key stakeholders is being developed. The main purpose of the CAC will be to provide feedback to the consultant team hired to complete the study and to serve as a communications conduit by providing feedback and disseminating information about the study to members of their organizations. The Los Angeles County, and the Cities of Culver City, Los Angeles and Santa Monica will select representatives from within their jurisdiction to serve in the CAC.

**ATTACHMENT**  
Committee Representatives

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May 7, 2001

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**LINCOLN CORRIDOR TASK FORCE**  
**Agenda**

Wednesday, May 16, 2001, 10:00 a.m. to 11:30 a.m.  
13650 Mindanao Way, Marina del Rey  
Burton Chace Park

**Lincoln Corridor Task Force - Goals and Objectives**

The Lincoln Boulevard Improvement Study is a joint venture between the County of Los Angeles, Caltrans, and the Cities of Culver City, Los Angeles and Santa Monica to evaluate potential transportation improvements along a 5-mile stretch of the Lincoln Boulevard corridor from Manchester Avenue to the Santa Monica Freeway. The Lincoln Corridor Task Force (LCTF) was developed, pursuant to an Inter-Agency Agreement, to join the aforementioned agencies in an effort to address the increasing congestion along Lincoln Boulevard and to determine the long-term transportation needs of the corridor. The main goals and objectives of the Lincoln Corridor Task Force are:

1. to identify goals, objectives and vision of the various jurisdictions for the corridor.
2. to establish a transportation improvement plan for Lincoln Boulevard in a multi-jurisdictional environment which uniquely balances capacity enhancing measures, corridor aesthetics, urban design components and multi-modal objectives.
3. to identify a set of technically feasible transportation enhancements established by consensus of the LCTF agencies with input from affected businesses and residents, including an implementation funding mechanism.

<b>LINCOLN CORRIDOR TASK FORCE MEMBERS</b>	
<b>Agency</b>	<b>Representative</b>
City of Los Angeles (Lead Agency)	James Okazaki or designee
City of Culver City	James Davis or designee
City of Santa Monica	Craig Perkins or designee
Los Angeles County	Stan Wisniewski and James Noves or designees
Caltrans	Jeff Davis or designee
LACMTA (ex-officio member)	Carol Inge, Renee Berlin or designee
Coastal Commission (ex-officio member)	Pam Emerson or designee
SCAG (ex-officio member)	Zahi Faranesh or designee

1. WELCOME AND INTRODUCTIONS (James Okazaki, Acting Chair)
2. LINCOLN CORRIDOR TASK FORCE HISTORY (Jay Kim, LADOT)
3. SCOPE OF WORK FOR THE CONCEPTUAL CORRIDOR ALTERNATIVES STUDY - PHASE I (Jay Kim, LADOT)
4. CONSULTANT SELECTION PROCESS (SCAG)
5. PUBLIC COMMENTS
6. APPROVAL OF THE SCOPE OF WORK FOR THE CONCEPTUAL CORRIDOR ALTERNATIVES STUDY - PHASE I
7. OTHER MATTERS OF INTEREST
8. NEXT MEETING

Meeting Notices will be posted for public review at the following locations: Venice Branch Library at 501 S. Venice Boulevard, Mar Vista Branch Library at 12006 Venice Boulevard, Westchester Branch Library at 8946 Sepulveda Eastway, Sixth Council District Field Office at 7166 W. Manchester Avenue, Marina del Rey Library at 4533 Admiralty Way, Culver City Public Library at 4975 Overland Avenue, the Culver City City Clerk=s Office at 9770 Culver Boulevard, and the City of Santa Monica=s City Clerk=s Office.

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## INTRODUCTION

### OBJECTIVE OF THE REQUEST FOR PROPOSALS

The City of Los Angeles Department of Transportation (LADOT), as the lead agency of the Lincoln Corridor Task Force (LCTF) which also includes representatives from the California Department of Transportation (Caltrans), the County of Los Angeles, and the Cities of Culver City and Santa Monica, requests written proposals from consultant firms to provide assistance in preparing a conceptual corridor alternatives study for Lincoln Boulevard between Manchester Avenue and the Santa Monica Freeway interchange. This study is the first of two phases.

