

Subject: Bus Bench Contract with Ads Will Usurp Zoning Protections

Date: 8/16/2011 11:35:47 P.M. Pacific Daylight Time

The City is on the verge of approving a 10-year contract that will empower a private company, Martin Outdoor Media, to install bus benches with commercial advertising throughout the City, without regard for zoning requirements. We have read the entire contract and it allows Martin to install these bus benches with advertisements along otherwise protected Scenic Highways and Corridors, Specific Plan Areas, and Coastal Zones, like Sunset Blvd., Mulholland Drive, San Vicente Blvd., etc. **(See attached letter)**

At today's hearing, the City's Public Works representatives clearly stated that neither community members nor the Council Offices will have "veto" power to prevent installations, not even in protected areas. They said that Martin would "work with" the Council Districts and community, but there is nothing in the contract requiring that they "work with" anyone and no definition of what that would mean.

The bottom line is that zoning restrictions are not specified in the contract as a permissible basis for rejecting an installation. If the contract is approved without an express exemption precluding the installation of these bench/ads in areas where prohibited by zoning laws, then the City will not have the contractual authority to deny Martin the contractual right to install them in code-protected areas.

The City Council must either approve or reject the contract by Friday, or the contract is automatically deemed approved. On Friday at 10:00 AM, the City Council will be asked to approve the contract without environmental review – based on a "categorical exemption" from CEQA.

We will be testifying at City Council on Friday that an exemption would be improper unless the contract is modified to require compliance with zoning laws. Otherwise the contract will have a significant environmental impact due to the placement of benches/ads in areas now prohibited.

The City can avoid this problem by approving the contract on the condition that Public Works and Martin amend the contract by adding the following language:

No Bus Benches or Trash Receptacles with advertising may be installed in a manner that is inconsistent with zoning laws, including restrictions on off-site advertising set forth in Planning Documents such as the General Plan, Community and Specific Plans, Pedestrian and Neighborhood Oriented Districts, and the California Coastal Act.

Please join us on Friday to send a strong message to the City that our zoning codes must be upheld. If this contract is approved without the language proposed or something similar, this will open the door to the type of advertising in our scenic areas that our codes were designed to prevent.

Thank you,

Wendy-Sue Rosen
Brentwood Residents Coalition