



Agenda Item #:





Staff Report

City of Manhattan Beach

TO: Honorable Mayor Montgomery and Members of the City Council

THROUGH: Geoff Dolan, City Manager 

FROM: Richard Thompson, Director of Community Development 
Eric Haaland, Associate Planner 

DATE: November 5, 2008

SUBJECT: Consideration of Planning Commission Denial of a Sign Exception Regarding the Installation of Two Ground Based Electronic Changeable Copy Signs Totaling 648 Square Feet of Area at the Manhattan Beach Studios Facility at 1600 Rosecrans Avenue.

RECOMMENDATION:

Staff recommends that the City Council receive and file the decision of the Planning Commission denying the subject request.

FISCAL IMPLICATION:

There are no fiscal implications associated with the recommended action.

DISCUSSION:

The Planning Commission, at its regular meeting of October 8, 2008, **DENIED** (5-0) a request for two new electronic changeable copy signs. Changeable copy signs for commercial uses are not permitted by the city's sign code. Changeable copy signs differ from typical fixed-copy signs identifying a business or entity occupying a given location. Changeable copy provides more detailed messages and information that change frequently. These signs usually attract more attention and have more aesthetic issues than typical signs.

The applicant had proposed two new 18.5-foot tall, 324 square-foot signs located on a base with fixed copy identifying Manhattan Beach Studios in a V-formation oriented toward views from Rosecrans Avenue. The electronic signs are both programmable LED message cabinets with the ability to display varying text and graphics at any time. The sign would communicate messages to Rosecrans traffic regarding entertainment being produced on-site, and what the applicant refers to as 3rd party advertising.

An exception to the sign code may be approved if a sign proposal meets specified criteria, however the Planning Commission could not find that the proposal would be without detriment to the surrounding neighborhood, is necessary for reasonable use of the studio facility, and is consistent with the intent of the City's sign code. The Commission expressed concerns for general

obtrusiveness of the size of proposed signs combined with their electronic capabilities, and the precedent of allowing billboard type signage. One member of the public stated concerns for the signs' visual obtrusiveness and was adamantly opposed to granting the sign exception. Continental Development, the primary neighboring property owner suggested reducing the scale of the sign proposal with specific concern for the adjacent large palm trees that form a unique landscape statement around the subject street intersection.

The applicant felt that the signs were an appropriate component of an entertainment production studio as exemplified by other studios in the Los Angeles County area. Photos of competing studios in other cities with electronic signage were submitted to the Planning Commission.

In order to approve the sign exception, the following findings must be made:

- A. The proposed sign exception would not be detrimental to, nor adversely impact, the neighborhood or district in which the property is located.
- B. The proposed sign exception is necessary in order that the applicant may not be deprived unreasonably in the use or enjoyment of their property;
- C. The proposed sign exception is consistent with the legislative intent of this title.

The Planning Commission responded to the applicant that some consideration for the unique land use and large site may be appropriate, but indicated that the proposal is too extreme relative to the City's general goals for sign aesthetics and longstanding prohibition of billboard advertising; and must be reduced in scale before it could be considered. Concern was also expressed regarding any loss or hindrance to the large palm trees surrounding the sign location. The applicant considered revising the proposal but chose to accept denial from the Commission, and did not appeal the Commission decision.

The sign exception process does not require a public hearing, however, the Planning Commission's decision of denial is reflected in the attached resolution. One Commissioner asked that a recent article regarding billboards be attached to this report for the City Council's reference. Informal courtesy notice was provided to neighboring property owners Continental Development and Northrup Grumman. Staff reports and additional draft Minutes excerpts from the Planning Commission's proceedings are also attached to this report for reference.

The applicant has recently provided the attached request for the City Council to delay its action on this item to enable the Studio owners to have the desired personnel at the meeting to discuss the item. Any continuation of the item is at the discretion of the City Council.

ALTERNATIVES:

The alternatives to the staff recommendation include:

- 1. **RECEIVE AND FILE** this report and thereby **UPHOLD** the Planning Commission's **DENIAL** of the sign exception request.
- 2. **APPEAL** the Planning Commission's decision and **APPROVE** the sign exception request with appropriate conditions.

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3. **APPEAL** the Planning Commission's decision and **DENY** the sign exception request with revised findings.

Attachments:

- A. P.C. Minutes excerpts, dated 8/24/08 & 10/8/08
- B. P.C. Staff Reports, dated 8/24/08 & 10/8/08
- C. Billboard article, dated 10/5/08
- D. Applicant continuance request, dated 10/27/08
- E. Plans (separate)

c: MB Studios, Applicant

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RESOLUTION NO. PC 08-14

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH DENYING A SIGN EXCEPTION FOR THE PROPERTY LOCATED AT 1600 ROSECRANS AVENUE (Manhattan Beach Studios)

THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The Planning Commission of the City of Manhattan Beach hereby makes the following findings:

- A. The Planning Commission of the City of Manhattan Beach, on September 24, and October 8, 2008, received testimony, and considered an application for a sign exception for an existing entertainment production studio facility on the property located at 1600 Rosecrans Avenue in the City of Manhattan Beach.
- B. The Assessors Parcel Numbers for the property are 4138-027-015 & 017.
- C. The applicant for the subject project is CRP MB Studios, LLC, the owner of the property.
- D. Pursuant to the California Environmental Quality Act (CEQA), and the Manhattan Beach CEQA Guidelines, the subject project has been determined to be exempt (Class 1) as minor modifications to an existing facility per Section 15301 of CEQA.
- E. The project will not individually nor cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.
- F. The property is located within Area District II and is zoned IP, Industrial. The surrounding private land uses beyond the studio facility primarily consist of commercial and industrial uses, and Manhattan Village residential uses about the rear portion of the site.
- G. The General Plan designation for the property is Industrial.
- H. The proposed sign would be detrimental to, or adversely impact, the neighborhood or district in which the property is located since the sign is disproportionately large compared to the site's street frontage and surrounding signage, which is compounded by the changeable copy, potential loss of mature trees, and off-premise advertising aspects of the sign; is not necessary for reasonable use of the subject property since reduced or conforming signage can effectively identify the studio facility and its tenants; and is not consistent with the intent of the City's sign code in that the sign would be obtrusive to the neighbors or public, and would not be used specifically for identification of businesses on the property.
- I. This Resolution, upon its effectiveness, constitutes denial of the Sign Exception request.

Section 2. The Planning Commission of the City of Manhattan Beach hereby **DENIES** the subject Sign Exception for two changeable copy electronic LED signs on a monument base.

SECTION 3. Pursuant to Government Code Section 65009 and Code of Civil Procedure Section 1094.6, any action or proceeding to attack, review, set aside, void or annul this decision, or concerning any of the proceedings, acts, or determinations taken, done or made prior to such decision or to determine the reasonableness, legality or validity of any condition attached to this decision shall not be maintained by any person unless the action or proceeding is commenced within 90 days of the date of this resolution and the City Council is served within 120 days of the date of this resolution. The City Clerk shall send a certified copy of this resolution to the applicant, and if any, the appellant at the address of said person set forth in the record of the proceedings and such mailing shall constitute the notice required by Code of Civil Procedure Section 1094.6.

I hereby certify that the foregoing is a full, true, and correct copy of the Resolution as adopted by the Planning Commission at its regular meeting of October 8, 2008 and that said Resolution was adopted by the following vote:

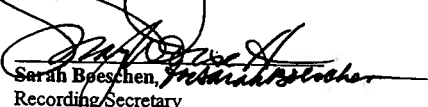
AYES: Fasola, Paralusz, Powell,
Seville-Jones, Chairman Lesser

NOES: None

ABSTAIN: None

ABSENT: None


RICHARD THOMPSON,
Secretary to the Planning Commission


Sarah Breeschen,
Recording Secretary

ABSENT: None.
ABSTAIN: None.

E. BUSINESS ITEMS

1. Consideration of a Sign Exception Regarding the Installation of Two Ground Based Electronic Changeable Copy Signs Totaling 648 Square Feet of Area at the Manhattan Beach Studios Facility at 1600 Rosecrans Avenue

Associate Planner Haaland summarized the staff report. He said that the proposal is for two 18.5 feet tall and 324 square foot programmable LED sign cabinets on a monument sign base, each with still text and images. He commented that the signs would include still text and images and not video. He indicated that the signs are intended to provide business identification, promotion of community events, and third party advertising. He commented that the proposal is the first in the City to allow for third party advertising, and it is a unique request by the applicant. He indicated that the Sign Code specifies that a sign exception is required for any sign with changeable copy. He indicated that there was a previously a proposal for an electronic changeable copy sign for the American Martyrs church to display community events and church announcements, which was denied by the Planning Commission and later approved by the City Council upon appeal. He said that 670 square feet would be permitted for the subject site, and the proposed sign area is 744 square feet which is then required to be doubled because it is considered pole sign. He commented that sign faces are limited to 150 square feet, and the proposal is for 324 square feet for each sign face. He indicated that the Sign Code specifically prohibits off-premise or billboard type advertising.

Associate Planner Haaland stated that the area is in a commercial oriented location away from residences. He pointed out that it may be difficult to make the determination that the project meets the intent of the Sign Code that signs only provide business identification, as the proposal is to allow for third party advertising. He said that the applicant is proposing to possibly remove three existing trees to provide better visibility for the sign to the west along Rosecrans Avenue.

In response to a question from Chairman Lesser, Associate Planner Haaland said that staff is not aware of any exceptions that have been granted to section 10.72.070.b of the Municipal Code to allow billboards in the City.

In response to a question from Commissioner Seville-Jones, Associate Planner Haaland indicated that the existing sign is well under the maximum that would be permitted for the site.

In response to a question from Commissioner Powell, Associate Planner Haaland said that the Traffic Engineer has looked at the proposal and did not have any concerns regarding impacts to traffic.

Commissioner Fasola said that he cannot see that the required findings can be met considering the extent that it violates the ordinance regarding pole signs and the size of the signs.

In response to a question from Commissioner Fasola, Associate Planner Haaland said that the Commission may give consideration to the large size of the site and the fact that it is located away from residences. He stated that it would be most difficult to reach the required finding to allow off site advertising considering that the intent of the Code is to only permit signage for business identification.

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In response to a question from Commissioner Paralusz, Associate Planner Haaland indicated that there are no specific regulations in the Sign Code regarding the removal or relocation of trees to allow for signs. He pointed out that the General Plan does encourage the preservation of large specimen trees.

In response to a question from Commissioner Seville-Jones, Associate Planner Haaland said that Northrop Grumman, who owns the right-of-way on Redondo Avenue, was not contacted regarding the proposal.

Brandon Taylor, representing the applicant, said that their tenants want the ability to promote their movies, television shows, and commercials. He commented that because they are not in the core entertainment district, they need to remain competitive financially with their competitors in order to attract business. He indicated that they are at a financial disadvantage with their competitors who are able to charge rent for the use of their signs. He stated that the sign as proposed would be smaller than those of their competitors, and they have reduced the size to the minimum amount that they feel their tenants would need. He indicated that digital signage is important, as the industry is moving in that direction. He said that the sign would not be backlit and would not constantly change images. He said that they are hoping that no existing trees would need to be moved. He stated that they intend to relocate any trees that may need to be moved in order to increase the line of sight. He indicated that they intend to maintain the existing landscaping on the corner.

In response to a question from Chairman Lesser, **Mr. Taylor** said that the telephone poles that would somewhat obstruct the visibility of the sign for traffic eastbound on Rosecrans Avenue will most likely be placed underground in the future.

Commissioner Seville-Jones commented that allowing third party advertising on the sign would suggest that advertising space could be sold to companies that are not affiliated with products developed at the studio or who are not renting space at the studio.

Mr. Taylor said that they want their focus to remain on entertainment. He stated that the intent is for their tenants to have first choice for the hours of advertising on the sign. He said that the remainder of hours would be sold to third parties within the entertainment industry, to local tenants, or the City. He indicated that most of the hours for the signage would be sold to their tenants. He said that they would still construct the sign if it were only permitted to be utilized by their tenants.

In response to questions from Commissioner Seville-Jones, **Mr. Taylor** indicated that they would be willing to relocate the water main to its original location on Redondo Avenue as suggested by Continental Development. He stated that they would be willing to accept a condition that staff or the Commission must approve the final landscaping plan. He pointed out that it is very important for them to maintain the landscaping on the property. He said that the size of the signage as proposed is the minimum that would be acceptable to their tenants. He indicated that their tenants would not be willing to spend the money to utilize the sign if it were made smaller, as it would not be very visible.

In response to a question from Commissioner Powell, **Mr. Taylor** said that they would like to have as much flexibility as possible for advertising on the sign. He indicated, however, that they would be willing to accept a restriction from selling advertising space to a national brand such as Coca-Cola. He said that they would still like to have the ability to allow for some local advertising.

In response to a question from Commissioner Powell, **Mr. Taylor** commented that there could be certain hours of the day during which the sign could be utilized for City events or information.

Commissioner Fasola commented that the owners of other businesses such as malls or drug stores could also claim that they need larger signs to be competitive if the Commission approves the proposed sign exception based on the applicant's argument. He indicated that it is hard to make the justification for allowing such a large exception for the applicant.

Mr. Taylor commented that other cities have recognized entertainment studios as unique assets in their communities that require different treatment with regard to ordinances. He pointed out that Los Angeles has different ordinances for the entertainment district of Hollywood. He indicated that he would hope that the Commission would recognize that the studio is a unique asset to the community and that they are attempting to remain competitive within the industry. He commented that their unique field is much narrower than other businesses such as malls.

Commissioner Paralusz commented that the competitors identified by the applicant in their materials all appear to be located in cities that are much larger than Manhattan Beach such as Hollywood, Culver City, Burbank, and Universal City.

Mr. Taylor said that that Sony and Culver Studios in Culver City have been granted special exceptions for their signage because of their use.

In response to a question from Commissioner Seville-Jones, **Mr. Taylor** indicated that the studio is comprised of 14 soundstages and 250,000 square feet of product offices for writers and producers. He commented that approximately 2,200 people work at the facility. He said that a new deal that they are currently negotiating would bring in a longer term production that would employ 1,500 people for a much longer term.

Audience Participation

Gary Osterhout, a resident of the 500 block of 31st Street, indicated that he is opposed to the proposal for the sign exception. He said that it is not the purview of government to make decisions based on the economics of businesses but rather to ensure that the adequate services and roadways are provided. He said that the Commissioners and City Council are being asked to designate space to allow the applicant to make money by advertising to the City's residents. He commented that he does not see a compelling reason to allow the applicant to add to their profit margin by disparaging the views of the City. He indicated that other cities grew around the entertainment studios. He commented that the Manhattan Beach Studios came into the City without being required to comply with zoning and built to the largest capacity that was permitted. He stated that the City Council previously accommodated the applicant by waiving fees for fire inspections, and now the studios is requesting a little bit more. He indicated that the employees of the studio tend to work long hours and do not generally spend a great deal of money in the community with the possible exception of hotel space. He pointed out that there is not an employment problem in the City that would drive the need to draw in additional business, and the studio does not generate a great deal of sales tax revenues.

Mr. Osterhout said that it is not the purpose of the Commission and City Council to provide for advertising, and the proposal is contrary to the principles articulated in the General Plan. He said that large signs detract from the natural aesthetics of the City, particularly with changeable copy. He commented that changing messages on signs add to the general distraction and stress on people's daily lives. He indicated that allowing such a sign would also set a precedent for other businesses in the City. He indicated that the fact that the sign could

display public service messages to residents is not justification for its approval, as there are other means for local agencies and businesses to reach residents. He commented that the City would have very little control over the images that would be displayed. He commented that the fact that the site is not located near residences also is not justification for allowing the sign exception.

