

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
10000 Ocean Gate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071

Filed: 4/1/3
49th Day: Waived
180th Day: N/A
Staff: CP-LB
Staff Report: 7/14/3
Hearing Date: August 7, 2003
Commission Action:

**Th14b****STAFF REPORT: APPEAL**
NO SUBSTANTIAL ISSUE**LOCAL GOVERNMENT:** City of Los Angeles**LOCAL DECISION:** Denial (After-the-Fact)**APPEAL NUMBER:** A-5-VEN-03-134**APPLICANT:** Clear Channel Outdoor, Inc.**APPELLANT:** Clear Channel Outdoor, Inc.**AGENT:** Paul Jacobs, Richard Hamlin Attorneys**PROJECT LOCATION:** 753 Washington Boulevard, Venice, City of Los Angeles, Los Angeles County.**PROJECT DESCRIPTION:** Appeal of City of Los Angeles denial (after-the-fact) of Local Coastal Development Permit Application No. ZA-2002-0103 for a 52-foot high off-site sign (billboard).

RECORD PACKET COPY

SUMMARY OF STAFF RECOMMENDATION

The staff recommends that the Commission, after public hearing, determine that the appeal raises **no substantial issue**. The local government's denial of the local coastal development permit for the proposed development raises no substantial issue with regards to the Chapter 3 policies of the Coastal Act. The local government's denial of the coastal development permit is appropriately based on its adopted findings, which state that the proposed structure would negatively affect public views in violation of 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. Furthermore, those adopted findings are supported by substantial evidence in the City's record. The City also did not certify a Negative Declaration (ENV-2002-0104-ND) for CEQA compliance and found that the proposed project would violate the provisions of the Venice Specific Plan and Venice Community Plan. **The motion to carry out the staff recommendation is on Page Six.**

The applicant/appellant disagrees with the staff recommendation, claiming that the proposed structure conforms to the Chapter 3 policies of the Coastal Act and would not prejudice the ability of the City to prepare a local coastal program that is in conformity with Chapter 3 of the Coastal Act. The applicant/appellant is requesting that the Commission overturn the City's denial of the local coastal development permit application.

SUBSTANTIVE FILE DOCUMENTS:

1. City of Los Angeles certified Land Use Plan (LUP) for Venice, June 14, 2001.
2. City of Los Angeles Local Coastal Development Permit Application No. ZA-2002-0103.
3. Coastal Commission Appeal File No. A-5-VEN-01-168 (Eller Media Co.).
4. City of Los Angeles Local Coastal Development Permit Application No. ZA-2000-9995.
5. City of Los Angeles Venice Coastal Zone Specific Plan, Ordinance No. 172,897.
6. City of Los Angeles Venice Interim Control Ordinance (ICO), Ordinance No. 169,239.
7. Coastal Commission Regional Interpretive Guidelines for Los Angeles County, 1980.

I. APPELLANT'S CONTENTIONS

The applicant/appellant, Clear Channel Outdoor, Inc, has appealed the City of Los Angeles denial of Local Coastal Development Permit Application No. ZA-2002-0103 for a 52-foot high off-site sign (billboard) situated on the north side of Washington Boulevard in Venice (Exhibit #5). The structure in question was erected in **1998** without the benefit of a coastal development permit.

The appellant's grounds for the appeal are that the development conforms to the Chapter 3 policies of the Coastal Act and would not prejudice the ability of the City to prepare a local coastal program that is in conformity with Chapter 3 of the Coastal Act (Exhibit #5, p.3). Specifically, the appellant argues that the proposed development is in conformity with the Coastal Act for the following reasons (Exhibit #5, p.7):

- "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 neither interferes with public access to the coast nor contributes to traffic congestion.
- "It does not conflict with the environmental impacts described in Section 30251 of the Coastal Act.
- "It is not inconsistent with [several other provisions of the Coastal Act]."

The applicant/appellant requests that the Commission overturn the City's denial of the local coastal development permit.

II. LOCAL GOVERNMENT ACTION

This appeal involves the City's denial of the appellant's application for an after-the-fact local coastal development permit; meaning that the processing of the application 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 an

over-the-counter sign permit and erection of the sign, and ending with the applicant's appeal of the City's denial of the local coastal development permit which is the subject of this report.

On August 6, 1998, City records show that the City of Los Angeles Department of Building and Safety issued an over-the-counter sign permit (No. 98048-1000-01432) to erect a thirty-foot high, 14'x 48' billboard sign on the property located at 753 Washington Boulevard, Venice (Exhibit #5, ps.12&22). 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 billboard sign was erected in August 1998, according to the applicant (Exhibit #5, p.6). The actual sign is 52 feet high, 22 feet above the thirty-foot height of the structure authorized by the sign permit issued by Department of Building and Safety (Exhibit #3).

On March 19, 1999, Commission staff received a report by telephone that a new billboard had been erected at 753 Washington 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 May 5, 1999, Commission staff informed the landowners (Duk H. & Chom Y. Kim) 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 January 9, 2001, the City of Los Angeles Planning Department accepted the applicant's application for a local coastal development permit for the sign located at 753 Washington Boulevard, Venice (Exhibit #5, p.23). The City deemed the application complete on February 4, 2002.

On May 16, 2002, the City of Los Angeles Office of Zoning Administration held a public hearing for the proposed project and the local coastal development permit (Exhibit #5, p.22). Three persons provided evidence and testimony at the hearing: the applicant's representative (Paul Jacobs, Richard Hamlin Attorneys), and two area residents who expressed opposition to the project (Exhibit #5, p.22).

On December 30, 2002, City of Los Angeles City Associate Zoning Administrator Anik Charron issued a Notice of Denial for Local Coastal Development Permit Application No. 2002-0103 (Exhibit #5, ps.20-33). In the denial 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 Venice Interim Control Ordinance (ICO)(Ordinance No. 169,239), which has since been superseded by the Venice Specific Plan (Ordinance No. 172,897, adopted 10/29/99) after the billboard was erected (Exhibit #5, p.23). The Zoning Administrator found that the sign needed a project permit or hardship exemption pursuant to the Venice ICO, and a valid coastal development permit, in order to be legally permitted. Because of the inconsistency of the proposed project with the local ordinance, 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.

The Zoning Administrator's Notice of Denial states that the proposed sign is not consistent with the Venice ICO, the Venice Specific Plan, the Venice Community Plan, the certified Venice LUP or the Coastal Act (Exhibit #5, ps.23-31). The Venice ICO, in effect prior to the October 29, 1999 adoption of the Venice Specific Plan, limits development on the project site to a maximum of 25 feet, and requires findings that the development must be in conformance with the Coastal Act, the City's General Plan and applicable Specific Plans, and must be compatible in scale and character with the existing neighborhood as defined by the Coastal Commission's Regional Interpretive Guidelines for Los Angeles County. These findings could not be made (Exhibit #5, p.24). The Zoning Administrator's action, however, constituted a denial of the local coastal development permit application only, as no other discretionary actions were part of the instant application (e.g., any permit required pursuant to the Venice ICO, the Venice Specific Plan, or the Venice Community Plan).

In regards to the denial of the local coastal development permit application, the Zoning Administrator's Notice of Denial states that the proposed sign is inconsistent with Section 30251 of the Coastal Act and, "its maintenance at this location is not visually compatible with the character of the surrounding area and contributes to the spoliation and degradation of an existing significant view to the coastal area" (Exhibit #5, p.29). The Zoning Administrator also noted that Washington Boulevard provides a major approach to the coastal zone and is generally unspoiled in character (Exhibit #5, p.28). Washington Boulevard leads directly to the Venice Pier and the beach, one mile from the project site (Exhibit #1).

On January 13, 2003, the applicant appealed the decision of the Zoning Administrator to the City of Los Angeles West Los Angeles Area Planning Commission (the "Planning Commission") (Exhibit #8, ps.30-38). The Planning Commission held a public hearing for the applicant's appeal on February 5, 2003. On February 27, 2003, the Planning Commission issued its determination to deny the appeal and to sustain the action of the Zoning Administrator denying the local coastal development permit application (Exhibit #4). The Planning Commission adopted the findings of the Zoning Administrator and did not adopt Negative Declaration ENV-2002-0104-ND.

On March 3, 2003, the Commission's South Coast District office in Long Beach received the City's Notice of Final Local Action for the City's denial of Local Coastal Development Permit Application No. 2002-0103. The Commission's required twenty working-day appeal period commenced on March 4, 2003, and the applicant's appeal was received and filed April 1, 2003, the final day of the appeal period.

In a letter dated April 4, 2003, the Commission notified the City Planning Department of the appeal and requested a copy of the City's permit application file (all relevant documents). On April 7 and on May 29, 2003, the applicant's agent waived in writing the 49-day time limit for hearing on an appeal [See Coastal Act Sections 30621 and 30265(a)]. The Commission's South Coast District office in Long Beach received from the City a copy of the local coastal development permit application file on May 27 2003.

III. 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 1978 to exercise its option to issue local coastal development permits.

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 local coastal development permit application, 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 (Coastal Act 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 appeal raises a substantial issue, the Commission then holds a public hearing in which it reviews the coastal development permit as a de novo matter.

At this point, the Commission may decide that the appellants' 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 respect to the conformity of the action of the local government with the Coastal Act if it finds that the appeal raises a significant question regarding consistency with the Chapter 3 policies of the Coastal Act. If the Commission finds that a substantial issue exists, 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.

IV. DUAL PERMIT JURISDICTION

Within the areas specified in Section 30601, which is known in the City of Los Angeles permit program as the *Dual Permit Jurisdiction* area, the Coastal Act requires that the development which receives a local coastal development permit also obtain a "dual" coastal development permit from the Coastal Commission. For projects located inland of the areas identified in Section 30601 (*Single Permit Jurisdiction*), the City of Los Angeles local coastal development permit is the only coastal development permit required.

The proposed development is not located within the *Dual Permit Jurisdiction*.

V. STAFF RECOMMENDATION ON SUBSTANTIAL ISSUE

The staff recommends that the Commission determine that **no substantial issue exists** with respect to whether the appeal conforms with the provisions of Chapter 3 of the Coastal Act (commencing with Section 30200), pursuant to PRC Section 30625(b)(1).

Staff recommends a **YES** vote on the following motion:

MOTION:

*"I move that the Commission determine that Appeal No. A-5-VEN-03-134 raises **NO** substantial issue as to conformity with the Chapter 3 policies of the Coastal Act."*

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

Resolution to Find No Substantial Issue for Appeal A-5-VEN-03-134

The Commission hereby finds that Appeal No. A-5-VEN-03-134 presents no substantial issue with respect to conformity with the Chapter 3 policies of the Coastal Act.

VI. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. Project Description

The applicant has requested an after-the-fact local coastal development permit for a 52-foot high off-site advertising sign (billboard) situated on the north side of Washington Boulevard in Southeast Venice (Exhibits #1-3). Washington Boulevard, which the certified Venice LUP designates as a Major Highway, provides direct access to the shoreline, the Venice Pier and a public beach parking lot (Exhibit #1). The proposed project is situated on a commercially zoned (C2-1) lot located approximately one mile inland of the shoreline (Exhibit #2). The project site is developed with a one-story liquor store and its paved parking lot. The surrounding properties are developed with various one and two-story commercial and residential uses, including a hotel immediately adjacent to the west (Exhibit #2).

The City denied the local coastal development permit application finding that the structure in question negatively affects public views in violation of 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 (Exhibit #4).

B. Factors to be Considered in Substantial Issue Analysis

Section 30625(b)(1) of the Coastal Act states that the Commission shall hear an appeal of a local government action carried out pursuant to Section 30600(b) unless it finds that no substantial issue exists as to conformity with Chapter 3 of the Coastal Act. The term

"*substantial issue*" is not defined in the Coastal Act or its implementing regulations. Section 13115(a) of the Commission's regulations, made relevant by Section 13321, describes the question as "whether the appeal raises a significant question within the meaning of Section 30625(b)." 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 **no substantial issue** exists with respect to whether the appeal conforms with the provisions of Chapter 3 of the Coastal Act 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 application acted on 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 concur with staff's conclusion that no substantial issue exists.

The applicant/appellant asserts that the development conforms to the Chapter 3 policies of the Coastal Act and would not prejudice the ability of the City to prepare a local coastal program that is in conformity with Chapter 3 of the Coastal Act. The applicant/appellant requests that the Commission overturn the City's denial of the local coastal development permit application.

The Commission's standard of review for determining whether to hear the appeal is only whether the appeal raises a substantial issue as to conformity with Chapter 3 of the Coastal Act (hereinafter "Chapter 3"). Cal. Pub. Res. Code § 30625(b)(1); 14 C.C.R. § 13321. The Commission's decision will be guided by the factors listed in the previous section of this report (See Factors to be Considered in Substantial Issue Analysis).

The appeal raises no substantial issue as to conformity with Chapter 3 of the Coastal Act (Cal. Pub. Res. Code §§ 30200-265.5).¹ The Determination Report issued by the West Los Angeles Area Planning Commission ("Planning Commission") shows that the Planning Commission applied the policies of Chapter 3² and concluded that the development, as proposed, would run afoul of Section 30251 of the Coastal Act, which protects the scenic and visual qualities of coastal areas (Exhibit #4).

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....

The Planning Commission's analysis appropriately interpreted the standard established by Section 30251. The Planning Commission also appropriately relied upon the Coastal Commission's Interpretive Guidelines, adopted pursuant to Section 30620(a)(3) for the explicit purpose of assisting local governments "in determining how the policies of [the Coastal Act] shall be applied in the coastal zone prior to the certification of local coastal programs." Finally, the Planning Commission's conclusion regarding the inconsistency of the proposed development with Section 30251 was supported by substantial evidence. Thus, there is no question that the local decision correctly applied the policies of Chapter 3, and the appeal raises no substantial issue regarding conformity therewith.

Applying the five factors listed in the prior section further clarifies that the appeal raises no "substantial" issue with respect to Chapter 3, as it shows that, even if Chapter 3 were not correctly applied, the nature of the proposed project, the local government action, and the appeal do not implicate any Chapter 3 policies to a level of significance necessary to meet the substantiality standard of Section 30265(b)(1).

The first factor is the degree of factual and legal support for the local government's decision that the development is consistent or inconsistent with the Coastal Act. As indicated above, the Planning Commission's conclusion was supported by substantial evidence. Specifically, the Planning Commission's Determination Report, attached as Exhibit #4, explains that the proposed development does not comply with Chapter 3 because it would negatively affect the character and public views along a primary coastal access way (Section 30251).

The Planning Commission's findings state (Exhibit #4, p.4):

One hundred-foot wide Washington Boulevard, west of Lincoln Boulevard, and more specifically west of Abbot Kinney Boulevard has developed the distinctive character and visual identity of a linear perspective entryway to the coastal area

¹ Unless otherwise indicated, all subsequent statutory references are to sections within the Coastal Act. Cal. Pub. Res. Code §§ 30000 et seq.

