

CALIFORNIA COASTAL COMMISSION

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Hearing Date: October 13, 2005
Commission Action:

**Th10c**

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STAFF REPORT: REGULAR CALENDAR**APPLICATION NUMBER:** 5-05-054**APPLICANT:** Robert Singer **AGENT:** Joyce Sehi-Spear**PROJECT LOCATION:** 3016 Washington Boulevard, Venice, City of Los Angeles.**PROJECT DESCRIPTION:** Erection of a 25-foot high, two-sided (9.67'x15') illuminated pole sign (for business identification) in the parking lot of an existing restaurant.

Parcel Area	32,775 square feet (approx.)
Building Coverage	10,000 square feet (approx.)
Pavement Coverage	22,775 square feet (approx.)
Parking Spaces	N/A
Zoning	C2-1
Plan Designation	General Commercial
Ht above final grade	25 feet

LOCAL APPROVAL: City of Los Angeles Planning Department, Director of Planning Sign-off, Case No. DIR2004-4186 (VSO), 7/1/2004.**SUMMARY OF STAFF RECOMMENDATION**

The standard of review for the proposed development is the Coastal Act. Staff is recommending that the Commission **DENY** the coastal development permit for the proposed project because the proposed sign would negatively affect public views in violation of the visual quality and neighborhood protection provisions of Coastal Act Sections 30251 and 30253, 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. The applicant disagrees with the staff recommendation. **The motion to carry out the staff recommendation is on Page Two.**

SUBSTANTIVE FILE DOCUMENTS:

1. City of Los Angeles certified Land Use Plan (LUP) for Venice, June 14, 2001.
2. City of Los Angeles Venice Coastal Zone Specific Plan, Ordinance No. 175,693.
3. City of Los Angeles Venice Interim Control Ordinance (ICO), Ordinance No. 169,239.
4. Coastal Commission Regional Interpretive Guidelines for Los Angeles County, 1980.
5. Coastal Commission Appeal File No. A-5-VEN-01-168 (Eller Media Co.).
6. Coastal Commission Appeal File No. A-5-VEN-03-134 (Clear Channel Outdoor, Inc.).
7. Coastal Development Permit Application 5-98-284 (Brite Lite Neon Corp.).
8. Coastal Development Permit 5-83-722 (Best Signs – 36 Washington Blvd.).
9. Coastal Development Permit Application P-77-767 (Black Whale Restaurant).

STAFF RECOMMENDATION:

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

MOTION: *"I move that the Commission approve Coastal Development Permit Application No. 5-05-054 as submitted by the applicant."*

Staff recommends a **NO** vote and adoption of the following resolution and findings.

I. Resolution for Denial

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

II. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description and Background

The applicant proposes to erect a 25-foot high, two-sided (9.67'x15') illuminated business identification sign in the parking lot of an existing restaurant (See Exhibits). The project site is a 32,775 square foot commercially zoned (C2-1) parcel on the north side of Washington Boulevard in Southeast Venice, approximately one mile inland of the shoreline (Exhibit #1). 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. Most of the properties along Washington Boulevard corridor west of the project site are developed with residential uses, rather than commercial. The properties surrounding the project site are developed with various one and two-story commercial and residential uses.

On July 1, 2004, the Community Planning Division of the City Planning Department issued an approval of the proposed sign pursuant to the requirements of the Venice Specific Plan (Case No. DIR2004-4186). The City's Office of Zoning Administration, which also regulates signage, has not ruled on the proposed project.

In 1998, a different applicant submitted a coastal development permit application for a 25-foot high sign on the same parcel, but Commission staff rejected the application because the applicant had not obtained the necessary approval from the City planning department [Coastal Development Permit Application 5-98-254 (Brite Lite Neon Corp. - 3016 Washington Blvd., Venice)]. Also in the past, two requests to expand the restaurant that occupies part of the project site have been denied. In 1977, the Commission denied Coastal Development Permit Application P-77-767 (Black Whale Restaurant - 3016 Washington Blvd., Venice) for a proposed restaurant expansion on the site. In 1980, the City of Los Angeles denied Local Coastal Development Permit Application No. 80-15 (Fred Brauer - 3016 Washington Blvd., Venice) for another proposed restaurant expansion on the site.