The objectives of the study are (1) to identify goals, objectives and vision of various jurisdictions for the corridor, (2) to identify discrete segments of Lincoln Boulevard which share similar physical roadway traits, adjacent land use characteristics and urban design constraints, (3) to quantify the future traffic demand to Year 2010 along the Lincoln Boulevard corridor, (4) to identify a broad range of technically feasible alternatives (both traditional and non-traditional solutions) for the corridor, and (5) to recommend a set of alternatives in a multi-jurisdictional environment which uniquely balances capacity enhancing measures, corridor aesthetics, urban design components and multi-modal objectives within each identified discrete segment of Lincoln Boulevard. The study must consider Caltrans' desire to relinquish Lincoln Boulevard as a state highway, the City of Santa Monica's desire that there be no street widening in their city, the ability of the transportation system to accommodate major development projects in the area including Playa Vista in the City of Los Angeles, Costco in the City of Culver City, and the Marina del Rey Local Coastal Program in Los Angeles County. The results of the study will help the LCTF to determine the long-term needs of the corridor and to develop a set of transportation enhancement alternatives to be carried forward into a detailed evaluation.

The LCTF has decided to hire a consultant to provide the LCTF with an improved overview and understanding of Lincoln Boulevard by identifying the current operating conditions, the physical traits and the urban characteristics of the corridor. This overview will assist the LCTF in completing a Lincoln Boulevard Transportation Improvement Plan. The selected consultant team (hereinafter referred to as the Consultant) will evaluate the existing and future operating conditions and features of Lincoln Boulevard. In this first phase of the study, the consultant will produce a Conceptual Corridor Alternatives Study (CCAS) for Lincoln Boulevard with the goal of establishing a preferred set of transportation improvements which the governmental agencies of the LCTF can formally agree to fund by pooling their financial resources. The second phase of this transportation improvement study for Lincoln Boulevard will provide a more detailed and quantitative analysis of the improvements recommended in this first phase.

### PROJECT HISTORY AND DESCRIPTION

Lincoln Boulevard, a Congestion Management Program (CMP) route, is a State Route (SR 1) which has suffered increasing congestion due to the continued growth in traffic along the corridor. This north-south major highway provides four to six travel lanes within the study area, connecting the Central Business District (CBD) in Santa Monica to Los Angeles International Airport and providing major coastal access to the westside beach communities (Playa del Rey, Marina del Rey, Venice and Santa Monica) as well as access to a host of other regional activity centers. Caltrans' A1998 Traffic Volumes booklet indicates that the average daily traffic (ADT) along this stretch of Lincoln Boulevard was as high as 64,000 vehicles. Parking is provided along Lincoln Boulevard on both sides within the City of Santa Monica and sporadically within the City of Culver City. Lincoln Boulevard has full interchange connectors with the Santa

Monica Freeway, a partial interchange with Culver Boulevard offering a connection from eastbound Culver Boulevard to northbound Lincoln Boulevard, and direct access to the Marina Expressway (State Route 90). According to Caltrans, numerous intersections along the corridor operate at unsatisfactory levels-of-service (LOS) of E and F. These congestion levels are expected to worsen with the construction of some large development projects proposed for the Westside.

Over the years, local traffic mitigation measures have been constructed in a fragmented and disjointed fashion without the implementation of any significant, long-term, and regional traffic enhancement measures that benefit the multitude of jurisdictions that Lincoln Boulevard serves.

The City of Los Angeles and the County of Los Angeles have local plans in which fees are collected from developers to fund long-term regional transportation infrastructure improvements, including capacity enhancements to Lincoln Boulevard. The City of Culver City has also collected traffic mitigation fees from the Costco project near the intersection of Lincoln Boulevard and Washington Boulevard to fund regional improvements in the Lincoln Corridor. However, there is no mechanism for pooling these financial resources, and no mutually agreed upon set of improvements for the corridor.

