

**H-14**

December 10, 2019

HONORABLE MAYOR AND CITY COUNCIL  
City of Long Beach  
California

**RECOMMENDATION:**

Receive the supporting documentation into the record, conclude the public hearing, and consider the appeal from PCH CenterCal, LLC, and PCH Realty Partners, LLC;

Uphold the Planning Commission's decision on Conditional Use Permit (CUP19-026) and Local Coastal Development Permit (LCDP19-013) findings to (1) Deny two outward facing wall-mounted electronic message center (EMC) signs, and (2) Adopt revised findings and conditions of approval for the two inward facing EMC signs at a shopping center at 6400 East Pacific Coast Highway, within the Southeast Area Development and Improvement Plan (PD-1) Zoning District, Subarea 17; and,

Accept Categorical Exemption CE19-181. (District 3)

**DISCUSSION**

The development project at 6400 East Pacific Coast Highway is located on the southwest corner of Pacific Coast Highway and 2<sup>nd</sup> Street, within the Southeast Area Development and Improvement Plan (PD-1) Zoning District, Subarea 17 (Project Site). The Project Site was approved as a 245,000 square-foot shopping center with electronic message center (EMC) signs by the Planning Commission in 2017. On October 10, 2018, EMC sign locations and sizes at the Project Site were initially approved in concept by the Planning Commission through the master sign program; however, all EMC signs are required to be approved through a Conditional Use Permit (CUP). A Local Coastal Development Permit (LCDP) is required whenever a CUP is considered within the designated coastal area. The applicants, PCH CenterCal, LLC, and PCH Realty Partners, LLC (Applicants), requested approval of a CUP and LCDP to allow four wall mounted EMC signs within the Project Site.

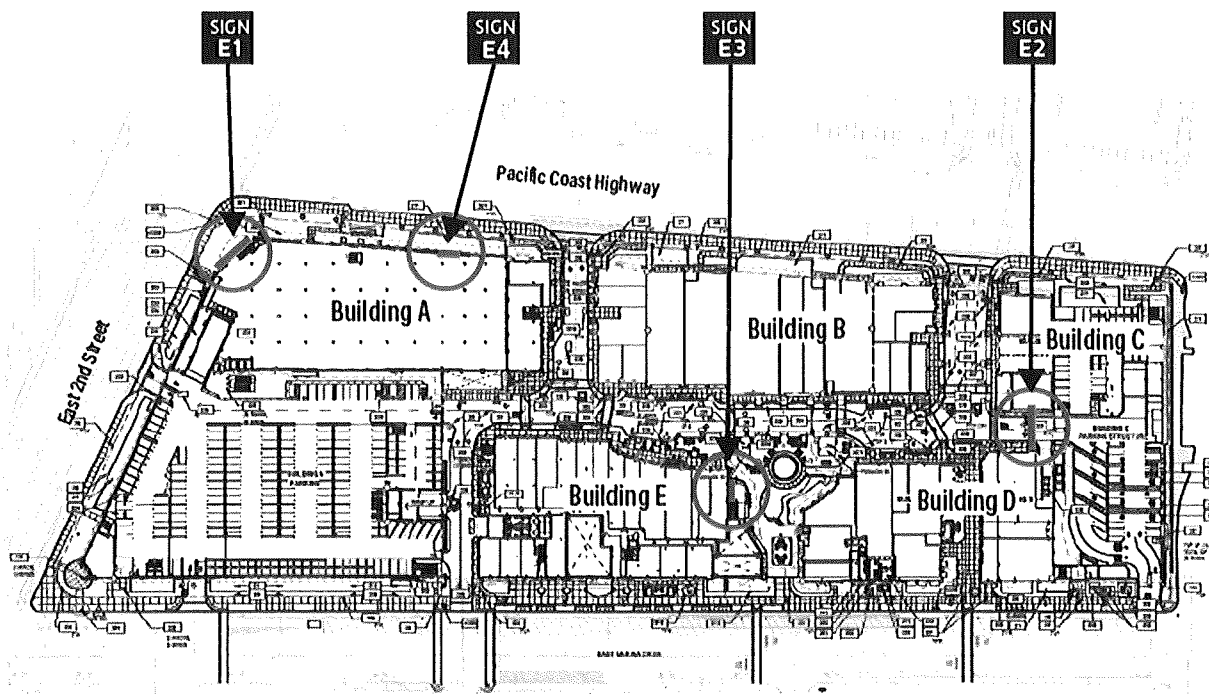
At its September 5, 2019 meeting, the Planning Commission held a public hearing on Application No. 1906-12 for a CUP and LCDP to install and operate four proposed EMC signs at the Project Site (Attachment A). Staff's recommendation was to approve all four EMC signs with conditions of approval to address the specifics of their operation. The Planning Commission received a staff presentation, took public testimony, closed the public hearing, deliberated, and voted to deny the two outward facing wall-mounted EMC

signs that face the public right-of-way, and approve the interior facing wall-mounted signs. Staff revised the findings and conditions of approval to reflect the Planning Commission's action. On September 19, 2019, the revised findings and conditions of approval were adopted by minute motion (Attachments B, C).

### EMC Description

Long Beach Municipal Code (LBMC) Section 21.15.2577 defines an EMC as a sign whose alphabetic, pictographic, or symbolic information content can be changed or altered on a fixed display surface composed of electronic-illuminated or mechanically driven changeable segments. This definition includes signs whose informational content can be changed or altered by means of computer or circuit-driven electronic impulses. An EMC displays onsite copy, information, and advertising; otherwise, it is considered a billboard. The Applicants proposed signs will advertise goods and services onsite and is, therefore, not a billboard. Text advertising sales on the signs are prohibited.

Figure 1



As shown in Figure 1, two of the four wall-mounted EMC signs are proposed to be located on the exterior of the Whole Foods market façade and face the right-of-way (Sign E1 and Sign E4) on Building A. Sign E1 is 378 square feet in area, located on the northwest corner of the property, and will announce lifestyle and product images related to onsite retailers. Sign E4 is 80 square feet in area, located on the Pacific Coast Highway

elevation, and will provide branding opportunities for the anchor tenant, Whole Foods, to communicate in-store related events, products, and lifestyle images.

The two interior-facing EMC signs are also proposed to be mounted to the building façade (Sign E2 and Sign E3). Sign E2 is 449 square feet in size, located on the Building C parking entrance, will display on-site retailers, announce projects and events, and provide wayfinding for customer convenience. Sign E3 is 362 square feet in size, located on the courtyard-facing side of Building E, will communicate branding for onsite retailers, announce projects and community events, supplement as wayfinding, and will provide entertainment amenities for guests such as movie showings. Positive findings are required to be made for a CUP and a LCDP (Attachment D, E).