Signage along Washington Boulevard has been addressed by the Commission in prior cases. In particular, a case in 2003 involved a 52-foot high billboard that was erected a few blocks west of the project site at 753 Washington Boulevard [See Appeal File No. A-5-VEN-03-134 (Clear Channel Outdoor, Inc.)]. In that case the Commission rejected an appeal of a City-denied local coastal development permit for the billboard. The billboard erected in 1998 at 753 Washington Boulevard (without a coastal development permit) was disassembled and removed from the coastal zone late last year.

B. Visual Resources

Sections 30251 and 30253(5) of the Coastal Act require that the Commission consider the effects of proposed development, including signs, on visual quality and community character. In doing so, the Commission has consistently denied roof signs and off-site advertising signs (i.e., billboards), and limited the size and location of on-site advertising signs (i.e., business identification signs). Wall signs are the most popular forms of business identification signs in the coastal zone since signs attached to the sides of existing structures are usually exempt from coastal development permit requirements. In this case, the proposed 25-foot tall sign runs afoul of Sections 30251 and 30253(5) of the Coastal Act.

Section 30251 of the Coastal Act states:

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

Section 30251 of the Coastal Act requires that the proposed new structures be sited and designed to protect views to and along the shoreline, 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.

Section 30253 of the Coastal Act states, in part:

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

Section 30253(5) protects special communities and neighborhoods and requires the Commission to consider the impacts of development on the views experienced by visitors. Venice, with its unique history and world-famous boardwalk, is a special community that is afforded protected by Section 30253(5) of the Coastal Act. The Commission must assure that development does not adversely impact special communities and neighborhoods, where appropriate.

Views Protected by the Coastal Act

The Coastal Act protects public views, including views from public roads, particularly major beach access routes, such as Lincoln Boulevard, Venice Boulevard, Washington Boulevard and Culver Boulevard. In coastal areas, even where the view of the shoreline is obstructed, the sky reflects the light of the ocean. In many areas near the coast, the Commission has protected views in coastal areas, including views of the sky, by limiting the height of development and by requiring development to be set back or stepped back from public areas such as beaches, walkways and public roads. In prior cases, the size and location of pole signs have been limited in order to reduce the adverse effects on visual resources and community character [See Coastal Development Permit 5-83-722 (Best Signs – 36 Washington Blvd.)].

The content of the proposed pole sign (in this case, business identification) cannot be considered as beneficial or adverse to visual quality because content of the proposed sign is not within the Commission's jurisdiction, and the sign face could be altered without a permit if the proposed sign structure were to be approved. Therefore, the Commission must consider the impacts of the proposed 25-foot high structure without regard to the text or image that the applicant is currently proposing to place on the sign.

Section 30251 of the Coastal Act requires that development be sited and designed to be visually compatible with the character of surrounding areas, and to restore and enhance visual quality in visually degraded areas. The Washington Boulevard commercial corridor, where the project is located, is a major coastal accessway that terminates at the Venice Pier (Exhibit #1). The proposed sign is located about one mile inland of Venice Beach and the pier. Washington Boulevard (in the coastal zone) is relatively free of freestanding signs, compared to Lincoln Boulevard, because new freestanding signs are rarely approved and most of the properties along Washington Boulevard are occupied by residential uses. Also, many of the Venice businesses simply do not have the space on their property for a large highway-style pole sign, since the structures are often built too close to the front property line.

The following description of the Washington Boulevard commercial corridor is taken from a City of Los Angeles Zoning Administrator's denial of an off-site advertising sign that was erected at 753 Washington Boulevard, a few blocks west of the currently proposed sign:

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. [City of Los Angeles Case No. ZA-2002-0103].