Tony Reina, representing Continental Development, said that they would like for the existing Canary Island palm trees at the southwest corner of Rosecrans Avenue and Redondo Avenue not be disturbed. She said that they have agreed to work with the applicant to minimize the need for relocation of the specific tree which the applicant has indicated may need to be moved to improve the line of site for the sign. She commented that they have concerns that the size of the sign is out of scale with the surrounding area, and the applicant has indicated that they would be willing to reduce the height of the base from 6 to 3 feet. She said that Continental Development still has concerns regarding the size of the message area. She suggested that a mock-up of the sign be placed on the site.

Discussion

Commissioner Fasola said that he cannot support the proposal in any respect. He commented that the City has worked hard to eliminate pole signs, and he cannot support ruling against the Sign Ordinance. He indicated that allowing an oversized sign would result in other businesses requesting similar exceptions. He said that he does not feel there are unusual or specific aspects regarding the entertainment industry that require a special exception. He said that Manhattan Beach is not Hollywood, and residents should not be subjected to advertising on such a sign as they travel down Rosecrans Avenue. He commented that approving the proposal would be basically allowing a billboard.

Commissioner Powell commended the studios as being a good neighbor and employer in the community. He said, however, that he feels the sign as proposed is too ambitious. He stated that he would not be opposed to allowing a changeable copy sign that was more in scale with the surrounding businesses. He said that there are no residents in the immediate vicinity of the subject site; however, the Code refers to the entire district within which the property is located. He indicated that he is also concerned with setting a precedent for requests by other businesses. He commented, however, that he does recognize that the subject use is unique and different from other businesses. He indicated that in order for him to approve the proposal, the sign would need to be considerably scaled down in size and would need to be restricted to only promoting the tenants and products of the studio. He pointed out that the Sign Code states that the purpose of the signage is to provide business identification, and he would not be able to sustain the finding to allow third party advertising beyond that of the studio. He indicated that denying the sign or requiring it to be scaled down would not deprive or unreasonably deny the use and enjoyment of the property. He indicated that a proliferation of such signs would detract from the City's character. He stated that other studios shown in the applicant's materials such as Universal Studios, Warner Brothers, and Paramount are located in much larger areas that are oriented toward motion picture and television production. He commented that the studio is a welcome member of the community. He said that he would be more able to support the proposal if it is scaled down and the conditions raised by Continental Development are mitigated.

Commissioner Paralusz said that she agrees with the other Commissioners that the proposal is very ambitious. She stated that she is not able to support the project. She pointed out that the Sign Code allows for a sign exception provided that it would not be detrimental to the surrounding area; it is necessary for the reasonable use of the property; and it is consistent with the intent of the Sign Code. She stated that she may be persuaded that the subject proposal

would meet the first two criteria; however, she is not able to make the finding that it would be consistent with the intent of the Sign Code. She commented that the intent of the Sign Code is that signs only provide business identification and not advertising. She indicated that she is concerned with the scope of the sign in relation the surrounding area and feels it could set a precedent for other sign applications. She indicated that if the project moves forward, she would want for staff to contact Northrop Grumman for comment since they own the private road which accesses the property. She commented that she also would want the size of the sign to be reduced and for third party advertising to be restricted. She pointed out that she also has a concern that the property could be sold in the future and that the sign could be used for a different purpose.

Commissioner Seville-Jones said that she agrees that the sign is too ambitious as proposed. She indicated that she would be willing to consider a sign that exceeds the limits of the Sign Code; however she feels it should be smaller than proposed. She said that the studio is a unique asset to the community with which it can take pride. She indicated that the employees of the studio are members of the community who spend their money at the businesses along Rosecrans Avenue. She commented that she feels the entertainment industry should be supported and encouraged in the City. She said, however, that she does feel the sign as proposed is too large and out of scale with the businesses along Rosecrans Avenue. She indicated that she would like for the size of the sign to be scaled back and would want more input from Continental Development. She said that any sign should not be permitted to have third party advertising. She stated that she feels it is important that the aesthetics of the existing landscaping be maintained. She said that the relocation of one tree as indicated by the applicant would not necessarily detract from the aesthetics from the street level, but she would not want for any extensive changes to be made to the existing landscaping.

Chairman Lesser commented that the studio is a unique aspect of the community which should be supported. He indicated that he has sympathy for the applicant's position but cannot support the proposal in its current form. He said that approval of the project as proposed would need to be a policy decision by the City Council, as it does not meet the required findings. He stated that he is concerned about the precedent that would be set by allowing such a large sign with changeable copy and third party advertising. He commented that the scale of buildings and traffic has increased along Rosecrans Avenue dramatically within the past ten years, and an additional visual distraction would be problematic. He indicated that the purpose and intent of the Sign Code states that the location, height, size, and illumination of signs are regulated in order to maintain the attractiveness and orderliness of the City's appearance and to protect business sites from loss of prominence resulting from excessive signs, particularly pole signs, on nearby sites. He said that if the proposed sign is approved, other businesses would argue that they also need special consideration. He said that he shares the concern raised by Continental Development regarding the relation of the sign with the other corners of the intersection. He stated that he would welcome the applicant to come back to the Commission with a proposal that is more in keeping with the concerns that have been raised.

Commissioner Fasola said that although he has spoken out very strongly against the proposal, he is open to allowing oversized signage that is more visible within the studio rather than along Rosecrans Avenue. He commented that there would be space to allow for advertising within the courtyard of the buildings.

Action

A motion was MADE and SECONDED (Paralusz/Seville-Jones) to CONTINUE consideration of a Sign Exception regarding the installation of two ground based electronic changeable copy signs totaling 648 square feet of area at the Manhattan Beach Studios Facility at 1600

Rosecrans Avenue to the meeting of October 8, 2008.

AYES: Fasola, Paralusz, Powell, Seville-Jones and Chair Lesser
NOES: None.
ABSENT: None.
ABSTAIN: None.

F. DIRECTORS ITEMS

None.

G. PLANNING COMMISSION ITEMS

Commissioner Powell commented that the current Commissioners that participated in the public hearing for the Manhattan Beach Community Church were invited to the dedication ceremony. He stated that the project will be an excellent addition to the community.

Commissioner Powell said that he, Director Thompson, Chairman Lesser, and several staff members attended the American Planning Association California Conference. He commented that he headed a panel session entitled "Effective Communication Between Planning Staff and Elected and Appointed Officials." He said that the panel consisted of Mayor Montgomery, Director Thompson, Walt Dougher, and Chuck Milam. He stated that the conference was well attended, and there was great input from community development staff members.

Chairman Lesser said that he also attended the conference. He indicated that he attended a session regarding the utilization of CEQA (California Environmental Quality Act) in complying with the state law regulating carbon emissions.

H. TENTATIVE AGENDA October 8, 2008

I. ADJOURNMENT

The meeting was adjourned at 8:00 p.m. to Wednesday, October 8, 2008 in the City Council Chambers, City Hall, 1400 Highland Avenue

SARAH BOESCHEN
Recording Secretary

ATTEST:

RICHARD THOMPSON
Community Development Director

Commissioner Paralusz requested that staff provide comparable hours of operation for other restaurants in Manhattan Village Shopping Center to the subject proposal. She commented that the subject restaurant is proposed to be open until 11:00 p.m. daily, and she would be interested in a comparison with the operating hours for the other restaurants at the mall.

Commissioner Powell requested information regarding whether any restaurants in Manhattan Village Shopping Center have differing hours for serving alcohol as opposed to their general operating hours.

Action

A motion was MADE and SECONDED (Paralusz/Powell) to **CONTINUE** Consideration of a Master Use Permit to allow conversion of an existing office to restaurants or other commercial uses and allow a new restaurant (Tin Roof Bistro) with a new outdoor dining patio and on-site consumption of alcohol at 3500 Sepulveda Boulevard, Hacienda/Haagen Building, Manhattan Village Shopping Center to the meeting of October 22, 2008.

AYES: Fasola, Paralusz, Powell, Seville-Jones and Chair Lesser
NOES: None.
ABSENT: None.
ABSTAIN: None.

In response to a question from Commissioner Fasola, Director Thompson commented that it is unusual for staff to receive a request to continue an item the same day as the hearing is scheduled.

E. BUSINESS ITEMS

Consideration of a Sign Exception Regarding the Installation of Two Ground Based Electronic Changeable Copy Signs Totaling 648 Square Feet of Area at the Manhattan Beach Studios Facility at 1600 Rosecrans Boulevard

Director Thompson indicated that the Planning Commission did not support the subject proposal after the applicant's presentation at the last meeting. He said that the applicant has chosen not to revise the proposal in order to address the concerns that were raised but rather to appeal the denial of the Commission to the City Council.

Vernon Chin, representing the applicant, stated that Marvel Studios has signed a deal which will make Manhattan Beach Studios the base for their productions. He commented that they have chosen not to modify their current proposal and are asking the Commission to consider it as proposed.

Discussion

Commissioner Powell said that with no additional information being provided relative to the requests of the Commission to scale down the sign, he would stand by his initial position against the proposal. He said that the studio has been a good neighbor, and it is unfortunate that the signage was not scaled down. He indicated that the intent of the Sign Code is to provide business identification and not for third-party advertising. He commented that the sign is ambitious as proposed; is not compatible with the surrounding buildings; and would be a distraction to motorists. He indicated that he understands the applicant's desire to have the signage; however, the intent of the Sign Code is to provide for the aesthetics of the City. He said that not allowing other use for the sign beyond business identification would not deny reasonable enjoyment of the property.

Commissioner Seville-Jones said that the studio is a good neighbor. She pointed out that the fact that Marvel Studio has signed with the studio suggests that the applicant's argument regarding unreasonable deprivation for use of the property without the proposed signage is more difficult to meet. She commented that there was an article in the Los Angeles Times regarding the issues Los Angeles is facing with the proliferation of signs. She indicated that she has forwarded the article to Director Thompson, and she suggested that the article also be provided to the City Council.

Commissioner Paralusz indicated that she concurs with the statements of the other Commissioners. She congratulated the applicant in signing with Marvel Studios. She stated that she also agrees that the studio is a great neighbor. She said that she also stands by her original comments at the previous meeting that the sign as proposed does not meet the standards of the Sign Ordinance. She indicated that she cannot support the application.

Commissioner Fasola said that he also stands by his comments at the previous meeting.

Chairman Lesser said that he views the studio as a unique asset to the community. He stated, however, that he cannot support the sign as proposed because of the express prohibition against billboards in the City. He said that the deal reached between the applicant and Marvel Studios suggests that the studio has achieved a high reputation regardless of the signage. He indicated that the scale of the sign does not meet the intent of the Sign Code.

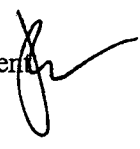
Action


A motion was MADE and SECONDED (Fasola/Paralusz) to **ADOPT** the draft Resolution **DENYING** a Sign Exception Regarding the Installation of Two Ground Based Electronic Changeable Copy Signs Totaling 648 Square Feet of Area at the Manhattan Beach Studios Facility at 1600 Rosecrans Boulevard

AYES: Fasola, Paralusz, Powell, Seville-Jones and Chair Lesser
NOES: None.
ABSENT: None.
ABSTAIN: None.

**CITY OF MANHATTAN BEACH
DEPARTMENT OF COMMUNITY DEVELOPMENT
STAFF REPORT**

TO: Planning Commission

FROM: Richard Thompson, Director of Community Development 

BY: Eric Haaland, Associate Planner 

DATE: September 24, 2008

SUBJECT: Consideration of a Sign Exception regarding the Installation of Two Ground Based Electronic Changeable Copy Signs Totaling 648 Square Feet of Area on the Manhattan Beach Studios Facility at 1600 Rosecrans Avenue

RECOMMENDATION

Staff recommends that the Planning Commission **ACCEPT** input, **DISCUSS** the subject request, and **DIRECT** staff as determined to be appropriate.

APPLICANT/ OWNER
CRP MB Studios, LLC
1600 Rosecrans Avenue.
Manhattan Beach, CA 90266

LOCATION

<u>Location</u>	1600 Rosecrans Ave, at the southwest corner of Rosecrans & Redondo Ave. (See site location map).
<u>Assessors Parcel Number</u>	4138-027-015 & 017
<u>Area District</u>	II
<u>Zoning</u>	IP, Industrial

BACKGROUND

The subject entertainment production facility has one existing monument sign identifying "Manhattan Beach Studios" at the corner of Roserans Avenue and Redondo Avenue. The subject proposal to replace that sign, and place two new electronic changeable copy cabinet signs above

requires Planning Commission approval of a sign exception pursuant to Section 10.72.080 of the City's sign code.

DISCUSSION

The submitted plans propose two new 18.5-foot tall, 324 square-foot electronic signs located on a base with fixed copy identifying Manhattan Beach Studios, in a V-formation oriented toward views from Rosecrans Avenue. The sign structure would replace the studios' existing monument sign within a palm tree ringed grassy corner area that matches the other corners at this Rosecrans/Redondo intersection. The plans indicate at least 3 of the very large existing palm trees within this unique tree-ring landscape concept to be removed or relocated to improve sign visibility toward the west. The electronic signs are both programmable LED message cabinets with the ability to display varying text and graphics at any time. The sign would communicate messages to Rosecrans traffic regarding entertainment being produced on-site, and what the applicant refers to as 3rd party advertising.

The applicant has provided attached examples of similar signs existing at other studio facilities in other cities. A smaller electronic sign was approved by the City Council for American Martyrs Church in 2006 (resolution attached), and some Manhattan Beach public schools have electronic signs. To staff's knowledge, these existing signs are limited to still messages communicating school, church, or community events. A large electronic pole sign that has been known to display entertainment advertising also exists east of the City near the I-405 freeway.

Changeable copy signs differ from typical fixed-copy signs identifying a business or entity occupying a given location. Changeable copy provides more detailed messages and scheduling information that change frequently. Movie theaters, flower shops, churches, and schools often have changeable copy signs. Most of these signs have plastic letters that can be manually changed by regular employees.

The city's sign code (MBMC Chapter 10.72) permits monument signs, pole signs, and wall signs with fixed copy at the studio facility. Since the proposed sign exceeds 6 feet in height, it is classified as a pole sign. Based on the Rosecrans frontage of the site (Redondo Avenue is a private street), the property is permitted 670 square feet of total sign area. The proposal of approximately 744 square feet of total sign area (changeable and fixed), which must be double-counted as pole sign area, exceeds the allowable amount. The proposal also exceeds the maximum permitted area for any single sign face of 150 square feet.

Signs advertising businesses, productions, or products other than those occupying the same site are prohibited as off-premise signs. Signs such as billboards that are a revenue generating commodity unto themselves, rather than identifying businesses on-site are often considered to be an independent business and land use; however, they are still eligible for sign exception approval if the Planning Commission finds them to be consistent with the intent of the sign code. Staff is not

aware of any previous approvals of off-premise/3rd party signs on private property in the City of Manhattan Beach.

Applicable Sign Code Provisions:

General provision 10.72.020(B) prohibits sign-faces greater than 150 square feet:

- B. The maximum area of any single sign face, comprised of one (1) or multiple face panels, shall be one hundred fifty (150) square feet.

General provision 10.72.020(E) prohibits changeable copy signs in general unless a sign exception is approved as follows:

- E. The copy of all signs shall be permanently fixed in place in conformance with their corresponding sign permits unless an exception for changeable copy is provided pursuant to the regulations of this chapter.

Section 10.72.070 of the sign code prohibits 3rd-party advertising signs including the following:

- A. Off-site or off-premises signs;
- B. Outdoor advertising display signs (billboards);

Section 10.72.080 of the sign code provides for Planning Commission approval of sign exceptions as follows:

Section 10.72.080 Sign exceptions.

On sites where strict application of this chapter creates results inconsistent with the intent of this chapter, the Planning Commission may approve modifications to the requirements of this chapter.

Applicants shall submit copies of a proposed sign program with plans and elevations drawn to scale of all existing and proposed buildings and signs as part of the exception application. Upon receipt of a complete application the item will be placed on the next available Planning Commission agenda.