² The Planning Commission's findings combine references to local land use regulations with references to Chapter 3 policies. However, the intermingling of these two sources of law does not, in and of itself, raise a substantial issue as to conformity with Chapter 3, and there is no evidence of any conflict between the two bodies of law.

underlined by rows of palm trees on both sides of Washington Boulevard. The perspective is unmarred by any sign other than the instant structure and provides a spectacular view of the open sky as a harbinger of the openness of the ocean lying a short distance ahead. Washington Boulevard, which with Venice Boulevard and Rose Avenue, provides one of the major approaches to the coastal zone in the area, and is the only one which has developed such a majestic and generally unspoiled character. The location of the subject off-site sign at the entry point of this otherwise visually pristine coastal approach practically constitutes a perfect case study of the type of visual intrusion the Coastal Act's objectives and regulations intend to prevent.

The affected public view is identified as the view of the open sky and the view along Washington Boulevard towards the shoreline and pier. Pictures of the site and site visits confirm that the sign (erected in 1998) does, in fact, adversely affect the public's view from Washington Boulevard and adversely affect the unique character of the surrounding area.

There are, in fact, no other billboards or freestanding signs of similar size anywhere in the immediate area.

The second factor is the scope of the development as approved or denied by the local government. Here, the proposed development denied by the local government is a 52-foot high advertising sign; not a type of development that is prioritized by the policies of Chapter 3, and the local decision is a denial. The posture in which this proposal comes to the Commission is one in which, if the local decision is allowed to stand, the scope of development would be nil. Put differently, the scope or extent of the development *denied* is limited to the proposed sign, and that denial does not rob the site of any facilities promoted by Chapter 3; and the scope of the development *approved* is none.

The third factor is the significance of the coastal resources affected by the decision. Again, because the local decision is a denial, leaving the local decision in place by declining to accept the appeal would not have any significant affect on any coastal resources. Moreover, as also indicated above, since there is no Coastal Act policy promoting advertising signs, the denial does not represent the loss of any potential improvement of coastal resources. If the local decision were an approval, the Commission would need to consider the significance of the public view resource impaired by the development, and thus, the decision. However, given the current posture of the decision, if the local decision is allowed to stand, the public resources that *could have* been affected by the proposed development, regardless of how significant, will be fully protected.

The fourth factor is the precedential value of the local government's decision for future interpretations of its LCP. Although the City has no certified LCP, this decision could nevertheless have a precedential impact on future decisions under this governing standard. The City's denial of the proposed project is consistent with several precedents relating to the regulation of signage in the coastal zone. Approval of the proposed project would be a bad precedent that would prejudice the ability of the City to prepare a local coastal program that is in conformity with Chapter 3 of the Coastal Act.

In its denial of the proposed project, the Planning Commission references the following three actions taken by the Coastal Commission that serve as precedents for the regulation of signage in the coastal zone:

1. Coastal Commission Regional Interpretive Guidelines for Los Angeles County, 1980.
2. City of Los Angeles certified Land Use Plan (LUP) for Venice, 6/14/2001.
3. Coastal Commission Appeal File No. A-5-VEN-01-168 (Eller Media Co.), 8/6/2001.

First, 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. 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.

In regards to signs, the Commission's Interpretive Guidelines for Los Angeles County 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 off-site sign does not conform to the Commission's Sign Criteria listed above because: it is not restrained in character, is not necessary to identify a business or use, disrupts and detracts from the quality of view and line of sight, harms scenic values, and is off-site. In addition, the proposed 52-foot high sign exceeds the 25-foot height limit for Southeast Venice that was adopted in 1980 as part of the Commission's Interpretive Guidelines for Los Angeles County.

Secondly, the proposed project does not conform to the policies of the Venice LUP, certified by the Commission in 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 would prejudice the ability of the local government to prepare an LCP which conforms with Chapter 3 policies of the Coastal Act. In this case, the City's denial of Local Coastal Development Permit No. 2002-0103 includes the finding that the approval of the proposed project would prejudice the City's ability to prepare an LCP that is consistent with the Coastal Act (Exhibit #4, ps.4&5). The denial of the proposed project does not prejudice the ability of the local government to prepare an LCP which conforms with Chapter 3 policies of the Coastal Act.

Third, the Commission reviewed on appeal a similar case in 2001 involving another after-the-fact local coastal development permit application for a fifty-foot tall billboard erected in 1988 at 4111 Lincoln Boulevard in Venice [See Coastal Commission Appeal File No. A-5-VEN-01-168 (Eller Media Co.), 8/6/2001]. In that case, the Commission denied on appeal the proposed sign, finding that the proposed structure would negatively affect public views in violation of 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. Therefore, the Planning commission's denial of the proposed sign is consistent with the Commission's precedents relating to the regulation of signage in the coastal zone, and the denial would not constitute a new or bad precedent.

The final factor is whether the appeal raises local issues, or those of regional or statewide significance. Although the protection of scenic and visual qualities of coastal areas is an important statewide issue, the applicant's appeal of the City's denial does not raise any issues of regional or statewide significance because the City's denial protects the public resource and it is consistent with Commission precedents.

Therefore, in conclusion, the Commission finds that the City used proper discretion in denying the local coastal development permit, finding that the proposed development does not comply with Chapter 3 of the Coastal Act. Moreover, the local government action does not raise any substantial Chapter 3 issues. Therefore, no substantial issue exists with respect to the Chapter 3 policies of the Coastal Act.

D. Responses to Applicant's/Appellant's Specific Contentions

The previous section assessed the appeal under the applicable standard of review – whether it raised a substantial issue as to conformity with Chapter 3 of the Coastal Act. The applicant raised several specific grounds for his appeal that are not directly relevant to that standard. Nevertheless, the Commission responds to each of the applicant's specific contentions below. The applicant's grounds for the appeal are attached to this report as Exhibit #5.

- The development conforms to the Chapter 3 policies of the Coastal Act.
- Approval of the development would not prejudice the ability of the City to prepare a local coastal program that is in conformity with Chapter 3 of the Coastal Act.

These two contentions are addressed in the "Substantial Issue Analysis" section (Section VI.C.), under the first of the five factors that guide the Commission's review of an appeal, as they challenge the legal support for the local government's decision. The Planning Commission applied the policies of Chapter 3 correctly and reasonably concluded that the development, as proposed, would adversely affect the public's view from Washington Boulevard and the unique character of the surrounding area. Pictures of the site (and site visits) confirm this conclusion.

This Commission's role at the "substantial issue" phase of an appeal is not to reassess the evidence in order to make an independent determination as to consistency of the project with Chapter 3, but only to decide whether the appeal of the local government action raises a substantial issue as to conformity with those standards. In this case, the Planning

Commission determined that the proposed project is not consistent with Section 30251 of the Coastal Act. The appellant disagrees with the determination, but the Planning Commission's determination is based on and supported by a correct application/interpretation of Section 30251 of the Coastal Act and substantial evidence in the local record. The propriety of the City's ultimate action (denying the permit rather than, for example, approving it with conditions to address the impacts) is not before us (the applicant has offered to lower the height of the proposed sign).

- The Commission's Interpretive Guidelines are intended to be flexible in order to recognize unusual circumstances.

It is correct that the Commission's Interpretive Guidelines for signage are guidelines that are intended to be flexible so that proposed signs can be considered on their own merits. The City acknowledges the Guidelines and the flexible language therein, but still determined that the proposed sign was not consistent with the Guidelines. In this case, the City has reviewed the proposed project on its own merits and has correctly determined that the sign neither conforms to the Chapter 3 policies of the Coastal Act nor the Commission's Interpretive Guidelines for Los Angeles County. The proposed sign does not conform to the Commission's Sign Criteria listed in the Interpretive Guidelines because: it is not restrained in character, is not necessary to identify a business or use, disrupts and detracts from the quality of view and line of sight, harms scenic values, and is off-site (See Pages 10&11). In addition, the proposed 52-foot high sign exceeds the 25-foot height limit for the project area that is listed in Commission's Interpretive Guidelines. In any case, the standard of review for the local coastal development permit is Chapter 3, not the Interpretive Guidelines.

- Approval of a coastal development permit is consistent with previous grants of similar billboards in the Venice area.

This assertion by the applicant is incorrect. In fact, it is the City's denial of the billboard that is consistent with prior actions in the Venice area. The City relied on the Commission's prior actions in making its findings to deny the project (see below). 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 2001, the Commission denied on appeal a similar after-the-fact local coastal development permit application for a fifty-foot tall billboard erected in 1988 at 4111 Lincoln Boulevard in Venice [See Coastal Commission Appeal File No. A-5-VEN-01-168 (Eller Media Co.), 8/6/2001]. The Commission denied the fifty-foot tall billboard finding that the sign was not a business identification sign, and it was excessive in height and size in relation to the surrounding residential and commercial development. The Commission also found that the sign was 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. Even though the Commission denied on appeal the coastal development permit for the billboard erected in 1988 at 4111 Lincoln Boulevard, the sign has not been removed and is still being used for advertising purposes.

- An appropriate environmental clearance under the California Environmental Quality Act has been granted.

It is not the Commission's role to resolve conflicts over CEQA compliance. The Commission has a limited appellate authority/jurisdiction as defined by Section 30625(b)(1). The Commission is not a judicial body of general jurisdiction, as its review is limited to assessing conformity with Chapter 3. The California Environmental Quality Act is not within Chapter 3. It must be noted, however, that the Planning Commission's Determination states that it did not adopt Negative Declaration ENV-2002-0104-ND (Exhibit #4, p.1).

- The off-site sign is not located between the nearest public road and the shoreline.
- The off-site sign is located within a traffic corridor already highly developed and urbanized in which on-site and off-site signs are numerous.
- The off-site sign does not interfere with views to and along the ocean.

The project site is not located between the nearest public road and the shoreline, and the proposed sign does not interfere with views of the ocean. However, the Coastal Act protects the scenic and visual qualities of coastal areas, including views from public roads, particularly major beach access routes, such as Lincoln Boulevard, Venice Boulevard, Washington Boulevard and Culver Boulevard. The character of such accessways shall also be protected from adverse impacts.

The fact that the project site is located about one mile inland of the shoreline is not relevant but has been recognized by the City and Commission (Exhibit #4, p.7). The project site is within the coastal zone, is located on a major coastal access route, and is subject the requirements of the Coastal Act. The Chapter 3 policies of the Coastal Act, including Section 30251, apply throughout the coastal zone unless they state otherwise.

The cases cited by the applicant for the contrary proposition do not support the applicant's contention. The Bel Mar Estates case³ states only that it is "without question" that the proposed "major change in the natural environment" that was at issue in that case "fell within the provisions of Section 30251." Similarly, the Paoli case simply states that the "importance of preserving the rural character of [a] highly scenic portion of the Mendocino coast is recognized by . . . Section 30251."⁴ Neither case limits the applicability of Section 30251 to "a geographic area much more restrictive than the 'coastal zone,'" as the applicant suggests.

Approval of the proposed sign would violate the provisions of Chapter 3 because it has a significant negative impact on the views of coastal visitors. In coastal areas, even where the view of the shoreline is obstructed, the sky reflects the light of the ocean. The Commission has protected many types of 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. In this case, the proposed sign obstructs a large part of the sky as it towers above the adjacent development.

In regards to existing signage in the project area, 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. Off-site signs along this section of Washington Boulevard are not numerous; in fact, such signs are non-existent in the project area. On-site commercial signage, most of which complies with applicable state and local laws, does exist on each and every commercial establishment in the area. None of the existing signs in the area, including the on-site advertising signs, adversely affect the public's view and neighborhood character to the extent of the proposed 52-foot high sign.

Therefore, the proposed project would adversely affect the scenic and visual qualities of this coastal accessway, even though the ocean is not visible from the project area. 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. 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 Washington Boulevard, a heavily used coastal access corridor, ensures that it is seen by thousands of people each and every day.

- The off-site sign was not prohibited by the Venice ICO at the time it was erected.

The Venice Interim Control Ordinance (ICO) is a local ordinance (Ordinance No. 169,239) that the Commission has not reviewed or certified as part of an LCP or for any other purpose. Whether the proposed sign conforms or not with the Venice ICO is not relevant, as the standard of review for the local coastal development permit application is the Chapter 3 policies of the Coastal Act.

- The off-site sign neither interferes with public access to the coast nor contributes to traffic congestion.

³ Bel Mar Estates v. California Coastal Commission (1981), 115 Cal.App.3d 936, 941.

⁴ Paoli v. California Coastal Commission (1986), 178 Cal.App.3d 544, 551.

- The off-site sign does not conflict with the environmental impacts described in Section 30251 of the Coastal Act.
- The off-site sign is not inconsistent with several other provisions of the Coastal Act.

Regardless of the applicant's assertions to the contrary, the proposed sign does not conform to Section 30251 of the Coastal Act. This is the primary basis for the local government's denial of the coastal development permit. Whether the proposed project contributes to traffic congestion or conforms to some of the other Chapter 3 policies is irrelevant and, accordingly, was not addressed by the local government. Therefore, the applicant's contentions do not raise an issue in regards to consistency of the local decision with the policies of Chapter 3.

End/cp

VENICE, CA



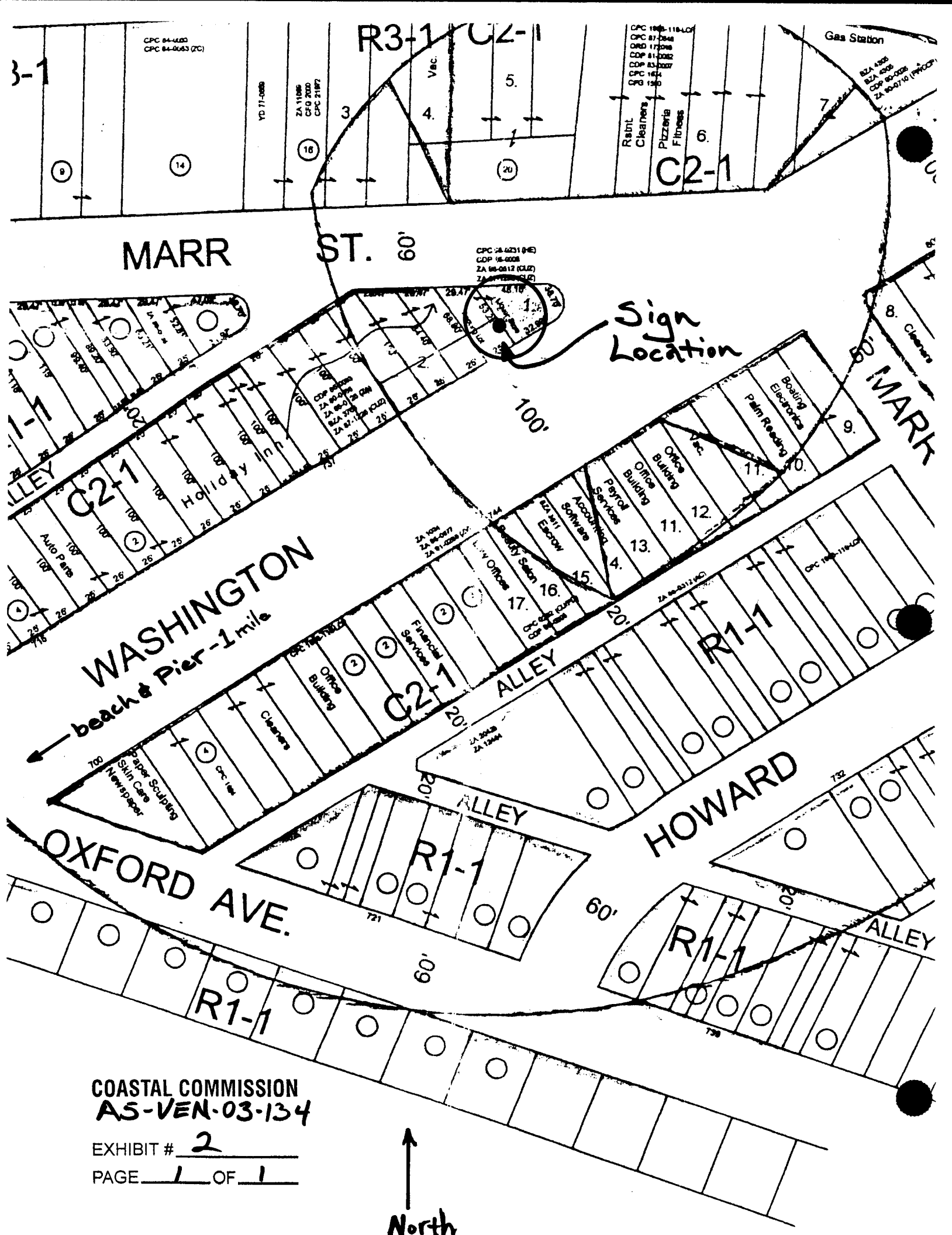
Site: 753 Washington Blvd.