### **Appeal**

Within the ten-day appeal period, the Applicants filed an appeal (Attachment F). The appellants assert that there are no facts to the negative findings presented for the exterior EMC signs. Additionally, the Applicants are appealing the decision to impose additional conditions for the approval of the interior signs asserting that they are not visible from the exterior and subject to a CUP.

Supplemental analysis and responses were prepared in response to the Applicants appeal (Attachment G). The supplemental material demonstrates that the Environmental Impact report (EIR) broadly envisioned wall/media signs as part of the Project Site. As required by the California Environmental Quality Act (CEQA), the entirety of the Project Site was evaluated regardless of additional entitlements needed at a later date. Due to a lack of specific information regarding the EMC signs at the time, the EMC signs were not approved through the original entitlement. The size and locations were approved through the Site Plan Review Committee but were required to be approved and conditioned by the Planning Commission. Additionally, the interior facing signs are visible from the surrounding properties and are therefore subject to a CUP. LBMC only exempts EMC signs from a CUP when they are not visible from the public right-of-way or any other public or private property (Attachment H).

Public hearing notices were distributed on November 4, 2019, in accordance with the requirements of Chapter 21.21 of the LBMC.

This matter was reviewed by Assistant City Attorney Michael J. Mais and Budget Analysis Officer Julissa José-Murray on November 19, 2019.

### **TIMING CONSIDERATIONS**

City Council action is requested on December 10, 2019. Zoning Regulation Section 21.21.504.B requires a public hearing for an appeal to the City Council be held within 60 days of receipt of the appeal. The first appeal was filed on September 27, 2019.

HONORABLE MAYOR AND CITY COUNCIL

December 10, 2019

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FISCAL IMPACT

This recommendation has no staffing impact beyond the budgeted scope of duties and is consistent with existing City Council priorities. There is no fiscal or local job impact associated with this recommendation.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



LINDA F. TATUM, FAICP  
DIRECTOR OF DEVELOPMENT SERVICES

APPROVED:



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THOMAS B. MODICA  
ACTING CITY MANAGER

ATTACHMENTS: ATTACHMENT A – PLANNING COMMISSION STAFF REPORT – SEPTEMBER 5, 2019  
ATTACHMENT B – PLANNING COMMISSION STAFF REPORT – SEPTEMBER 19, 2019  
ATTACHMENT C – PLANNING COMMISSION CORRESPONDENCE  
ATTACHMENT D – FINDINGS  
ATTACHMENT E – CONDITIONS OF APPROVAL  
ATTACHMENT F – APPLICATION FOR APPEAL  
ATTACHMENT G – APPEAL RESPONSE TO COMMENTS  
ATTACHMENT H – PHOTO VIEW OF INTERIOR EMC SIGNS



## CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

411 West Ocean Blvd., 3rd Floor, Long Beach, CA 90802 Phone: 562-570-6194

September 5, 2019

CHAIR AND PLANNING COMMISSIONERS  
City of Long Beach  
California

### RECOMMENDATION:

Accept Categorical Exemption CE19-181 and approve a Conditional Use Permit (CUP19-026) and Local Coastal Development Permit (LCDP19-013) to allow four (4) wall mounted electronic message center signs at a previously-approved shopping center located at 6400 E. Pacific Coast Highway, within the South East Area Development and Improvement Plan (PD-1) Zoning District. (District 3)

APPLICANT: Barret Bradley For CenterCal Properties, LLC  
1600 East Franklin Avenue  
El Segundo, CA 90245  
(Application 1906-12)

### DISCUSSION

The project site is located at the southwest corner of Pacific Coast Highway and 2<sup>nd</sup> Street (Exhibit A - Vicinity Map) within the South East Area Development and Improvement Plan (SEADIP) (PD-1) zone, subarea 17. Currently, the site is being developed with a 245,000-square-foot shopping center that was approved in 2017. The retail commercial center will be anchored by Whole Foods. The project is expected to be completed and open for business in fall 2019. Although the signs were previously approved through the master sign program on October 10, 2018 (Application No. 1808-19), all Electronic Message Center signs are required to be conditionally approved through a Conditional Use Permit. A Local Coastal Development Permit (LCDP) is required whenever a discretionary application is considered within the designated coastal area. The applicant is requesting approval of a Conditional Use Permit (CUP) and Local Coastal Development Permit (LCDP) to allow four (4) wall mounted Electronic Message Center signs (EMCs).

The Long Beach Municipal Code (Section 21.15.2577) defines an Electronic Message Center sign as a sign whose alphabetic, pictographic, or symbolic information content can be changed or altered on a fixed display surface composed of electronic-illuminated or mechanically-driven changeable segments. This includes signs whose informational content can be changed or altered by means of computer or circuit-driven electronic impulses. An electronic message center sign displays only on-site sign copy, information, and advertising; otherwise it shall be considered a billboard. The applicant's proposed signs will advertise only goods and services on-site and is therefore not a billboard.

Two of the four EMC signs are wall mounted signs that are on the exterior of the Whole Foods market façade and face the right-of-way (Sign E1 and Sign E4); building A (Figure 1 – Site Plan or Exhibit B - Plans & Photographs). Sign E1 is 378 square feet in size and is located on the northwest corner of the property and will announce lifestyle and product images related to on-site retailers. Sign E4 is 80 square feet in size, also located on building A on the Pacific Coast Highway elevation, and will provide branding opportunities for the anchor tenant, Whole Foods, to communicate in-store related events, products and lifestyle images. The signs shall be limited to lifestyle and product images, text advertising sales on the signs shall be prohibited.

