

**City Council Meeting, May 2, 2017
Public Comments, Agenda Section H**

**Submitted by: Gary Osterhout
Position: Neutral
Received: 04-28-2017 02:03 PM**

Agenda Item:

H. PUBLIC COMMENTS (3 MINUTES PER PERSON FOR ONE ITEM, A MAXIMUM OF 6 MINUTES IF A SPEAKER WANTS TO COMMENT ON MORE THAN ONE ITEM)

Comment:

Last February, through this forum, I asked that the City look into and, hopefully, reduce the impact to my neighborhood of the Downtowner advertising and advertising methods (first attachment). Of course, you didn't. So I looked to the municode for support. Looks to me like it is very much in violation of our sign ordinance (see 2nd attachment). Note that since the circuit is 100% M.B., there are no extraterritorial concerns. Consider this message a formal complaint. garyosterhout@verizon.net

(See attachments)

Councilmembers:

As a long time proponent of a city shuttle service, I very much hope the Downtowner program is successful. Frankly, I would prefer the City to sponsor a comprehensive shuttle program with a modest charge to users, and forego advertising. But I understand politically that is unlikely for the moment.

That said, I would like an aspect of the advertising program to be changed from its current form.

I am, per se, opposed to all forced viewings of advertising in my neighborhood. It is bad enough when the entire vehicle body is covered with advertising. But it is worse when the vehicle has a three-sided sign at the top, which is lighted at night. This creates both visual and light pollution (not to mention incursion of commercial advertising in a residential area).

Whenever this program was introduced to M.B., the top sign was presented as either a two dimensional sign placed down the middle of the vehicle's roof, or was shown as two, two-dimensional signs, unconnected, on either side of the roof. Note that Newport Beach shows their vehicles as the former, Santa Monica the latter. Three-sided, lighted, was never given public audience.

Clearly what has been approved is in excess of what was introduced, and because of that was not open to public input (as one commenting would not be expected to argue against every conceivable configuration. In fact, I expected close controls given council's discussions at the June 21, 2016 meeting.

I believe the City itself recognizes the affront to aesthetics displayed by these over-the-top signs, as it chose a picture for its e-mail broadcast about the service showing no sign at all. A recent picture by the DMBBPA posted on NextDoor also shows a two-sided sign. [Note that as of today, 2/6, there is no apparent advertising for the Downtowner shuttle on the Downtown M.B. website.]

Further, there seems no need for the extra advertising space of a three sided sign, as much of the current signage is being used for unnecessary City of Manhattan Beach advertising (i.e., Open City Hall, the reporting app., or the CERT program), and there are shuttles with no advertising at all.

I have been told by Andy Sywak that the City advertising was contracted in exchange for the right to park in the Metlox garage. There was no direction in the minutes that this be a condition for the city to greenlight the program. And if ever there is additional commercial demand for advertising (i.e., cash advertising), I would hope the City's claimed advertising space right does not interfere with placing advertising that contributes to a much greater financial return.

I also hear that this "free" service has drivers that work only for tips, and that the recommended tip is \$3-\$5. This aspect was never mentioned in any materials on the program I can find.

In conclusion, please direct the parties involved to modify all vehicle roof signage back to that indicated in the proposals, reflecting better taste and concern for both the environment and our residential neighborhoods.

Thank you for your consideration,
Gary Osterhout

10.72.020 - General provisions.

- A. Permits are required for all temporary and permanent signs except for those specified as exempt herein.
- D. No **sign** shall move, have visible moving parts, or simulate movement by means of fluttering, spinning, or reflective devices.
- 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.
- F. Portable signs are prohibited, except as permitted or exempted in this chapter.
- H. Abandoned signs shall be removed by the property owner within thirty (30) days of the City's determination that a **sign** is abandoned.

10.72.070 - Prohibited **signs.**

- A. Off-site or off-premises signs;
- B. Outdoor advertising display signs (billboards);
- C. Signs on public property, unless otherwise permitted by this chapter;
- D. Portable, A-frame, or sidewalk signs, excluding business identification signs affixed flat on the body of a vehicle which provides services to said business other than identification or advertising;
- E. Three-dimensional objects or statutes including air or gas-filled objects greater than eighteen inches (18") in diameter each, and located, attached or tethered to the ground, site, merchandise, structure or roof and used to attract attention or as a **sign** as defined herein;
- J. Signs other than those permitted by this chapter;

• 0.72.030 - Definitions.

"Billboard" means any outdoor, off-site **sign** or advertising device.

"Height of monument or pole **sign**" means the vertical distance measured from the public sidewalk or street grade nearest to the base of the **sign**, to the highest point of the **sign** structure.

"Off-premises **sign**" means any **sign** identifying a name, product or service which is not located up on the site that it occupies.

"Portable **sign**" means any unattached **sign** which can be readily moved or relocated.

"Sign" means any media, device, graphic depiction, illumination or display for the purpose of identifying, or attracting attention to business establishments or services, or promoting products, goods, services, or items for sale, rent or lease. Registered trademarks, with or without written text, shall be included in the definition of signage and shall be counted in the determination of total sign area. Should any uncertainty exist as to what elements constitute sign area, the determination shall be made by the Director of Community Development. The determination of the Director is appealable to the Planning Commission consistent with [Section 10.01.070](#) (D).

"Temporary sign" means any sign or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard, or other light materials, with or without frames, intended to be displayed for a temporary period.

(§ 2, Ord. 1951, eff. July 4, 1996, as amended by § 4, Ord. 2007, eff. November 18, 1999, § 2, Ord. 2013, eff. June 15, 2000, § 2 (part), Ord. 2022, eff. February 16, 2001, § 2 (part), Ord. 2027, eff. May 3, 2001)

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