COASTAL COMMISSION
A5-VEN-03-134

EXHIBIT # 1

PAGE 1 OF 1

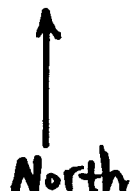


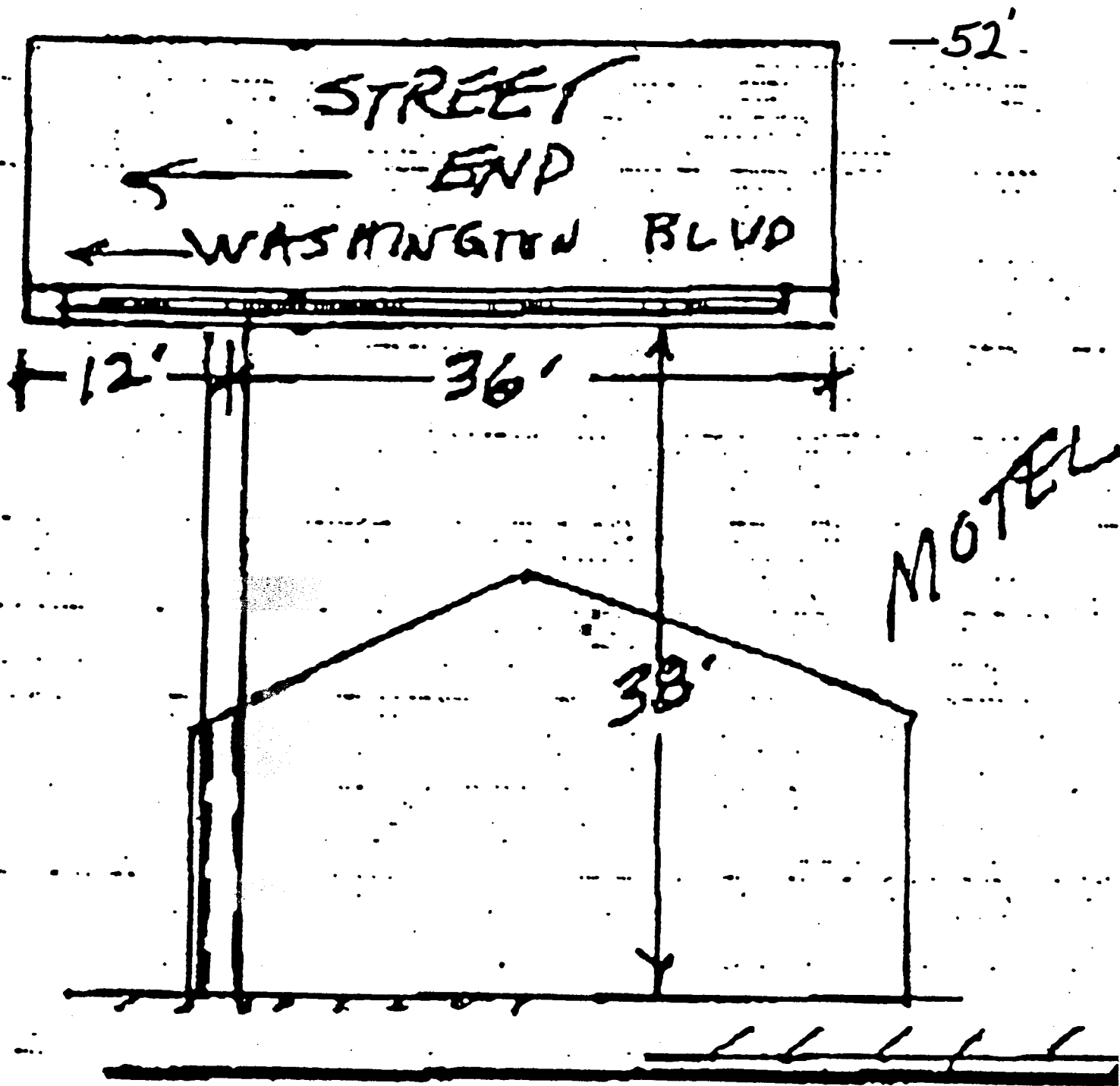


COASTAL COMMISSION
AS-VEN-03-134

EXHIBIT # 2

PAGE 1 OF 1





Sign Plan

COASTAL COMMISSION
AS-VEN-03-134

EXHIBIT # 3

PAGE 1 OF 1



West Los Angeles Area Planning Commission

200 North Spring Street, Room 532, Los Angeles, CA 90012-4801 (213) 978-1300

Website: <http://www.lacity.org/pln/index.htm>

DETERMINATION OF THE WEST LOS ANGELES AREA PLANNING COMMISSION

Mailing Date: February 27, 2003

Case No.: ZA 2002-0103(CDP)-A1

CEQA: ENV 2002-0104-ND

Location: 753 W. Washington Bl.

Council District: 11

Plan Area: Venice

Zone: C2-1

District Map: 105B149

Legal Description: Lot 84, Tract 5878

Applicant: Clear Channel Outdoor, Inc., / Richard Hamlin Attorneys, Paul A. Jacobs (Representative)

Appellant: Same

At the meeting on February 05, 2003, the West Los Angeles Area Planning Commission:

Denied the Appeal

Sustained the action of the Zoning Administrator

Denied the Coastal Development Permit for the continued use and maintenance of an existing 48-foot by 14-foot, 52-foot in height, off-site sign (billboard).

Adopted the Findings of the Zoning Administrator


Did not adopt Negative Declaration ENV 2002-0104-ND

Fiscal Impact Statement: There is no General Fund impact as administrative costs are recovered through fees.

This action was taken by the following vote:

<u>Moved</u>	<u>Seconded</u>	<u>West L.A. Area Planning Commission</u>	<u>Yes</u>	<u>No</u>	<u>Absent</u>
<input checked="" type="checkbox"/>		Matthew Rodman, President	<input checked="" type="checkbox"/>		
		Flora Gil-Krisiloff, Vice President			<input checked="" type="checkbox"/>
		Robyn Ritter Simon, Commissioner			<input checked="" type="checkbox"/>
	<input checked="" type="checkbox"/>	Elvin W. Moon, Commissioner	<input checked="" type="checkbox"/>		
		Steven E. Belhumeur	<input checked="" type="checkbox"/>		

Vote: 3-0


Greg Bartz, Commission Executive Assistant
West Los Angeles Area Planning Commission

COASTAL COMMISSION
AS-VEN-03-13

EXHIBIT # 4
PAGE 1 OF 7

Effective Date / Appeals: The Commission's action is effective at the City level on the mailing date of this Determination. The Coastal Development Permit is not further appealable at the City level but appealable only to the California Coastal Commission - South Coast District Office. The California Coastal Commission, upon receipt and acceptance of this Determination, will establish the start of the 20-day appeal period

The time in which a party may seek judicial review of this determination is governed by California Code of Civil Procedure Section 1094.6. Under that provision, a petitioner may seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, only if the petition for writ of mandate pursuant to that section is filed no later than the 90th day following the date on which the City's decision becomes final.

Attachment(s): Findings

c: Notification List

COASTAL COMMISSION

EXHIBIT # 4
PAGE 2 OF 7

WEST LOS ANGELES AREA PLANNING COMMISSION DETERMINATION REPORT

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 not in conformity with Chapter 3 of the California Coastal Act of 1976**

Chapter 3 of the California Coastal Act provides standards by which "the permissibility of proposed developments subject to the provision of this division are determined". In the instant case, the Coastal Act provides that: "New development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources".

Section 30251 of the Coastal Act also provides that the scenic and visual qualities of the coastal area 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.

The instant review consists of the authorization to maintain a 48-foot by 14-foot, 52-foot high off-site sign (billboard) which was constructed in 1998 after the City of Los Angeles issued a building permit in error, without the benefit of public review mandated by the regulations in effect at that time, namely the Venice ICO and the California Coastal Act of 1976, which mandated that a Project Permit and a Coastal Development Permit be obtained respectively.

The project site is a level almost triangular-shaped, corner, record lot, with frontages on the south side of Marr Street and north side of Washington Boulevard. The site is developed with a one-story commercial building occupied by a liquor store, and the instant billboard. Surrounding properties on both sides of Washington Boulevard are within the C2-1 Zone and are developed with a variety of commercial uses including a hotel immediately adjacent to the west, interspersed with generally small multiple-family residential buildings. Properties fronting on Abbot Kinney Boulevard are developed with commercial uses in the vicinity of its intersection with Washington Boulevard, in the C2-1 Zone, and multiple-family residential uses to the west, in the R3-1 Zone. Otherwise, properties fronting on the side streets are developed with single-family residential uses in the R1-1 Zone.

COASTAL COMMISSION

EXHIBIT #

4

PAGE 3

OF 7

One hundred-foot wide Washington Boulevard, west of Lincoln Boulevard, and more specifically west of Abbot Kinney Boulevard has developed the distinctive character and visual identity of a linear perspective entryway to the coastal area underlined by rows of Palm trees on both sides of Washington Boulevard. The perspective is unmarred by any sign other than the instant structure and provides a spectacular view of the open sky as a harbinger of the openness of the ocean lying a short distance ahead. Washington Boulevard, which with Venice Boulevard and Rose Avenue, provides one of the major approaches to the coastal zone in the area, and is the only one which has developed such a majestic and generally unspoiled character.

The location of the subject off-site sign at the entry point of this otherwise visually pristine coastal approach practically constitutes a perfect case study of the type of visual intrusion the Coastal Act's objectives and regulations intend to prevent.

Even though the subject sign is not adjacent to the shoreline, will not affect marine resources, coastal waters, wetlands, any environmentally sensitive habitat area, archaeological or paleontological resources, or will not block any designated public access viewpoints, its maintenance at this location is not visually compatible with the character of the surrounding area and contributes to the spoliation and degradation of an existing significant view to the coastal area.

As such, the maintenance of the sign at this location is not in conformance with the intent and objectives of Chapter 3 of the California Coastal Act of 1976

2. **The permitted development will prejudice the ability of the City of Los Angeles to prepare a local coastal program that is in conformity with Chapter 3 of the California Coastal Act of 1976.**

The Land Use element of the Venice Local Coastal Program (LCP) was adopted by the City Council on March 28, 2001, and certified by the Coastal Commission on June 14, 2001. Currently, there is no adopted LCP for this portion of the Coastal Zone; in the interim, the adopted Venice Community Plan, and Venice Specific Plan serve as the functional equivalent in conjunction with any pending LCP under consideration. The Venice Community Plan designates the property for General Commercial uses, with corresponding zones of CR, C1, C2, C4 and P, and Height District No.1. The property is zoned C2-1, consistent with the Plan land use designation. The property is also located within the Venice Specific Plan area and the Coastal Transportation Corridor Specific Plan Area.

At the time of issuance of the permit for the subject off-site sign, besides the California Coastal Act, applicable regulations consisted of the old Venice Community Plan and the Venice ICO. Granting of the required Project Permit and Coastal Development Permit was subject to a number of findings. The findings pursuant to the California Coastal Act have not changed, and are hereby made. Even though since 1998 new regulations have been established under the form of a new Community Plan, the Venice Specific Plan and the Land Use Element of the Local Coastal Program for the Venice area, consistently these

documents, old and new refer to the need for their objectives, goals, policies, programs and implementing regulations to be in conformance with the intent and objectives of the California Coastal Act. As far as the subject sign is concerned, the old documents, as detailed above, frequently indicate the need to maintain significant views in the coastal zone, and to control signage. A harbinger of regulations to come, which could not have escaped any decision-maker at that time is the old Venice Community Plan which under its Planning Legislation Chapter, stated that: *"Planning provisions of the Municipal Code and other legislation are continually being revised and amended. The following studies for amendments are suggested to aid in implementation of the Plan:*

A. Signs: Strengthen billboard and other commercial sign control in the Coastal Zone."

New documents are clear that off-site signs are now categorically prohibited:

- Land Use Plan for the Venice Local Coastal Program certified by the Coastal Commission on June 14, 2001: Policy I.B.7 (Commercial Development Standards) *"Signage: No roof top or billboard signs."* Policy I.D.4: *"Signs. Roof top signs and billboards are prohibited in all land use categories"*.
- Venice Specific Plan: effective December 22, 1999. Section 9.B-8 reads: *"Signage: No roof top or billboard signs."*
- Venice Community Plan: adopted on September 29, 2000. Identifies as a commercial issue *"The proliferation of out-of-scale signs including billboards, roof and wall signs and sandwich signs on sidewalks."* In its section on Coastal Visual Resources the Plan's adopted Policy is that: *"2. No billboards or off-premise commercial signs will be permitted"*.

Additionally, the City has now implemented a new Supplemental Use Sign District and amended the Municipal Code to prohibit off-site signs except in designated sign districts when adopted by the residents.

In light of the above, there is really no need to rely upon newly adopted regulations to find that the approval of the subject sign would definitely prejudice the ability of the City of Los Angeles to prepare a local coastal program that is in conformity with Chapter 3 of the California Coastal Act of 1976.

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

The project is located in the Southeast Venice area for which Regional Interpretive Guidelines have been adopted by the California Coastal Commission. Standards applicable to the project are as follows:

Height - Height of new structures should not exceed 25 feet above the center line of the frontage road.

