



Venice Neighborhood Council

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Dear Commissioners, City Attorney Councilman, Mr/s Robinson, Ruiz, Oishi

Re: Illegal placement of CBS Outdoor Street Furniture west of Lincoln in violation of the Coastal Act

The California Coastal Commission guidelines came into being with the Coastal Act of 1976. The contract with CBS Outdoor was signed in 2001. Contracts typically have a stipulation that all items



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must conform to applicable laws and regulations. The Universal Commerce Commission mandates that a contract that violates any pre-existing law is unenforceable. Effectively there is no contract between the City of Los Angeles and CBS Outdoor pertaining to Venice. Neither The City nor the company had the authority to enter into a contract that violated already established law.

Section 30106 of the Coastal Act defines development, as follows:

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

According to Chuck Posner of the Coastal Commission,

"the placement of solid material, such as kiosks, benches and other street furniture, is development that requires a coastal development permit. The City of Los Angeles issues local coastal development permits pursuant to Section 30600(b) of the Coastal Act. Every local coastal development permit issued by the City may be appealed to the Coastal Commission."

However, the rest of Mr. Posner's statement makes it clear that the requirement for a coastal development permit was not met.

"We are not aware of any local coastal development permits being issued for street furniture in Venice. The Commission, several years ago, denied a request (Coastal Development Permit Application 5-97-135) by Los Angeles County to place 17 sun shelter structures (with advertising) and 16 kiosks along the coast.

Coastal Development Permit Application 5-97-135 appears on the August 12, 1997, Coastal Commission August agenda as Item 15 g. It reads, "**Application No. 5-97-135 (L.A. Co. "sun shelters")** Application of Los Angeles County Dept. of Beaches & Harbors for 17 pre-fabricated shelters ("Sun shelters") with benches, and 16 informational kiosks on new cement pads or on existing pads, with panels for advertising & public service messages, at Will Rogers State Beach, Venice City Beach, Dockweiler State Beach, Redondo Beach, Torrance Beach, Royal Palms County Beach & Cabrillo State Beach, Los Angeles County. (AP-LB) **[DENIED]**

Yet the Los Angeles Bureau of Street Services allowed CBS Outdoor to place street furniture west

RE: Outdoor Signs _____ VNC Board Action of 04.26.11 _____



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of Lincoln Blvd in Venice without a Coastal Development Permit. It is therefore in violation of the Coastal Act.

Why is it taking the City Attorney, the Bureau of Street Services, the City Council, and the Coastal Commission so long to admit this and to act to rectify it?

A move to place a CBS Outdoor pay toilet with advertising at the intersection of Park Avenue and Ocean Front Walk was narrowly averted in 2008, and only 400 feet from the large, beautiful and free public toilet complex at Brooks and Ocean Front Walk. There had been no development notice to the residents! Does CBS Outdoor think it owns Venice?

Lance Oishi, Contract Administrator of Streetscape Development and Coordinated Street Furniture Programs with the Bureau of Street Services, wrote on November 12, 2010,

There has been no further action or update on this matter from both the City Attorney or City Council/Public Works Committee since it was last heard at the Public Works Committee meeting. We (Program staff) are actually in the same boat as the community in this regard, as we too are awaiting a response or update on this matter.

Any further implementation of our Coordinated Street Furniture Program elements within the coastal areas of the City of Los Angeles have been placed on an indefinite hold pending the outcome of the procedures related to the Coastal Commission matter. When and if an amenable resolution is reached in this regard, the local community and Council Office will both be consulted with prior to any further efforts to provide any of our Program's furniture elements within the affected areas.

That the situation is on hold is just not good enough. Can we have this issue settled by the relevant government entities?

To let the CBS Outdoor structures remain would set a precedent for other companies to develop in the Coastal area without a Coastal Commission permit. We are especially concerned that there will be continued pressure to place revenue producing street furniture such as "public amenity" kiosks, vending kiosks, and automated pay toilets on Ocean Front Walk because it is such a highly trafficked area.

The bulk of the CBS Outdoor furniture west of Lincoln is also in violation of the Americans with Disabilities Act which stipulates that public areas such as sidewalks must provide clear space of 48" (under special exemptions the distance may be reduced to 36") so that people in wheel chairs can turn around. The narrow side of the structure at Windward and Main is only 29" from the cutout where a street tree is planted. At both Windward/Pacific and Windward/Main, the wide side of the CBS Outdoor bus shelter is only 43 inches from the curb, and at Washington Blvd/Abbot Kinney the distance between the structure & the curb is only 42".

RE: Outdoor Signs VNC Board Action of 04.26.11

Page 3 of 4

It's YOUR Venice - get involved!



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Abundant traffic lights, bus signs, electrical poles and street lights are positioned with their centers from 18" to 24" from the curb, so people in wheel chairs tend to ride in the middle or inside half of the sidewalk, and bus shelters too close to the curb become quite an obstacle to navigate around.

The CBS Outdoor transit shelters make walking down the street in Venice like negotiating an obstacle course. At Washington/Ocean blocks all but 3 inches of a 60 inch sidewalk, necessitating that one cross via the private property behind it or negotiate two 90 degree turns in a space of 57 inches.

If Venice is to be a safe walking community, we need visibility on our sidewalks. The wide side of the CBS Outdoor bus shelters measures 8' feet high and 58.5" wide. They are generally placed 3 inches forward from the inner edge of the sidewalk. Thus these structures protrude well over 6 feet onto sidewalks which are only 9 or 10 feet wide. Every one of them is in the way of sidewalk traffic and every one of them presents a safety hazard: one simply cannot see potentially threatening people who might be hiding on the other side of the structure. Moreover, since Pacific is so narrow and has such fast automobile traffic, bicyclists often ride on the sidewalk. It's not legal but it happens frequently, and it is virtually impossible to see them coming because the 58" wide obstructions preclude it. Visibility is critical to safety.

1. Future illegal development by CBS Outdoor must not occur in the Coastal Zone.

Ocean Front Walk in particular sees heavy usage by the public and must remain free from CBS Outdoor impediments to vista and pedestrian traffic flow. Even structures which are claimed to be for public service, such as so-called information kiosks which actually bear movie posters and automated pay toilets designed to bear advertising, have no right to block pedestrian access and vista.

2. All CBS Outdoor street furniture already installed west of Lincoln should be removed by the City with the cooperation of CBS Outdoors because these developments were placed on the basis of a contract which was in violation of the Coastal Act and therefore illegal. These structures impede pedestrian right of way and vista on public sidewalks in the Venice Coastal area.

3. Moreover until the CBS Outdoor street furniture west of Lincoln is removed, its illegal use for advertising should be prohibited. In the interest of safety, metal panels and posters should be removed and replaced solely with transparent tempered glass.

Please do your part to resolve this vital issue. We await your response.

Sincerely yours,

Linda Lucks
President, Venice Neighborhood Council

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