An application for a sign exception as it was applied for, or in modified form as required by the Commission, shall be approved if, on the basis of the application, plans, and materials submitted; the Commission finds that:

- A. The proposed sign exception would not be detrimental to, nor adversely impact, the neighborhood or district in which the property is located. Potential impacts may include, but are not limited to, design;
- B. The proposed sign exception is necessary in order that the applicant may not be deprived unreasonably in the use or enjoyment of their property;
- C. The proposed sign exception is consistent with the legislative intent of this title.

In granting any such exception, the Planning Commission may impose reasonable conditions or restrictions as deemed appropriate or necessary to protect the public health, safety, and general welfare.

The general intent of the sign code, referenced above, reads as follows:

Section 10.72.010 Purpose and intent.

The purpose of signs is to provide business identification. The location, height, size, and illumination of signs are regulated in order to maintain the attractiveness and orderliness of the City's appearance; to protect business sites from loss of prominence resulting from excessive signs, particularly pole signs, on nearby sites; to protect the public safety and welfare.

Analysis:

The proposed sign location appears to be the most appropriate for primary identification of the studio facility, and is consistent with existing sign locations surrounding the intersection of Rosecrans and Redondo Avenues. There are no concerns for impacts to residential neighbors since no residential uses are near, or within view, of the sign location. Sign exception applications do not require noticing, however, Continental Development, the commercial property owner sharing this unique street intersection, has been notified of the application.

The Planning Commission should determine if the sign proposal would be visually detrimental to the public. The intent of the sign code includes maintaining the attractiveness and orderliness of the city's appearance, and protecting the public safety and welfare. The Commission should also consider the issue of off-premise advertising very seriously since this type of signage is often of substantial concern in other jurisdictions, and its approval in Manhattan Beach would be unique. This aspect of the proposal does not appear to be consistent with the sign code's purpose to provide for "business identification".

Staff also has a concern for motion effects in electronic signs. In addition to the identified code conflicts of changeable copy, total sign area, sign-face size, and 3rd party advertising, the sign code also prohibits all "revolving, flashing, fluttering, spinning, or reflective signs". These motion oriented effects combined with bright internal lighting could be very visually disruptive. The flexibility provided by a programmable LED sign has the potential to achieve these effects. The applicant has indicated that the signs will not include any of these effects; however, staff suggests that any approval of the request should specifically prohibit significant motion effects.

General Plan goals and policies that the Planning Commission may find relevant to this application include the following:

Policy LU-2.3: Protect existing mature trees throughout the City, and encourage their replacement with specimen trees whenever they are lost or removed.

Policy LU-3.5: Ensure that the sign ordinance provides for commercial signage that is attractive, non-intrusive, safe, and consistent with overall City aesthetic goals.

Goal LU-6: Maintain the viability of the commercial areas of Manhattan Beach.

CONCLUSION

The sign code permits the Planning Commission to approve a sign exception if it finds that: it would not be detrimental to the surrounding area, is necessary for reasonable use of the property, and is consistent with the intent of the sign code. Staff recommends that the Planning Commission review the proposal and determine whether the electronic signs are a reasonable method for the studio facility to communicate information that will not be visually detrimental to neighboring businesses and the public use of Rosecrans Avenue.

ENVIRONMENTAL DETERMINATION

Pursuant to the California Environmental Quality Act (CEQA), and the Manhattan Beach CEQA Guidelines, the subject project has been determined to be exempt (Class 1) as minor modifications to an existing facility per Section 15301 of CEQA.

ALTERNATIVES

The alternatives available to the Planning Commission include:

1. **APPROVE** the project with appropriate findings and conditions.
2. **DENY** the project based upon appropriate findings.

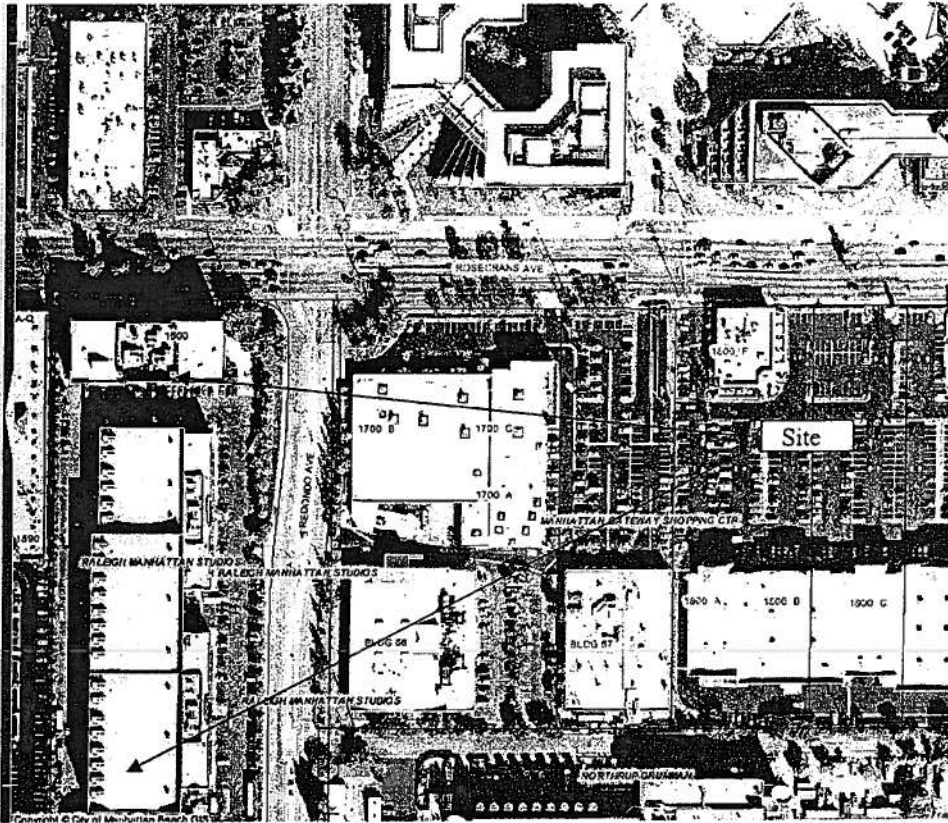
Attachments:

- A. Vicinity Map
- B. Sign exception for Am. Martyrs
- C. Applicant Material
Plans (separate)

cc: MB Studios, Applicant

1600 Rosecrans Ave.

Vicinity



Eric H

RESOLUTION NO. 6046

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, APPROVING A SIGN EXCEPTION FOR THE PROPERTY LOCATED AT 624 15th STREET (American Martyrs Church)

THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The City Council of the City of Manhattan Beach hereby makes the following findings:

- A. The City Council of the City of Manhattan Beach considered the subject item on July 5, 2006, received testimony, and considered an appeal of the Planning Commission's decision regarding a sign exception for an existing church facility on the property located at 624 15th Street in the City of Manhattan Beach.
- B. The application was filed on February 23, 2006. The Planning Commission considered the item, and received public testimony on March 29, and April 26, 2006. The Planning Commission denied the application on April 26, 2006. The City Council considered the appealed application and received public testimony for the project on July 18, 2006.
- C. The applicant for the subject project is Absolute Sign, Inc., sign contractor for the owner of the property, American Martyrs Church.
- D. Pursuant to the California Environmental Quality Act (CEQA), and the Manhattan Beach CEQA Guidelines, the subject project has been determined to be exempt (Class 1) as minor modifications to an existing facility per Section 15301 of CEQA.
- E. The project will not individually nor cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.
- F. The property is located within Area District II and is zoned RS, Residential Single-Family. The surrounding private land uses beyond the church facility consist of single-family residences.
- G. The General Plan designation for the property is General Commercial.
- H. Approval of the sign exception, subject to the conditions below: will not be detrimental to, nor adversely impact, the neighborhood or district in which the property is located since the signs are primarily visible from church property and shall be restricted from obtrusive lighting or motion, is necessary for reasonable use of the subject property since the signs can effectively provide information to church members and the community, and is consistent with the intent of the City's sign code in that the signs will not be obtrusive to the neighbors or public and do not result in large quantities of sign area for the site considering its large area and quantity of street frontage; as detailed in the project staff report.
- I. Approval of the changeable copy LED sign request is appropriate in this unique case due to the signs' isolation from neighboring properties and buffering by the surrounding church campus and does not imply that other installations would be appropriate.
- J. The project shall otherwise be in compliance with applicable provisions of the Manhattan Beach Municipal Code.
- K. This Resolution, upon its effectiveness, constitutes the Sign Exception approval for the subject project.

SECTION 2. The City Council of the City of Manhattan Beach hereby APPROVES the subject Sign Exception application subject to the following conditions (*indicates a site specific condition):



Certified to be a true copy of said document on file in my office.

TA

City Clerk of the City of Manhattan Beach

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1. * The project shall be constructed and operated in substantial compliance with the submitted plans as approved by the Planning Commission on March 29, and April 26, 2006.
2. * Each sign shall not exceed 25 square feet in area or a projection of 12 inches from the attached wall surface. No portion of the signs shall rise above or hang below the wall surface at the proposed location above a parking structure entrance.
3. All wires and cables shall be installed within related structures or underground to the appropriate utility connections in compliance with all applicable Building and Electrical Codes, safety regulations, and orders, rules of the Public Utilities Commission, the serving utility company, and specifications of the Public Works Department. No rough components or finishes shall be visibly exposed.
4. The siting of construction related equipment (cranes, materials, etc.) shall be subject to the approval from the Director of Community Development prior to the issuance of any permits.
5. * Planting or other appropriate visual screening from neighboring properties or identified public street perspectives shall be maintained or installed on church-owned property as determined to be appropriate by the Community Development Director. Existing trees, buildings, structures, or adequate replacements shall continue to provide screening and new trees/structures shall be provided where screening needs are identified currently or in the future.
6. * The use of the LED signs shall be limited to information regarding American Martyrs church and Manhattan Beach community activities, events and programs. Commercial, personal, instructional, or entertainment oriented content shall be prohibited.
7. * The signs shall display only still-screen messages. Moving, flashing, scrolling, or color-changing copy or images shall be prohibited. Each still-screen message shall be displayed a minimum of 60 seconds.
8. * The sign displays shall not result in obtrusive or unsafe light intensity or glare impacting surrounding properties or public right-of-way as determined by the Community Development Director. As a minimum, use of background lighting effects shall be prohibited, and a maximum of 25% of the LED display shall be lighted at any time.
9. The sign shall be operated only between 7am and 9pm daily.
10. The signs or sign operation shall be modified to address neighbor complaints as determined to be appropriate by the Community Development Director.
11. This Sign Exception shall lapse two years after its date of approval, unless implemented or extended by the Planning Commission.
12. Pursuant to Public Resources Code section 21089(b) and Fish and Game Code section 711.4(c), the project is not operative, vested or final until the required filing fees are paid.
13. The applicant agrees, as a condition of approval of this project, to pay for all reasonable legal and expert fees and expenses of the City of Manhattan Beach, in defending any legal actions associated with the approval of this project brought against the City. In the event such a legal action is filed against the project, the City shall estimate its expenses for the litigation. Applicant shall deposit said amount with the City or enter into an agreement with the City to pay such expenses as they become due.

SECTION 3. Pursuant to Government Code Section 65009 and Code of Civil Procedure Section 1094.6, any action or proceeding to attack, review, set aside, void or annul this decision, or concerning any of the proceedings, acts, or determinations taken, done or made prior to such decision or to determine the reasonableness, legality or validity of any condition attached to this decision shall not be maintained by any person unless the action or proceeding is commenced within 90



Certified to be
a true copy of
said document
on file in my
office.

TA

City Clerk of
the City of
Manhattan
Beach

1 days of the date of this resolution and the City Council is served within 120 days of the date of this
2 resolution. The City Clerk shall send a certified copy of this resolution to the applicant, and if any, the
3 appellant at the address of said person set forth in the record of the proceedings and such mailing shall
4 constitute the notice required by Code of Civil Procedure Section 1094.6.

5 SECTION 4. This resolution shall take effect immediately. The City Clerk shall make this
6 resolution readily available for public inspection within thirty (30) days of the date this resolution is adopted.

7 SECTION 5. The City Clerk shall certify to the adoption of this resolution and thenceforth
8 and thereafter the same shall be in full force and effect.

9 PASSED, APPROVED and ADOPTED this 18th day of July, 2006.

10 Ayes: Montgomery, Fahey and Tell.
11 Noes: Aldinger and Mayor Ward.
12 Absent: None.
13 Abstain: None.
14 :

15 /s/ Mitch Ward
16 Mayor, City of Manhattan Beach, California

17 ATTEST:

18 /s/ Terri Aliabadi
19 City Clerk (Acting)

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Certified to be a true copy
of the original of said
document on file in my
office.

[Signature]

City Clerk of the City of
Manhattan Beach, California

Signage Features

Signage Brightness

The LCD sign will be programmed to automatically adjust to be consistent with the surrounding lighting conditions, which will minimize visual impact. Under normal circumstances, the sign's brightness as measured in candelas will be 75% lower than the maximum brightness allowed in Los Angeles.

Audio

There will be no audio.

Motion

The LCD sign will feature still images only.

Signage Use

The LCD sign needs to have the ability to advertise for both tenants and 3rd party advertisements. This is the only way that we can ensure that our tenants, national partners, local businesses, and local government (PSA) are adequately serviced. We are an entertainment focused business with local and national clients, and advertising signage is essential to the function of the studio.

Foliage

A few of the palm trees on our site will be relocated but not completely removed. They will be relocated around the sign in a pattern to remain consistent with the palm trees planted at the adjacent corners of the intersection. Furthermore, additional plants will be planted around the sign to increase its visual appeal.

Sign Exception Qualification

Title 10.72.080 of the city code has 3 requirements in order to qualify for sign exceptions, which are delineated below.

1. *The proposed sign exception would not be detrimental to, nor adversely impact, the neighborhood or district in which the property is located*

The proposed signage would be located on the primary business corridor of Manhattan Beach and would not have any impacts on residential neighborhoods, schools, or other sensitive non-business areas of Manhattan Beach. In order to minimize visual impact, the proposed signage has been scaled back to be 39% smaller than the industry's standard size. Additionally, it has just one sign facing each direction on Rosecrans Ave and has been designed with foliage and materials consistent with local architecture.

2. *The proposed sign exception is necessary in order that the applicant may not be deprived unreasonably in the use or enjoyment of their property*

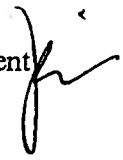
Manhattan Beach Studios is a unique business to Manhattan Beach. It is a special use property, with unique requirements that are crucial to remain competitive with the other feature film and TV studios in Los Angeles County. The proposed signage is absolutely necessary for Manhattan Beach Studios be able to function as a full-service studio. All of Manhattan Beach Studios major competitors utilize signage in their product offering, and Manhattan Beach Studios must continually update its offerings in order to draw business away from the central entertainment districts. 3rd Party Advertising is also critically important in order to truly be a global media center for its entertainment tenants, provide Manhattan Beach with PSA capabilities, and also provide local Manhattan Beach businesses with advertising opportunities.


3. *The proposed sign exception is consistent with the legislative intent of this title*

Manhattan Beach Studios believes that the proposed signage is consistent with 10.72.080's intent because the proposal provides benefits both the city and Manhattan Beach Studios, without inundating the city of Manhattan Beach with gratuitous billboard advertisements. The city of Manhattan Beach will have the ability to display its Public Service Announcements on the proposed sign. This is a significant benefit to the city of Manhattan Beach at the sole cost of the ownership of Manhattan Beach Studios. Furthermore, the signage has been designed with great sensitivity to its surroundings while still enabling Manhattan Beach Studios to function as a special use property and the city gains the ability to distribute Public Service Announcements in its Central Business District.