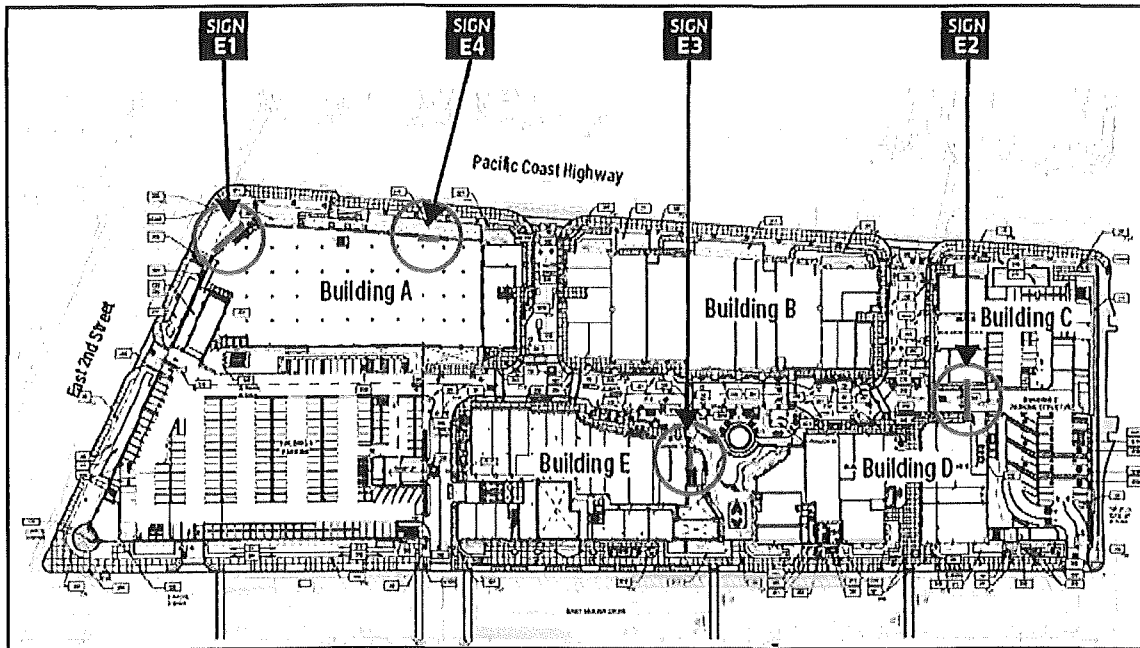


Figure 1 - Site Plan

The other two electronic message center signs are also mounted to the exterior building façade but are inward facing (Sign E2 and Sign E3). Sign E2 is 449 square feet in size and is located on the building C parking entrance, and will display on-site retailers, announce projects and events, and provide wayfinding for customer convenience. Lastly, Sign E3 is 362 square feet in size and is courtyard-facing on building E, and will communicate branding for on-site retailers, announce projects and community events, supplement as wayfinding, and will provide entertainment amenities for guests such as movie showings. Positive findings are required to be made for a CUP and a LCDP.

In considering the CUP for the electronic message center signs, staff evaluated and made positive findings for the design, location, safety and brightness of these signs (Exhibit C – Findings and Exhibit F – Sign Compliance). The proposed designs of the EMCs are both complete and consistent within themselves, as well as compatible with the architectural themes and character of the retail commercial development. Each sign was designed to fit within the building in a manner compatible with the building façade. The locations of these signs will not affect the character, livability or quality of life of any residential units because

there are no residential units adjacent to the site. The signs are conditioned to avoid messages from moving faster than eight (8) seconds, and to limit the outward facing signs to lifestyle and product images so as to not constitute a hazard to the safe and efficient operation of vehicles upon the surrounding streets. The applicant has provided manufacture specifications, which documents the proposed electronic message center sign as factory-certified and capable of complying with the brightness standards (Exhibit E - EMCS Specification Sheet). Overall, positive findings can be made for the CUP.

In addition, positive findings for a LCDP shall be made (Exhibit C – Findings and Exhibit D- Conditions of Approval). Such findings include the protection of existing housing and conformance to the public access and recreation policies. The proposed electronic message center signs will not remove any housing; they will be mounted to the previously-approved shopping center, which does not include any housing. Similarly, there will be no interruption to public access, the signs' location will be mounted on existing buildings. Positive Findings can be made for the Local Coast Development Permit.

Staff recommends that the Planning Commission approve the CUP and LCDP subject to conditions of approval.

#### **PUBLIC HEARING NOTICE**

A total of 324 Public Hearing notices were distributed on August 19, 2019, in accordance with the provision of the Zoning Ordinance. No comments have been received as of the preparation of this report.

#### **ENVIRONMENTAL REVIEW**

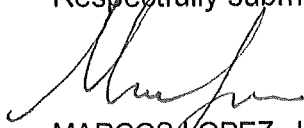
In accordance with the Guidelines for Implementation of the California Environmental Quality Act, the project is exempt per Section 15301 – Existing Facilities Class 1(a) and Section 15311 – Accessory Structures Class 11(a), as the project consists of the addition of four (4) wall mounted signs within an existing commercial building. (CE-19-026).

CHAIR AND PLANNING COMMISSIONERS

September 5, 2019

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Respectfully submitted,



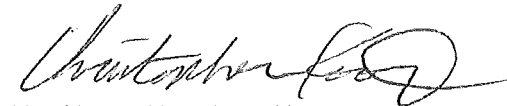
MARCOS LOPEZ, JR  
PROJECT PLANNER



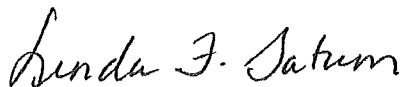
CYNTHIA DE LA TORRE  
PROJECT PLANNER



ALEXIS OROPEZA  
CURRENT PLANNING OFFICER



CHRISTOPHER KOONTZ, AICP  
PLANNING BUREAU MANAGER



LINDA F. TATUM, FAICP  
DIRECTOR OF DEVELOPMENT SERVICES

LT:CK:AO:ml:cdlt

Attachments:      Exhibit A – Vicinity Map  
                          Exhibit B – Plans & Photographs  
                          Exhibit C – Findings  
                          Exhibit D – Conditions of Approval  
                          Exhibit E – EMCS Specification Sheet  
                          Exhibit F – Sign Compliance





# CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

411 West Ocean Blvd., 3rd Floor, Long Beach, CA 90802 Phone: 562-570-6194

September 19, 2019

CHAIR AND PLANNING COMMISSIONERS  
City of Long Beach  
California

## RECOMMENDATION:

Adopt revised Conditional Use Permit (CUP19-026) and Local Coastal Development Permit (LCDP) findings to: 1) deny two outward facing wall mounted electronic message center signs; and 2) approve the two inward facing electronic message center signs with conditions at a previously-approved shopping center located at 6400 E. Pacific Coast Highway, within the South East Area Development and Improvement Plan (PD-1) Zoning District. (District 3)

APPLICANT: Barret Bradley For CenterCal Properties, LLC  
1600 East Franklin Avenue  
El Segundo, CA 90245  
(Application No. 1906-12)

## DISCUSSION

On September 5, 2019, the Planning Commission held a public hearing on Application No. 1906-12 for a Conditional Use Permit and Local Coastal Development Permit to install and operate four (4) proposed electronic message center signs (EMC) at a shopping center under construction ("2<sup>nd</sup> & PCH"). The Planning Commission received a staff presentation, took public testimony, closed the public hearing, deliberated, and acted to 1) deny the two electronic message centers (Sign E1 and Sign E4) which face the public right-of-way and 2) approve only the interior facing signs (Signs E2 and E3) (Figure 1 -Site Plan). Staff revised the findings and conditions of approval to reflect the Planning Commission's action. Staff recommends that the Planning Commission adopt the revised findings and conditions of approval by minute motion.