The Lincoln Corridor Task Force (LCTF) was formed to address the increasing congestion along Lincoln Boulevard, to determine the long-term transportation needs of the corridor and to identify transportation improvement alternatives that balance the traffic demands of land use plans with traffic capacity. The formation of the LCTF and the proposed study have generated great interest and participation from various elected officials and governmental entities including Senator Debra Bowen=s office, Los Angeles County Supervisorial Districts (2, 3 and 4), City of Los Angeles Council District 6, California Coastal Commission, Southern California Association of Governments, and the Los Angeles County Metropolitan Transportation Authority.

The LCTF will award one contract as a result of this RFP. It is preferred that the report be completed by a firm or combination of firms with substantial demonstrated expertise in transportation engineering/planning and urban planning/design. Only applications that address all requirements and specifications in the RFP will be accepted for review and considered for contract award. The contract period shall be nine (9) to twelve (12) months. Findings from this contract may form the basis of future contracts for the next study phase which will include more detailed evaluation, design and environmental clearance of corridor improvements.

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## SCOPE OF WORK

### PROJECT OBJECTIVES

The study should:

- a. identify distinguishing urban traits, adjacent land use characteristics and roadway conditions along different sections of Lincoln Boulevard; in defining these distinct segments of the corridor by jurisdiction, also identify each jurisdiction's goals for Lincoln Boulevard.
- b. indicate current corridor features including, but not limited to, lane configurations, traffic signal phasing, roadway and right-of-way widths, sidewalk/parkway features, building set-backs, traffic volumes (roadway and intersection counts), utilities, bus stops, street furniture and environmental factors/conditions (such as mature trees).
- c. estimate the present and future levels-of-service for key roadway segments along the corridor to identify problem locations which operate or may operate in the future at unsatisfactory levels (recently completed traffic studies may be used to collect this information).
- d. provide a detailed list of existing public transit service routes along the corridor with ridership information; and identify any constraints on increased ridership as identified by any MTA or other transit studies.
- e. prepare a list of transportation improvements planned for Lincoln Boulevard and for other arterials that may cause secondary impacts to the corridor.
- f. evaluate and compare alternatives with a varied mix of transportation improvements ranging from capacity driven solutions including, but not limited to, street widenings, new roadway connections, fly-overs, roundabouts, single-point urban interchanges, peak hour travel lanes, etc., to urban design driven solutions including, but not limited to, street furniture, street lighting, transit lighting, pedestrian/security lighting, landscaped medians, sidewalk widenings, pavement treatment, and transit improvements, pedestrian and visual enhancements, as well as a mix of capacity and urban design driven solutions.
- g. recommend a set of alternatives which is most balanced and applicable for each particular segment of Lincoln Boulevard given the future traffic demand, patterns of transit ridership, and the physical and land use design constraints of that particular segment of the corridor.
- h. provide an easy-to-read pictorial summary guide that helps evaluate the pros and cons of each alternative in a creative and meaningful way.

### WORK TASKS

#### TASK 1 - Administration and Management of Work Plan

The Consultant will provide a plan for management coordination and control to ensure successful and timely completion of this report. At the beginning of work under this contract, the Consultant will prepare a detailed work plan, including schedule and cost breakdown for each sub-task described in this scope of services. The Consultant shall submit monthly cost and schedule reports to enable project monitoring. The contract budget and schedule shall be regarded as the baseline against which status and progress are measured and reported.

The Consultant and the LCTF Technical Advisory Committee (TAC) will meet at least monthly to

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review the cost, schedule status and progress of the work, as well as anticipated problems and potential solutions. The Consultant will prepare status presentations for the LCTF at key milestones to update them on the status and progress of the work. The Consultant will be responsible for preparing and keeping a record of meeting minutes. The Consultant should carefully anticipate the number of meetings that will be necessary, as the cost of all meetings will be included as part of the contract price. The Consultant will assist in preparing for and participating in these meetings, and will provide documentation of the meetings such as presentation materials and meeting minutes.

The Consultant shall submit working and final drafts on all work products in a timely manner to allow for adequate review and revision prior to final submittal schedules. The Consultant invoices shall be prepared to show cost against major milestone tasks.

TASK 1 WORK PRODUCT: Project management plan, contract budget and schedule and quality control plan, monthly progress report, and payment and review milestones; presentation materials, and meeting minutes.