With the top of the sign at a height of 52 feet, when erroneously approved by the City at a maximum height of 30 feet, the existing sign is well in excess of the maximum 25 feet in height established by the Regional Interpretive Guidelines.

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

This section of the California Public Resources Code provides that "prior decisions of the Coastal Commission, where applicable, shall guide local governments in their actions in carrying out their responsibility and authority under the Coastal Act of 1976".

A most relevant case can be found in a similar situation involving the maintenance of an off-site sign, which was erroneously approved by the City of Los Angeles. The subject sign is owned by the same Applicant as the instant sign, at the time doing business as Eller Media. The case involves a 14-foot by 48-foot, 50 feet in height billboard located at 4111 Lincoln Boulevard. On October 15, 1998, a building permit for the proposed sign was issued in error, without the benefit of a Project Permit nor of a Coastal Development Permit, as required by the regulations in effect at that time. Upon notification of the irregular situation by the Coastal Commission on August 30, 1999, the Applicant filed for a Coastal Development Permit which was granted by the Zoning Administrator on November 30, 2000, under Case No. ZA 2000-9995(CDP). The determination was appealed by the Applicant to the West Area Planning Commission which denied the appeal, sustained the decision of the Zoning Administrator and modified prior conditions of approval. The Area Planning Commission decision was in its turn appealed to the California Coastal Commission by the Coastal Commission Executive Director and a resident of the Oxford Triangle. The Coastal Commission heard the appeals on August 6, 2000, found the off-site sign inconsistent with both the Coastal Act and the applicable local planning policies, including those in effect at the time the building permit was issued, and denied the permit. It is to be noted that the sign at 4111 Lincoln Boulevard is still standing, pending resolution of litigation brought against the Coastal Commission by the Applicant.

Even though, in a spirit of fairness to the Applicant, an attempt is made to base the instant decision on the Coastal Development Permit application on rules and regulations in effect at the time of issuance of the building permit for the sign, this finding cannot ignore existing Coastal Commission actions so close in character to this application.

As such, even though the denial of the instant Coastal Development Permit is not based on the above referenced decision of the California Coastal Commission, it is consistent with the outcome of such decision.

5. **If the development is located between the nearest public road and the sea or shoreline of any body of water located within the coastal zone, the development shall be in**

conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act of 1976.

The development is not located between the nearest public road and the shoreline.

6. **An appropriate environmental clearance under the California Environmental Quality Act has been granted.**

On January 31, 2002, a Negative Declaration was granted, under ENV-2002-104-ND, which is adequate to satisfy the requirements of the California Environmental Quality Act of 1970, as amended.

7. **Mello Act**

The proposed project is located in the Coastal Zone, as defined in California Public Resources Code, Division 20 (commencing with Section 30000), as depicted on the City of Los Angeles Coastal Zone Maps. The proposed project, however, does not involve the conversion, demolition or development of one or more residential units. Therefore, the proposed project is not subject to the Mello Act, as set forth in California Government Code Section 65590 and 65590.1.

8. 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)
9. On January 31, 2002, the City Planning Department Environmental Staff Advisory Committee (ESAC) issued Negative Declaration No. ENV-2002-104-ND (Article V - City CEQA Guidelines) and determined that this project will not have a significant effect on the environment.
10. 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.

COASTAL COMMISSION

EXHIBIT # 4
PAGE 7 OF 7

ORIGINAL

STATE OF CALIFORNIA - THE RESOURCES AGENCY

GRAY DAVIS Governor

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, 10th Floor
Long Beach, CA 90802-4302
(562) 590-5071

APPEAL FROM COASTAL PERMIT
DECISION OF LOCAL GOVERNMENT
(Commission Form D)

RECEIVED
South Coast Region

APR 1 2003



Please Review Attached Appeal Information Sheet Prior to Commission
This Form.

SECTION I. Appellant(s)

Name, mailing address and telephone number of appellant(s): Clear Channel Outdoor, Inc.
Attn: Paul Jacobs
c/o Richard Hamlin Attorneys
7131 W. Manchester Ave., Suite 200
Los Angeles, CA 90045-3554 (310) 216-2165
Zip Area Code Phone No.

SECTION II. Decision Being Appealed

1. Name of local/port government: City of Los Angeles

2. Brief description of development being appealed: Erection of an off-site sign at 753 W. Washington Blvd., Los Angeles 90292

3. Development's location (street address, assessor's parcel no., cross street, etc.): 753 W. Washington Blvd. Los Angeles, CA 90292

4. Description of decision being appealed:

- a. Approval; no special conditions: _____
b. Approval with special conditions: _____
c. Denial: XX

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:APPEAL NO: A5-VEN-03-134DATE FILED: 4/1/03DISTRICT: S. Coast / Long Beach

H5: 4/88

COASTAL COMMISSION
A5-VEN-03-134
EXHIBIT # 5
PAGE 1 OF 43

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

See attachment.

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.


Signature of Appellant(s) or
Authorized Agent

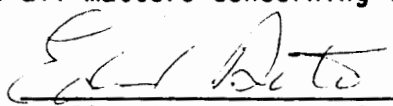
Date

2/11/03

NOTE: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby authorize Paul A. Jacobs to act as my/our representative and to bind me/us in all matters concerning this appeal.


Signature of Appellant(s)

COASTAL COMMISSION

Date

Feb 11, 2003

EXHIBIT #

5

PAGE

2

OF

43

APPEAL TO CALIFORNIA COASTAL COMMISSION--ATTACHMENT

RE: ZA 2002-0103

PROJECT: OFF-SITE SIGN AT 753 W. Washington Blvd.

Introduction

This appeal is being filed under protest. Under the present law, and the case of *Marine Forests Society v. California Coastal Commission* (2003) 104 Cal. App. 4th 1232, the California Coastal Commission ("CCC"), as constituted, violates the separation of powers doctrine of the California State Constitution. At this time, there is no body to which an effective appeal can be taken. Appellant requests the right to have its appeal stayed until such time as the CCC has been properly constituted and can exercise quasi-judicial functions such as a hearing de novo in this matter.

Reasons For This Appeal:

1. The off-site sign is in conformance with Chapter 3 of the California Coastal Act of 1976.
2. Approval of a coastal development permit will not prejudice the ability of the City of Los Angeles to prepare a Local Coastal Program that is in conformance with Chapter 3 of the California Coastal Act of 1976.
3. The Interpretive Guidelines For Coastal Planning Permits as established by the CCC, which is intended to be flexible in order to recognize unusual circumstances.
4. Approval of a coastal development permit is consistent with previous grants of similar billboards in the Venice area.

COASTAL COMMISSION

5. The off-site sign is not located between the nearest public road and the shoreline.

6. An appropriate environmental clearance under the California Environmental Quality Act has been granted.

COASTAL COMMISS

EXHIBIT # 5
PAGE 4 OF 43

RICHARD HAMLIN ATTORNEYS

7131 W. MANCHESTER AVENUE, SUITE 200
LOS ANGELES, CALIFORNIA 90045-3554

PAUL A. JACOBS
E-MAIL: paul@hamlinlaw.com

TEL (310) 216-2165
FAX (310) 215-3815

April 10, 2003

RECEIVED
South Coast Region

APR 14 2003

Chuck Posner
California Coastal Commission
South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302

CALIFORNIA
COASTAL COMMISSION

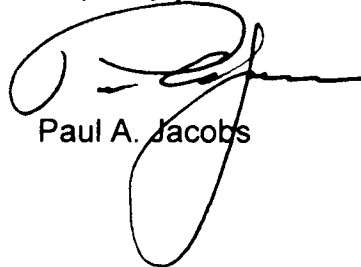
Re: Commission Appeal No. A-5-VEN-03-134
753 Washington Blvd., Los Angeles, CA, Lease 49058; Our file 5258

Dear Mr. Posner:

Enclosed for filing in the above-entitled matter please find Appellant's
Supplement To Appeal From Coastal Permit Decision Of Local Government.

Please provide our office with the Staff Report on this matter when it has been
prepared.

Very truly yours,



Paul A. Jacobs

PJ/p
cc: Ed Dato

COASTAL COMMISSION

EXHIBIT # 5
PAGE 5 OF 43

SUPPLEMENT TO APPEAL FROM COASTAL PERMIT

DECISION OF LOCAL GOVERNMENT

RE: Commission Appeal No. A-5-VEN-03-134

Appellant: Clear Channel Outdoor, Inc.

Project: Off-site Sign at 753 W. Washington Blvd., Los Angeles

BACKGROUND

Clear Channel Outdoor Inc. ("CCO"), formerly Eller Media Company, is in the outdoor advertising business. On August 6, 1998, the City of Los Angeles ("City") issued to Chris Carlile (The H.B. Corporation) a permit to install an off-site sign at 753 W. Washington Boulevard in Los Angeles (Exhibit "A"). Carlile also obtained a lease from the owner of the property for the construction of the sign (Exhibit "B"). Carlile assigned to CCO his rights to the lease and the permit issued by the City. CCO constructed the billboard in late August of 1998 (Exhibit "C"). The construction was not in conformance with the permitted height of 30 feet. CCO has filed a letter with the City advising of its intent to comply with the applicable height limitations (Exhibit "D").

On October 31, 2001, the California Coastal Commission advised CCO, for the first time, that its billboard required a coastal development permit pursuant to the California Coastal Act (Exhibit "E"). CCO complied and filed its Coastal Permit Application with the Los Angeles City Planning Department.

A hearing was held before the Zoning Administrator on May 16, 2002. A copy of the decision is attached and marked as Exhibit "F". The decision was to deny CCO's application for a coastal development permit. An appeal to the Los Angeles Area West Area Planning Commission was also denied.

COASTAL COMMISSION

ARGUMENT

1. CCO'S OFF-SITE SIGN IS IN CONFORMITY WITH CHAPTER 3 OF THE CALIFORNIA COASTAL ACT OF 1976.

CCO's billboard structure is consistent with the policies described in Chapter 3 of the California Coastal Act. The structure is one mile from the coast. It neither interferes with the public's right of access to the coast nor adversely impacts marine resources, environmentally sensitive habitat areas, or water-oriented recreational activities. One-half mile to the west of the sign are two high-rise buildings, one of which displays a large wall sign (Exhibit "G").

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 neither interferes with public access to the coast nor contributes to traffic congestion.
- It does not conflict with the environmental impacts described in Section 30251 of the Coastal Act.
- It is not inconsistent with the provisions of the Act relating to recreation and visitor facilities, water and marine resources, dredging and filling a shoreline structure, commercial fishing and recreations boating, environmentally sensitive habitat areas,

COASTAL COMMISSION

agriculture, hazards, forestry and soils resources, locating and planning new development, and industry and energy development.

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 only two reported 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. A development permit was denied by reason of the loss of vegetation, a hill that would be leveled, and the destruction of a scenic canyon, which required the construction of a four-lane highway.

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 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 CCO billboard is located on a section of West Washington Boulevard close to Lincoln Boulevard that is extremely developed with signs. The CCO billboard 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 (Exhibit "F"). It is not in a location contemplated under §30251.

COASTAL COMMISSION

In the case of the coastal development permit application of CCO for a billboard at 4111 Lincoln Boulevard (extensively cited by Associate Zoning Administrator Anik Charron), the associate zoning administrator found that the billboard was in compliance with the provisions of the Coastal Act (Exhibit "H", p.6).

2. THE ISSUANCE OF A COASTAL DEVELOPMENT PERMIT WILL NOT PREJUDICE THE ABILITY OF THE CITY OF LOS ANGELES TO PREPARE A LOCAL COASTAL PROGRAM.

The Land Use element of the Venice Coastal Program (LCP) was adopted by the City Council on March 28, 2001, and certified by the Coastal Commission on June 14, 2001. Currently there is no adopted LCP for this portion of the Coastal Zone; in the interim, the adopted Venice Community Plan, and Venice Specific Plan serve as the functional equivalent in conjunction with any pending LCP under consideration (Exhibit "F", p.10).

Existing regulations in effect at the time of the building permit issuance, such as the old Venice Community Plan and the Venice ICO, did not prohibit off-site signs.

While long-term maintenance of the sign at this location could prejudice the City's ability to develop LCP for this area, a coastal development permit for a limited time period would not.

COASTAL COMMISSION

EXHIBIT # 5
PAGE 9 OF 43

4. APPROVAL OF A COASTAL DEVELOPMENT PERMIT WOULD NOT BE INCONSISTENT WITH THE REGIONAL INTERPRETIVE GUIDELINES OF THE CALIFORNIA COASTAL COMMISSION.

The Regional Interpretive Guidelines are intended to be used in a "flexible manner with consideration for local and regional conditions, individual project parameters and constraints, and individual and cumulative impacts on coastal resources" (p. i). Under "Sign Criteria" (p.14), the Guidelines again stress the need for flexibility depending upon the individual signing problems: "The Commission recognizes that different situations present different signing problems".

Subdivision 5 provides: "Signs should be on-site, not off-site". This language provides for a discretionary process as compared with the language relating to roof signs: "Roof signs will not be allowed".

The CCO sign was constructed pursuant to a valid permit. It is in a commercial area and in proximity to other off-site signs. The Regional Interpretive Guidelines of the Coastal Commission provide discretion to consider the unusual facts relating to CCO's application for a coastal development permit.

While the billboard is not permitted by the guidelines, it has been constructed due to an error in the City's permitting process and therefore the guidelines' emphasis on flexibility in the application of standards for unusual conditions should be followed.

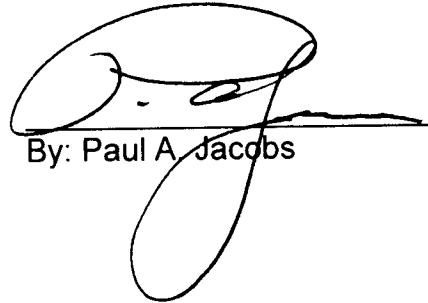
COASTAL COMMISSION

CONCLUSION

For the above-stated reasons, CCO requests that the California Coastal Commission grant its application for a coastal development permit to allow it to continue to maintain its legal, off-site sign.

Dated: April 10, 2003

Richard Hamlin Attorneys

A handwritten signature in black ink, appearing to read "Paul A. Jacobs", is written over a horizontal line. The signature is stylized with a large loop at the end.