The Commission agrees with the City's description of the project area. The public view affected by the proposed pole sign is identified as the view of pedestrian, cyclists and people in automobiles traveling along Washington Boulevard. The proposed 25-foot tall sign is not visually compatible with surrounding areas, would significantly impact the views of coastal visitors, and does not conform to Sections 30251 and 30253(5) of the Coastal Act. The proposed pole sign does not block any views of the water or beach, but it is very large and would be highly visible from the public areas. It is 25 feet tall and has a 145 square foot (double-sided) sign face. The proposed sign would have a significant negative impact on the views of coastal visitors, would add to the proliferation of signage along a street with few signs, and would obstruct part of the view of the sky. The proposed project would contribute to the visual clutter that adversely affects visual quality and community character. Therefore, the proposed project does not comply with the requirements of Sections 30251 and 30253(5) of the Coastal Act, and is denied.

C. Local Coastal Program

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

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

30200) shall be accompanied by a specific finding which sets forth the basis for such conclusion.

The City of Los Angeles does not have a certified LCP for the Venice area. The Commission officially certified the City of Los Angeles Land Use Plan (LUP) for Venice on June 14, 2001. The standard of review for the proposed development is the Coastal Act. The City is working towards certification of the Venice LCP. Although the City currently does not have a certified LCP, this decision could nevertheless have a precedential impact on future decisions, as the LCP would include provisions to regulate the size and location of signs.

Approval of the proposed project would be a bad precedent that would prejudice the ability of the City to prepare an LCP that is in conformity with Chapter 3 of the Coastal Act. The denial of the proposed project is consistent with several precedents relating to the regulation of signage in the coastal zone. In its denial of the proposed project, the Commission references the following four 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.
4. Coastal Commission Appeal File No. A-5-VEN-03-134 (Clear Channel Outdoor, Inc.), 8/7/2003.

First, the Commission's **Interpretive Guidelines for Los Angeles County**, adopted in 1980, state that on-site signage should be allowed only if it meets the criteria set forth below.

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 pole sign does not conform to the Commission's Sign Criteria listed above because it is larger than necessary and not restrained in character. A shorter monument style sign would have significantly less impact on visual resources and community character than the proposed 25-foot tall sign with its 145 square foot (double-sided) sign face. In addition, the proposed pole sign is not necessary to identify the business, as the restaurant has operated for at least 28 years without the proposed pole sign, and several wall signs on the façade of the restaurant adequately identify the business. The large size of the proposed pole sign would disrupt and detract from the quality of view and line of sight, and it would harm scenic values.

Secondly, the proposed project does not conform to the Venice LUP, certified by the Commission in 2001. Policy V.A.5 of the certified Venice LUP states that streetscapes shall be enhanced to contribute to a high quality of life and visual image. The proposed project would add to the proliferation of signage (public and private signs) along Washington Boulevard instead of contributing to a high quality of life and visual image.

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 violates the policies of the certified LUP would prejudice the ability of the local government to prepare an LCP that conforms with Chapter 3 policies of the Coastal Act. The denial of the proposed project does not prejudice the ability of the local government to prepare an LCP that conforms with Chapter 3 policies of the Coastal Act.

Third, the Commission reviewed on appeal a case in 2001 involving a fifty-foot tall billboard erected in 1998 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 City's approval for the off-site advertising 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 an LCP that is in conformity with Chapter 3 of the Coastal Act.

Finally, in 2003 the Commission reviewed another appeal involving a 52-foot tall billboard erected in 1998 at 753 Washington Boulevard in Venice [See Coastal Commission Appeal File No. A-5-VEN-03-134 (Clear Channel Outdoor, Inc.), 8/7/2003]. In that case, the Commission upheld the City's denial of the 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 an LCP that is in conformity with Chapter 3 of the Coastal Act.

In many other permit actions, the Commission has imposed special conditions that restrict the size and location of signs associated with approved development. Therefore, the

Commission's denial of the proposed pole sign is consistent with the precedents relating to the regulation of signage in the coastal zone.