### TASK 2 - Community Outreach and Vision Statement

A Citizen Advisory Committee, as formed by the LCTF, will serve to advise the Consultant during the development of the CCAS. The main purpose of the Citizen Advisory Committee will be to serve as a communications conduit by providing feedback and disseminating information about the study to members of the organizations they represent. At the start of the analysis, the Consultant shall meet with the Citizen Advisory Committee to solicit initial input in the development of the work plan described in Task 1. LADOT will assist the Consultant in organizing all Citizen Advisory Committee meetings. It is anticipated that four to five meetings between the Consultant and the Citizen Advisory Committee will be necessary during the development of the CCAS.

The Consultant will organize and conduct kick-off community focus group meetings with elected officials and identified stakeholders. The LCTF agencies will provide the meeting locations. At these focus group meetings, the Consultant will inform the attendees of the goals and objectives of the Lincoln Boulevard Improvement Study in an effort to solicit initial public feedback. Public comments and opinions collected at these initial informational meetings will assist the Consultant in attaining a better understanding of all the issues and potential urban and infrastructure constraints of Lincoln Boulevard.

The LCTF will help the Consultant assemble a list of contact persons needed to arrange the focus group meetings. The Consultant should anticipate the number of meetings that will be necessary. Affected communities are expected to have a significant involvement in the development of the study by helping to identify the urban and infrastructure constraints of Lincoln Boulevard. This initial input will help filter out transportation and land use improvements that may be deemed infeasible.

TASK 2 WORK PRODUCT: Vision Statement indicating goals and objectives for the various segments of the corridor and including a summary of comments and key issues received at focus group meetings.

### TASK 3 - Urban Design Inventory

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The Consultant shall prepare a report identifying the distinguishing urban traits, adjacent land use characteristics and roadway conditions along different sections of Lincoln Boulevard. This report shall include current roadway features including, but not limited to, lane configurations, roadway and right-of-way widths, sidewalk/parkway aspects, street lighting, building set-backs and utility and mature tree locations. Since Lincoln Boulevard is comprised of several unique segments providing coastal access to different westside beach communities (Playa del Rey, Marina del Rey, Venice and Santa Monica), a better understanding of the corridor's physical, urban and land use features will assist the LCTF and the Consultant in developing a reasonable range of conceptual urban design enhancements and transportation improvements. Also, this report shall indicate each of the LCTF jurisdictions' transportation goals for Lincoln Boulevard.

TASK 3 WORK PRODUCT: Urban Design Inventory Report.

**NOTE:**

*For Tasks 4 to 7, the LCTF Technical Advisory Committee (TAC) will assist the Consultant in the preparation of the different work products. For these tasks, the responsibilities of the TAC agencies and of the Consultant are defined.*

TASK 4 - Existing Conditions Report

The work product of this task is an existing conditions report that identifies traffic volumes, roadway segment levels-of-service (LOS), corridor travel times, roadway configuration, typical roadway cross-sections, on-street parking inventory and transit ridership information. This report should incorporate the results of the work product from Task 3.

TAC Responsibilities - The TAC agencies will provide the Consultant with existing traffic counts, roadway striping plans (illustrating lane/roadway/right-of-way widths), on-street parking inventory/utilization, transit service and ridership data, bikeway system information, digital photographs of different roadway segments, information on sidewalk and parkway features, and building set-back. The TAC agencies will identify the different segments along Lincoln Boulevard for detailed analysis and provide the Consultant with LOS and travel time information for these study segments. The TAC will assist the Consultant in obtaining any other data which may be necessary in completing the existing conditions report.

Consultant Responsibilities - With the traffic data provided by the TAC, the Consultant will summarize this information in an Existing Conditions Report. The report should identify current deficient operating traffic conditions (i.e., roadway segments which currently operate at unsatisfactory levels-of-service E or F and corresponding travel times) and an analysis of transit service levels. Also, the report should identify the discrete segments of Lincoln Boulevard which share similar physical roadway traits, adjacent land use characteristics and urban design constraints. The typical existing cross section for each discrete segment of the corridor should also be illustrated in the report. Also, the existing conditions report should identify the existing transit routes and bikeways in the study area, and transit ridership levels for bus routes along Lincoln Boulevard.