**CITY OF MANHATTAN BEACH
DEPARTMENT OF COMMUNITY DEVELOPMENT
STAFF REPORT**

TO: Planning Commission

FROM: Richard Thompson, Director of Community Development 

BY: Eric Haaland, Associate Planner 

DATE: October 8, 2008

SUBJECT: Consideration of a Sign Exception regarding the Installation of Two Ground Based Electronic Changeable Copy Signs Totaling 648 Square Feet of Area on the Manhattan Beach Studios Facility at 1600 Rosecrans Avenue

RECOMMENDATION

Staff recommends that the Planning Commission **DENY** the subject request

APPLICANT/ OWNER
CRP MB Studios, LLC
1600 Rosecrans Avenue.
Manhattan Beach, CA 90266

LOCATION

<u>Location</u>	1600 Rosecrans Ave, at the southwest corner of Rosecrans & Redondo Ave. (See site location map).
<u>Assessors Parcel Number</u>	4138-027-015 & 017
<u>Area District</u>	II
<u>Zoning</u>	IP, Industrial

DISCUSSION

At its regular meeting of September 24, 2008, the Planning Commission considered the subject application, continued the item, and directed staff and the applicant to return with additional information. The Commission indicated that it could not approve the proposal for two new 18.5-

foot tall, 324 square-foot electronic signs located at the street corner; however, would consider a smaller sign with specific restrictions. The applicant requested additional time to consider this option, therefore the item was continued to the October 8th meeting. The applicant has since determined that reducing the size and use of the proposed sign is not a viable alternative.

Since the Planning Commission appeared to reach a consensus that the submitted request could not be approved, staff has drafted the attached resolution for denial of the sign exception application. The denial is based on: potential visual disruption to the surrounding area due to the sign's excessive size coupled with the dynamics of changeable LED text and graphics, off-premise advertising, and potential threat to the adjacent mature palm trees.

ALTERNATIVES

The alternatives available to the Planning Commission include:

1. **APPROVE** the project with appropriate findings and conditions.

Attachments:

A. Resolution No. PC 08-

B. Applicant Letter

cc: MB Studios, Applicant

RESOLUTION NO. PC 08-

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
MANHATTAN BEACH DENYING A SIGN EXCEPTION FOR THE
PROPERTY LOCATED AT 1600 ROSECRANS AVENUE (Manhattan Beach
Studios)**

**THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH DOES
HEREBY RESOLVE AS FOLLOWS:**

SECTION 1. The Planning Commission of the City of Manhattan Beach hereby makes the following findings:

- A. The Planning Commission of the City of Manhattan Beach, on September 24, and October 8, 2008, received testimony, and considered an application for a sign exception for an existing entertainment production studio facility on the property located at 1600 Rosecrans Avenue in the City of Manhattan Beach.
- B. The Assessors Parcel Numbers for the property are 4138-027-015 & 017.
- C. The applicant for the subject project is CRP MB Studios, LLC, the owner of the property.
- D. Pursuant to the California Environmental Quality Act (CEQA), and the Manhattan Beach CEQA Guidelines, the subject project has been determined to be exempt (Class 1) as minor modifications to an existing facility per Section 15301 of CEQA.
- E. The project will not individually nor cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.
- F. The property is located within Area District II and is zoned IP, Industrial. The surrounding private land uses beyond the studio facility primarily consist of commercial and industrial uses, and Manhattan Village residential uses abut the rear portion of the site.
- G. The General Plan designation for the property is Industrial.
- H. The proposed sign would be detrimental to, or adversely impact, the neighborhood or district in which the property is located since the sign is disproportionately large compared to the site's street frontage and surrounding signage, which is compounded by the changeable copy, potential loss of mature trees, and off-premise advertising aspects of the sign; is not necessary for reasonable use of the subject property since reduced or conforming signage can effectively identify the studio facility and its tenants; and is not consistent with the intent of the City's sign code in that the sign would be obtrusive to the neighbors or public, and would not be used specifically for identification of businesses on the property.
- I. This Resolution, upon its effectiveness, constitutes denial of the Sign Exception request.

Section 2. The Planning Commission of the City of Manhattan Beach hereby **DENIES** the subject Sign Exception for two changeable copy electronic LED signs on a monument base.

RESOLUTION NO. PC 08-

SECTION 3. Pursuant to Government Code Section 65009 and Code of Civil Procedure Section 1094.6, any action or proceeding to attack, review, set aside, void or annul this decision, or concerning any of the proceedings, acts, or determinations taken, done or made prior to such decision or to determine the reasonableness, legality or validity of any condition attached to this decision shall not be maintained by any person unless the action or proceeding is commenced within 90 days of the date of this resolution and the City Council is served within 120 days of the date of this resolution. The City Clerk shall send a certified copy of this resolution to the applicant, and if any, the appellant at the address of said person set forth in the record of the proceedings and such mailing shall constitute the notice required by Code of Civil Procedure Section 1094.6.

I hereby certify that the foregoing is a full, true, and correct copy of the Resolution as adopted by the Planning Commission at its regular meeting of October 8, 2008 and that said Resolution was adopted by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

RICHARD THOMPSON,
Secretary to the Planning Commission

Sarah Boeschen,
Recording Secretary

Eric Haaland

From: Vernon Chin [Vernon.Chin@carlyle.com]
Sent: Thursday, October 02, 2008 4:08 PM
To: Eric Haaland
Cc: Dana Bromley; Brandon Taylor
Subject: Manhattan Beach Studios Signage Proposal

Eric,

Thank you for taking the time to speak with me yesterday. Per your request, this email confirms that after further review, we have elected to not make any changes to our original signage proposal. We understand that the Planning Commission will vote and make their decision based on our proposal as presented September 24, 2008.

Please do not hesitate to contact me if you have any questions.

Kind Regards,

Vernon Chin

Vernon Chin
The Carlyle Group
11100 Santa Monica Blvd., Suite 750
Los Angeles, CA 90025
(310) 575-1751 office
vernon.chin@carlyle.com

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California/Local



STEVE LOPEZ:
L.A. under visual assault by digital billboards
October 5 2008

Columnists:

- » Steve Lopez
- » Sandy Banks
- » Patt Morrison
- » George Skelton
- » Dana Parsons
- » Steve Harvey
- » Steve Hymon

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Community Papers:

- » Burbank
- » Newport Beach
- » Laguna Beach
- » Huntington Beach
- » Glendale

Weiss said he recently blocked a digital conversion on Ventura Boulevard in Encino, arguing that an electronic billboard would be out of compliance with the local zoning plan and the California Environmental Quality Act.

He's also trying to block so-called super-graphic ads draped from buildings all over town. Weiss said those monstrosities are an even bigger threat to the landscape than electronic billboards.

In a bad economy, Weiss said, building owners who are having trouble collecting rent will gladly collect thousands for turning their buildings over to advertisers. And advertising companies are rushing to take advantage of an injunction against a ban Weiss helped write into law.

News/Opinion

- California | Local
- National
- World
- Business
- Sports
- Campaign '08
- Science
- Environment
- Opinion

Garcetti introduced a measure last week calling for the city attorney and the Department of Building and Safety to explore ways to limit electronic billboards that throw light into nearby homes and are out of character with the neighborhood. Like the one in his Silver Lake district.

"It's atrocious," he said.

The sign wouldn't stand out so much if it were in the heart of Hollywood or along a major commercial strip elsewhere in the city. But with just a few shops under the billboard, and houses and apartments all around, this behemoth is the definition of obscenity.

Arts/Entertainment

- Entertainment
- The Guide
- Arts & Culture
- The Envelope

Come on, it's Silver Lake. You'd think the jugheads at Clear Channel would have at least had the sense to advertise high-top Converse sneakers and organic dog chow.

Dirk Mathison was "in a perfectly good mood" driving home from work one night when



Living

- Travel
 - Health
 - Autos
 - Home & Garden
 - Food
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 - Books
 - Living Green
 - Video
 - Photography
 - Obituaries
 - Crosswords/Sudoku
 - Your Scene
-
- Blogs
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 - Readers Rep
 - Corrections
 - All Sections

he came to the new billboard looming over Spaceland, with its slide-show ads for Sean John, the Pussycat Dolls, "The Bonnie Hunt Show," "High School Musical" and Coke.

"I had a sick and angry feeling," said Mathison, who went to a community meeting where a small army of protesters vented.

Mathison, a journalist, led me to the pole at the base of the billboard, where we each contemplated flipping the switch to shut down the show.

Wait, was it a booby trap? Would we be electrocuted?

We chickened out, but I noticed that one angry Silver Laker had taped a righteous boho screed on the pole under the billboard.

"Kill the Sign," it says. "It is visible from many of our living rooms. Its 50,000 watts of power flash a cavalcade of tacky advertisements at one per five seconds. . . . We have worked hard . . . making Silver Lake a beautiful and desirable place to live, only to see all that work substantially devalued by a mega-corporation that cares nothing about our community."

Hallelujah, but I'm told it's much easier to prevent a conversion from conventional to digital than to do something about it after the fact. If there's a conversion underway in your neighborhood, you might want to raise a ruckus immediately with your council member.

Buy, Sell & More

- Jobs
- Cars
- Real Estate
- Foreclosure Sale NEW
- Apartments
- Personals
- Deals at Local Stores
- Coupons
- Newspaper Ads

Dennis Hathaway of the Coalition to Ban Billboard Blight has a word of caution, though, when it comes to council members and billboards.

"They're their own worst enemy," he said, arguing that by calling for exceptions to existing bans and recently endorsing spectacularly large electronic ads at the Convention Center downtown, council members have provided ammunition to the billboard companies' free speech arguments.

Go to www.banbillboardblight.org if you want to learn more or take up arms.


And don't forget to send a thank-you card to Rocky.

steve.lopez@latimes.com

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- » Steve Harvey
- » Steve Hyman

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News/Opinion

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- Science
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- Opinion

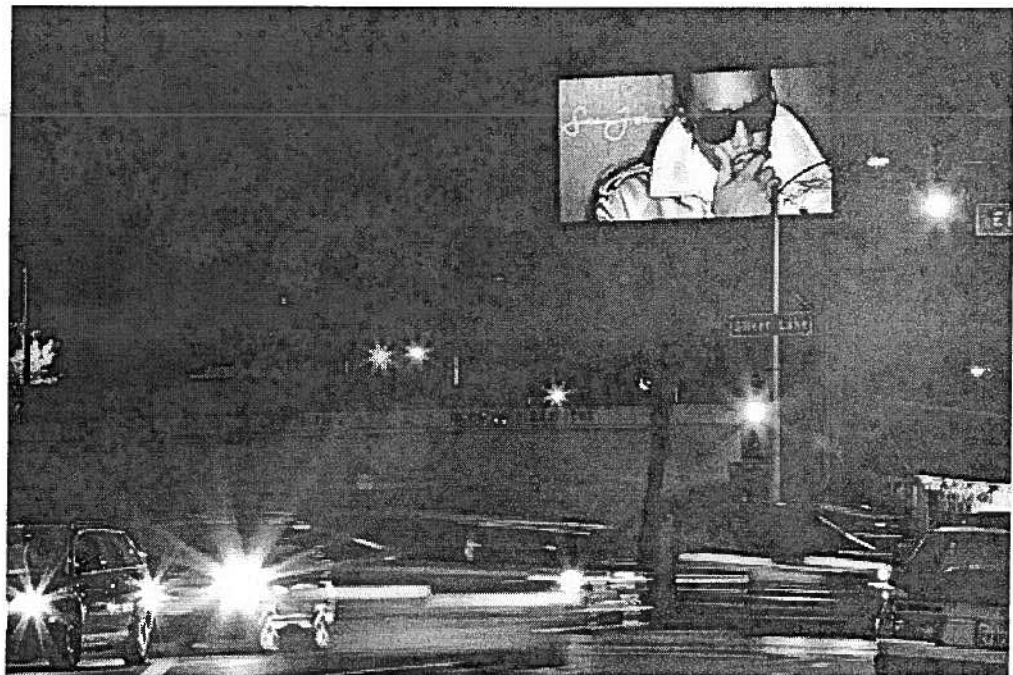
Arts/Entertainment

- Entertainment
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STEVE LOPEZ:

L.A. under visual assault by digital billboards



Liz O. Baylen / Los Angeles Times

HARD TO MISS: A Sean John ad is among images flashed on a digital sign along Silver Lake Boulevard.

Steve Lopez
October 5, 2008

Thank you, L.A. City Atty. Rocky Delgadillo, for being such a pal to the billboard industry.

The new gigantic digital ads in my neighborhood, with white-hot flashing pitches for Coke and Sean John, are a swell addition to otherwise quaint Silver Lake Boulevard.

Living

Travel
 Health
 Autos
 Home & Garden
 Food
 Image
 Books
 Living Green
 Video
 Photography
 Obituaries
 Crosswords/Sudoku
 Your Scene
 Blogs
 Columnists
 Print Edition
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 Corrections
 All Sections

Thank you, Los Angeles City Council, for rolling over time after time to the same outdoor advertising companies -- Regency, Clear Channel and CBS, to name a few.

I'm sure residents of the Fairfax district are happy too. They have a spiffy new electronic sign the size of the Queen Mary on 3rd Street near Fairfax, telling them not to miss the new "Smackdown" TV premiere and "Magic's Biggest Secrets Revealed." (How *do* they cut that woman in half?)

Dear readers, if you thought the Los Angeles landscape was already polluted by advertising, just wait. The city could end up looking like Planet Plasma. There will be no such thing as nightfall. Digital ads will keep darkness at bay, changing every few seconds and selling everything from bad sitcoms to cheap perfume.

About 40 to 50 billboards on the Westside alone have been converted from conventional to digital this year, and SEVERAL HUNDRED MORE could soon be converted citywide under terms of lawsuit settlement city officials rubber-stamped in 2006.

"It's a mess," said Ted Wu, a billboard-regulation activist who has fought a losing battle for roughly 40 years. "I don't think there's any councilman . . . who understands the problem of visual pollution."

Buy, Sell & More

Jobs
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 Real Estate
 Foreclosure Sale NEW
 Apartments
 Personals
 Deals at Local Stores
 Coupons
 Newspaper Ads

So how did outdoor advertising companies manage to rule the city and take control of our lives?

"I don't want to call it corruption," said Wu. But with campaign donations, "everybody is in the billboard companies' pockets."

City officials have admitted over the last decade that because of inept regulation, they had no idea how many billboards existed in Los Angeles or how many of them had permits.


Place an Ad

In the Newspaper
 Online

Bungled attempts to address the problem have resulted in multiple lawsuits by billboard bullies, who have made "free speech" and other arguments.

In 2006, Delgadillo worked out settlements that must have had the advertising giants popping the champagne.

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Delgadillo "negotiated" a deal that gave billboard companies the right to modernize some signs, add new ones and legalize some that had been erected illegally. It's not clear why he didn't also hand over his first-born, Lakers season tickets and free use of city vehicles with his wife serving as chauffeur.

I'm no lawyer, but why Delgadillo was allowed anywhere near this case remains a mystery to me. He was elected to office in 2001 with the help of \$424,000 in advertising space donated by -- don't choke on your omelet -- the billboard companies.

But Delgadillo can't be assigned all the blame.

Home Delivery

Does anyone recall the City Council vote tally on Rocky's 2006 deal?

Customer Support
Subscribe



Twelve in favor, zero against. In case you were wondering, yes, the billboard companies have also been kind to council members at election time.

"Looking back now, this was not presented to us in the depth we would have liked," said Councilman Eric Garcetti, taking a poke at Delgadillo. "But that's my responsibility. I'm not going to lay that at the feet of the city attorney."

I thought he just did.

Councilman Jack Weiss said he too takes responsibility for not taking responsibility. Weiss, who is now running for city attorney, is at least currently trying to do something to prevent a proliferation of signs, as is Garcetti.