By: Paul A. Jacobs

COASTAL COMMISSION



Sign City of Los Angeles - Department of Building and Safety Status: Ready to Issue
Over the Counter Permit APPLICATION FOR INSTALLATION AND INSPECTION OF SIGNS Status Date: 08/06/98
Printed on: 08/06/98 15:58:23

1. TRACT	BLOCK	LOT(s)	ARB	MAP REF #	PARCEL ID # (PIN)	2. BOOK/PAGE/PARCE.
TR 5878		84		M B 95-82/84	105B149 72	4229 - 010 - 03

3. PARCEL INFORMATION
BAS Branch Office - WLA
Council District - 6
Census Tract - 2741.000
District Map - 105B149
Energy Zone - 6
Lot Size - IRR
Lot Type - Corner
Thomas Brothers Map Grid - 672
ZONE/USE: C2-1

4. DOCUMENTS

5. CHECKLIST ITEMS

Fabricator Reqd - Shop Welds Special Inspect - Field Welding
Fabricator Reqd - Structural Steel Special Inspect - H/S Bolt
Special Inspect - Concrete>2.5ksi

6. PROPERTY OWNER, TENANT, APPLICANT INFORMATION

Owner(s): Kim, Duk H And Chom Y 753 Washington Blvd VENICE CA 90292
Tenant:
Applicant (Relationship Agent for Owner): Chris Carlil - 18550 Hatteras St 56 TARZANA, CA (818) 344-1656

7. EXISTING USE	PROPOSED USE
	19 Sign

8. DESCRIPTION OF WORK
BILLBOARD SIGN-OFF SITE 14' X 48' 30 HT. STD PLAN #104

9. # Bldgs on Site & Use:

10. APPLICATION PROCESSING INFORMATION

BLDG PC By: DAS PC By:
OK for Cashier: Eric Cabrera Coord. OK: _____
Signature: Date:

For information and/or inspection requests originating within LA County call toll-free (888)-LA4BUILT, outside LA County, call (213) 977-6941
For Cashier's Use Only W/O #: 84801432

11. PROJECT VALUATION & FEE INFORMATION Final Fee Period			
Permit Valuation: \$40,000		PC Valuation:	
FINAL TOTAL Sign	2,427.66	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	43.69		
Svs. Surcharge	131.06		
Planning Surcharge	63.51		
Planning Surcharge Misc Fee	5.00		
Permit Issuing Fee	17.00		
Signs or Gas Tube Systems Fee	26.00		
Additional Branch Circuits Circuits F	11.00		
Sewer Cap ID		Total Bond(s) Due	

12. ATTACHMENTS

Plot Plan

08/06/98 03:59:15PM LAOS T-4321
BLDG PERMIT CO
INVOICE # 0000000
BLDG PLAN CHECK
21 COMMERCIAL
ONE STOP
SYS DEV
MISCELLANEOUS
CITY PLAN BUREAU
COASTAL COMMISSION

THE H.B. CORPORATION
STANDARD BILLBOARD LEASE

49058

This Lease is made effective as the 30th day of July, 1998 by and between Kim Duk H + Chom Y ("Landlord") and The H.B. Corporation, Inc., a Oregon corporation ("Tenant").

1. Premises. In consideration of the rents, terms, provisions and covenants of this Lease, Landlord hereby leases and grants exclusively to Tenant a leasehold interest in a portion of the real property located at 753 Washington State of California, as more particularly described on Exhibit A (the "Real Property"), which portion is shown on Exhibit A-1 attached hereto and made a part hereof, together with any airspace above the Real Property necessary for the Improvements (the "Premises").

2. Permitted Use. Tenant shall use the Premises for the purpose of constructing and maintaining billboard signage on a single pole together with related improvements and equipment, including illumination fixtures (the "Improvements"). Tenant shall have the right to erect, place, replace and maintain the Improvements in, on or about the Premises as Tenant deems reasonably necessary from time to time, including the right to post, paint, illuminate and advertise on such Improvements, and Tenant acknowledges that the sign pole shall be installed on that portion of the Premises shown on Exhibit A-1. Landlord acknowledges that the location set forth on Exhibit A-1 is approximate and that the drawing is not to scale. Tenant shall save Landlord harmless from all damage to persons or property by reason of any wrongful acts of Tenant or by reason of any accidents resulting from the negligent act of its agents, employees or others employed by Tenant in the construction, alteration, maintenance, repair or removal of the Improvements. [Tenant shall, upon receipt of written request, provide Landlord with a certificate of insurance showing Landlord as an additional insured for such liability.]

3. Term. The Lease term shall commence (the "Commencement Date") thirty (30) days after the completion of construction and erection of the Improvements, including the illumination fixtures and the power thereto, and shall terminate ten (10) Lease Years thereafter unless terminated earlier in accordance herewith. A "Lease Year" for purposes hereof shall be a twelve-month period commencing with the Commencement Date and terminating on the last day of the twelfth month thereafter, unless the Commencement Date falls on other than the first day of a month in which event the Lease Year shall commence on the first day of the month following the Commencement Date. The Lease Term shall automatically renew for an additional ten (10) Lease Years unless Tenant gives notice to Landlord of its election to not renew.

4. Rent. Tenant agrees to pay to Landlord, as Rent, the following sums:

- a. Execution Rental Fee. Landlord hereby acknowledges receipt from Tenant of a nonrefundable execution rental fee in the amount of One Hundred Dollars (\$100.00), paid in consideration for the due execution and delivery of this Lease by Landlord to Tenant.
- b. Annual Rent. Tenant agrees to pay Landlord in advance on the first day of each Lease Year during the Term of this Lease the following sums, payable in equal installments
- c. Content of copy. Tenant will not advertise any business that would compete with landlord (Liquor Beer Wine and tobacco) and will not advertise any topless dance club or like business.
- d. Tree. Tenant will have the right to remove the tree that is blocking the sign at tenants cost.

Lease Year(s)

Annual Rent

1 - 5	Per Face \$10,000.00
6 - 10	Per Face \$11,000.00
11 - 15	Per Face \$12,000.00
16 - 20	Per Face \$13,000.00

Two years annual rental to be paid in advance based on the number of permitted faces built.

In the event that this Lease commences or terminates on a day other than the first or 1st day of a calendar month, as applicable, then the rent shall be prorated accordingly.

COASTAL COMMISSION

EXHIBIT # 5

PAGE 13 OF 43

EXHIBIT B Page 1

5. Personal Property. All Improvements including all structures, equipment and materials placed upon the Premises by Tenant shall not be deemed to be a fixture and shall always remain the personal property of Tenant at all times and may be removed and/or replaced from time to time by Tenant in accordance with the terms of this Lease.

6. Access. Landlord hereby grants Tenant and Tenant's employees, agents and contractors the right to ingress and egress over the Real Property for the purpose of erecting, altering, maintaining, replacing, repairing and removing the Improvements at all times during the term of the Lease. Landlord also agrees that Tenant may connect to existing power or bring power across the Real Property (at Tenant's expense) to the Improvements. If Tenant connects to existing power, Tenant shall install a flow meter (at Tenant's expense) and pay the costs of such metered power within ten (10) days of receipt of an invoice for such power from Landlord.

7. Termination. In the event that (a) any of Lessee's sign on the premises become entirely of partially obstructed or destroyed; (b) the premise cannot safely be used for the erection or maintenance of Lessee's signs thereon for any reason (c) the view of Lessee's sign are obstructed or impaired in any way by any object or growth on any property or any neighboring property owned or controlled by Lessor; (d) the Lessee is unable to obtain any necessary permits for the erecting and/or maintenance of such sign(s) as the Lessee may desire; (e) the Lessee be prevented by law from construction and/or maintaining on the premises such sign(s) as the Lessee may desire; then the Lessee, may at its options, terminate the Lease on a fifteen (15) day's notice in writing. Lessor agrees thereupon to return to the Lessee any rent paid in advance for the unexpired term.

8. View. Landlord agrees not to obstruct or permit any other person to obstruct the view of the advertising display or Improvements in any manner whatsoever and Landlord grants to Tenant an easement for light and air over any contiguous real property owned or controlled by Landlord. Landlord agrees to remove any obstruction within ten (10) days of receipt of written notice from Tenant.

9. Entire Agreement. This Lease contains the sole agreement of the parties relating to the Lease of the above described Premises. Neither party will be bound by any statement or promises, oral or written, unless such statements, warranties or promises are set forth specifically in the Lease.

10. Representations. Landlord represents and warrants to Tenant that (i) Landlord is the fee simple owner of the Real Property of which the Premises above described are a part, (ii) no other party, person, or entity owns an interest in the Real Property, (iii) Landlord has full authority to make this Lease without consent of any other person or entity, (iv) this Lease does not cause a breach or default of any agreement of Landlord pertaining to the Real Property, and (v) there are no hazardous, toxic or other substances of which manufacture, disposal, storage or use is regulated by applicable federal, local or state rules, ordinances or laws nor are there any underground tanks in, on or about the Premises. Landlord acknowledges that Tenant is relying on these representations and warranties.

11. Taxes. All personal property tax, real property tax or other tax associated solely with the Improvements or the advertising display shall be borne by Tenant.

12. Subordination. Tenant agrees that this Lease may be subordinated to the interest of existing and future bona fide third party mortgagees or holders of deeds of trust, provided (i) such subordination is expressly conditioned upon such mortgagee or holder not disturbing the rights of Tenant under this Lease. Furthermore, in addition to and not in limitation of any other rights or remedies of Tenant, in the event that Landlord is in default under any mortgage, deed of trust or other lien, Landlord shall promptly notify Tenant of such default and Tenant shall have the option, but not the obligation, to cure Landlord's default directly with the mortgagee or holder and offset the cost of such cure against any sums due Landlord under the Lease.

13. Subleasing and Assignment. Tenant shall have the right to sublease, transfer, or assign this Lease to others including the ownership of the Improvements. Notice of such sublease, transfer or assignment will be promptly given by Tenant to Landlord together with a copy of the sublease or assignment of Lease. All the terms and conditions of this Lease shall continue to apply to Landlord, and the subleases, transferee or assignee of Tenant.

14. Permits. Any permits or governmental licenses or other third party approvals which Tenant requires in connection with the Improvements shall be at the sole cost and expense of Tenant; however, Landlord agrees to reasonably cooperate with Tenant to obtain such permits and/or licenses. If Tenant, for any reason, does not obtain the building permit or other license or approval in connection with the Improvements then Tenant may, upon thirty (30) days prior notice to Landlord, terminate this Lease and neither party shall have any further obligation or liability to the other.

15. Condemnation. If any part of the Premises is taken by eminent domain or if the Improvements can no longer be used for the advertising as a result of taking by right of eminent domain or by reason of any other governmental action of any kind or nature, this Lease shall terminate upon such taking or governmental action, and neither party shall have any further

COASTAL COMMISSION

EXHIBIT # 5

PAGE 14 OF 43

EXHIBIT B 2

obligation to the other. Damages for the Premises and the loss of the use of the Improvements shall be awarded solely to the Tenant. At such time as Tenant is no longer able to advertise on the Improvements as erected in accordance herewith, Tenant's rental obligations under this Lease shall end and this Lease shall be terminated.

16. Miscellaneous

- a. The terms and conditions of the Lease shall be interpreted and applied in good faith by the parties. To the extent that Landlord's consent is required by Tenant, Landlord agrees to not unreasonably withhold or delay such consent. Each party agrees not to directly or indirectly attempt to circumvent the intent of this Lease by means of transfers of real property or otherwise which would frustrate the purposes of this Lease.
- b. All of the rights and obligations under this Lease shall apply to and bind the heirs, successors, executors, administrators, transferees, assigns and subleases of the parties hereto. Either party may record this Lease or a memorandum thereof.
- c. Neither party shall be deemed in default hereof unless notice of default has been received by certified mail or overnight recited express mail at the addresses set forth below and the defaulting party fails to cure such default within fifteen (15) days of receipt of such notice. (Either party may notify the other in writing from time to time of a change of address.) In the event of a default hereunder, the nondefaulting party shall have all rights and remedies at law or in equity, including the right to perform the defaulted obligation at the cost or expense of the other and the right of offset.
- d. This Lease shall be governed by the laws of the State of California.
- e. Subject to the terms of this Lease, Landlord covenants and agrees that Tenant shall have quiet enjoyment of the Premises and Tenant's rights hereunder. Upon expiration or termination of this Lease Tenant shall have the right to remove its Improvements in accordance with then billboard industry standards.
- f. Landlord shall, within two (2) days of receipt of any notices from any person or entity regarding the Improvements, deliver a copy of such notice to Tenant at the address set forth herein by certified, registered or recited overnight express mail.

LANDLORD:

By: [Signature]

Printed Name: _____

Address: _____

Date 7-30-98

TENANT:

The H. B. Corporation, INC.

By: [Signature]

Printed Name: Chris Carile

Address: _____

Date 9-3-98

STATE OF _____)

COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of _____, 19____ by _____.

WITNESS my hand and official seal.

Notary Public

My commission expires: COASTAL COMMISSION

STATE OF _____)

EXHIBIT # 5

PAGE 15 OF 43

EXHIBIT A TO STANDARD BILLBOARD LEASE

by and between

and

The H.B Corporations, INC.

LEGAL DESCRIPTION

The following described lot or parcel of land situate, lying and being situate in the County of _____ State of California, to wit:

APN:

4229-010-034

COASTAL COMMISSION

EXHIBIT # 5

PAGE 16 OF 43

B 4

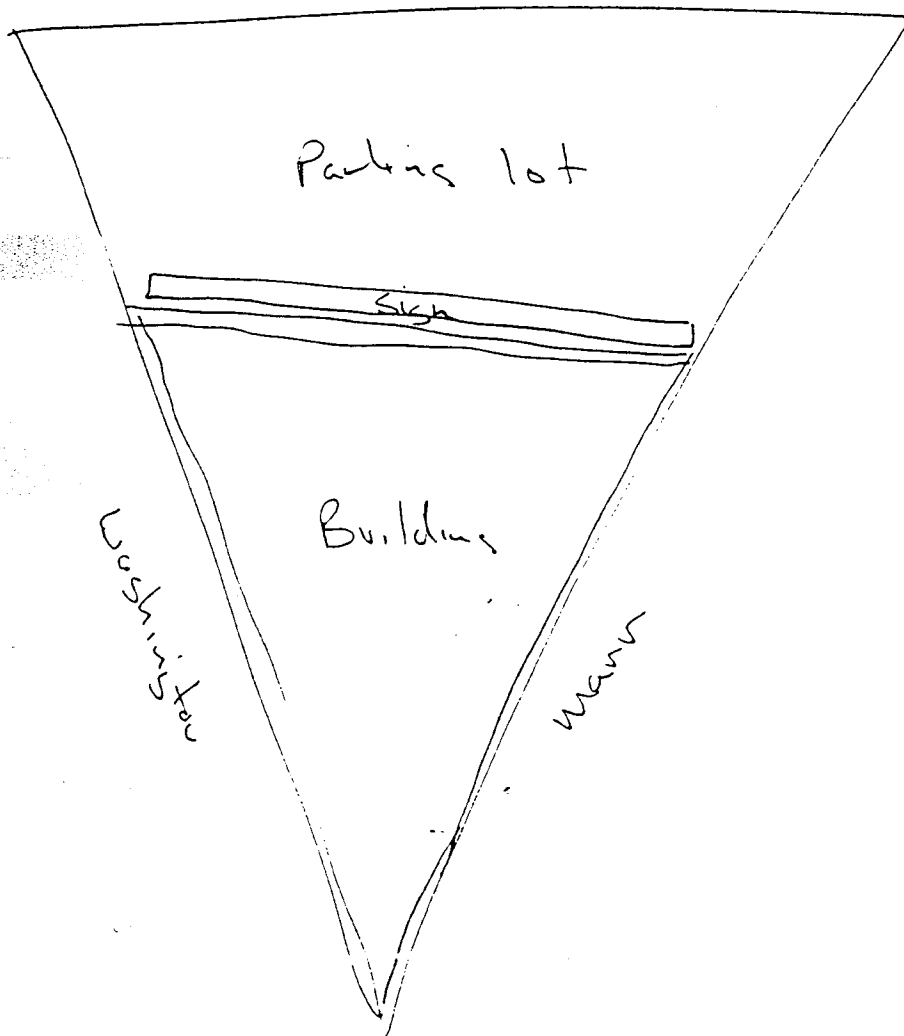
EXHIBIT A-1 TO STANDARD BILLBOARD LEASE

by and between

and

The H. B Corporation INC.