TASK 4 WORK PRODUCT: Existing transportation conditions including LOS and corridor travel times, parking utilization levels, transit facilities and service levels, and drawings of typical existing cross-sections for various segments.

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## TASK 5 - Future Conditions Report

The work product of this task is a future conditions report for horizon year 2010 that estimates traffic volumes, transit ridership levels, roadway segment levels-of-service (LOS), corridor travel times, roadway configuration, and future roadway cross-sections. The report should identify development projects planned and programmed for this coastal area, and identify programmed/committed roadway improvements along Lincoln Boulevard and roadway improvements on other facilities west of the I-405 Freeway which may affect the operation of Lincoln Boulevard.

TAC Responsibilities - Using the City of Los Angeles General Plan Framework Travel Demand Simulation Model, which has been modified to provide additional roadway network detail for the coastal area, LADOT will provide the Consultant with the traffic model results. The results will include forecasted traffic volumes, roadway segment levels-of-service and estimated corridor travel times. The TAC will provide the Consultant with information on programmed transportation improvements and land-use development projects expected to be implemented in the study area by year 2010. Also, the TAC will provide the Consultant with copies of any community or local plans in the study area. Caltrans will provide the Consultant with the roadway striping plans for the State Transportation Improvement Program improvements planned for Lincoln Boulevard.

Consultant Responsibilities - With the traffic forecasts provided by LADOT, the information on related projects and programmed improvements provided by the TAC, and with the community plans, the Consultant will summarize this information in a Future Baseline Conditions Report. The Consultant will review the model results provided by LADOT to identify future problem locations in the study area. The report should identify anticipated deficient traffic conditions (i.e., roadway segments expected to operate at unsatisfactory levels-of-service E or F and/or unsatisfactory corridor travel times) and an analysis of forecasted transit service levels. The anticipated future baseline cross sections for the corridor should also be illustrated in the report. Furthermore, any opportunities to improve pedestrian, visual and transit amenities should also be discussed and documented. All of the information above will assist the Consultant and the LCTF to establish a future baseline conditions so that transportation improvement alternatives can be developed to address the deficiencies of the corridor.

TASK 5 WORK PRODUCT: Summary report on future baseline transportation conditions.

## TASK 6 - Identification of Alternatives - Community Meeting

Consultant Responsibilities - The Consultant shall organize and conduct an initial community meeting to discuss the results of both the existing conditions and future baseline conditions reports (Task 5). In this meeting, the Consultant shall identify the segments along Lincoln Boulevard that are predicted to operate at unsatisfactory traffic levels and identify locations where opportunities exist to improve traffic flow, pedestrian, visual and transit amenities. The purpose of the meeting(s) is to solicit comments and opinions from local elected officials and community groups on how to effectively address the results of Task 5 and best balance the need to provide additional roadway capacities and to minimize auto trips while providing pedestrian, visual and transit improvements and amenities along the corridor.

Based on the results of Task 5 and on the feedback received from the community meeting, the

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Consultant shall identify a preliminary mix of alternative potential transportation solutions/enhancements for each discrete segment of Lincoln Boulevard. The conceptual alternatives for each discrete segment of Lincoln Boulevard shall include a wide array of transportation improvement solutions including capacity enhancements, transit proposals, urban design solutions, pedestrian and visual enhancements and/or combinations thereof. Also, potential improvements to other parallel/nearby facilities that may improve traffic conditions on Lincoln Boulevard should also be identified and documented. The results of Task 5 and the feedback received from the community meeting(s) will assist the Consultant in developing a preliminary set of transportation and land use enhancements that would most effectively balance land use plans and traffic capacity.

**TASK 6 WORK PRODUCT:** List of potential transportation and land use enhancements, Summary of comments and opinions received from the community meeting(s).