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Trendsetters: 12 cars that created today's styles

Which vehicles of yesteryear have had the greatest influence on more recent popular car categories? Photos



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Eric Haaland

From: Vernon Chin [Vernon.Chin@carlyle.com]
Sent: Monday, October 27, 2008 3:52 PM
To: Eric Haaland
Cc: Dana Bromley
Subject: Manhattan Beach Studios - Signage Proposal

Eric,

In light of recent economic events, our team has been delayed in our preparation for the November 5, 2008 City Council Meeting due to unforeseen extended travel requirements. We would like to request a continuance for our signage proposal. Would it be possible to reschedule us for another date in late November? I apologize for the late notice.

Please let me know!

Thanks,

Vernon

Vernon Chin
The Carlyle Group
11100 Santa Monica Blvd., Suite 750
Los Angeles, CA 90025
(310) 575-1751 office
vernon.chin@carlyle.com

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D



Agenda Item #:





Staff Report

City of Manhattan Beach

TO: Honorable Mayor Montgomery and Members of the City Council

THROUGH: Geoff Dolan, City Manager 

FROM: Richard Thompson, Director of Community Development 
Eric Haaland, Associate Planner 

DATE: November 5, 2008

SUBJECT: Consideration of Planning Commission Denial of a Sign Exception Regarding the Installation of Two Ground Based Electronic Changeable Copy Signs Totaling 648 Square Feet of Area at the Manhattan Beach Studios Facility at 1600 Rosecrans Avenue.

RECOMMENDATION:

Staff recommends that the City Council receive and file the decision of the Planning Commission denying the subject request.

FISCAL IMPLICATION:

There are no fiscal implications associated with the recommended action.

DISCUSSION:

The Planning Commission, at its regular meeting of October 8, 2008, **DENIED** (5-0) a request for two new electronic changeable copy signs. Changeable copy signs for commercial uses are not permitted by the city's sign code. Changeable copy signs differ from typical fixed-copy signs identifying a business or entity occupying a given location. Changeable copy provides more detailed messages and information that change frequently. These signs usually attract more attention and have more aesthetic issues than typical signs.

The applicant had proposed two new 18.5-foot tall, 324 square-foot signs located on a base with fixed copy identifying Manhattan Beach Studios in a V-formation oriented toward views from Rosecrans Avenue. The electronic signs are both programmable LED message cabinets with the ability to display varying text and graphics at any time. The sign would communicate messages to Rosecrans traffic regarding entertainment being produced on-site, and what the applicant refers to as 3rd party advertising.

An exception to the sign code may be approved if a sign proposal meets specified criteria, however the Planning Commission could not find that the proposal would be without detriment to the surrounding neighborhood, is necessary for reasonable use of the studio facility, and is consistent with the intent of the City's sign code. The Commission expressed concerns for general

obtrusiveness of the size of proposed signs combined with their electronic capabilities, and the precedent of allowing billboard type signage. One member of the public stated concerns for the signs' visual obtrusiveness and was adamantly opposed to granting the sign exception. Continental Development, the primary neighboring property owner suggested reducing the scale of the sign proposal with specific concern for the adjacent large palm trees that form a unique landscape statement around the subject street intersection.

The applicant felt that the signs were an appropriate component of an entertainment production studio as exemplified by other studios in the Los Angeles County area. Photos of competing studios in other cities with electronic signage were submitted to the Planning Commission.

In order to approve the sign exception, the following findings must be made:

- A. The proposed sign exception would not be detrimental to, nor adversely impact, the neighborhood or district in which the property is located.
- B. The proposed sign exception is necessary in order that the applicant may not be deprived unreasonably in the use or enjoyment of their property;
- C. The proposed sign exception is consistent with the legislative intent of this title.

The Planning Commission responded to the applicant that some consideration for the unique land use and large site may be appropriate, but indicated that the proposal is too extreme relative to the City's general goals for sign aesthetics and longstanding prohibition of billboard advertising; and must be reduced in scale before it could be considered. Concern was also expressed regarding any loss or hindrance to the large palm trees surrounding the sign location. The applicant considered revising the proposal but chose to accept denial from the Commission, and did not appeal the Commission decision.

The sign exception process does not require a public hearing, however, the Planning Commission's decision of denial is reflected in the attached resolution. One Commissioner asked that a recent article regarding billboards be attached to this report for the City Council's reference. Informal courtesy notice was provided to neighboring property owners Continental Development and Northrup Grumman. Staff reports and additional draft Minutes excerpts from the Planning Commission's proceedings are also attached to this report for reference.

The applicant has recently provided the attached request for the City Council to delay its action on this item to enable the Studio owners to have the desired personnel at the meeting to discuss the item. Any continuation of the item is at the discretion of the City Council.

ALTERNATIVES:

The alternatives to the staff recommendation include:

- 1. **RECEIVE AND FILE** this report and thereby **UPHOLD** the Planning Commission's **DENIAL** of the sign exception request.
- 2. **APPEAL** the Planning Commission's decision and **APPROVE** the sign exception request with appropriate conditions.

Agenda Item #: _____

3. **APPEAL** the Planning Commission's decision and **DENY** the sign exception request with revised findings.

Attachments:

- A. P.C. Minutes excerpts, dated 8/24/08 & 10/8/08
 - B. P.C. Staff Reports, dated 8/24/08 & 10/8/08
 - C. Billboard article, dated 10/5/08
 - D. Applicant continuance request, dated 10/27/08
 - E. Plans (separate)
- c: MB Studios, Applicant

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RESOLUTION NO. PC 08-14

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH DENYING A SIGN EXCEPTION FOR THE PROPERTY LOCATED AT 1600 ROSECRANS AVENUE (Manhattan Beach Studios)

THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The Planning Commission of the City of Manhattan Beach hereby makes the following findings:

- A. The Planning Commission of the City of Manhattan Beach, on September 24, and October 8, 2008, received testimony, and considered an application for a sign exception for an existing entertainment production studio facility on the property located at 1600 Rosecrans Avenue in the City of Manhattan Beach.
- B. The Assessors Parcel Numbers for the property are 4138-027-015 & 017.
- C. The applicant for the subject project is CRP MB Studios, LLC, the owner of the property.
- D. Pursuant to the California Environmental Quality Act (CEQA), and the Manhattan Beach CEQA Guidelines, the subject project has been determined to be exempt (Class 1) as minor modifications to an existing facility per Section 15301 of CEQA.
- E. The project will not individually nor cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.
- F. The property is located within Area District II and is zoned IP, Industrial. The surrounding private land uses beyond the studio facility primarily consist of commercial and industrial uses, and Manhattan Village residential uses about the rear portion of the site.
- G. The General Plan designation for the property is Industrial.
- H. The proposed sign would be detrimental to, or adversely impact, the neighborhood or district in which the property is located since the sign is disproportionately large compared to the site's street frontage and surrounding signage, which is compounded by the changeable copy, potential loss of mature trees, and off-premise advertising aspects of the sign; is not necessary for reasonable use of the subject property since reduced or conforming signage can effectively identify the studio facility and its tenants; and is not consistent with the intent of the City's sign code in that the sign would be obtrusive to the neighbors or public, and would not be used specifically for identification of businesses on the property.
- I. This Resolution, upon its effectiveness, constitutes denial of the Sign Exception request.

Section 2. The Planning Commission of the City of Manhattan Beach hereby **DENIES** the subject Sign Exception for two changeable copy electronic LED signs on a monument base.

SECTION 3. Pursuant to Government Code Section 65009 and Code of Civil Procedure Section 1094.6, any action or proceeding to attack, review, set aside, void or annul this decision, or concerning any of the proceedings, acts, or determinations taken, done or made prior to such decision or to determine the reasonableness, legality or validity of any condition attached to this decision shall not be maintained by any person unless the action or proceeding is commenced within 90 days of the date of this resolution and the City Council is served within 120 days of the date of this resolution. The City Clerk shall send a certified copy of this resolution to the applicant, and if any, the appellant at the address of said person set forth in the record of the proceedings and such mailing shall constitute the notice required by Code of Civil Procedure Section 1094.6.

I hereby certify that the foregoing is a full, true, and correct copy of the Resolution as adopted by the Planning Commission at its regular meeting of October 8, 2008 and that said Resolution was adopted by the following vote:


AYES: Fasola, Paralusz, Powell,
Seville-Jones, Chairman Lesser

NOES: None

ABSTAIN: None

ABSENT: None


RICHARD THOMPSON,
Secretary to the Planning Commission


Sarah Breeschen,
Recording Secretary

ABSENT: None.
ABSTAIN: None.

E. BUSINESS ITEMS

1. Consideration of a Sign Exception Regarding the Installation of Two Ground Based Electronic Changeable Copy Signs Totaling 648 Square Feet of Area at the Manhattan Beach Studios Facility at 1600 Rosecrans Avenue

Associate Planner Haaland summarized the staff report. He said that the proposal is for two 18.5 feet tall and 324 square foot programmable LED sign cabinets on a monument sign base, each with still text and images. He commented that the signs would include still text and images and not video. He indicated that the signs are intended to provide business identification, promotion of community events, and third party advertising. He commented that the proposal is the first in the City to allow for third party advertising, and it is a unique request by the applicant. He indicated that the Sign Code specifies that a sign exception is required for any sign with changeable copy. He indicated that there was a previously a proposal for an electronic changeable copy sign for the American Martyrs church to display community events and church announcements, which was denied by the Planning Commission and later approved by the City Council upon appeal. He said that 670 square feet would be permitted for the subject site, and the proposed sign area is 744 square feet which is then required to be doubled because it is considered pole sign. He commented that sign faces are limited to 150 square feet, and the proposal is for 324 square feet for each sign face. He indicated that the Sign Code specifically prohibits off-premise or billboard type advertising.

Associate Planner Haaland stated that the area is in a commercial oriented location away from residences. He pointed out that it may be difficult to make the determination that the project meets the intent of the Sign Code that signs only provide business identification, as the proposal is to allow for third party advertising. He said that the applicant is proposing to possibly remove three existing trees to provide better visibility for the sign to the west along Rosecrans Avenue.

In response to a question from Chairman Lesser, Associate Planner Haaland said that staff is not aware of any exceptions that have been granted to section 10.72.070.b of the Municipal Code to allow billboards in the City.

In response to a question from Commissioner Seville-Jones, Associate Planner Haaland indicated that the existing sign is well under the maximum that would be permitted for the site.

In response to a question from Commissioner Powell, Associate Planner Haaland said that the Traffic Engineer has looked at the proposal and did not have any concerns regarding impacts to traffic.

Commissioner Fasola said that he cannot see that the required findings can be met considering the extent that it violates the ordinance regarding pole signs and the size of the signs.

In response to a question from Commissioner Fasola, Associate Planner Haaland said that the Commission may give consideration to the large size of the site and the fact that it is located away from residences. He stated that it would be most difficult to reach the required finding to allow off site advertising considering that the intent of the Code is to only permit signage for business identification.

A

In response to a question from Commissioner Paralusz, Associate Planner Haaland indicated that there are no specific regulations in the Sign Code regarding the removal or relocation of trees to allow for signs. He pointed out that the General Plan does encourage the preservation of large specimen trees.

In response to a question from Commissioner Seville-Jones, Associate Planner Haaland said that Northrop Grumman, who owns the right-of-way on Redondo Avenue, was not contacted regarding the proposal.

Brandon Taylor, representing the applicant, said that their tenants want the ability to promote their movies, television shows, and commercials. He commented that because they are not in the core entertainment district, they need to remain competitive financially with their competitors in order to attract business. He indicated that they are at a financial disadvantage with their competitors who are able to charge rent for the use of their signs. He stated that the sign as proposed would be smaller than those of their competitors, and they have reduced the size to the minimum amount that they feel their tenants would need. He indicated that digital signage is important, as the industry is moving in that direction. He said that the sign would not be backlit and would not constantly change images. He said that they are hoping that no existing trees would need to be moved. He stated that they intend to relocate any trees that may need to be moved in order to increase the line of sight. He indicated that they intend to maintain the existing landscaping on the corner.

In response to a question from Chairman Lesser, **Mr. Taylor** said that the telephone poles that would somewhat obstruct the visibility of the sign for traffic eastbound on Rosecrans Avenue will most likely be placed underground in the future.

Commissioner Seville-Jones commented that allowing third party advertising on the sign would suggest that advertising space could be sold to companies that are not affiliated with products developed at the studio or who are not renting space at the studio.

Mr. Taylor said that they want their focus to remain on entertainment. He stated that the intent is for their tenants to have first choice for the hours of advertising on the sign. He said that the remainder of hours would be sold to third parties within the entertainment industry, to local tenants, or the City. He indicated that most of the hours for the signage would be sold to their tenants. He said that they would still construct the sign if it were only permitted to be utilized by their tenants.

In response to questions from Commissioner Seville-Jones, **Mr. Taylor** indicated that they would be willing to relocate the water main to its original location on Redondo Avenue as suggested by Continental Development. He stated that they would be willing to accept a condition that staff or the Commission must approve the final landscaping plan. He pointed out that it is very important for them to maintain the landscaping on the property. He said that the size of the signage as proposed is the minimum that would be acceptable to their tenants. He indicated that their tenants would not be willing to spend the money to utilize the sign if it were made smaller, as it would not be very visible.

In response to a question from Commissioner Powell, **Mr. Taylor** said that they would like to have as much flexibility as possible for advertising on the sign. He indicated, however, that they would be willing to accept a restriction from selling advertising space to a national brand such as Coca-Cola. He said that they would still like to have the ability to allow for some local advertising.

In response to a question from Commissioner Powell, **Mr. Taylor** commented that there could be certain hours of the day during which the sign could be utilized for City events or information.

Commissioner Fasola commented that the owners of other businesses such as malls or drug stores could also claim that they need larger signs to be competitive if the Commission approves the proposed sign exception based on the applicant's argument. He indicated that it is hard to make the justification for allowing such a large exception for the applicant.

Mr. Taylor commented that other cities have recognized entertainment studios as unique assets in their communities that require different treatment with regard to ordinances. He pointed out that Los Angeles has different ordinances for the entertainment district of Hollywood. He indicated that he would hope that the Commission would recognize that the studio is a unique asset to the community and that they are attempting to remain competitive within the industry. He commented that their unique field is much narrower than other businesses such as malls.

Commissioner Paralusz commented that the competitors identified by the applicant in their materials all appear to be located in cities that are much larger than Manhattan Beach such as Hollywood, Culver City, Burbank, and Universal City.

Mr. Taylor said that that Sony and Culver Studios in Culver City have been granted special exceptions for their signage because of their use.

In response to a question from Commissioner Seville-Jones, **Mr. Taylor** indicated that the studio is comprised of 14 soundstages and 250,000 square feet of product offices for writers and producers. He commented that approximately 2,200 people work at the facility. He said that a new deal that they are currently negotiating would bring in a longer term production that would employ 1,500 people for a much longer term.

Audience Participation

Gary Osterhout, a resident of the 500 block of 31st Street, indicated that he is opposed to the proposal for the sign exception. He said that it is not the purview of government to make decisions based on the economics of businesses but rather to ensure that the adequate services and roadways are provided. He said that the Commissioners and City Council are being asked to designate space to allow the applicant to make money by advertising to the City's residents. He commented that he does not see a compelling reason to allow the applicant to add to their profit margin by disparaging the views of the City. He indicated that other cities grew around the entertainment studios. He commented that the Manhattan Beach Studios came into the City without being required to comply with zoning and built to the largest capacity that was permitted. He stated that the City Council previously accommodated the applicant by waiving fees for fire inspections, and now the studios is requesting a little bit more. He indicated that the employees of the studio tend to work long hours and do not generally spend a great deal of money in the community with the possible exception of hotel space. He pointed out that there is not an employment problem in the City that would drive the need to draw in additional business, and the studio does not generate a great deal of sales tax revenues.