As discussed above, the proposed pole sign is inconsistent with the Chapter 3 policies of the Coastal Act, and approval of the proposed pole sign would set a bad precedent in regards to the protection of visual resources and community character. Therefore, the Commission finds that approval of the proposed development would prejudice the City's ability to prepare an LCP consistent with the policies of Chapter 3 of the Coastal Act, and is therefore not consistent with Section 30604(a) of the Coastal Act.

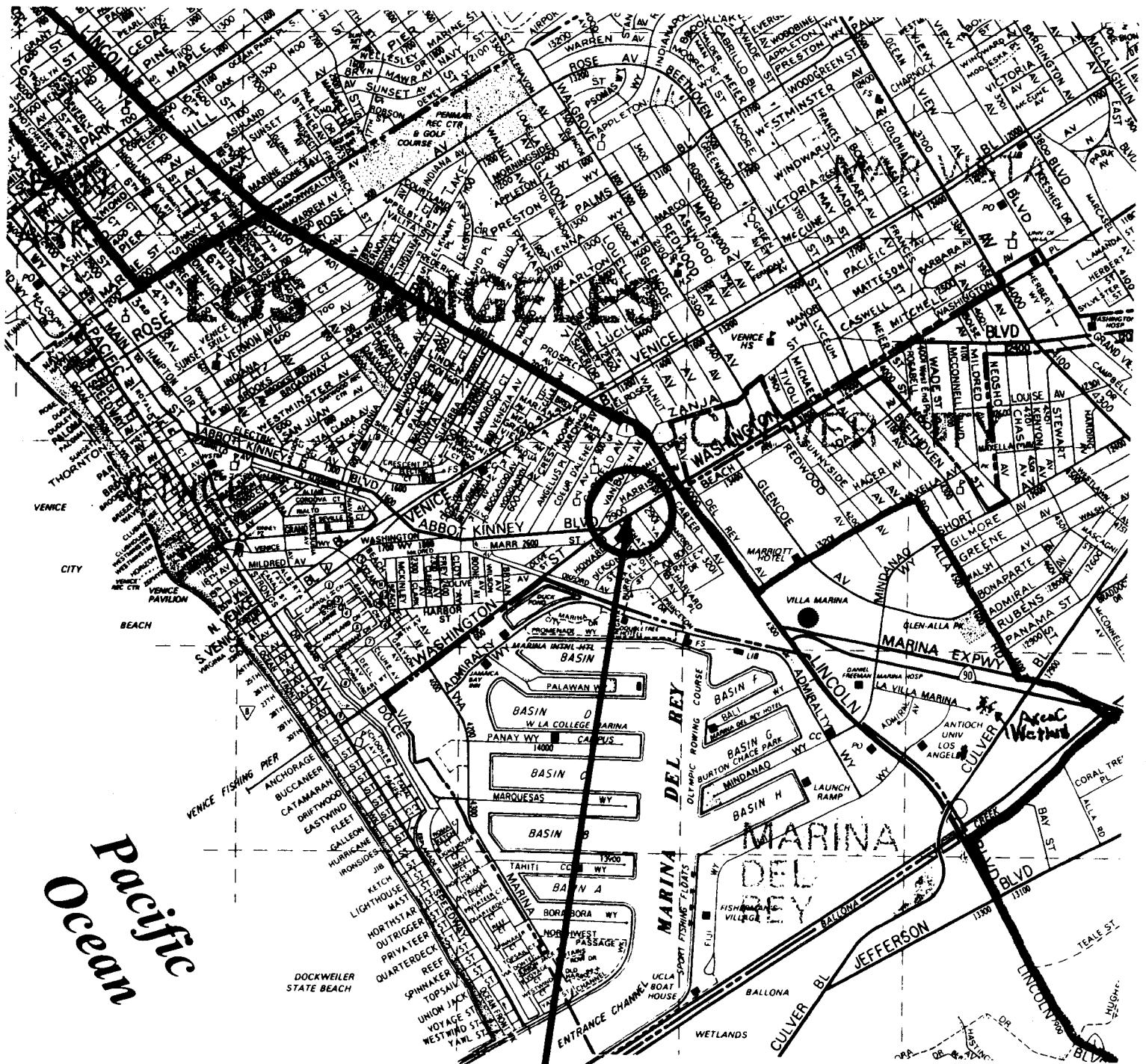
D. California Environmental Quality Act (CEQA)