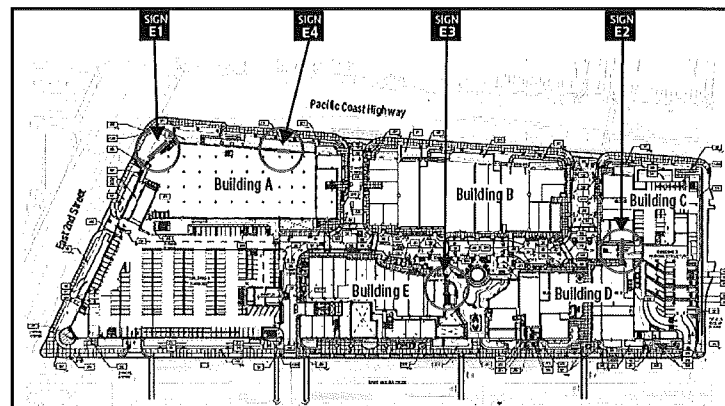


Figure 1 - Site Plan



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**From:** Melinda Cotton  
**Sent:** Wednesday, September 04, 2019 10:27 AM  
**To:** Linda Tatum; Christopher Koontz; Dionne Bearden  
**Subject:** Dangerous & Unsightly - "Electronic Message Centers" (i.e. Billboards) facing 2nd Street & PCH - Planning Commission, Thursday, Sept. 5, Item 1 - 19-067PL

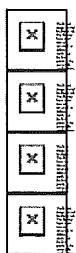
Dear Planning Commission Chair Richard Lewis, Vice Chair Mark Christoffels and Commissioners:

**"The Dangerous Distraction of Digital Billboards"** says it all. Please read the article below. The 2nd & PCH intersection is already the most crowded, and distracting intersection in our City. "Electronic Message Centers" (i.e. Billboards) 378 sq. ft. and 80 ft. in size facing a major highway, and a major through street with constantly changing text and pictures will further distract already frustrated drivers, and likely lead to accidents. Please vote NO on these "Electronic Message Centers" (i.e. Billboards) [Item 1 - 19-067PL]

Sincerely,  
Melinda Cotton, Belmont Shore

## The Dangerous Distraction of Digital Billboards

By Melissa Thompson. NewsBlaze  
January 11, 2018



Advertisers know it's important to capture people's attention to make an impact, but when it comes to taking people's attention away from driving, the impact could come in the form of a high-speed crash. Unlike traditional billboards, which are simply large painted boards, digital billboards can change their bright and colorful images every few seconds. This makes the digital billboard flashy and interesting to the traffic passing by, not unlike a huge big-screen television along the side of the road, but is it too eye-catching for safety?

The scientific proof is still disputed, but marketers ought to be aware of the potentially deadly consequences of digital billboards as an advertising channel. To inform marketers who may be considering digital billboards going forward, here are some studies and their findings regarding safety.

### **Virginia Tech study**

The Transportation Institute at Virginia Tech published a fact sheet based on their 2006 study of car accidents and near-collisions. They used a number of monitoring instruments in each car, including five channels of digital video, front and rear radar sensors, accelerometers and vision-based lane trackers, to capture about a year's worth of data on 100 different cars used for general-purpose driving.

They found that nearly 80% of crashes, and 65% of near-crashes, occurred due to driver inattention such as distraction or simply looking away for three seconds. When it comes to rear-end striking crashes, inattention was a contributing factor in 93% of cases. Interestingly, the rate of crash and near-crash incidents due to inattention decreased with age, with the 18- -20-year-old age group four times higher than older age groups such as 35+ years of age.

This well-respected study shows that only a couple seconds of inattention can easily lead to auto accidents.

### **ODOT study**

In this early study of digital billboard safety in 2008 by the Oregon Department of Transportation (ODOT), brought about when Salem, Oregon introduced four digital billboards to a major arterial thoroughfare, ODOT reviewed the existing literature and found that further research was needed.

One noteworthy point ODOT raised in this brief report is that the Highway Beautification Act of 1965, which was signed into law by President Lyndon B. Johnson after having been led by the efforts of his wife Lady Bird Johnson, was based partially on concerns about driver distraction by billboards. "Advertising that could distract or impair the driver's vision was removed from highways under the Highway Beautification Act of 1965."

### **Swedish study**

In 2012, Swedish researchers published their study on the effects of electronic billboards regarding driver distraction in the journal *Traffic Injury Prevention*. This study showed that drivers looked at digital billboards significantly longer than conventional ones. The results read, "The visual behaviour data showed that drivers had a significantly longer dwell time, a greater number of fixations and longer maximum fixation duration when driving past an electronic billboard compared to other signs on the same road stretches."

The digital signs often took the drivers' attention away from the road for more than two seconds, which compares to the duration of inattention leading to crashes in the Virginia Tech study noted above.

As a result of this study, the Swedish government outlawed the use of digital billboards and ordered the removal of all the digital billboards they had authorized since introduction in 2009.

### **FHWA study**

In 2013, the Federal Highway Administration (FHWA) issued the results of its digital billboard safety study, concluding that they were not a danger to traffic safety.

However, a peer-reviewed critique of the FHWA study later reported a number of problems with its methodology. The researchers were not familiar with the proper operation of their test equipment, the tested digital billboards were not as bright as those studied elsewhere, they only tested a handful of billboards, and the final report contained unexplained differences from earlier drafts. All of this, they say, makes the FHWA study conclusions highly suspect.

### **New England study**

A 2016 paper published in *Accident Analysis and Prevention* by the New England University Transportation Center & MIT AgeLab reported an increase in number and duration of glances at digital billboards compared to regular billboards, and those glances were correlated with the times when those billboard images switched.