### TASK 7 - Evaluation of Preliminary Transportation Enhancement Alternatives

The work product for this Task shall be the preliminary conceptual corridor alternatives. The evaluation of the preliminary potential improvements identified in Task 6 will be discussed in this report. Also, included in this task will be a summary guide that helps evaluate the pros and cons of each preliminary alternative in a creative and meaningful way. A rating and ranking system shall be developed to measure and compare the benefits of each preliminary improvement in an objective manner. The report should also include rough cost estimates, conceptual drawings, and 3-D rendered drawings where applicable in evaluating the different improvement proposals. Based on the objective ranking system, the report shall recommend a preliminary preferred set of transportation improvements and urban design enhancements which best balance maximizing roadway capacities, minimizing auto trips and providing pedestrian, visual and transit improvements/amenities.

TAC Responsibilities - LADOT will use the travel demand simulation model to test and evaluate the various preliminary transportation improvements. The results of this traffic simulation will be provided to the Consultant so that each improvement tested can be rated and ranked accordingly. Also, these results will include traffic model plots illustrating traffic volume assignments, roadway volume-to-capacity ratios, and before-and-after comparisons. The TAC will assist the Consultant in assessing the pros and cons of the potential improvements and in developing a final set of recommended improvements. LADOT will provide the Consultant with sample digital photographs of various existing transit, pedestrian and roadway visual enhancements implemented along other corridors, which may be used in developing conceptual drawings and 3-D renderings for the proposed urban design enhancements.

Consultant Responsibilities - The Consultant will develop an objective rating system allocating points to each improvement based on different quantitative/qualitative factors. The Consultant will work with the TAC to develop a rating and ranking system for the different improvements.

The evaluation criteria for the potential improvements should include but not be limited to: improved mobility, improved availability of travel choices, reduction of peak-period travel times, maximum cost-effectiveness, minimized adverse and maximized beneficial environmental impacts, minimized negative and maximized positive economic impacts, improved operations and safety of Lincoln Boulevard, improved urban design features, etc. The evaluation should also include a discussion on how improvements to other highways and corridors can reduce traffic volumes on Lincoln Boulevard. Based on the objective rating and ranking criteria, the Consultant should propose a preliminary set of alternatives which is most balanced and applicable for each

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segment of Lincoln Boulevard given the future traffic demand and the physical and land use design constraints of that particular segment of the corridor. Corridor segments that are potential candidates for Pedestrian-Priority or Transit-Priority designations should also be identified. In addition, the Consultant will use the traffic model results to estimate the positive or negative impacts that the proposed enhancements may have on adjacent facilities.

The Consultant shall evaluate and compare a varied mix of transportation improvements ranging from capacity driven solutions including, but not limited to, street widenings, new roadway connections, fly-overs, roundabouts, single-point urban interchanges, peak hour travel lanes, etc.; to urban design driven solutions including, but not limited to, street furniture, street lighting, transit lighting, pedestrian/security lighting, landscaped medians, sidewalk widenings, pavement treatment, transit improvements, pedestrian, and visual enhancements; as well as a mix of capacity and urban design driven solutions. Because Lincoln Boulevard is a state highway (SR 1), the conceptual roadway drawings will be in compliance with Caltrans policies, procedures and standards. However, since the highway is being considered for ultimate state-relinquishment to the local governing agencies, a non-state standard alternative using less stringent local design standards should also be developed.

TASK 7 WORK PRODUCT: Objective rating system, Lincoln Boulevard transportation improvement alternatives, Summary pictorial guide of improvement alternatives, qualitative matrix of improvement alternatives listing pros and cons of each, and conceptual drawings of various corridor alternatives.

#### TASK 8 – Final Preferred Set of Conceptual Corridor Alternatives

Once the preliminary conceptual corridor alternatives have been developed by the Consultant and approved by the TAC, the Consultant will hold an additional community meeting to present the preliminary conceptual corridor alternatives to solicit additional feedback/comment. Based on the results of this meeting and any other comments received from other jurisdictions and stakeholders, the Consultant will at the direction of the TAC refine the preliminary alternatives where appropriate to prepare a Final Preferred Set of Conceptual Corridor Alternatives for approval by the TAC and presentation to the Lincoln Corridor Task Force for final adoption.