Mr. Osterhout said that it is not the purpose of the Commission and City Council to provide for advertising, and the proposal is contrary to the principles articulated in the General Plan. He said that large signs detract from the natural aesthetics of the City, particularly with changeable copy. He commented that changing messages on signs add to the general distraction and stress on people's daily lives. He indicated that allowing such a sign would also set a precedent for other businesses in the City. He indicated that the fact that the sign could

display public service messages to residents is not justification for its approval, as there are other means for local agencies and businesses to reach residents. He commented that the City would have very little control over the images that would be displayed. He commented that the fact that the site is not located near residences also is not justification for allowing the sign exception.

Tony Reina, representing Continental Development, said that they would like for the existing Canary Island palm trees at the southwest corner of Rosecrans Avenue and Redondo Avenue not be disturbed. She said that they have agreed to work with the applicant to minimize the need for relocation of the specific tree which the applicant has indicated may need to be moved to improve the line of site for the sign. She commented that they have concerns that the size of the sign is out of scale with the surrounding area, and the applicant has indicated that they would be willing to reduce the height of the base from 6 to 3 feet. She said that Continental Development still has concerns regarding the size of the message area. She suggested that a mock-up of the sign be placed on the site.

Discussion

Commissioner Fasola said that he cannot support the proposal in any respect. He commented that the City has worked hard to eliminate pole signs, and he cannot support ruling against the Sign Ordinance. He indicated that allowing an oversized sign would result in other businesses requesting similar exceptions. He said that he does not feel there are unusual or specific aspects regarding the entertainment industry that require a special exception. He said that Manhattan Beach is not Hollywood, and residents should not be subjected to advertising on such a sign as they travel down Rosecrans Avenue. He commented that approving the proposal would be basically allowing a billboard.

Commissioner Powell commended the studios as being a good neighbor and employer in the community. He said, however, that he feels the sign as proposed is too ambitious. He stated that he would not be opposed to allowing a changeable copy sign that was more in scale with the surrounding businesses. He said that there are no residents in the immediate vicinity of the subject site; however, the Code refers to the entire district within which the property is located. He indicated that he is also concerned with setting a precedent for requests by other businesses. He commented, however, that he does recognize that the subject use is unique and different from other businesses. He indicated that in order for him to approve the proposal, the sign would need to be considerably scaled down in size and would need to be restricted to only promoting the tenants and products of the studio. He pointed out that the Sign Code states that the purpose of the signage is to provide business identification, and he would not be able to sustain the finding to allow third party advertising beyond that of the studio. He indicated that denying the sign or requiring it to be scaled down would not deprive or unreasonably deny the use and enjoyment of the property. He indicated that a proliferation of such signs would detract from the City's character. He stated that other studios shown in the applicant's materials such as Universal Studios, Warner Brothers, and Paramount are located in much larger areas that are oriented toward motion picture and television production. He commented that the studio is a welcome member of the community. He said that he would be more able to support the proposal if it is scaled down and the conditions raised by Continental Development are mitigated.

Commissioner Paralusz said that she agrees with the other Commissioners that the proposal is very ambitious. She stated that she is not able to support the project. She pointed out that the Sign Code allows for a sign exception provided that it would not be detrimental to the surrounding area; it is necessary for the reasonable use of the property; and it is consistent with the intent of the Sign Code. She stated that she may be persuaded that the subject proposal

would meet the first two criteria; however, she is not able to make the finding that it would be consistent with the intent of the Sign Code. She commented that the intent of the Sign Code is that signs only provide business identification and not advertising. She indicated that she is concerned with the scope of the sign in relation the surrounding area and feels it could set a precedent for other sign applications. She indicated that if the project moves forward, she would want for staff to contact Northrop Grumman for comment since they own the private road which accesses the property. She commented that she also would want the size of the sign to be reduced and for third party advertising to be restricted. She pointed out that she also has a concern that the property could be sold in the future and that the sign could be used for a different purpose.

Commissioner Seville-Jones said that she agrees that the sign is too ambitious as proposed. She indicated that she would be willing to consider a sign that exceeds the limits of the Sign Code; however she feels it should be smaller than proposed. She said that the studio is a unique asset to the community with which it can take pride. She indicated that the employees of the studio are members of the community who spend their money at the businesses along Rosecrans Avenue. She commented that she feels the entertainment industry should be supported and encouraged in the City. She said, however, that she does feel the sign as proposed is too large and out of scale with the businesses along Rosecrans Avenue. She indicated that she would like for the size of the sign to be scaled back and would want more input from Continental Development. She said that any sign should not be permitted to have third party advertising. She stated that she feels it is important that the aesthetics of the existing landscaping be maintained. She said that the relocation of one tree as indicated by the applicant would not necessarily detract from the aesthetics from the street level, but she would not want for any extensive changes to be made to the existing landscaping.

Chairman Lesser commented that the studio is a unique aspect of the community which should be supported. He indicated that he has sympathy for the applicant's position but cannot support the proposal in its current form. He said that approval of the project as proposed would need to be a policy decision by the City Council, as it does not meet the required findings. He stated that he is concerned about the precedent that would be set by allowing such a large sign with changeable copy and third party advertising. He commented that the scale of buildings and traffic has increased along Rosecrans Avenue dramatically within the past ten years, and an additional visual distraction would be problematic. He indicated that the purpose and intent of the Sign Code states that the location, height, size, and illumination of signs are regulated in order to maintain the attractiveness and orderliness of the City's appearance and to protect business sites from loss of prominence resulting from excessive signs, particularly pole signs, on nearby sites. He said that if the proposed sign is approved, other businesses would argue that they also need special consideration. He said that he shares the concern raised by Continental Development regarding the relation of the sign with the other corners of the intersection. He stated that he would welcome the applicant to come back to the Commission with a proposal that is more in keeping with the concerns that have been raised.

Commissioner Fasola said that although he has spoken out very strongly against the proposal, he is open to allowing oversized signage that is more visible within the studio rather than along Rosecrans Avenue. He commented that there would be space to allow for advertising within the courtyard of the buildings.

Action

A motion was MADE and SECONDED (Paralusz/Seville-Jones) to CONTINUE consideration of a Sign Exception regarding the installation of two ground based electronic changeable copy signs totaling 648 square feet of area at the Manhattan Beach Studios Facility at 1600

Rosecrans Avenue to the meeting of October 8, 2008.

AYES: Fasola, Paralusz, Powell, Seville-Jones and Chair Lesser
NOES: None.
ABSENT: None.
ABSTAIN: None.

F. DIRECTORS ITEMS

None.

G. PLANNING COMMISSION ITEMS

Commissioner Powell commented that the current Commissioners that participated in the public hearing for the Manhattan Beach Community Church were invited to the dedication ceremony. He stated that the project will be an excellent addition to the community.

Commissioner Powell said that he, Director Thompson, Chairman Lesser, and several staff members attended the American Planning Association California Conference. He commented that he headed a panel session entitled "Effective Communication Between Planning Staff and Elected and Appointed Officials." He said that the panel consisted of Mayor Montgomery, Director Thompson, Walt Dougher, and Chuck Milam. He stated that the conference was well attended, and there was great input from community development staff members.

Chairman Lesser said that he also attended the conference. He indicated that he attended a session regarding the utilization of CEQA (California Environmental Quality Act) in complying with the state law regulating carbon emissions.

H. TENTATIVE AGENDA October 8, 2008

I. ADJOURNMENT

The meeting was adjourned at 8:00 p.m. to Wednesday, October 8, 2008 in the City Council Chambers, City Hall, 1400 Highland Avenue

SARAH BOESCHEN
Recording Secretary

ATTEST:

RICHARD THOMPSON
Community Development Director

Commissioner Paralusz requested that staff provide comparable hours of operation for other restaurants in Manhattan Village Shopping Center to the subject proposal. She commented that the subject restaurant is proposed to be open until 11:00 p.m. daily, and she would be interested in a comparison with the operating hours for the other restaurants at the mall.

Commissioner Powell requested information regarding whether any restaurants in Manhattan Village Shopping Center have differing hours for serving alcohol as opposed to their general operating hours.

Action

A motion was MADE and SECONDED (Paralusz/Powell) to **CONTINUE** Consideration of a Master Use Permit to allow conversion of an existing office to restaurants or other commercial uses and allow a new restaurant (Tin Roof Bistro) with a new outdoor dining patio and on-site consumption of alcohol at 3500 Sepulveda Boulevard, Hacienda/Haagen Building, Manhattan Village Shopping Center to the meeting of October 22, 2008.

AYES: Fasola, Paralusz, Powell, Seville-Jones and Chair Lesser
NOES: None.
ABSENT: None.
ABSTAIN: None.

In response to a question from Commissioner Fasola, Director Thompson commented that it is unusual for staff to receive a request to continue an item the same day as the hearing is scheduled.

E. BUSINESS ITEMS

Consideration of a Sign Exception Regarding the Installation of Two Ground Based Electronic Changeable Copy Signs Totaling 648 Square Feet of Area at the Manhattan Beach Studios Facility at 1600 Rosecrans Boulevard

Director Thompson indicated that the Planning Commission did not support the subject proposal after the applicant's presentation at the last meeting. He said that the applicant has chosen not to revise the proposal in order to address the concerns that were raised but rather to appeal the denial of the Commission to the City Council.

Vernon Chin, representing the applicant, stated that Marvel Studios has signed a deal which will make Manhattan Beach Studios the base for their productions. He commented that they have chosen not to modify their current proposal and are asking the Commission to consider it as proposed.

Discussion

Commissioner Powell said that with no additional information being provided relative to the requests of the Commission to scale down the sign, he would stand by his initial position against the proposal. He said that the studio has been a good neighbor, and it is unfortunate that the signage was not scaled down. He indicated that the intent of the Sign Code is to provide business identification and not for third-party advertising. He commented that the sign is ambitious as proposed; is not compatible with the surrounding buildings; and would be a distraction to motorists. He indicated that he understands the applicant's desire to have the signage; however, the intent of the Sign Code is to provide for the aesthetics of the City. He said that not allowing other use for the sign beyond business identification would not deny reasonable enjoyment of the property.

Commissioner Seville-Jones said that the studio is a good neighbor. She pointed out that the fact that Marvel Studio has signed with the studio suggests that the applicant's argument regarding unreasonable deprivation for use of the property without the proposed signage is more difficult to meet. She commented that there was an article in the Los Angeles Times regarding the issues Los Angeles is facing with the proliferation of signs. She indicated that she has forwarded the article to Director Thompson, and she suggested that the article also be provided to the City Council.

Commissioner Paralusz indicated that she concurs with the statements of the other Commissioners. She congratulated the applicant in signing with Marvel Studios. She stated that she also agrees that the studio is a great neighbor. She said that she also stands by her original comments at the previous meeting that the sign as proposed does not meet the standards of the Sign Ordinance. She indicated that she cannot support the application.

Commissioner Fasola said that he also stands by his comments at the previous meeting.

Chairman Lesser said that he views the studio as a unique asset to the community. He stated, however, that he cannot support the sign as proposed because of the express prohibition against billboards in the City. He said that the deal reached between the applicant and Marvel Studios suggests that the studio has achieved a high reputation regardless of the signage. He indicated that the scale of the sign does not meet the intent of the Sign Code.

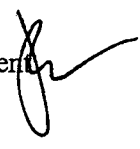
Action


A motion was MADE and SECONDED (Fasola/Paralusz) to **ADOPT** the draft Resolution **DENYING** a Sign Exception Regarding the Installation of Two Ground Based Electronic Changeable Copy Signs Totaling 648 Square Feet of Area at the Manhattan Beach Studios Facility at 1600 Rosecrans Boulevard

AYES: Fasola, Paralusz, Powell, Seville-Jones and Chair Lesser
NOES: None.
ABSENT: None.
ABSTAIN: None.

**CITY OF MANHATTAN BEACH
DEPARTMENT OF COMMUNITY DEVELOPMENT
STAFF REPORT**

TO: Planning Commission

FROM: Richard Thompson, Director of Community Development 

BY: Eric Haaland, Associate Planner 

DATE: September 24, 2008

SUBJECT: Consideration of a Sign Exception regarding the Installation of Two Ground Based Electronic Changeable Copy Signs Totaling 648 Square Feet of Area on the Manhattan Beach Studios Facility at 1600 Rosecrans Avenue

RECOMMENDATION

Staff recommends that the Planning Commission **ACCEPT** input, **DISCUSS** the subject request, and **DIRECT** staff as determined to be appropriate.

APPLICANT/ OWNER
CRP MB Studios, LLC
1600 Rosecrans Avenue.
Manhattan Beach, CA 90266

LOCATION

<u>Location</u>	1600 Rosecrans Ave, at the southwest corner of Rosecrans & Redondo Ave. (See site location map).
<u>Assessors Parcel Number</u>	4138-027-015 & 017
<u>Area District</u>	II
<u>Zoning</u>	IP, Industrial

BACKGROUND

The subject entertainment production facility has one existing monument sign identifying "Manhattan Beach Studios" at the corner of Roserans Avenue and Redondo Avenue. The subject proposal to replace that sign, and place two new electronic changeable copy cabinet signs above

requires Planning Commission approval of a sign exception pursuant to Section 10.72.080 of the City's sign code.

DISCUSSION

The submitted plans propose two new 18.5-foot tall, 324 square-foot electronic signs located on a base with fixed copy identifying Manhattan Beach Studios, in a V-formation oriented toward views from Rosecrans Avenue. The sign structure would replace the studios' existing monument sign within a palm tree ringed grassy corner area that matches the other corners at this Rosecrans/Redondo intersection. The plans indicate at least 3 of the very large existing palm trees within this unique tree-ring landscape concept to be removed or relocated to improve sign visibility toward the west. The electronic signs are both programmable LED message cabinets with the ability to display varying text and graphics at any time. The sign would communicate messages to Rosecrans traffic regarding entertainment being produced on-site, and what the applicant refers to as 3rd party advertising.

The applicant has provided attached examples of similar signs existing at other studio facilities in other cities. A smaller electronic sign was approved by the City Council for American Martyrs Church in 2006 (resolution attached), and some Manhattan Beach public schools have electronic signs. To staff's knowledge, these existing signs are limited to still messages communicating school, church, or community events. A large electronic pole sign that has been known to display entertainment advertising also exists east of the City near the I-405 freeway.

Changeable copy signs differ from typical fixed-copy signs identifying a business or entity occupying a given location. Changeable copy provides more detailed messages and scheduling information that change frequently. Movie theaters, flower shops, churches, and schools often have changeable copy signs. Most of these signs have plastic letters that can be manually changed by regular employees.

The city's sign code (MBMC Chapter 10.72) permits monument signs, pole signs, and wall signs with fixed copy at the studio facility. Since the proposed sign exceeds 6 feet in height, it is classified as a pole sign. Based on the Rosecrans frontage of the site (Redondo Avenue is a private street), the property is permitted 670 square feet of total sign area. The proposal of approximately 744 square feet of total sign area (changeable and fixed), which must be double-counted as pole sign area, exceeds the allowable amount. The proposal also exceeds the maximum permitted area for any single sign face of 150 square feet.

Signs advertising businesses, productions, or products other than those occupying the same site are prohibited as off-premise signs. Signs such as billboards that are a revenue generating commodity unto themselves, rather than identifying businesses on-site are often considered to be an independent business and land use; however, they are still eligible for sign exception approval if the Planning Commission finds them to be consistent with the intent of the sign code. Staff is not

aware of any previous approvals of off-premise/3rd party signs on private property in the City of Manhattan Beach.

Applicable Sign Code Provisions:

General provision 10.72.020(B) prohibits sign-faces greater than 150 square feet:

- B. The maximum area of any single sign face, comprised of one (1) or multiple face panels, shall be one hundred fifty (150) square feet.

General provision 10.72.020(E) prohibits changeable copy signs in general unless a sign exception is approved as follows:

- E. The copy of all signs shall be permanently fixed in place in conformance with their corresponding sign permits unless an exception for changeable copy is provided pursuant to the regulations of this chapter.