Led by a psychologist, this paper explains that flashy images evoke "obligatory shifts of covert visual attention" that automatically take place in less than 100 milliseconds. The researchers analyzed video from two previous field studies and found that drivers spent significantly less time concentrating on the road as they approached digital billboards.

The researchers admit that the ramifications of driver distraction on safety remain somewhat unclear, noting, "Although these data show a clear change in the distribution of glance behavior around the billboard, it is unclear at this time what, if any, features are safety-relevant." Nonetheless, they advise that action should be taken to further assess and mitigate the safety impacts of digital billboards.

### **Consequences**

Aside from the risks to human life posed by digital billboards, which should dissuade some conscientious marketers on that basis alone, it's possible that legal ramifications could ensue.

"One lawsuit recovered \$1.9 million for a pedestrian struck by a vehicle while working on the roadside," says Jason Hennessey, marketing consultant for [Atlanta Car Accident Lawyer](#). "The stakes are extremely high for the parties found responsible for distracting drivers."

Furthermore, as public awareness grows about these safety issues, companies using digital billboards may experience damage to their reputations for partaking in the questionable practice.

Perhaps, with the advent of self-driving cars, accidents due to distracted drivers will be eliminated and all vehicle occupants will be able to fully amuse themselves safely in looking at all the digital billboards decorating the roadside.

In any case, in this age of constant and rapid technological innovation, marketers need to choose their advertising media wisely. Effectiveness and return on investment are key factors in evaluating new advertising technologies, but as these studies show, there are some audiences whose attention you should not seek to capture.

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**From:** Linda Pemberton <  
**Sent:** Thursday, September 05, 2019 9:26 AM  
**To:** Linda Tatum; Christopher Koontz; Dionne Bearden  
**Subject:** Dangerous & Unsightly - "Electronic Message Centers" facing 2nd Street & PCH - Planning Commission, Thursday, Sept. 5, Item 1 - 19-067PL

Dear Planning Commissioners,

Please do not approve the massive and highly distracting electronic message boards that will face 2nd Street and PCH.

**Safety is Sacrificed for Retail Sales**

These are large and flashy electronic messages boards. They are dangerous, especially placed in one of the worst-rated traffic intersections in the city. They do not provide any benefit for the community, they are detrimental to the community.

Their use will slow traffic, distracted drivers and cause accidents between cars, bike riders and pedestrians, all trying to share this busy and already dangerous intersection.

**Visual Blight and Ad Harassment is not a good exchange for Retail Sales**

These proposed message boards are abusive visual pollution. Why should a traveler going through this intersection be unwillingly bombarded with in-your-face product and life-style advertisements? The size and other signage on this new retail establishment is compelling enough to reach customers. The external-facing, electronic message boards are over the top. People go to great lengths to avoid the extensive load of advertising in our environment, paying extra for commercial free media, technology that blocks robo calls, technology that allows a viewer to skip commercials. They are not going to be happy with an added layer of unnecessary, outlandish, visual assault. How many of you like the gas stations with monitors at the pump that sell to you while you are getting gas? I avoid them.

**Changing the Sense of Place - From Coastal Calm to Vegas**

Use of these electronic message boards completely changes the "sense of place" in this area. We are not Las Vegas. We don't need to scream out to people with flashing lights and oversized moving visuals. Use of these outdoor, traffic facing message boards will give a greedy, desperate, sleazy feel to the area. People come to the coast to relax and enjoy a sense of nature. They look forward to a more laid back environment. This is in direct conflict with that sensibility.

**Public Hearing Notice - Lacking**

I am on a number of mailing lists for City announcements and look regularly for items of change and development, especially in the Southeast area of Long Beach.

I did not see any of the 324 Public Hearing notices distributed on August 19th.

Thank you,

Linda Pemberton  
Belmont Heights

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**To:** Linda Tatum  
**Subject:** RE: "Electronic Message Centers" (i.e. Billboards) facing 2nd Street & PCH - Planning Commission, Thursday, Sept. 5, Item 1 - 19-067PL

-----Original Message-----

From: Dianne Sundstrom

Sent: Thursday, September 05, 2019 11:43 AM

To: Linda Tatum <Linda.Tatum@longbeach.gov>; Christopher Koontz <Christopher.Koontz@longbeach.gov>;

Dionne Bearden <Dionne.Bearden@longbeach.gov>

Subject: "Electronic Message Centers" (i.e. Billboards) facing 2nd Street & PCH - Planning Commission, Thursday, Sept. 5, Item 1 - 19-067PL

Importance: High

Dear Ms. Tatum,

I would like to ask that you forward my message to the Planning Commissioners as I can't find their email contact information on your website. If you could direct me to where those contacts can be found I would be appreciative.

I am asking the Commissioners to vote "NO" on the proposed electronic billboards at the 2nd & PCH development. My primary objection is to those that face the exterior of the development: E1 and E4. Although I personally feel that electronic billboards are unsightly, those that face the interior of the development would be acceptable.

Although the staff report states that there would be no impact on safety relative to driver distraction, there are many studies that would not support that position. Further, this development is adjacent to what we someday hope will be a restored wetlands. Do we really want to look west from those wetlands and see these huge electronic billboards. I think not and expect that if more residents were aware of this proposal they would agree.

The staff report also states that there is no impact on residences. That may be the case at the present time but as SEASIP progresses there are plans for residential units in the vicinity. How will those future residents feel about these billboards?

Regards,

Dianne Sundstrom  
Belmont Heights resident

# Gelson's

City of Long Beach  
Planning Commission  
411 W. Ocean Blvd. 3<sup>rd</sup> Floor  
Long Beach, Ca 90802

To The Chair and Planning Commissioners, City of Long Beach,

Our company was made aware that there will be a Planning Commission meeting tonight Sept. 5, 2019 regarding a couple of agenda items that may be of concern to our business

1. Marina Pacifica Shopping Center (that backs up to our lot) and its addition of 13,000 square feet of commercial space that proposes the elimination of 161 parking spaces.
2. The installation of four electronic billboards for the 2<sup>nd</sup> and PCH Project.


Since the inception and building the Gelson's Market on 2<sup>nd</sup> and PCH we have always been mindful to enhance this gateway corner of Long Beach with great aesthetics and architecture in mind. We have enjoyed being a part of the Long Beach Community and the people we serve.

Our first concern regarding item one is that the Marina Pacifica shopping center backs up to our center and with the elimination of 161 parking spaces, we hope that this does not impact our center negatively with parking overflowing into our lot which is limited to begin with.