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

There currently exists a viable use on the private property: a restaurant. Maintaining the current commercial use on the property (without the proposed pole sign) is a feasible alternative. Another feasible alternative is a sign with a lower profile that would not significantly impair the public view along Washington Boulevard. Thus, denial of the proposed project does not deny the applicant all economically beneficial or productive use of the property or unreasonably limit the owner's reasonable investment-backed expectations of the property.

As described in this report, the applicant's proposed project would have a significant adverse effect on the environment. Feasible alternatives exist to the applicant's proposed sign plan. Therefore, the Commission finds that the proposed project is not consistent with CEQA and the policies of the Coastal Act.

VENICE, CA



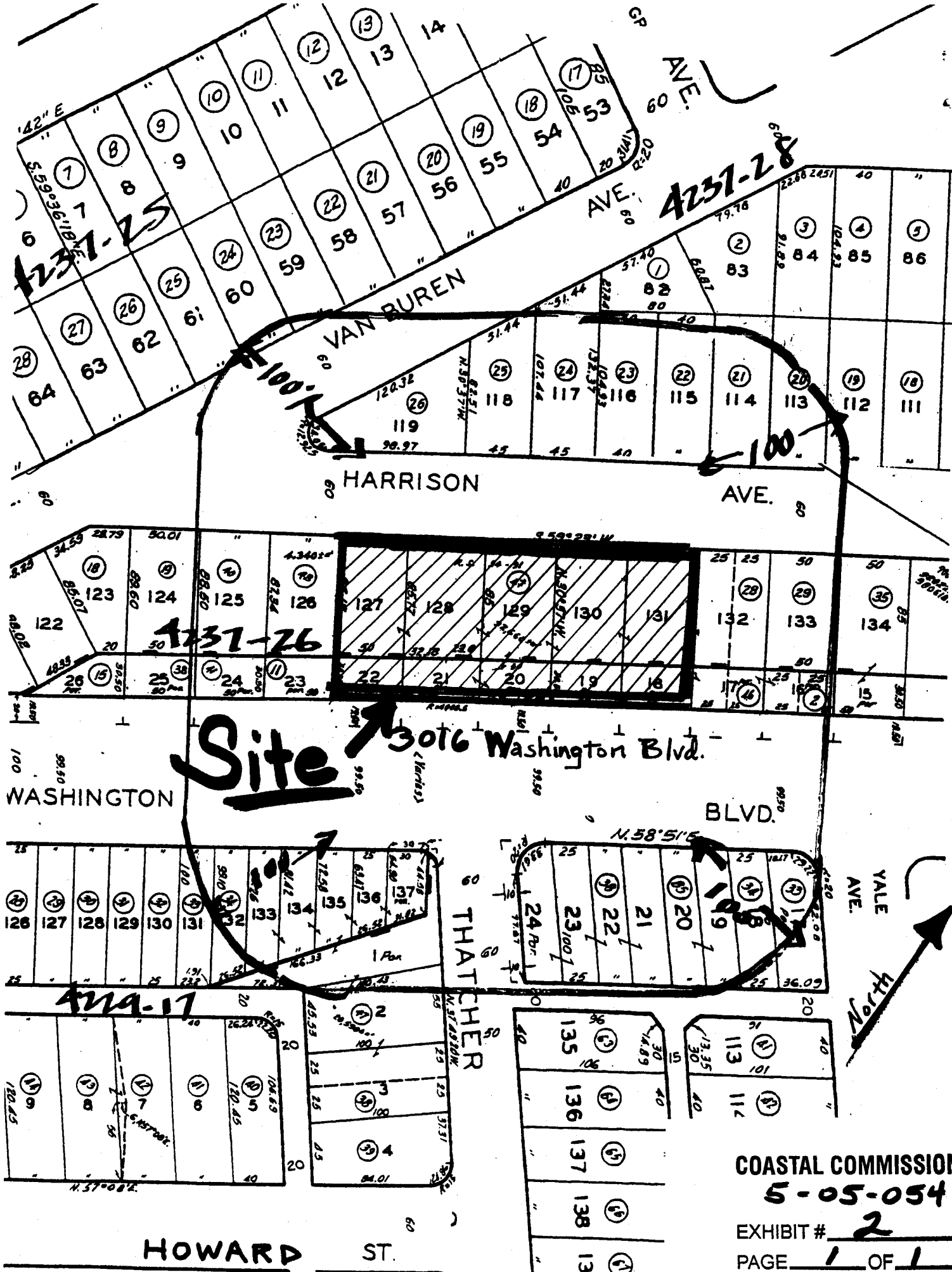
Pacific
Ocean

Project Site

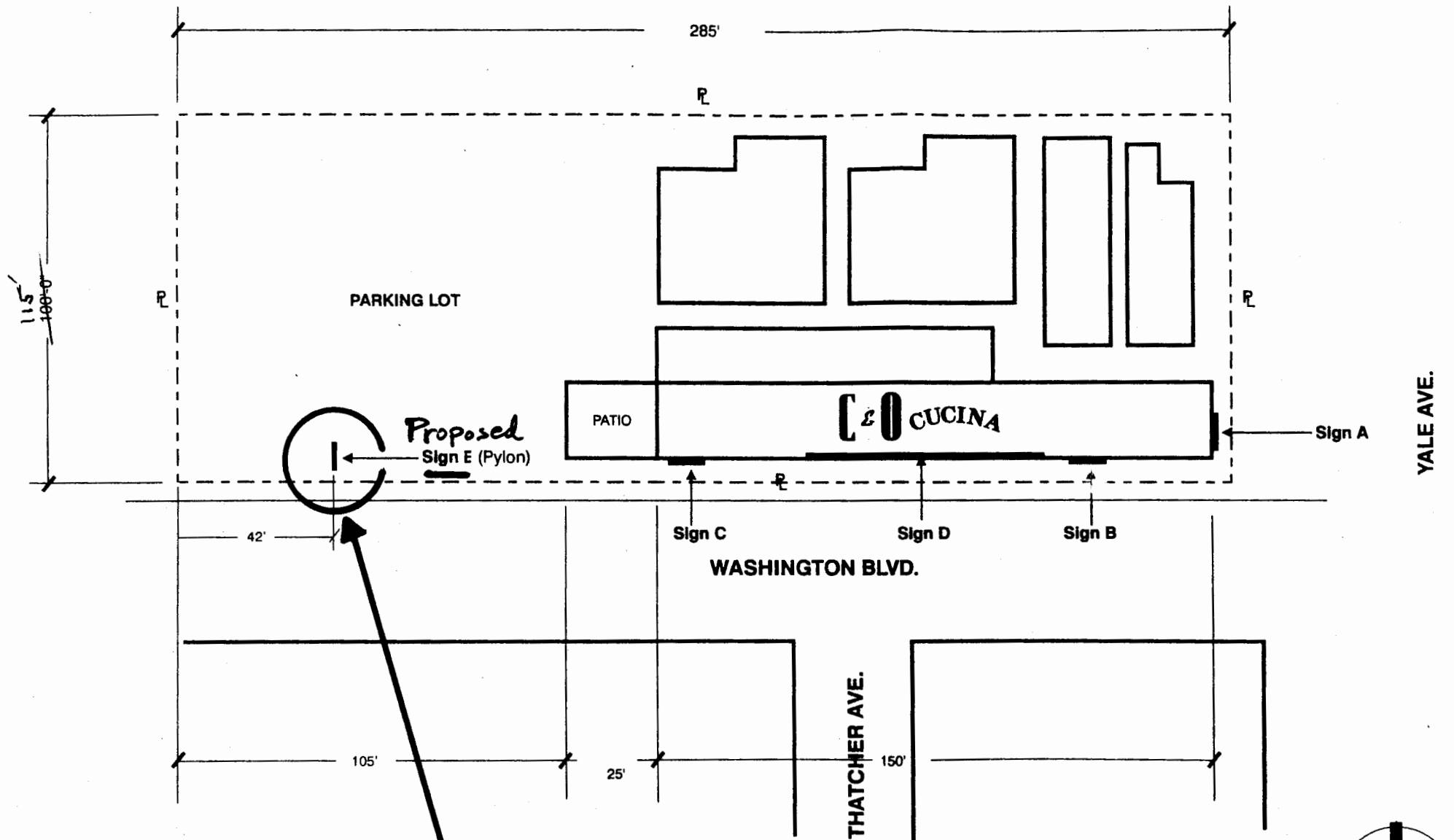