LOCATION OF POLE



COASTAL COMMISSION

EXHIBIT # 5
PAGE 17 OF 43

NET-5114

PLANT WORK ORDER

BUILD NO. 308 BUILD NO. 3097684

CROSS REF. T/D NO.

MAINTENANCE OF PLANT NO. 111

Approved *[Signature]*

Lease No. 49058 Region 5 CALIF City A

Address 753 W WASHINGTON

Location WASHINGTON BLVD & MARR ST NW 57 93' Y

BD

Legs LOT 84, TRACT 5878

Prop. Owner & Add DIXIE E. KIM, 753 W WASHINGTON BLVD, VENICE CA

Bld/Conv/ ILL BLTN Ht. to BM 38' Digge 0X Tax Code 49 Mk Code 033 County Code

IB WASHINGTON NL 40' W MARR R /F. Str 01 Class 31

IBM /F. Str Class

IBM /F. Str Class

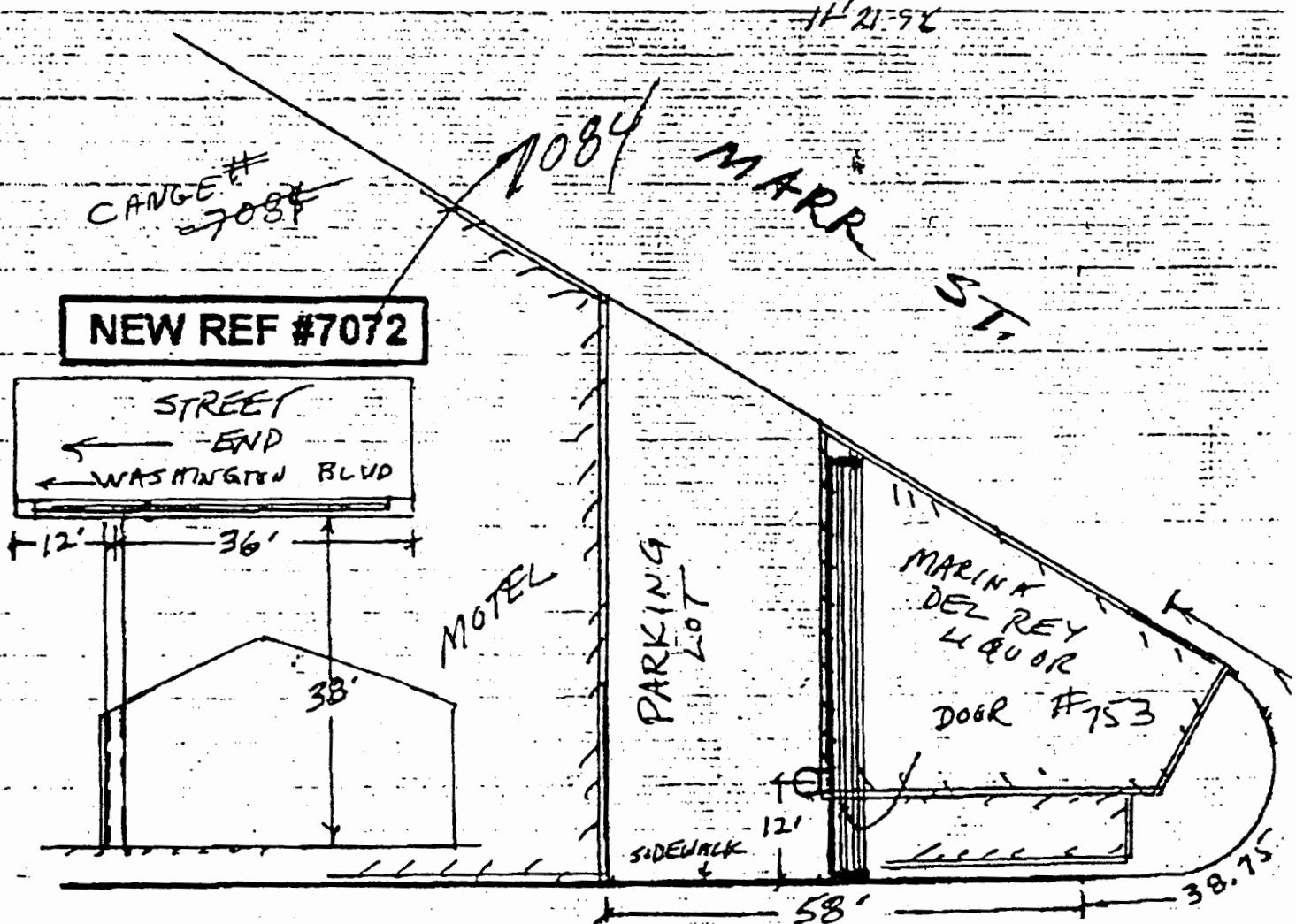
IBM /F. Str Class

Instructions SET SINGLE POST AS DIAGRAMMED, OFFSET EAST OVER

BUILDING

BUILD <input checked="" type="checkbox"/>		CONVERT <input type="checkbox"/>	
BACKUP <input type="checkbox"/>		INCREMENTS <input type="checkbox"/>	
DEPT.	FTAGE	INI	DATE
REAL EST.	18 DAY	08/31/98	
POSTING			
CONSTR.	98/12/31	21-98	
ELECT.	98	5	12/29/98
POSTING			
REAL EST.	98	08/1-16/99	
TO IBM.	98	PC	4/6/99

R.E. REP. DAV - CARLILE DAT 08/31/98 FOREMAN *[Signature]*



WASHINGTON BLVD

COASTAL COMMISSION

BEWARE OF HIGH VOLTAGE

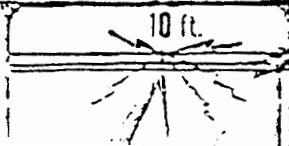


EXHIBIT # 5
DON'T LET EQUIPMENT OR MATERIALS COME WITHIN 10 FT.
PAGE 18 OF 43



January 29, 2003

Commissioners
West Los Angeles Area Planning Commission
11214 West Exposition Blvd
Los Angeles, CA

Re: 753 Washington Blvd.

Dear Commissioners:

Clear Channel Outdoor is willing to lower the overall height of the outdoor advertising structure at the subject address to the height approved by the Area Zoning Code.

Sincerely,

CLEAR CHANNEL OUTDOOR, INC.

A handwritten signature in black ink, appearing to read 'Edward Dato', written over the printed name.

Edward Dato
Vice President/Director of Public Affairs

ED:ar

Exhibit D

COASTAL COMMISSION

EXHIBIT # 5
PAGE 19 OF 43

CITY OF LOS ANGELES

CALIFORNIA



JAMES K. HAHN
MAYOR

ROBERT JANOVIC
CHIEF ZONING ADMINISTRATOR

ASSOCIATE ZONING ADMINISTRATORS

R. NICOLAS BROWN
ANIK CHARRON
EMILY J. GABEL-LUDDY
DANIEL GREEN
LOURDES GREEN
DAVID KABASHIMA
ALBERT LANDINI
JON PERICA
SARAH RODGERS

DEPARTMENT OF
CITY PLANNING
CON HOWE
DIRECTOR

FRANKLIN P. EBERHARD
DEPUTY DIRECTOR

OFFICE OF
ZONING ADMINISTRATION

200 N. SPRING STREET, 7TH FLOOR
LOS ANGELES, CA 90012
(213) 978-1318
FAX (213) 978-1334

December 30, 2002

Clear Channel Outdoor, Inc. (A)
1550 West Washington Boulevard
Los Angeles, CA 90007

Duk H. and Chom Y. Kim (O)
753 Washington Boulevard
Venice, CA 90292

Paul A. Jacobs (R)
Richard Hamlin Attorneys
7131 West Mambalos Avenue, #200
Los Angeles, CA 90045

CASE NO. ZA 2002-0103(CDP)
COASTAL DEVELOPMENT PERMIT
753 West Washington Boulevard
Venice Planning Area
Zone : C2-1
D. M. : 105B149
C. D. : 11
CEQA : ENV 2002-104-ND
Fish and Game: Exempt
Legal Description: Lot 84, Tract 5878

Department of Building and Safety

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

a Coastal Development Permit for the continued use and maintenance of an existing 48-foot by 14-foot, 52-foot in height off-site sign (billboard).

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 May 16, 2002, 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, almost triangular-shaped, corner, record lot, having a frontage of approximately 38 feet at the corner of Marr Street and Washington Boulevard and an approximate depth varying from 32 to 48 feet. The site is developed with a one-story commercial building occupied by a liquor store.

COASTAL COMMISSION

EXHIBIT # 5
PAGE 20 OF 43

Surrounding properties are within the C2-1 Zone and are characterized by level topography and standard streets. The surrounding properties are developed with one- and a two-story commercial buildings occupied by a hotel, to the west, and Hoyt Plaza, a shopping plaza, to the east. There are apartment buildings adjacent to the east and south across Washington Boulevard.

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

Marr Street, adjoining the subject property to the north, is a Local Street dedicated to a width of 60 feet and improved with curb, gutter and sidewalk.

Previous zoning related actions in the area include:

Surrounding Properties:

Case Nos. ZA 96-0512(CUZ)(PP) and CDP 96-006 - On September 12, 1996, the Zoning Administrator approved a conditional use to permit a 16-room addition to an existing hotel in the C2-1 Zone; a project permit, pursuant to the provisions of Ordinance No. 170,556 to permit the afore noted use; a coastal development permit to permit the afore noted use in the single permit area of the California Coastal Zone; and a determination pursuant to LAMC Section 12.24-D,5 to permit the proposed construction to a height of approximately 30 feet, in lieu of the requirements of LAMC Section 12.12.1-A,10.

Case Nos. ZA 87-1226(CUZ) and CDP 87-040 - On February 25, 1988, the Zoning Administrator approved at 729-731 Washington Boulevard a conditional use to permit the construction of a 70-unit hotel and coffee shop. BZA denied an appeal of various conditions on June 22, 1988.

Case No. CPC 86-824-GPC - On May 12, 1989, the City Council adopted the General Plan/Zoning Consistency Program for the Venice (II) District. No action was taken regarding the subject site. Ordinance No. 164,844 became effective on June 21, 1989.

Case No. ZA 91-0665(CUZ) - On October 23, 1991, the Zoning Administrator approved a conditional use at 732 Washington Boulevard to permit artist-in-residence units.

Case No. ZA 90-0710(PP) - On November 7, 1990, the Zoning Administrator approved a project permit at 8911 East Washington Boulevard to permit conversion into food mart with operation of gasoline sales 24 hours a day (related case CDP 90-026).

Case No. CDP 87-036 - On December 18, 1987, the Zoning Administrator approved a coastal development permit at 2724 Washington Boulevard to permit construction of a 50-unit three-story apartment building with subterranean parking.

COASTAL COMMISSION

EXHIBIT # 5

PAGE 21 OF 43

Case No. ZA 96-0512(CUZ) - On September 12, 1996, the Zoning Administrator approved a continued use at 729-731, 737 Washington Boulevard to permit construction of a new hotel and expansion of existing hotel.

PUBLIC HEARING

A public hearing on the matter was held on May 16, 2002. Three persons provided evidence and testimony at that time, Mr. Jacobs, attorney representing the applicant and the project, and two area residents who expressed opposition to the project.

The applicant's representative described the nature of the project and the requests being made.

Area residents raised the following concerns:

- Sign is higher than the 30-foot height described in the public hearing notice.
- Signs beyond 30 feet were prohibited by the then in effect Venice ICO. Advertising often extends beyond the height of the top of the sign.
- Negative impact of the sign on community character and public views
- Sign was illegally erected, without a Coastal Permit.
- Coastal Commission previously denied a similar sign, by same applicant, under same circumstances. Previous sign, operated by same applicant, consistently in violation of conditions imposed by the Area Planning Commission (hours permitting lighting)

The Zoning Administrator raised questions relative to the history of the permitting of the sign, its height and dimensions, the cost of construction of the sign, and the time period necessary to amortize the cost of the construction of the sign.

At the close of the hearing, the matter was taken under advisement in order to allow the applicant to provide exact information as to the height of the sign, the cost of construction and the use of "extensions" on the sign, and for the Zoning Administrator to investigate the precedent case referred to at the public hearing.

ZONING ADMINISTRATOR DISCUSSION

On August 6, 1998, the applicant was issued a permit for the construction of a new 14 feet by 48 feet, 30-foot high, Standard Plan # 104 billboard sign-off site on a 1,742 square-foot property zoned C2-1, developed with a one-story commercial building occupied by a liquor store, in the Southeast area of the Venice Community. On October 31, 2001, the California Coastal Commission sent the applicant a Notice of Violation of the California Coastal Act for the installation of a 45-foot high billboard without the grant of a Coastal Development Permit. The applicant was advised to resolve the issue by either obtaining a demolition permit for the removal of the structure or to obtain a coastal Development Permit authorizing the development after-the-fact. Reference is made to a letter dated May 5

1999 by the Coastal Commission regarding the project. The applicant is finally required to file for a Coastal Development Permit with the City by November 30, 2001. The application for the instant Coastal Development Permit was received on January 9, 2001, and deemed complete on February 4, 2002.

At the time of issuance of the permit, the regulations in place, which applied to the project consisted of the Coastal Act of 1976, the old Venice Community Plan, the Venice Interim Control Ordinance (ICO) (Ordinance No. 169,239), and the Coastal Transportation Corridor Specific Plan (Ordinance No. 172,019). However, the project was not affected by any of the provisions of the latter.