The second concern is when we built our store we added a second story deck on so that our customers could enjoy the view of the Marina while enjoying their food and time with family and friends. We are hopeful that the installation of these signs do not impede the beautiful scenery of the harbor that our customers have enjoyed.

We kindly ask that you keep these two items in mind. We appreciate your thoughtful consideration in this matter.

Sincerely,



Rob McDougall  
President/CEO  
Gelson's Markets



# ALSTON & BIRD

333 South Hope Street, 16th Floor  
Los Angeles, CA 90071-1410  
213-576-1000 | Fax: 213-576-1100

Edward J. Casey

Direct Dial: [REDACTED]

September 19, 2019

*VIA EMAIL*

Dionne Bearden  
Commission Secretary  
Long Beach Development Services  
411 West Ocean Boulevard  
Third Floor  
Long Beach, CA 90802

Re: 2<sup>nd</sup> & PCH Conditional Use Permit Application No. 1906-12 (CUP 19-007 and LCDP 19-13)

Gentlepersons:

We represent PCH CenterCal LLC and PCH Realty Partners LLC (“CenterCal” or “Applicant”), the applicants for the 2<sup>nd</sup> & PCH Project, a 245,000 square foot shopping center under construction at the southwest corner of Pacific Coast Highway and 2<sup>nd</sup> Street (“Project”). We submit this letter to object to the September 5, 2019, Planning Commission’s decision to deny (the “Denial Decision”) a conditional use permit (“CUP”) and a local coastal development permit (“LCDP”) for two proposed electronic message center (“EMC”) signs mounted to the exterior of the Whole Foods market façade (Sign E1 and Sign E4).

The Long Beach Municipal Code (“Code”) regulates EMC signs for business or shopping center or institutional uses that are located on five or more acres of land that front streets or highways classified as a Major Arterial, Regional Corridor, or Freeway. The signs are subject to design standards that limit the size of the signs, height and spacing requirements, and the type of high-quality materials used in the sign. The brightness, display, copy and messages are controlled to avoid creating a hazard to vehicles operating in the surrounding area. For CenterCal’s Project, City staff evaluated the design, location, safety and brightness of the proposed EMC signs as shown on the sign compliance report (Exhibit F), made positive findings based on substantial evidence presented to the Planning Commission at the September 5, 2019 public hearing, and recommended conditions of approval in addition to the Code requirements, to ensure the outward facing signs do not distract motorist, bicyclist or pedestrians traveling through the area, disturb any sensitive uses or negatively impact the aesthetics of the community.

The City must rely on substantial evidence to support its findings for the Denial Decision. (*See Federation of Hillside and Canyon Assns. v. City of Los Angeles* (2000) 83 Cal.App.4th 1252,1259; Pub. Resources Code, § 2108.2.2.) Substantial evidence includes

facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts. (Pub. Resources Code, § 2108.2.2.) However, the City's two proposed negative findings in the September 19, 2019, recommendation report to the Planning Commission do not satisfy this test because they are not supported by substantial evidence.

The first proposed negative finding states that "the exterior signs (Signs E1 and E4) were found to be inconsistent, creating a negative impact to the sensitive uses in the area. Sensitive uses include the existing habitat located to the northeast of the site, which is also intended for future wetland restoration. Additionally, the signs pose a visual distraction and a hazard to drivers." This negative finding is directly contrary to the evidence, including the environmental impact report ("EIR") for the Project. The Project design features detailed in the EIR (Draft EIR page IV.A-28 and Final EIR page II-23) and the September 7, 2017, staff report describe the types of signage that may be installed at the Project site including wall/digital media signs for advertising purposes. An analysis of light-sensitive uses in the Project vicinity, including boats docked at Alamitos Bay Marina, natural areas associated with the Los Cerritos Wetlands and the San Gabriel River, and the Marina Pacifica residential community, determined that due to the distances from the Project site, implementation of the project design features in compliance with City requirements would further ensure that light generated by the Project would not result in light spillover onto sensitive use (Draft EIR page IV.A-37).

Further, based on the analysis in the certified EIR, the Planning Commission found the Project in compliance with all land use and development standards of the Community Commercial Automobile-Oriented District and approved the site plan review ("SPR") and LCDP for the Project. In response to one of the conditions of approval in the SPR, the applicant submitted a master sign program for review and approval by the SPR Committee. All of the EMC signs were included in the master sign program and approved by the SPR Committee on October 20, 2018.

The second proposed negative finding states that "the exterior signs, Signs E1(378 SF) and E4 (80 SF) would be visible from the public right-of-way and specifically, would be visible along East 2<sup>nd</sup> Street and Pacific Coast Highway. Pacific Coast Highway is a heavily-trafficked regional corridor, and the Planning Commission found the exterior signs to be distracting to motorist and bicyclist and consequently, unsafe and detrimental to the surrounding community." However, the very purpose of all the design requirements in the Code for the EMC signs is to protect public health, safety or general welfare, environmental quality or quality of life. In accordance with these design requirements, the staff proposed eleven special conditions of approval to further ensure the protection of the public safety and welfare. To further minimize potential distractions to motorist and bicyclist, Sign E4 is oriented perpendicular to the street.

Instead of being supported by substantial evidence, the Commission's proposed second finding is based on speculation and irrelevant evidence. The Planning Commission's decision to deny the two outward facing signs appears to be based on public testimony expressing fear that the EMC signs would cause traffic accidents by distracted

drivers, the bright lights from the signs would disturb wildlife and nearby residents and have a negative impact on the aesthetics of the area. Yet, no evidence has been provided to support these claims. The only report submitted by any person opposing the signs is a report submitted by a member of the community regarding the digital billboards from other cities. That report does not address the City of Long Beach nor the Long Beach Municipal Code's stringent regulations for installing EMC signs.

Argument, speculation, unsubstantiated opinion or narrative, or evidence that is clearly inaccurate or erroneous does not constitute substantial evidence. (Pub. Resources Code, § 2108.2.2.) In the absence of factual foundation in the record, predictions by nonexperts regarding the consequences of a project do not constitute substantial evidence. (*Keep Our Mountains Quiet v. County of Santa Clara* (2015) 236 Cal.App.4th 714, 730-31.)