Section 10.72.070 of the sign code prohibits 3rd-party advertising signs including the following:

- A. Off-site or off-premises signs;
- B. Outdoor advertising display signs (billboards);

Section 10.72.080 of the sign code provides for Planning Commission approval of sign exceptions as follows:

Section 10.72.080 Sign exceptions.

On sites where strict application of this chapter creates results inconsistent with the intent of this chapter, the Planning Commission may approve modifications to the requirements of this chapter.

Applicants shall submit copies of a proposed sign program with plans and elevations drawn to scale of all existing and proposed buildings and signs as part of the exception application. Upon receipt of a complete application the item will be placed on the next available Planning Commission agenda.

An application for a sign exception as it was applied for, or in modified form as required by the Commission, shall be approved if, on the basis of the application, plans, and materials submitted; the Commission finds that:

- A. The proposed sign exception would not be detrimental to, nor adversely impact, the neighborhood or district in which the property is located. Potential impacts may include, but are not limited to, design;
- B. The proposed sign exception is necessary in order that the applicant may not be deprived unreasonably in the use or enjoyment of their property;
- C. The proposed sign exception is consistent with the legislative intent of this title.

In granting any such exception, the Planning Commission may impose reasonable conditions or restrictions as deemed appropriate or necessary to protect the public health, safety, and general welfare.

The general intent of the sign code, referenced above, reads as follows:

Section 10.72.010 Purpose and intent.

The purpose of signs is to provide business identification. The location, height, size, and illumination of signs are regulated in order to maintain the attractiveness and orderliness of the City's appearance; to protect business sites from loss of prominence resulting from excessive signs, particularly pole signs, on nearby sites; to protect the public safety and welfare.

Analysis:

The proposed sign location appears to be the most appropriate for primary identification of the studio facility, and is consistent with existing sign locations surrounding the intersection of Rosecrans and Redondo Avenues. There are no concerns for impacts to residential neighbors since no residential uses are near, or within view, of the sign location. Sign exception applications do not require noticing, however, Continental Development, the commercial property owner sharing this unique street intersection, has been notified of the application.

The Planning Commission should determine if the sign proposal would be visually detrimental to the public. The intent of the sign code includes maintaining the attractiveness and orderliness of the city's appearance, and protecting the public safety and welfare. The Commission should also consider the issue of off-premise advertising very seriously since this type of signage is often of substantial concern in other jurisdictions, and its approval in Manhattan Beach would be unique. This aspect of the proposal does not appear to be consistent with the sign code's purpose to provide for "business identification".

Staff also has a concern for motion effects in electronic signs. In addition to the identified code conflicts of changeable copy, total sign area, sign-face size, and 3rd party advertising, the sign code also prohibits all "revolving, flashing, fluttering, spinning, or reflective signs". These motion oriented effects combined with bright internal lighting could be very visually disruptive. The flexibility provided by a programmable LED sign has the potential to achieve these effects. The applicant has indicated that the signs will not include any of these effects; however, staff suggests that any approval of the request should specifically prohibit significant motion effects.

General Plan goals and policies that the Planning Commission may find relevant to this application include the following:

Policy LU-2.3: Protect existing mature trees throughout the City, and encourage their replacement with specimen trees whenever they are lost or removed.

Policy LU-3.5: Ensure that the sign ordinance provides for commercial signage that is attractive, non-intrusive, safe, and consistent with overall City aesthetic goals.

Goal LU-6: Maintain the viability of the commercial areas of Manhattan Beach.

CONCLUSION

The sign code permits the Planning Commission to approve a sign exception if it finds that: it would not be detrimental to the surrounding area, is necessary for reasonable use of the property, and is consistent with the intent of the sign code. Staff recommends that the Planning Commission review the proposal and determine whether the electronic signs are a reasonable method for the studio facility to communicate information that will not be visually detrimental to neighboring businesses and the public use of Rosecrans Avenue.

ENVIRONMENTAL DETERMINATION

Pursuant to the California Environmental Quality Act (CEQA), and the Manhattan Beach CEQA Guidelines, the subject project has been determined to be exempt (Class 1) as minor modifications to an existing facility per Section 15301 of CEQA.

ALTERNATIVES

The alternatives available to the Planning Commission include:

1. **APPROVE** the project with appropriate findings and conditions.
2. **DENY** the project based upon appropriate findings.

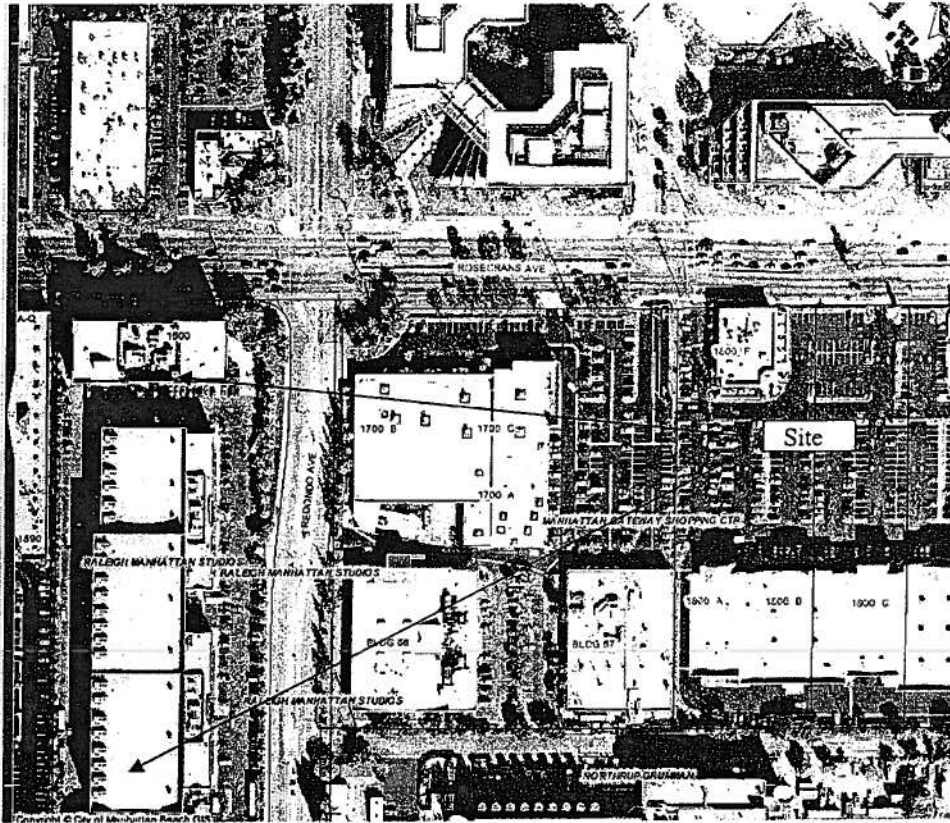
Attachments:

- A. Vicinity Map
- B. Sign exception for Am. Martyrs
- C. Applicant Material
Plans (separate)

cc: MB Studios, Applicant

1600 Rosecrans Ave.

Vicinity



Eric H

RESOLUTION NO. 6046


RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, APPROVING A SIGN EXCEPTION FOR THE PROPERTY LOCATED AT 624 15th STREET (American Martyrs Church)

THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The City Council of the City of Manhattan Beach hereby makes the following findings:

- A. The City Council of the City of Manhattan Beach considered the subject item on July 5, 2006, received testimony, and considered an appeal of the Planning Commission's decision regarding a sign exception for an existing church facility on the property located at 624 15th Street in the City of Manhattan Beach.
- B. The application was filed on February 23, 2006. The Planning Commission considered the item, and received public testimony on March 29, and April 26, 2006. The Planning Commission denied the application on April 26, 2006. The City Council considered the appealed application and received public testimony for the project on July 18, 2006.
- C. The applicant for the subject project is Absolute Sign, Inc., sign contractor for the owner of the property, American Martyrs Church.
- D. Pursuant to the California Environmental Quality Act (CEQA), and the Manhattan Beach CEQA Guidelines, the subject project has been determined to be exempt (Class 1) as minor modifications to an existing facility per Section 15301 of CEQA.
- E. The project will not individually nor cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.
- F. The property is located within Area District II and is zoned RS, Residential Single-Family. The surrounding private land uses beyond the church facility consist of single-family residences.
- G. The General Plan designation for the property is General Commercial.
- H. Approval of the sign exception, subject to the conditions below: will not be detrimental to, nor adversely impact, the neighborhood or district in which the property is located since the signs are primarily visible from church property and shall be restricted from obtrusive lighting or motion, is necessary for reasonable use of the subject property since the signs can effectively provide information to church members and the community, and is consistent with the intent of the City's sign code in that the signs will not be obtrusive to the neighbors or public and do not result in large quantities of sign area for the site considering its large area and quantity of street frontage; as detailed in the project staff report.
- I. Approval of the changeable copy LED sign request is appropriate in this unique case due to the signs' isolation from neighboring properties and buffering by the surrounding church campus and does not imply that other installations would be appropriate.
- J. The project shall otherwise be in compliance with applicable provisions of the Manhattan Beach Municipal Code.
- K. This Resolution, upon its effectiveness, constitutes the Sign Exception approval for the subject project.

SECTION 2. The City Council of the City of Manhattan Beach hereby APPROVES the subject Sign Exception application subject to the following conditions (*indicates a site specific condition):



Certified to be a true copy of said document on file in my office.

TA

City Clerk of the City of Manhattan Beach

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1. * The project shall be constructed and operated in substantial compliance with the submitted plans as approved by the Planning Commission on March 29, and April 26, 2006.
2. * Each sign shall not exceed 25 square feet in area or a projection of 12 inches from the attached wall surface. No portion of the signs shall rise above or hang below the wall surface at the proposed location above a parking structure entrance.
3. All wires and cables shall be installed within related structures or underground to the appropriate utility connections in compliance with all applicable Building and Electrical Codes, safety regulations, and orders, rules of the Public Utilities Commission, the serving utility company, and specifications of the Public Works Department. No rough components or finishes shall be visibly exposed.
4. The siting of construction related equipment (cranes, materials, etc.) shall be subject to the approval from the Director of Community Development prior to the issuance of any permits.
5. * Planting or other appropriate visual screening from neighboring properties or identified public street perspectives shall be maintained or installed on church-owned property as determined to be appropriate by the Community Development Director. Existing trees, buildings, structures, or adequate replacements shall continue to provide screening and new trees/structures shall be provided where screening needs are identified currently or in the future.
6. * The use of the LED signs shall be limited to information regarding American Martyrs church and Manhattan Beach community activities, events and programs. Commercial, personal, instructional, or entertainment oriented content shall be prohibited.
7. * The signs shall display only still-screen messages. Moving, flashing, scrolling, or color-changing copy or images shall be prohibited. Each still-screen message shall be displayed a minimum of 60 seconds.
8. * The sign displays shall not result in obtrusive or unsafe light intensity or glare impacting surrounding properties or public right-of-way as determined by the Community Development Director. As a minimum, use of background lighting effects shall be prohibited, and a maximum of 25% of the LED display shall be lighted at any time.
9. The sign shall be operated only between 7am and 9pm daily.
10. The signs or sign operation shall be modified to address neighbor complaints as determined to be appropriate by the Community Development Director.
11. This Sign Exception shall lapse two years after its date of approval, unless implemented or extended by the Planning Commission.
12. Pursuant to Public Resources Code section 21089(b) and Fish and Game Code section 711.4(c), the project is not operative, vested or final until the required filing fees are paid.
13. The applicant agrees, as a condition of approval of this project, to pay for all reasonable legal and expert fees and expenses of the City of Manhattan Beach, in defending any legal actions associated with the approval of this project brought against the City. In the event such a legal action is filed against the project, the City shall estimate its expenses for the litigation. Applicant shall deposit said amount with the City or enter into an agreement with the City to pay such expenses as they become due.

SECTION 3. Pursuant to Government Code Section 65009 and Code of Civil Procedure Section 1094.6, any action or proceeding to attack, review, set aside, void or annul this decision, or concerning any of the proceedings, acts, or determinations taken, done or made prior to such decision or to determine the reasonableness, legality or validity of any condition attached to this decision shall not be maintained by any person unless the action or proceeding is commenced within 90



Certified to be
a true copy of
said document
on file in my
office.

TA

City Clerk of
the City of
Manhattan
Beach

1 days of the date of this resolution and the City Council is served within 120 days of the date of this
2 resolution. The City Clerk shall send a certified copy of this resolution to the applicant, and if any, the
3 appellant at the address of said person set forth in the record of the proceedings and such mailing shall
4 constitute the notice required by Code of Civil Procedure Section 1094.6.

5 SECTION 4. This resolution shall take effect immediately. The City Clerk shall make this
6 resolution readily available for public inspection within thirty (30) days of the date this resolution is adopted.

7 SECTION 5. The City Clerk shall certify to the adoption of this resolution and thenceforth
8 and thereafter the same shall be in full force and effect.

9 PASSED, APPROVED and ADOPTED this 18th day of July, 2006.


10
11 Ayes: Montgomery, Fahey and Tell.
12 Noes: Aldinger and Mayor Ward.
13 Absent: None.
14 Abstain: None.
15 :

16 /s/ Mitch Ward
17 Mayor, City of Manhattan Beach, California

18 ATTEST:

19 /s/ Terri Aliabadi
20 City Clerk (Acting)

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Certified to be a true copy
of the original of said
document on file in my
office.

[Signature]

City Clerk of the City of
Manhattan Beach, California

Signage Features

Signage Brightness

The LCD sign will be programmed to automatically adjust to be consistent with the surrounding lighting conditions, which will minimize visual impact. Under normal circumstances, the sign's brightness as measured in candelas will be 75% lower than the maximum brightness allowed in Los Angeles.

Audio

There will be no audio.

Motion

The LCD sign will feature still images only.

Signage Use

The LCD sign needs to have the ability to advertise for both tenants and 3rd party advertisements. This is the only way that we can ensure that our tenants, national partners, local businesses, and local government (PSA) are adequately serviced. We are an entertainment focused business with local and national clients, and advertising signage is essential to the function of the studio.

Foliage

A few of the palm trees on our site will be relocated but not completely removed. They will be relocated around the sign in a pattern to remain consistent with the palm trees planted at the adjacent corners of the intersection. Furthermore, additional plants will be planted around the sign to increase its visual appeal.

Sign Exception Qualification

Title 10.72.080 of the city code has 3 requirements in order to qualify for sign exceptions, which are delineated below.

1. *The proposed sign exception would not be detrimental to, nor adversely impact, the neighborhood or district in which the property is located*

The proposed signage would be located on the primary business corridor of Manhattan Beach and would not have any impacts on residential neighborhoods, schools, or other sensitive non-business areas of Manhattan Beach. In order to minimize visual impact, the proposed signage has been scaled back to be 39% smaller than the industry's standard size. Additionally, it has just one sign facing each direction on Rosecrans Ave and has been designed with foliage and materials consistent with local architecture.

2. *The proposed sign exception is necessary in order that the applicant may not be deprived unreasonably in the use or enjoyment of their property*

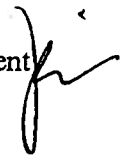
Manhattan Beach Studios is a unique business to Manhattan Beach. It is a special use property, with unique requirements that are crucial to remain competitive with the other feature film and TV studios in Los Angeles County. The proposed signage is absolutely necessary for Manhattan Beach Studios be able to function as a full-service studio. All of Manhattan Beach Studios major competitors utilize signage in their product offering, and Manhattan Beach Studios must continually update its offerings in order to draw business away from the central entertainment districts. 3rd Party Advertising is also critically important in order to truly be a global media center for its entertainment tenants, provide Manhattan Beach with PSA capabilities, and also provide local Manhattan Beach businesses with advertising opportunities.