North

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EXHIBIT # 1
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 EXHIBIT # 2
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SCOPE OF WORK:

Sign A - Existing Sign (5'-6" x 12' = 66 Square Feet)

Sign B - Existing Sign (3'-6" x 8'-6" = 28 Square Feet)

Sign C - Existing Sign (4' x 8' = 32 Square Feet)

Sign D - New Set of Channel Letters

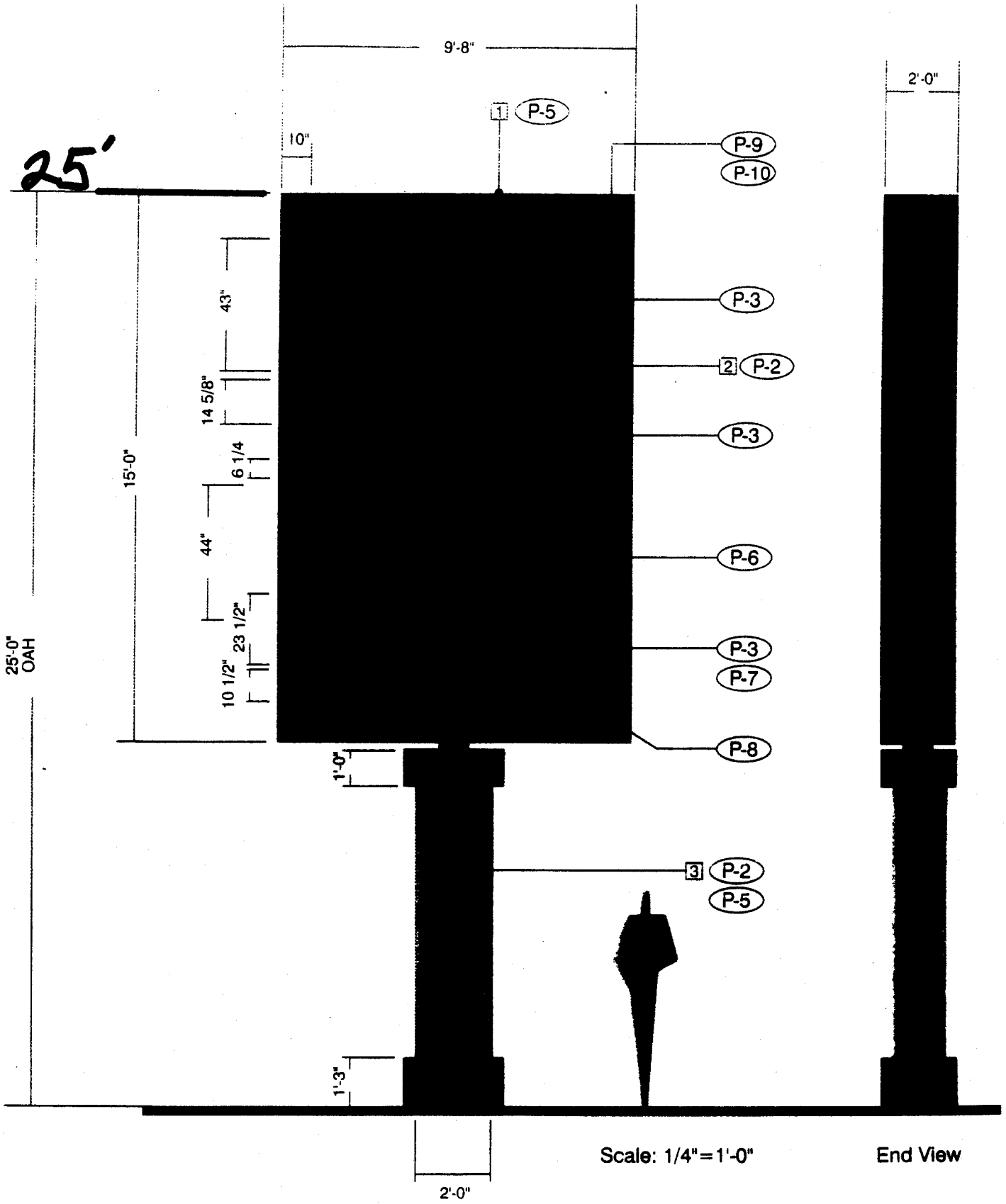
Sign E - New 25' D/F Pylon Sign - *Proposed*