Finally, the Applicant objects to the imposition of conditions on the interior facing signs. The second affirmative finding in the September 19, 2019, staff report notes that the interior facing signs would not be visible from the public right-of-way and would not be visible to motorists or bicyclists traveling near the project site. Accordingly, those signs are specifically exempt from the requirement to obtain a CUP and the design standards listed in the Code since they face internal courtyards and the main street at 2<sup>nd</sup> & PCH, and are not visible from the public right-of-way (LBMC Section 21.44.860.B). Therefore, none of the proposed conditions of approval can be applicable to Sign E2 and Sign E3 (the two interior signs).

Since the Planning Commission did not provide substantial evidence to support denial of Sign E1 and Sign E4, the Applicant requests that the Planning Commission adopt the positive findings in the September 5, 2019 staff report, approve Sign E1 and Sign E4 and delete all conditions related to Sign E2 and E3 the inward facing EMC signs for the Project.

Very truly yours,



Edward J. Casey

EJC/ysr  
Attachment

cc: Michael Mais  
(w/Attachment) [Via E-mail]  
Christopher Koontz  
(w/Attachment) [Via E-mail]  
Barret Bradley  
(w/Attachment) [Via E-mail]

21.44.820 Site requirements for electronic message center signs

Electronic Message Center Sign Standards	2 <sup>nd</sup> And PCH Electronic Message Center Sign
<b>Lot or Building Minimum Size.</b> EMCS are allowed only at a business or shopping center located upon five (5) or more acres of land	The 2 <sup>nd</sup> and PCH shopping center is located on a parcel of approximately 11 acres of land with approximately 70 tenant spaces.
<b>Same Site as Principal Use.</b> An electronic message center sign shall be located on the same parcel as the principal land use of the business or institution for which the sign is established.	The signs are located on the northeast corner of 2 <sup>nd</sup> and PCH shopping center which functions as a unified center.
<b>Zones Permitted.</b> EMCS shall be allowed in certain zoning districts as provided in table 44-5.	The proposed signage is within an exclusively commercial area of the South East Area Development and Improvement Plan, Subarea 17, consistent with requirements of table 44-5.
<b>Street Types Permitted.</b> EMCS shall be allowed only on a street or highway classified as a Major Arterial, Regional Corridor, or Freeway.	Exterior facing EMCS are on the Pacific Coast Highway face which is classified as a highway

21.44.830 - Number, location, spacing, form, and substitution/removal requirements.

<b>Number.</b> One (1) EMCS shall be allowed for each six hundred feet (600') of total street frontage on a qualifying site (the total may include street frontage more than one (1) street for sites bounded by multiple streets).	The site meets the minimum requirement of 2,400 square feet of frontage needed for four signs.
<b>Location.</b>	
<b>Upon Subject Site.</b> No electronic message center sign shall be located closer to any interior side property line than twenty-five feet (25'). Lots adjoining freeway or railroad right-of-way may locate an EMCS on the property line adjoining such right-of-way.	There are no electronic message center signs located on the interior property line.
<b>Distance from Residential.</b> All EMCS shall have a minimum separation of one hundred feet (100') from a residential district.	The Marina Pacific Condos are the closest residential district to the site, they are approximately 600 feet from the shopping center.
<b>Spacing.</b>	
<b>Between EMCS on Same Frontage.</b> A radius of three hundred feet (300') shall be required between each EMCS on the same property, on the same street frontage.	There are no EMCS within the same frontage, this standard does not apply.
<b>Between EMCS on Different Frontage.</b> No EMCS shall be located less than one hundred feet (100') from another EMCS on a different street frontage (for example, an EMCS on each frontage of a corner lot) on the same property or site.	The Electronic Message Center signs are more than 100' apart, Sign E1 is at least 275 feet from Sign E4. All other signs have a separation of 400 feet or more.
<b>Between EMCS and Freestanding/Monument Signs.</b> The minimum distance required between a freestanding/monument sign and an electronic message center sign shall be one hundred feet (100').	The proposed signs are not freestanding/monument signs therefore this standard does not apply.
<b>Between EMCS on Different Properties.</b> No EMCS shall be located less than three hundred	There are no EMCS on the surrounding properties.

feet (300') from another EMCS on a different property or site.	
<b>Freeway-Oriented EMCS.</b> A radius of six hundred sixty feet (660') shall be required between all freeway-oriented electronic message center signs. For freeway-oriented EMCS, and EMCS located adjacent to other State highways, if the requirements of the California Department of Transportation (Caltrans) are more restrictive, those requirements shall control.	The proposed EMCS is not a freeway oriented EMCS, Caltrans separations criteria does not apply to on-site signage.
<b>Sign Form.</b> An EMCS may take the form or style of a freestanding sign, monument sign, or wall sign only. Other forms are prohibited.	The proposed form of the EMCS is wall mounted.
<b>Substitution for Freestanding/Monument Signs and Other Sign Removal.</b> For each EMCS to be emplaced, two (2) freestanding or monument signs, if extant, shall be removed from the subject site, on the same street frontage as the EMCS. Additional removal of other on-premises sign(s) may be required by the Planning Commission as a condition of approval.	There are no existing or proposed freestanding/monument signs on site.

**21.44.835 - Design standards.**

Bare metal structural supports are prohibited and shall have an architectural covering instead.	There are no visible structural supports, the signs are integrated within the building and have a border around them to hide any structural support. A condition was added to ensure that metal structural supports are not visible.
A freestanding EMCS shall have an architectural base and support(s) totaling at least half the width of the sign face.	Applicant is not proposing a freestanding EMCS.
Use of flat, translucent plastic or acrylic sign faces for the fixed/permanent copy shall be prohibited. Channel letters are preferred, and push-through-type faces may be used on cabinets.	Applicant is not proposing these types of materials.
High-quality materials shall be used in the sign overall. Use of metal backgrounds and cabinets is strongly encouraged.	Applicant is not proposing these types of materials.
The overall design, form, and structure of the EMCS shall be architecturally interesting and creative, and shall be harmonious with itself and the surrounding land uses. The design should complement the building(s) of the site for which it is emplaced, and, where appropriate, bear a strong architectural relationship to those buildings.	The overall design of the signs is compatible and integrated within the architecture and the surrounding buildings.