3. *The proposed sign exception is consistent with the legislative intent of this title*

Manhattan Beach Studios believes that the proposed signage is consistent with 10.72.080's intent because the proposal provides benefits both the city and Manhattan Beach Studios, without inundating the city of Manhattan Beach with gratuitous billboard advertisements. The city of Manhattan Beach will have the ability to display its Public Service Announcements on the proposed sign. This is a significant benefit to the city of Manhattan Beach at the sole cost of the ownership of Manhattan Beach Studios. Furthermore, the signage has been designed with great sensitivity to its surroundings while still enabling Manhattan Beach Studios to function as a special use property and the city gains the ability to distribute Public Service Announcements in its Central Business District.

**CITY OF MANHATTAN BEACH
DEPARTMENT OF COMMUNITY DEVELOPMENT
STAFF REPORT**

TO: Planning Commission

FROM: Richard Thompson, Director of Community Development 

BY: Eric Haaland, Associate Planner 

DATE: October 8, 2008

SUBJECT: Consideration of a Sign Exception regarding the Installation of Two Ground Based Electronic Changeable Copy Signs Totaling 648 Square Feet of Area on the Manhattan Beach Studios Facility at 1600 Rosecrans Avenue

RECOMMENDATION

Staff recommends that the Planning Commission **DENY** the subject request

APPLICANT/ OWNER
CRP MB Studios, LLC
1600 Rosecrans Avenue.
Manhattan Beach, CA 90266

LOCATION

<u>Location</u>	1600 Rosecrans Ave, at the southwest corner of Rosecrans & Redondo Ave. (See site location map).
<u>Assessors Parcel Number</u>	4138-027-015 & 017
<u>Area District</u>	II
<u>Zoning</u>	IP, Industrial

DISCUSSION

At its regular meeting of September 24, 2008, the Planning Commission considered the subject application, continued the item, and directed staff and the applicant to return with additional information. The Commission indicated that it could not approve the proposal for two new 18.5-

foot tall, 324 square-foot electronic signs located at the street corner; however, would consider a smaller sign with specific restrictions. The applicant requested additional time to consider this option, therefore the item was continued to the October 8th meeting. The applicant has since determined that reducing the size and use of the proposed sign is not a viable alternative.

Since the Planning Commission appeared to reach a consensus that the submitted request could not be approved, staff has drafted the attached resolution for denial of the sign exception application. The denial is based on: potential visual disruption to the surrounding area due to the sign's excessive size coupled with the dynamics of changeable LED text and graphics, off-premise advertising, and potential threat to the adjacent mature palm trees.

ALTERNATIVES

The alternatives available to the Planning Commission include:

1. **APPROVE** the project with appropriate findings and conditions.

Attachments:

- A. Resolution No. PC 08-
 - B. Applicant Letter
-

cc: MB Studios, Applicant

RESOLUTION NO. PC 08-

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
MANHATTAN BEACH DENYING A SIGN EXCEPTION FOR THE
PROPERTY LOCATED AT 1600 ROSECRANS AVENUE (Manhattan Beach
Studios)**

**THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH DOES
HEREBY RESOLVE AS FOLLOWS:**

SECTION 1. The Planning Commission of the City of Manhattan Beach hereby makes the following findings:

- A. The Planning Commission of the City of Manhattan Beach, on September 24, and October 8, 2008, received testimony, and considered an application for a sign exception for an existing entertainment production studio facility on the property located at 1600 Rosecrans Avenue in the City of Manhattan Beach.
- B. The Assessors Parcel Numbers for the property are 4138-027-015 & 017.
- C. The applicant for the subject project is CRP MB Studios, LLC, the owner of the property.
- D. Pursuant to the California Environmental Quality Act (CEQA), and the Manhattan Beach CEQA Guidelines, the subject project has been determined to be exempt (Class 1) as minor modifications to an existing facility per Section 15301 of CEQA.
- E. The project will not individually nor cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.
- F. The property is located within Area District II and is zoned IP, Industrial. The surrounding private land uses beyond the studio facility primarily consist of commercial and industrial uses, and Manhattan Village residential uses abut the rear portion of the site.
- G. The General Plan designation for the property is Industrial.
- H. The proposed sign would be detrimental to, or adversely impact, the neighborhood or district in which the property is located since the sign is disproportionately large compared to the site's street frontage and surrounding signage, which is compounded by the changeable copy, potential loss of mature trees, and off-premise advertising aspects of the sign; is not necessary for reasonable use of the subject property since reduced or conforming signage can effectively identify the studio facility and its tenants; and is not consistent with the intent of the City's sign code in that the sign would be obtrusive to the neighbors or public, and would not be used specifically for identification of businesses on the property.
- I. This Resolution, upon its effectiveness, constitutes denial of the Sign Exception request.

Section 2. The Planning Commission of the City of Manhattan Beach hereby **DENIES** the subject Sign Exception for two changeable copy electronic LED signs on a monument base.

RESOLUTION NO. PC 08-

SECTION 3. Pursuant to Government Code Section 65009 and Code of Civil Procedure Section 1094.6, any action or proceeding to attack, review, set aside, void or annul this decision, or concerning any of the proceedings, acts, or determinations taken, done or made prior to such decision or to determine the reasonableness, legality or validity of any condition attached to this decision shall not be maintained by any person unless the action or proceeding is commenced within 90 days of the date of this resolution and the City Council is served within 120 days of the date of this resolution. The City Clerk shall send a certified copy of this resolution to the applicant, and if any, the appellant at the address of said person set forth in the record of the proceedings and such mailing shall constitute the notice required by Code of Civil Procedure Section 1094.6.

I hereby certify that the foregoing is a full, true, and correct copy of the Resolution as adopted by the Planning Commission at its regular meeting of October 8, 2008 and that said Resolution was adopted by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

RICHARD THOMPSON,
Secretary to the Planning Commission

Sarah Boeschen,
Recording Secretary

Eric Haaland

From: Vernon Chin [Vernon.Chin@carlyle.com]
Sent: Thursday, October 02, 2008 4:08 PM
To: Eric Haaland
Cc: Dana Bromley; Brandon Taylor
Subject: Manhattan Beach Studios Signage Proposal

Eric,

Thank you for taking the time to speak with me yesterday. Per your request, this email confirms that after further review, we have elected to not make any changes to our original signage proposal. We understand that the Planning Commission will vote and make their decision based on our proposal as presented September 24, 2008.

Please do not hesitate to contact me if you have any questions.

Kind Regards,

Vernon Chin

Vernon Chin
The Carlyle Group
11100 Santa Monica Blvd., Suite 750
Los Angeles, CA 90025
(310) 575-1751 office
vernon.chin@carlyle.com

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California/Local



STEVE LOPEZ:
L.A. under visual assault by digital billboards
October 5 2008

Columnists:

- » Steve Lopez
- » Sandy Banks
- » Patt Morrison
- » George Skelton
- » Dana Parsons
- » Steve Harvey
- » Steve Hymon

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Community Papers:

- » Burbank
- » Newport Beach
- » Laguna Beach
- » Huntington Beach
- » Glendale

Weiss said he recently blocked a digital conversion on Ventura Boulevard in Encino, arguing that an electronic billboard would be out of compliance with the local zoning plan and the California Environmental Quality Act.

He's also trying to block so-called super-graphic ads draped from buildings all over town. Weiss said those monstrosities are an even bigger threat to the landscape than electronic billboards.

In a bad economy, Weiss said, building owners who are having trouble collecting rent will gladly collect thousands for turning their buildings over to advertisers. And advertising companies are rushing to take advantage of an injunction against a ban Weiss helped write into law.

News/Opinion

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National

World

Business

Sports

Campaign '08

Science

Environment

Opinion

Garcetti introduced a measure last week calling for the city attorney and the Department of Building and Safety to explore ways to limit electronic billboards that throw light into nearby homes and are out of character with the neighborhood. Like the one in his Silver Lake district.

"It's atrocious," he said.

The sign wouldn't stand out so much if it were in the heart of Hollywood or along a major commercial strip elsewhere in the city. But with just a few shops under the billboard, and houses and apartments all around, this behemoth is the definition of obscenity.

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Come on, it's Silver Lake. You'd think the jugheads at Clear Channel would have at least had the sense to advertise high-top Converse sneakers and organic dog chow.

Dirk Mathison was "in a perfectly good mood" driving home from work one night when



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he came to the new billboard looming over Spaceland, with its slide-show ads for Sean John, the Pussycat Dolls, "The Bonnie Hunt Show," "High School Musical" and Coke.

"I had a sick and angry feeling," said Mathison, who went to a community meeting where a small army of protesters vented.

Mathison, a journalist, led me to the pole at the base of the billboard, where we each contemplated flipping the switch to shut down the show.

Wait, was it a booby trap? Would we be electrocuted?

We chickened out, but I noticed that one angry Silver Laker had taped a righteous boho screed on the pole under the billboard.

"Kill the Sign," it says. "It is visible from many of our living rooms. Its 50,000 watts of power flash a cavalcade of tacky advertisements at one per five seconds. . . . We have worked hard . . . making Silver Lake a beautiful and desirable place to live, only to see all that work substantially devalued by a mega-corporation that cares nothing about our community."

Hallelujah, but I'm told it's much easier to prevent a conversion from conventional to digital than to do something about it after the fact. If there's a conversion underway in your neighborhood, you might want to raise a ruckus immediately with your council member.

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Dennis Hathaway of the Coalition to Ban Billboard Blight has a word of caution, though, when it comes to council members and billboards.

"They're their own worst enemy," he said, arguing that by calling for exceptions to existing bans and recently endorsing spectacularly large electronic ads at the Convention Center downtown, council members have provided ammunition to the billboard companies' free speech arguments.

Go to www.banbillboardblight.org if you want to learn more or take up arms.

And don't forget to send a thank-you card to Rocky.

steve.lopez@latimes.com

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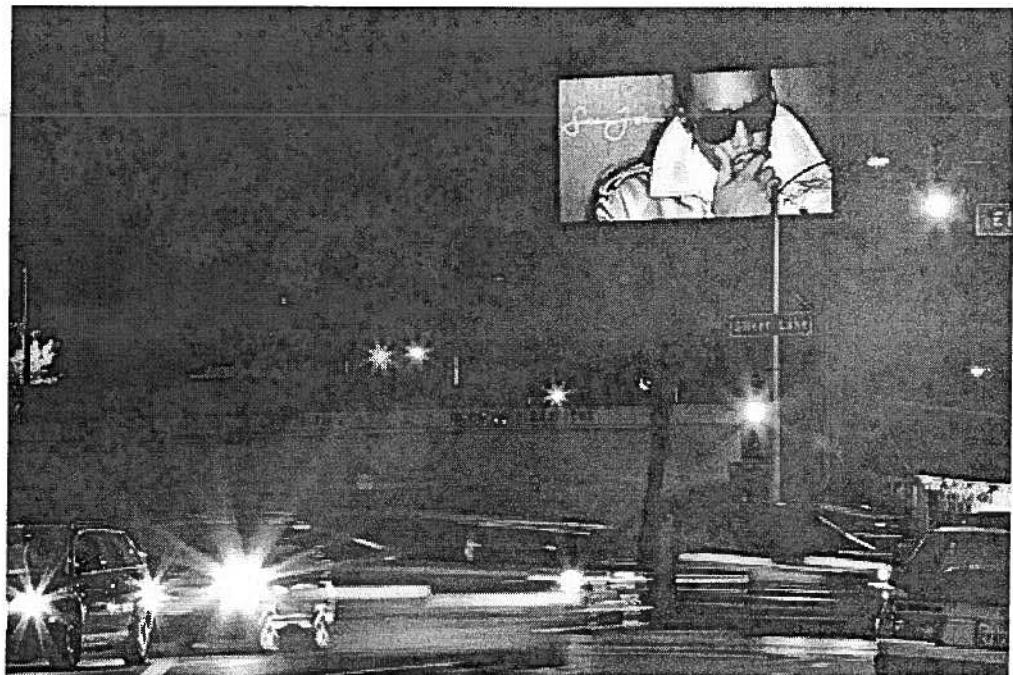
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STEVE LOPEZ:

L.A. under visual assault by digital billboards



Liz O. Baylen / Los Angeles Times

HARD TO MISS: A Sean John ad is among images flashed on a digital sign along Silver Lake Boulevard.

Steve Lopez
October 5, 2008

Thank you, L.A. City Atty. Rocky Delgadillo, for being such a pal to the billboard industry.

The new gigantic digital ads in my neighborhood, with white-hot flashing pitches for Coke and Sean John, are a swell addition to otherwise quaint Silver Lake Boulevard.

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Thank you, Los Angeles City Council, for rolling over time after time to the same outdoor advertising companies -- Regency, Clear Channel and CBS, to name a few.

I'm sure residents of the Fairfax district are happy too. They have a spiffy new electronic sign the size of the Queen Mary on 3rd Street near Fairfax, telling them not to miss the new "Smackdown" TV premiere and "Magic's Biggest Secrets Revealed." (How *do* they cut that woman in half?)

Dear readers, if you thought the Los Angeles landscape was already polluted by advertising, just wait. The city could end up looking like Planet Plasma. There will be no such thing as nightfall. Digital ads will keep darkness at bay, changing every few seconds and selling everything from bad sitcoms to cheap perfume.

About 40 to 50 billboards on the Westside alone have been converted from conventional to digital this year, and SEVERAL HUNDRED MORE could soon be converted citywide under terms of lawsuit settlement city officials rubber-stamped in 2006.

"It's a mess," said Ted Wu, a billboard-regulation activist who has fought a losing battle for roughly 40 years. "I don't think there's any councilman . . . who understands the problem of visual pollution."

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So how did outdoor advertising companies manage to rule the city and take control of our lives?

"I don't want to call it corruption," said Wu. But with campaign donations, "everybody is in the billboard companies' pockets."

City officials have admitted over the last decade that because of inept regulation, they had no idea how many billboards existed in Los Angeles or how many of them had permits.


Place an Ad

In the Newspaper
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Bungled attempts to address the problem have resulted in multiple lawsuits by billboard bullies, who have made "free speech" and other arguments.

In 2006, Delgadillo worked out settlements that must have had the advertising giants popping the champagne.

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Delgadillo "negotiated" a deal that gave billboard companies the right to modernize some signs, add new ones and legalize some that had been erected illegally. It's not clear why he didn't also hand over his first-born, Lakers season tickets and free use of city vehicles with his wife serving as chauffeur.

I'm no lawyer, but why Delgadillo was allowed anywhere near this case remains a mystery to me. He was elected to office in 2001 with the help of \$424,000 in advertising space donated by -- don't choke on your omelet -- the billboard companies.

But Delgadillo can't be assigned all the blame.

Home Delivery

Does anyone recall the City Council vote tally on Rocky's 2006 deal?

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Twelve in favor, zero against. In case you were wondering, yes, the billboard companies have also been kind to council members at election time.

"Looking back now, this was not presented to us in the depth we would have liked," said Councilman Eric Garcetti, taking a poke at Delgadillo. "But that's my responsibility. I'm not going to lay that at the feet of the city attorney."

I thought he just did.

Councilman Jack Weiss said he too takes responsibility for not taking responsibility. Weiss, who is now running for city attorney, is at least currently trying to do something to prevent a proliferation of signs, as is Garcetti.

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Eric Haaland

From: Vernon Chin [Vernon.Chin@carlyle.com]
Sent: Monday, October 27, 2008 3:52 PM
To: Eric Haaland
Cc: Dana Bromley
Subject: Manhattan Beach Studios - Signage Proposal

Eric,

In light of recent economic events, our team has been delayed in our preparation for the November 5, 2008 City Council Meeting due to unforeseen extended travel requirements. We would like to request a continuance for our signage proposal. Would it be possible to reschedule us for another date in late November? I apologize for the late notice.

Please let me know!

Thanks,

Vernon

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