#### TECHNICAL AND PEER REVIEW

All study reports and design work products will be reviewed by the LCTF Technical Advisory Committee.

#### PROJECT SCHEDULE

The contract period shall be nine (9) to twelve (12) months from the date of execution of the contract.

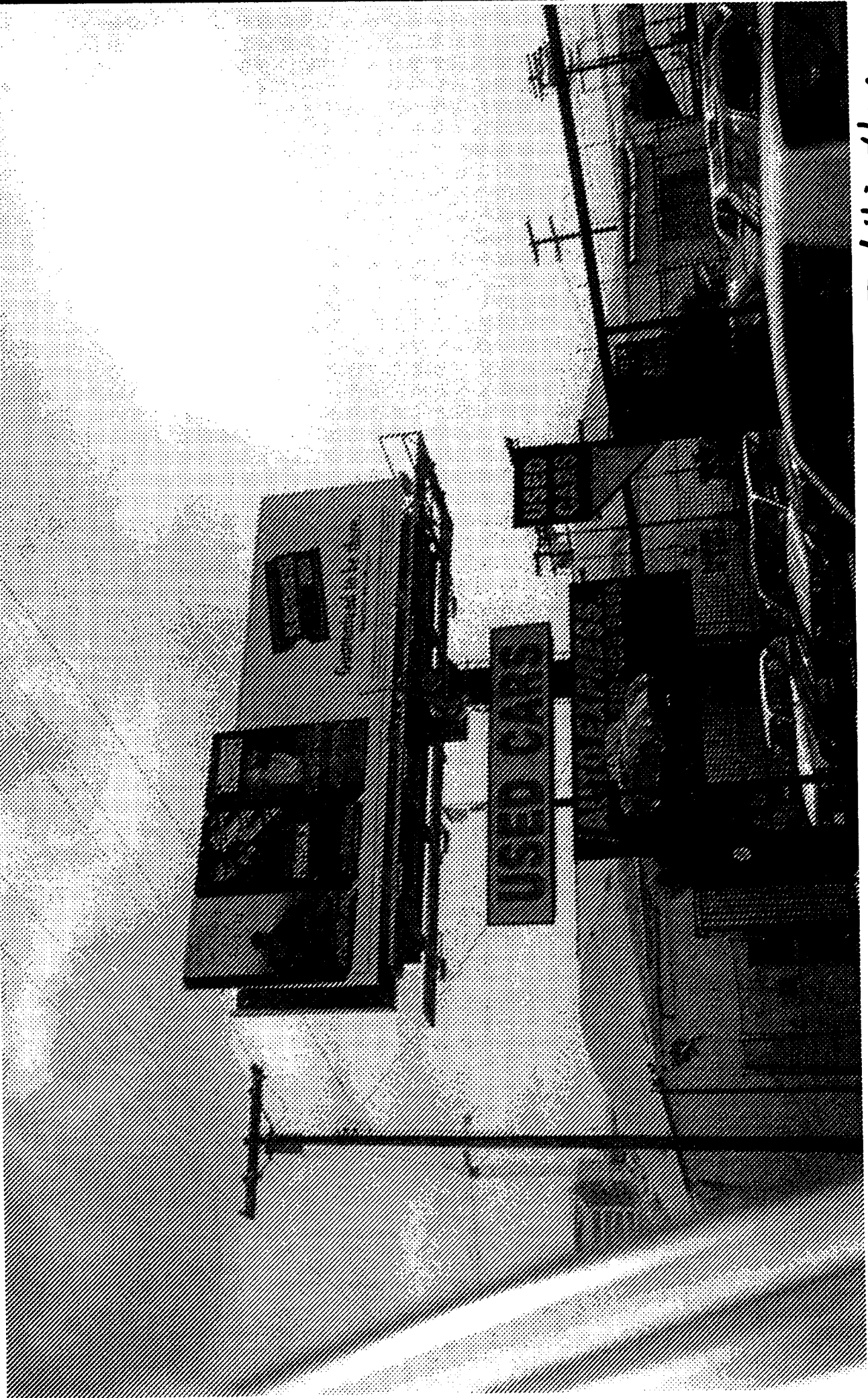
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