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EXHIBIT # 3

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Proposed Sign

Alison Polley Chiu, Esq.
Stanley L. Chiu, AIA, LEED AP
1035 Van Buren Avenue
Venice, CA 90291

Opposition
Item No. F 7c
Permit Number 5-05-054

California Coastal Commission
South Coast District
P.O. Box 1450
200 Oceangate, 10th Floor
Long Beach, CA 90802-4416

September 12, 2005

To the Commissioners:

As residents and homeowners adjacent to the restaurant requesting the above-referenced permit, we are writing to voice our strong opposition to the project. The reasons for our opposition are as follows:

Venice Beach is a unique, human-based and environmental resource of the California Coast

- Small scale, pedestrian/bicycle based
- Mixed use -- commercial and residential unusually integrated
- Famous for the Southern California surf / skate culture embodied in recent movies
- Art / Gallery mecca
- Locally owned and operated businesses
- Beach attracts diverse population

The proposed sign would negatively impact this resource.

- Out of scale sign -- designed for rapidly moving vehicle
- Light and sightline pollution would detract from unique neighborhood character
- C&O is developing into quasi -- franchise not fitting w/ Venice character
 - Two C&O restaurants within 1 mile
 - "Eatertainment"-type "Disneyfied" experience
 - Hourly forced sing-along late into evening hours audible to surrounding neighbors
 - Very large volume of customers
 - Vehicular traffic / parking currently a problem for our neighborhood
 - Traffic/parking problems caused by applicant limits access to area by non-C&O visitors, residents

C&O has no need for additional signage

- Extensive lines / wait times to get seating currently
- Not accommodating current parking requirements

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EXHIBIT # 5
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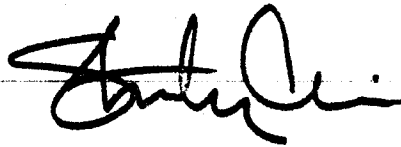
Accordingly, we request that the following action be taken by the Commission:

- **Deny sign as currently proposed**
- **Require C&O to accommodate 100% of vehicular patrons in off-street parking to mitigate parking problems**
 - Provide structured parking or park cars off-site
 - Eliminate valet fees
 - Reduce scale of operation
- **Require C&O to provide incentives to use alternative transportation to restaurant**
 - Public transportation (free drink w/ bus ticket?)
 - Bicycle use (free drink w/ bike helmet?)

Thank you for your consideration in this matter.



Alison Polley Chiu, Esq.



Stanley L. Chiu, AIA, LEED AP

Cc:

Bill Rosendahl, Los Angeles City Council

Harris Levy, Presidents Row Neighborhood Association

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EXHIBIT # 5

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