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April 28, 2020

VIA ELECTRONIC DELIVERY

Benjamin Burkhalter, Chair
Gerry Morton, Commissioner
Joseph Ungoco, Commissioner
Richard Thompson, Commissioner
Stewart Fournier, Commissioner

Re: April 29, 2020 Planning Commission Agenda, Item H - Sign Exception Allowing Off-Premises and Digital Signage at the Manhattan Village Shopping Center

Honorable Chair and Planning Commissioners:

We write on behalf of our client RREEF America REIT II Corp BBB (“RREEF”) in support of the staff recommendation to approve the proposed Sign Exception¹ to allow the proposed Internal Digital Experience (“Sign Program”) on RREEF’s property at the Manhattan Village Mall (“Shopping Center”). The Sign Program will enhance the Shopping Center visitor experience by providing access to information regarding shopping opportunities, products, and public messaging. Great care has been taken to design a program that balances the number and size of signs with the overall size of the Shopping Center and its structures to ensure that it compliments but does not overwhelm the pedestrian experience, while remaining cognizant of the Shopping Center’s unique role in the City of Manhattan Beach (“City”). The Sign Program is proposed to consist of primarily internal signs that depict wayfinding, tenant promotion, artistic elements, mall event programming, City programming, and off-site brand recognition. As set forth in RREEF’s application materials, the Sign Program includes large format LED and small format LCD digital media signs as well as static media signs deployed throughout the Shopping Center. We respectfully request that your Commission approve RREEF’s request.

The Digital Experience Signs Would not be Detrimental to Nor Adversely Impact the Surrounding Neighborhood

As pointed out in the draft Resolution, the closest residential properties to the proposed signs are along Village Circle and located “approximately 130 feet away from the nearest proposed signage; these homes are separated from the Manhattan Village Shopping Center by

¹ Manhattan Beach Municipal Code Chapter 10.72 governs signs and sign exceptions requests.

walls, trees, and topography.” (Staff Report, pg. 7 of 79.) These homes on the backside of the Shopping Center are also separated from most of the proposed signs by the Shopping Center buildings themselves. Consequently, such homes will not be adversely impacted by the sign exception.

Nor will any other residential properties in the vicinity of the Shopping Center be detrimentally or adversely impacted by the proposed signs and their digital displays. The residences to the west are separated from the Shopping Center by Sepulveda Boulevard, a 6-lane primary highway, as well as commercial uses that front Sepulveda Boulevard on the west side of the street. Approximately seven residences are located on Marine Avenue south of the Shopping Center between Cedar Avenue and Magnolia Avenue. These residential properties are oriented away from the Shopping Center with their front door entries located on 23rd Street. The rear of these properties face Marine Avenue and contain solid backyard fencing approximately six feet in height. Due to these buffering elements and topography, the new signs will not be visible to residences to the west or south.

The signs are designed and placed to be visible primarily from the interior of the Shopping Center. The Two signs proposed along Village Drive south of Rosecrans Ave. that would be visible from the public right of way and neighboring commercial property to the east are not visible from any residences. As depicted on the graphic attached to the staff report at Attachment F, these two signs are relatively modest in size and do not overwhelm their surroundings nor create an adverse visual impact. (Staff Report, pg. 73 of 79.) Additionally, the light output level of the LED and LCD digital signs will be appropriately controlled and dimmed to ensure that their maximum brightness is within the City’s requirements and will not have any detrimental or adverse impact to surrounding properties.

The Proposed Sign Exception is Necessary in Order that the RREEF may not be Deprived Unreasonably in the Use or Enjoyment of its Property

The proposed Sign Program is necessary to ensure the Shopping Center’s competitiveness as compared to other regional shopping centers of comparable quality, and it will help promote the economic stability of existing tenants and strengthen the City’s economic base. As the largest tax base in the City, maintaining the Shopping Center’s competitiveness vis-à-vis other regional shopping centers is important to both RREEF and the City. Similar signs are located at the following shopping centers that are of similar quality to the Shopping Center: Santa Monica Place; Westfield Century City; Fashion Island Newport Beach and Irvine Spectrum Center.

The signage will use high quality and attractive materials, blending with the architectural theme of the Shopping Center and its ongoing renovation, while enhancing and supporting the retail commercial environment of this unique City asset.