Venice Community Plan: At the time of issuance of the permit, the Community Plan in place had originally been adopted by City Council on October 14, 1970, and subject to several amendments over the years. Its stated Objective No. 8 was *"To guide development and use of lands and waters located within the Coastal Zone consistent with the provisions of the California Coastal Act of 1976"*. The Plan further encouraged *"the implementation of appropriate coastal policies"*. Even though there was no specific prohibition of billboards in the Venice area at that time, under its Planning Legislation Chapter, the Plan stated that: *"Planning provisions of the Municipal Code and other legislation are continually being revised and amended. The following studies for amendments are suggested to aid in implementation of the Plan:*

A. *Signs: Strengthen billboard and other commercial sign control in the Coastal Zone."*

Venice ICO: Section 5.F-1,b of the Venice ICO stipulated for the Southeast Venice area of the Venice Community Plan that *"All projects shall be limited to a maximum height of 25 feet"*. and Section 5.F-5, stated that: *"All Commercial projects on commercially zoned lots are subject to all applicable provisions set forth above and in Section 6 of this Ordinance"*. Other provisions of Section 5 not applicable to the project were: Access, Density and Lots. Section 6 of the ICO: Commercial project requirements exempted the project from provisions of this Section as the project *"results in no more than a ten percent increase in Trips."*

Construction of new billboard while falling under the definition of Project, did not qualify for an exception (the Permit application was filed on August 6, 1998, way after the March 11, 1988 threshold date). Consequently, the project needed to obtain a Project permit pursuant to Sections 3 and 9 of the ICO. Additionally, Section 9.B-2 of the ICO requires that *"No project Permit application shall be accepted unless it is submitted simultaneously with the appropriate application for development within the Coastal Zone pursuant to City and State Coastal Commission permitting procedures."* The Venice ICO did not address billboards.

In order to be legally permitted, the project was therefore to obtain either a project permit or a hardship exemption pursuant to the provisions of the Venice ICO, and a Coastal clearance, in this case a Coastal Development permit. On August 6, 1998, a building permit was issued in error by the City for a 14-foot by 48-foot, 30 -foot high, Standard Plan #104 billboard sign-off site, without the benefit of the above referenced required clearances and permits. It is to be noted that in spite of the 30-foot height clearly approved for the new sign on the permit, the existing sign observes a height of 52 feet, with the bottom of the

sign 38 feet above ground, in excess of that described on the face of the permit issued. The sign itself is 48 feet wide by 14 feet high. It is also to be noted that the applicant's representative in a letter dated May 20, 2002 declares to have been "informed that the present display does not use extensions". Interestingly enough, photographs of the sign submitted by the applicant as part of the application clearly show the use of extensions to the sign. It may be that the specific sign being displayed on May 20, 2002 did not use extensions, but the applicant is definitely taking advantage of State Law provisions regarding Outdoor Advertising to occasionally utilize extensions to the sign thereby effectively increasing the height of the display.

Consequently, had the project been following the proper permitting procedures, besides the findings required by the Coastal Act and Section 12.20.2 of the Municipal Code, the following Project Permit findings would have had to be made:

- a. *That the Project is compatible in scale and character with the existing neighborhood, as defined by the Coastal Commission Regional Interpretive Guidelines, and that the project would not be materially detrimental to adjoining properties or the immediate neighborhood.*
- b. *That the Project is consistent with the policies and provisions of the General Plan and all applicable Specific Plans;*
- c. *That the Project is consistent with the goals of the California Coastal Act, and that the Project will not prejudice the development, adoption or implementation of a Local Coastal Program for the Venice Coastal Zone.*
- d. *That the Project complies with all development requirements for its subarea as set forth in Sections 5, 6, 7, and 8 of this Ordinance.*
- e. *That the Project and any demolition of residential units necessary for the Project comply with all provisions of Government Code Section 65590, et seq., unless the demolition is required for compliance with an order of the Department of Building and Safety to remove an unsafe structure or when it is required as part of the Venice Boulevard reconstruction work being done in conjunction with the State Department of Transportation (C.F. J No. 90-1302 and California Coastal Permit No. 5-90-664, or other related permits).*
- f. *That the applicant has guaranteed to comply with the Mello Act and, where feasible, to keep the rent levels of any required replacement housing at an affordable level for the life of the proposed Project and to register the replacement units with the Department of Housing Production and Preservation."*

In light of the above quoted policies and regulations of the then in place Venice Community Plan and Venice ICO, the project as designed and built could not have been found consistent with findings a, b, c, and d mandated for the granting of a Project Permit. Findings for the Coastal Development Permit will be made below, pursuant to the same

Coastal regulations and policies in place at the time of issuance of the building permit for the sign.

Since the issuance of the building permit, the following documents have been adopted which apply to the property and the project, further reinforcing policies and directions already clearly identified in the documents in effect in August 1998:

Venice Specific Plan: Ordinance No. 172,897, effective December 22, 1999. Section 9.B-8 reads: "Signage: No roof top or billboard signs."

Venice Community Plan: adopted on September 29, 2000. The Plan identifies as a commercial issue "*The proliferation of out-of-scale signs including billboards, roof and wall signs and sandwich signs on sidewalks.*", and as a commercial Opportunity to "*Develop a distinctive character and cohesive visual identity for the community through the upgrade of commercial areas, especially at the entry points on major streets of Venice and Washington Boulevards, Rose Avenue and around Windward Circle.*" Further its Objective 2-3 is

"To enhance the appearance of commercial districts" Through the following Policies and Programs:

"Policies

2-3.1 Require that new development be designed to enhance and be compatible with adjacent development.

Program: Chapter V- Design Guidelines of the Plan text contains design policies and standards for commercial development which will implement this policy.

***Program:** The Venice Coastal Zone Specific Plan contains provisions that regulate the design and appearance of commercial project located in the Venice Coastal Zone.*

2-3.2 Preserve community character, scale and architectural diversity.

Program: Design standards for commercial areas are included in Chapter V- Design Guidelines of the Plan implement this policy.

2-3.4 Establish street identity and character of commercial areas through appropriate sign control, landscaping and streetscape improvements.

Program: Chapter V- Design Guidelines of the Plan provide standards for community design, street scape and landscaping.

These standards are intended to serve as a reference for other City Departments, public agencies and private entities which may participate in projects which involve improvements to public spaces and rights-of-way.

COASTAL COMMISSION

Program: The Venice Coastal Zone Specific Plan contains provisions that regulate the design and appearance of commercial projects located in the Venice Coastal Zone."

Last, but not least, in its section on Coastal Visual Resources the Plan's adopted Policy is that:

2. No billboards or off-premise commercial signs will be permitted.

Land Use Plan of the Venice Coastal Program: Certified by the Coastal Commission on June 14, 2001. Among other policies, the Plan includes : Policy I.B.7: "*Signage: No roof top or billboard signs.*". and Policy I.D.4: "*Signs. Roof top signs and billboards are prohibited in all land use categories*".

Sign District (Ordinance No. 174,552) adopted by the City Council on May 1, 2002, establishes a Citywide Supplemental Use District (SN) which permit certain signs to be erected in certain areas of the City where the property owners approve a sign district.

Code amendments relating to signs (Ordinance No. 174,547, effective June 10, 2002) establishes among others Section 12.21-7 (I): "*Off-site signs. No off-site sign shall be allowed in any zone, except when off-site signs are specifically permitted pursuant to a legally adopted specific plan, supplemental use district or an approved development agreement. Further, that legally permitted signs shall not be altered or enlarged*".

It is to be kept in mind that the instant review consists of an application for a Coastal Development Permit for the maintenance of an off-site sign for which a building permit was issued in error. The applicant's representative argues that the regulations in effect at the present time were not in effect at the time of issuance of the permit. In a spirit of fairness to the applicant this decision is solely based on the policies in effect at the time of issuance of the permit. Additionally, at the public hearing ,the Zoning Administrator inquired about the cost of construction of the sign, and the terms of the lease. The applicant's representative indicated that the construction costs amounted to about \$52,000, but that the issue resided more in the loss of future revenues. Specific information as to the revenue generated from the sign since its construction was not provided. A 10-year lease at the cost of \$10,000 a year for the first five years for a single face sign such as the one constructed was signed in 1998 between the applicant and the property owner. Review of the lease document indicates that:

1. if "(d) the lessee is unable to obtain any necessary permits for the erecting and/or maintenance of such sign(s) as the lessee may desire....the lessee may at its options terminate the Lease on a fifteen (15) day's notice in writing. Lessor agrees thereupon to return to the Lessee any rent paid in advance for the unexpired term". (7.Termination)
2. "If Tenant, for any reason, does not obtain the building permit or other license or approval in connection with the Improvements then Tenant may, upon thirty (30) days prior notice to Landlord, terminate this Lease and neither party shall have any further obligation or liability to the other." (14. Permits)

Finally, Section 11.02 of the Municipal Code - *INCONSISTENT PERMITS AND LICENSES*- reads as follows:

"Notwithstanding any other provisions of this Code or any other ordinance of the City of Los Angeles, no permit or license shall be issued in violation of any provisions of this Code or any other ordinance of the City of Los Angeles; if any permit or license is issued in violation of any provision of this Code or any other ordinance of the City of Los Angeles the same shall be void. Any permit or license issued, which purports to authorize the doing of any act prohibited by any other provision of this Code or any other ordinance of the City of Los Angeles, shall be void. Provided, however, that upon publication of a zone change, height district or building line ordinance the Superintendent of Building may issue a permit for a building or structure which will comply with all of the requirements of the new zone, height district or building line. No such permit shall be issued unless the applicant has first executed and filed with the Superintendent of Building a notarized agreement assuming all risk and agreeing to remove all buildings or structures authorized by the permit in the event the zone change, height district or building line ordinance should not become effective. (Amended by Ord. No. 134,358, Eff. 6/8/67.)"

Conclusion

Considering the authority of the jurisdiction of the instant application for a Coastal Development Permit pursuant to Section 12.20.2 of the Municipal Code, which was already in place at the time of issuance of the building permit for the project, subject to the same findings attached herein, the rules and regulations in place at the time the building permit for the off-site sign was issued, as detailed above, and the height of the existing sign itself in excess of the height permitted in error (52 feet instead of the permitted 30 feet), it can be concluded that the denial of this Coastal Development Permit for the maintenance of the subject sign is consistent with the intent of the rules and regulations in effect at the time of issuance of the permit, without having to refer to the strict prohibition of off-site signs now applying to the property, thereby not infringing upon perceived vested right the applicant may claim. As to the financial impact of this denial on the applicant, it was shown that lease terms are open enough not to cause any financial hardship on the applicant and the argument of loss of future revenues presented by the applicant's representative can only be turned around to be viewed in the light of the revenues, which could be characterized as "unpermitted", enjoyed by the applicant since the construction of the sign.

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 not in conformity with Chapter 3 of the California Coastal Act of 1976

COASTAL COMMISSION

Chapter 3 of the California Coastal Act provides standards by which "the permissibility of proposed developments subject to the provision of this division are determined". In the instant case, the Coastal Act provides that: "New development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources".

Section 30251 of the Coastal Act also provides that the scenic and visual qualities of the coastal area 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.

The instant review consists of the authorization to maintain a 48-foot by 14-foot, 52-foot high off-site sign (billboard) which was constructed in 1998 after the City of Los Angeles issued a building permit in error, without the benefit of public review mandated by the regulations in effect at that time, namely the Venice ICO and the California Coastal Act of 1976, which mandated that a Project Permit and a Coastal Development Permit be obtained respectively.

The project site is a level almost triangular-shaped, corner, record lot, with frontages on the south side of Marr Street and north side of Washington Boulevard. The site is developed with a one-story commercial building occupied by a liquor store, and the instant billboard. Surrounding properties on both sides of Washington Boulevard are within the C2-1 Zone and are developed with a variety of commercial uses including a hotel immediately adjacent to the west, interspersed with generally small multiple-family residential buildings. Properties fronting on Abbot Kinney Boulevard are developed with commercial uses in the vicinity of its intersection with Washington Boulevard, in the C2-1 Zone, and multiple-family residential uses to the west, in the R3-1 Zone. Otherwise, properties fronting on the side streets are developed with single-family residential uses in the R1-1 Zone.

One hundred-foot wide Washington Boulevard; west of Lincoln Boulevard, and more specifically west of Abbot Kinney Boulevard has developed the distinctive character and visual identity of a linear perspective entryway to the coastal area underlined by rows of Palm trees on both sides of Washington Boulevard. The perspective is unmarred by any sign other than the instant structure and provides a spectacular view of the open sky as a harbinger of the openness of the ocean lying a short distance ahead. Washington Boulevard, which with Venice Boulevard and Rose Avenue, provides one of the major approaches to the coastal zone in the area, and is the only one which has developed such a majestic and generally unspoiled character.

COASTAL COMMISSION

The location of the subject off-site sign at the entry point of this otherwise visually pristine coastal approach practically constitutes a perfect case study of the type of visual intrusion the Coastal Act's objectives and regulations intend to prevent.

Even though the subject sign is not adjacent to the shoreline, will not affect marine resources, coastal waters, wetlands, any environmentally sensitive habitat area, archaeological or paleontological resources, or will not block any designated public access viewpoints, its maintenance at this location is not visually compatible with the character of the surrounding area and contributes to the spoliation and degradation of an existing significant view to the coastal area.

As such, the maintenance of the sign at this location is not in conformance with the intent and objectives of Chapter 3 of the California Coastal Act of 1976

2. **The permitted development will prejudice the ability of the City of Los Angeles to prepare a local coastal program that is in conformity with Chapter 3 of the California Coastal Act of 1976.**

The Land Use element of the Venice Local Coastal Program (LCP) was adopted by the City Council on March 28, 2001, and certified by the Coastal Commission on June 14, 2001. Currently, there is no adopted LCP for this portion of the Coastal Zone; in the interim, the adopted Venice Community Plan, and Venice Specific Plan serve as the functional equivalent in conjunction with any pending LCP under consideration. The Venice Community Plan designates the property for General Commercial uses, with corresponding zones of CR, C1, C2, C4 and P, and Height District No.1. The property is zoned C2-1, consistent with the Plan land use designation. The property is also located within the Venice Specific Plan area and the Coastal Transportation Corridor Specific Plan Area.

At the time of issuance of the permit for the subject off-site sign, besides the California Coastal Act, applicable regulations consisted of the old Venice Community Plan and the Venice ICO. Granting of the required Project Permit and Coastal Development Permit was subject to a number of findings. The findings pursuant to the California Coastal Act have not changed, and are hereby made. Even though since 1998 new regulations have been established under the form of a new Community Plan, the Venice Specific Plan and the Land Use Element of the Local Coastal Program for the Venice area, consistently these documents, old and new refer to the need for their objectives, goals, policies, programs and implementing regulations to be in conformance with the intent and objectives of the California Coastal Act. As far as the subject sign is concerned, the old documents, as detailed above, frequently indicate the need to maintain significant views in the coastal zone, and to control signage. A harbinger of regulations to come, which could not have escaped any decision-maker at that time is the old Venice Community Plan which under its Planning Legislation Chapter, stated that: *"Planning provisions of the Municipal Code and other legislation are continually being revised and amended. The following studies for amendments are suggested to aid in implementation of the Plan:*

A. *Signs: Strengthen billboard and other commercial sign control in the Coastal Zone."*

New documents are clear that off-site signs are now categorically prohibited:

- Land Use Plan for the Venice Local Coastal Program certified by the Coastal Commission on June 14, 2001: Policy I.B.7 (Commercial Development Standards) "*Signage: No roof top or billboard signs.*" Policy I.D.4: "*Signs. Roof top signs and billboards are prohibited in all land use categories*".
- Venice Specific Plan: effective December 22, 1999. Section 9.B-8 reads: "*Signage: No roof top or billboard signs.*"
- Venice Community Plan: adopted on September 29, 2000. Identifies as a commercial issue "*The proliferation of out-of-scale signs including billboards, roof and wall signs and sandwich signs on sidewalks.*" In its section on Coastal Visual Resources the Plan's adopted Policy is that: "*2. No billboards or off-premise commercial signs will be permitted*".