The Proposed Sign Exception is Consistent with the Legislative Intent of Manhattan Beach Municipal Code Chapter 10.72

As noted in the proposed Resolution findings and as provided in the zoning code, the legislative intent of the City's sign regulations is to regulate the location, height size, and illumination of signs in order to maintain attractiveness and orderliness of the City's appearance, to protect business sites from loss of prominence due to excessive signage, particularly pole signs, and to protect public safety and welfare. (Manhattan Beach Municipal Code, Section 10.72.010.) The proposed Sign Program aligns with this legislative intent.

While some of the new signs are categorized as "pole signs" under the City's zoning code, the new signs will not be located on poles; rather, one of these new signs will be a rectangular freestanding digital display on the east side of the central plaza and two will be mounted on the clock tower element. As noted above, the light output level of the digital signs will be controlled and dimmed to the desired output level to ensure that their maximum brightness is within the City's requirements. The size and placement of these and the other signs that make up the sign Program has been carefully considered so as not to create visual clutter, overwhelm the pedestrian experience, or result in the loss of prominence of any business. The design considers the unique role of the Shopping Center in the City and provides an opportunity for enhanced economic activity and public messaging. Consequently, the Sign Program comports with the legislative intent of Chapter 10.72 of the Manhattan Beach Municipal Code.

A Class 11 Categorical Exemption is Appropriate

The approval of a Class 11 Categorical Exemption pursuant to CEQA Guidelines Section 15311 is appropriate. To qualify for a Class 11 Categorical Exemption, a project must consist of the "construction or placement of minor structures accessory to (appurtenant to) existing commercial, industrial, or institutional facilities, including but not limited to: (a) On-premise signs ..." The key consideration involved for applicability of a Class 11 Categorical Exemption is whether the minor structures are accessory, or appurtenant to, existing commercial facilities. Such is the case here.

The Shopping Center is located within Area District II and, with the exception of the northwest corner described where Fry's is located, is zoned CC. The Sign Exception does not include the northwest corner. The purpose of the CC zoning district is to provide sites for planned commercial centers that contain a wide variety of commercial establishments, including businesses selling home furnishings, apparel, durable goods and specialty items generally having a City-wide market area.

The 44-acre size of the Shopping Center property is a unique find in Manhattan Beach and is the largest commercial center in the City. The existing structures at the Project site consist of the Shopping Center buildings that include the enclosed mall and two parking structures with a third approved parking structure under construction. The total square footage of Shopping Center buildings exceeds 600,000 square feet. The proposed signs are accessory to these main structures at the Shopping Center.

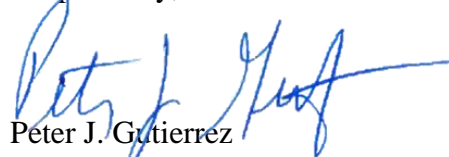
The sign exception would authorize an additional 3,822 square-feet of digital and static signage, as well as off-premises signage, in various locations throughout the Shopping Center.² The Shopping Center is identified in the General Plan as a regional shopping center. The proposed number of new signs and the relatively modest total amount of new sign square footage is reasonable given the Shopping Center's approximately 44-acre size. As indicated in the graphic depictions of the signs in Attachments F and G to the Staff Report, the placement and number of signs reasonably takes the size of the Shopping Center into consideration with signs spaced throughout the Shopping Center in a manner that does not create visual clutter.

These facts provide evidence to support the finding that the Project consists of the construction, or placement of minor structures accessory to (appurtenant to) an existing commercial facility. Further, none of the exceptions identified in CEQA Guidelines Section 15300.2 apply. The Shopping Center has operated as a fully developed and operational regional shopping facility for decades. The Project site is not on or near an environmental resource of hazardous or critical concern that is designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies. The accessory signs proposed are well defined (Staff Report, pg. 67 of 89 *et seq.*), and cumulative or successive projects of the same type in the same place are not anticipated. Finally, for all the reasons set forth in the summary above and set forth in the draft Resolution, there is no reasonable possibility that the sign program exception will have a significant effect on the environment due to unusual circumstances. The Project, therefore, meets the requirements of a Class 11 Categorical Exemption pursuant to CEQA Guidelines Section 15311.

Conclusion

We respectfully request that your Commission approve the sign exception request with conditions as recommended by staff.

Respectfully,



Peter J. Gutierrez
of LATHAM & WATKINS LLP

cc: Ted Faturos, Assistant Planner
Quinn Barrow, City Attorney
Andy McDonald, RREEF
Jason Giannantonio, JLL

² 9,500 square feet of signage is authorized under an approved sign program that does not allow digital or off premises signs.