Additionally, the City has now implemented a new Supplemental Use Sign District and amended the Municipal Code to prohibit off-site signs except in designated sign districts when adopted by the residents.

In light of the above, there is really no need to rely upon newly adopted regulations to find that the approval of the subject sign would definitely prejudice the ability of the City of Los Angeles to prepare a local coastal program that is in conformity with Chapter 3 of the California Coastal Act of 1976.

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

The project is located in the Southeast Venice area for which Regional Interpretive Guidelines have been adopted by the California Coastal Commission. Standards applicable to the project are as follows:

Height - Height of new structures should not exceed 25 feet above the center line of the frontage road.

With the top of the sign at a height of 52 feet, when erroneously approved by the City at a maximum height of 30 feet, the existing sign is well in excess of the maximum 25 feet in height established by the Regional Interpretive Guidelines.

COASTAL COMMISSION

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

This section of the California Public Resources Code provides that "prior decisions of the Coastal Commission, where applicable, shall guide local governments in their actions in carrying out their responsibility and authority under the Coastal Act of 1976".

A most relevant case can be found in a similar situation involving the maintenance of an off-site sign, which was erroneously approved by the City of Los Angeles. The subject sign is owned by the same applicant as the instant sign, at the time doing business as Eller Media. The case involves a 14-foot by 48-foot, 50 feet in height billboard located at 4111 Lincoln Boulevard. On October 15, 1998, a building permit for the proposed sign was issued in error, without the benefit of a Project Permit nor of a Coastal Development Permit, as required by the regulations in effect at that time. Upon notification of the irregular situation by the Coastal Commission on August 30, 1999, the applicant filed for a Coastal Development Permit which was granted by the Zoning Administrator on November 30, 2000, under Case No. ZA 2000-9995(CDP). The determination was appealed by the applicant to the West Area Planning Commission which denied the appeal, sustained the decision of the Zoning Administrator and modified prior conditions of approval. The Area Planning Commission decision was in its turn appealed to the California Coastal Commission by the Coastal Commission Executive Director and a resident of the Oxford Triangle. The Coastal Commission heard the appeals on August 6, 2000, found the off-site sign inconsistent with both the Coastal Act and the applicable local planning policies, including those in effect at the time the building permit was issued, and denied the permit. It is to be noted that the sign at 4111 Lincoln Boulevard is still standing, pending resolution of litigation brought against the Coastal Commission by the applicant.

Even though, in a spirit of fairness to the applicant, an attempt is made to base the instant decision on the Coastal Development Permit application on rules and regulations in effect at the time of issuance of the building permit for the sign, this finding cannot ignore existing Coastal Commission actions so close in character to this application.

As such, even though the denial of the instant Coastal Development Permit is not based on the above referenced decision of the California Coastal Commission, it is consistent with the outcome of such decision.

5. If the development is located between the nearest public road and the sea or shoreline of any body of water located within the coastal zone, the development shall be in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act of 1976.

The development is not located between the nearest public road and the shoreline.

6. **An appropriate environmental clearance under the California Environmental Quality Act has been granted.**

On January 31, 2002, a Negative Declaration was granted, under ENV-2002-104-ND, which is adequate to satisfy the requirements of the California Environmental Quality Act of 1970, as amended.

7. **Mello Act**

The proposed project is located in the Coastal Zone, as defined in California Public Resources Code, Division 20 (commencing with Section 30000), as depicted on the City of Los Angeles Coastal Zone Maps. The proposed project, however, does not involve the conversion, demolition or development of one or more residential units. Therefore, the proposed project is not subject to the Mello Act, as set forth in California Government Code Section 65590 and 65590.1.

ADDITIONAL MANDATORY FINDINGS

8. 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)
9. On January 31, 2002, the City Planning Department Environmental Staff Advisory Committee (ESAC) issued Negative Declaration No. ENV-2002-104-ND (Article V - City CEQA Guidelines) and determined that this project will not have a significant effect on the environment.
10. 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.

APPEAL PERIOD - EFFECTIVE DATE

The Zoning Administrator's determination in this matter will become effective after JANUARY 14, 2003, 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. **Forms are available on-line at www.lacity.org/pln.** Public offices are located at:

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

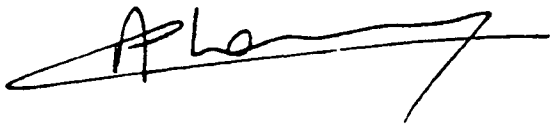
6251 Van Nuys Boulevard
First Floor
Van Nuys, CA 91401
(818) 756-8596

COASTAL COMMISSION

EXHIBIT # 5

PAGE 32 OF 43

The time in which a party may seek judicial review of this determination is governed by California Code of Civil Procedure Section 1094.6. Under that provision, a petitioner may seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, only if the petition for writ of mandate pursuant to that section is filed no later than the 90th day following the date on which the City's decision becomes final.



ANIK CHARRON
Associate Zoning Administrator
Direct Telephone No. (213) 978-1307

AC:lmc

cc: Councilmember Cindy Miscikowski
Eleventh District
Adjoining Property Owners
County Assessor

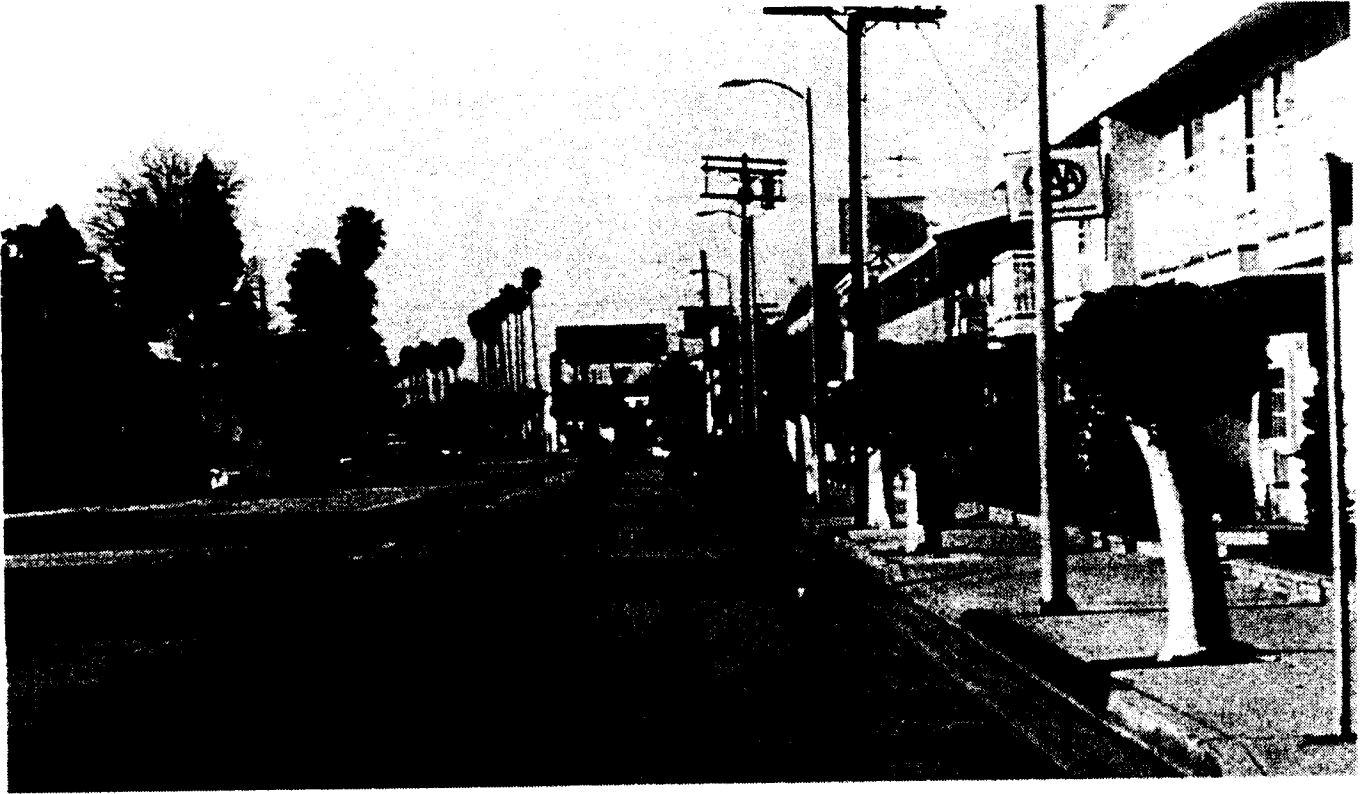
COASTAL COMMISSION

EXHIBIT # 5
PAGE 33 OF 43



COASTAL COMMISSION

EXHIBIT # 5
PAGE 34 OF 43



MISSION

ROBERT JANCOWICZ
CHIEF ZONING ADMINISTRATOR

ASSOCIATE ZONING ADMINISTRATORS

R. NICOLAS BROWN

EMILY J. GABELLON

DANIEL GREEN

LOURDES GREEN

DAVID KADASHIMA

ALBERT LANCINI

LEONARD S. LEVINE

JOHN PERICA

SARAH ROGERS

CITY OF LOS ANGELES
CALIFORNIA



RICHARD J. RIORDAN
MAYOR

RECEIVED

DEPARTMENT OF
CITY PLANNING
CON HOWE
DIRECTOR

FRANKLIN P. ZIEBHARD
DEPUTY DIRECTOR

OFFICE OF
ZONING ADMINISTRATION

221 NORTH FIGUEROA STREET
ROOM 1300
LOS ANGELES, CA 90012-2601
(213) 580-5499
FAX (213) 580-5569

November 30, 2000

DEC 4 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. : 1055149
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.

COASTAL COMMISSION

EXHIBIT # 5
PAGE 36 OF 43

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:

Figueria Plaza
201 North Figueria 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

COASTAL COMMISSION

EXHIBIT # 5

PAGE 38 OF 43

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.

COASTAL COMMISSION

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 with in 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 superceded 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.

COASTAL COMMISSIONEXHIBIT # 5
PAGE 40 OF 43

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 1975 (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.

COASTAL COMMISSION

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 1972.

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.

COASTAL COMMISSION

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.

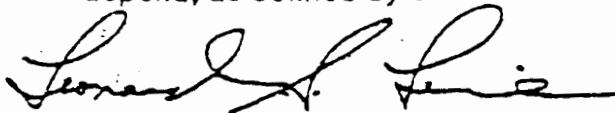
The proposed development project is located on the Lincoln Boulevard near Washington Boulevard. It is approximately one mile from any shoreline or body of water and is not located between the nearest public road and any sea or shoreline.

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.



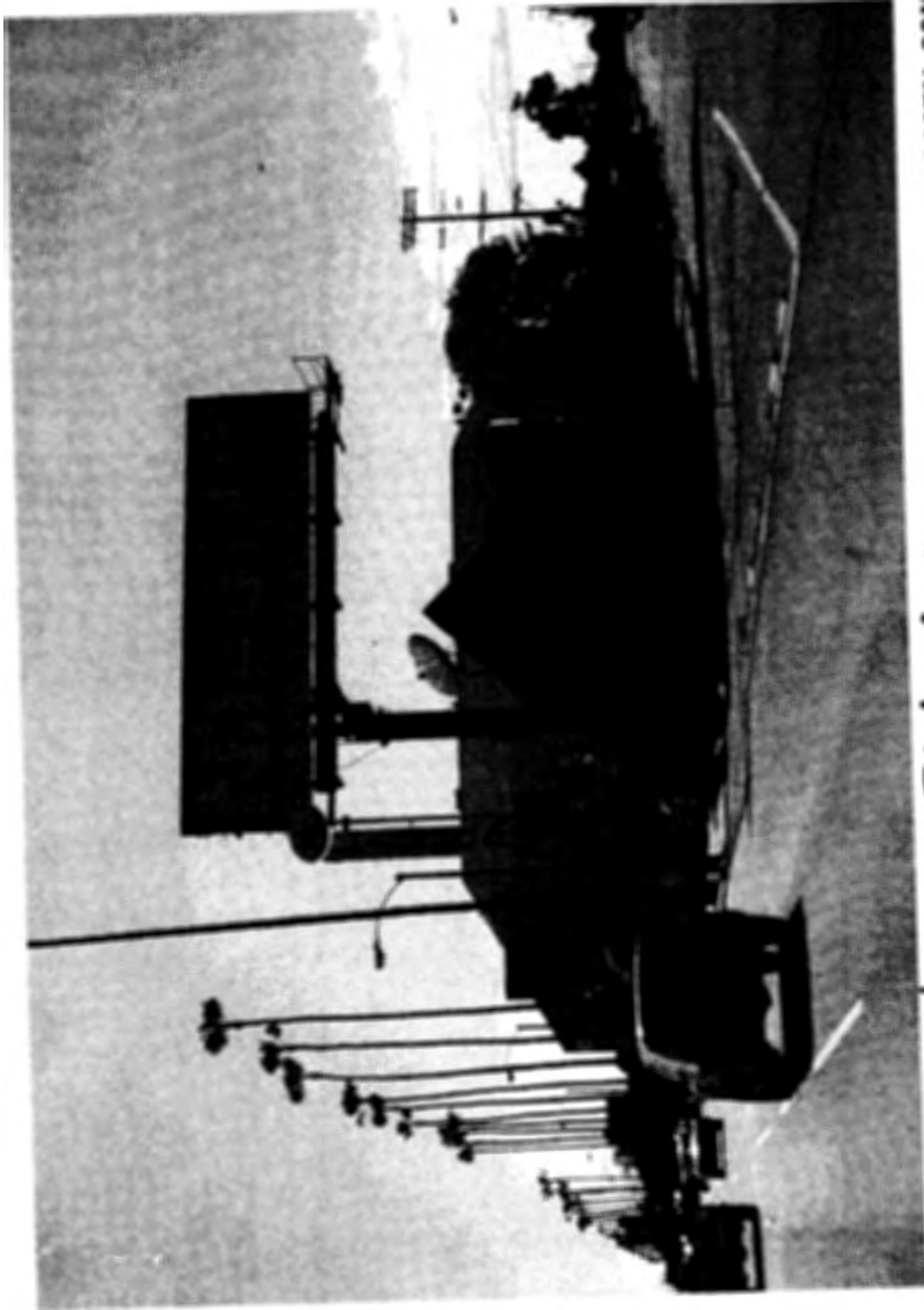
LEONARD S. LEVINE
Associate Zoning Administrator
Direct Telephone No. (213) 580-5490

LSL:lmc

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

COASTAL COMMISSION

EXHIBIT # 5
PAGE 43 OF 43



753 Washington Blvd., Venice

COASTAL COMMISSION
AS-VZAJ-03-134

EXHIBIT #

6

PAGE 1 OF 1