**21.44.840 - Height, area, projection, and clearance requirements.**

<p><b>Height and area.</b> The height and area of an EMCS shall not exceed the limits set forth in Table 44-5.</p>	<p>The Electric Message Center Sign height and area were previously waived and approved through a master sign program (Application No. 1808-19). In accordance with LBMC two (2) EMC signs may be permitted, each of the EMC signs are allowed a maximum area of 250 square feet for a total of 500 square feet of sign area. The exterior wall mounted EMCS are labeled as Sign E1 and Sign E4. Sign E1 is 378 square feet in size and Sign E4 is 80 square feet in size. Together the area of the signs are 458 square feet. The interior facing wall mounted EMCS are labeled as Sign E2 and Sign E3. Sign E2 is 449 square feet in size, and sign E3 is 362 square feet in size. See exhibit B – Plans and Photographs for reference. The applicant's signs are within the total allowed area. The Site Plan Review Committee approved the height and area because the size of the signs is appropriate with the scale of the center. The Center occupies a total of 245,000 square feet, with a street frontage of approximately 1,200-foot frontage along Pacific Coast Highway and approximately 400-foot frontage on 2<sup>nd</sup> street.</p>
<p><b>Projection and Clearance.</b></p>	
<p>No portion of an electronic message center sign shall project into any right-of-way.</p>	<p>No Portions of the electronic message center signs will project onto any right-of-way.</p>
<p>The vertical clearance from grade to the lowest point of the sign is eight feet (8') for pedestrian use and fifteen feet (15') for vehicular use.</p>	<p>All signs meet the minimum clearance required. Sign E1 has a 27' clearance, Sign E2 has a 26'8" clearance, Sign E3 has a 12' clearance and Sign E4 has a 10' clearance.</p>

**21.44.850 - Brightness, display, copy, and message requirements.**

<p><b>Brightness.</b> The following brightness standards and limitations shall apply:</p>	
<p>Dawn to dusk: unlimited;</p>	
<p>Dusk to dawn: the display surface shall not produce luminance more than 0.3 foot-candles above ambient light conditions, or the level recommended by the Illuminating Engineering Society of North America (IESNA) for the specific size and location of the sign, whichever is less;</p>	<p>The display is factory certified to comply with the brightness standards, See attachment E. A condition was added to ensure signs meet this requirement.</p>
<p>The display brightness shall be controlled by a photocell or light sensor that adjusts the brightness to the required dusk-to-dawn level based on ambient light conditions without the need for human input. Use of other brightness adjustment methods, such as timer- or calendar-based systems, shall only be used as a backup system;</p>	<p>The display is factory certified to comply with the brightness standards, See attachment E. A condition was added to ensure signs meet this requirement.</p>

The display shall be factory-certified as capable of complying with the above brightness standards. Such certification shall be provided to the satisfaction of the Director of Development Services; and	The display is factory certified to comply with the brightness standards, See attachment E. A condition was added to ensure signs meet this requirement.
The sign owner shall provide to the City, upon request, certification by an independent contractor that the brightness levels of the sign are in compliance with the requirements of this section.	The display is factory certified to comply with the brightness standards, See attachment E. A condition was added to ensure signs meet this requirement.
<b>Display Message.</b> The following standards and limitations shall apply to the message shown on the display surface:	
The message shown on the EMCS display shall not flash, shimmer, glitter, or give the appearance of flashing, shimmering, or glittering.	A condition was added to ensure signs meet this requirement.
The EMCS display shall have no message or illumination which moves, or is in continuous motion, or which appears to be in continuous motion. Display of full-motion video and video-like sequences is prohibited.	Signs have been conditioned to avoid this, the only exception is the plaza facing sign (Sign E3) – specifically for movie showings.
The display message shall not change at a rate faster than one (1) message every eight (8) seconds	A condition was added to ensure signs meet this requirement.
There shall be a direct change from each message to the next, with no transition effect, and no blank or dark interval in between, to avoid a flashing or blinking effect.	Signs have been conditioned to meet the Electronic Message Center sign code
The intensity of illumination shall not change, except as required to comply with the dusk-to-dawn brightness standards.	Signs have been conditioned to meet the Electronic Message Center sign code
All messages shall be limited to on-site advertising of goods or services, or noncommercial messages (i.e., time, temperature, or public service announcements). All off-site advertising messages are prohibited (see "Billboard" Section <a href="#">21.15.370</a> ); this includes messages by or for sponsors, patrons, brands, and other similar off-site parties or entities.	A condition was added to prohibit off-site advertising, and only lifestyle images will be allowed on the exterior signs.
<b>Fixed Copy.</b> Fixed/permanent sign copy on each face of an electronic message center sign shall be limited to the identification of the business, shopping or convention center name or icon and two (2) major tenants or products or services. The fixed/permanent sign copy shall not flash, shimmer, glitter, or give the appearance of flashing, shimmering, or glittering, and shall be included in the overall sign area as indicated on Table 44-5.	A condition was added to ensure signs meet this requirement.

**21.44.855 - Light and glare intrusion prevention.**

All electronic message center signs shall be adequately shielded and properly oriented and aimed so as to prevent the intrusion of light and	A condition was added to ensure signs meet this requirement.
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glare upon residential land uses, including those in mixed-use districts.	
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## LOCAL COASTAL DEVELOPMENT PERMIT FINDINGS

6400 East Pacific Coast Highway  
Application No. 1906-12 (LCDP19-013)  
November 19, 2019

Pursuant to Section 21.25.904 of the Zoning Ordinance, a Local Coastal Development Permit shall not be approved unless the following findings, in addition to any findings applicable under Chapter 21.52 (Conditional Uses) are made. These findings and staff analysis are presented for consideration, adoption, and incorporation into the record of proceedings.

**A. THE PROPOSED DEVELOPMENT CONFORMS TO THE CERTIFIED LOCAL COASTAL PROGRAM INCLUDING BUT NOT LIMITED TO ALL REQUIREMENTS FOR REPLACEMENT OF LOW AND MODERATE-INCOME HOUSING; AND**

**Affirmative Finding:**

The Project is located in the Southeast Area Development and Improvement Plan (SEADIP) Community Plan area of the City's Local Coastal Program (LCP), and is comprised of a shopping center ("2<sup>nd</sup> & PCH) that is currently under construction. The SEADIP Planned Development Ordinance was adopted by reference as an integral part of this LCP. The existing construction for the 2<sup>nd</sup> and PCH project conforms to the SEADIP general development standards, and to the land use and development standards for the Project site SEADIP subarea (Subarea 17); therefore, the Project conforms to the SEADIP Community Plan provisions of the LCP.

The addition of two interior facing (Signs E2 and E3) electronic message center signs on previously-approved buildings will not impact any requirements relating to low and moderate-income housing because there are no vacant or occupied residential dwelling units on the Project site. Since the Project would not construct any new housing units, a positive Finding can be made regarding the replacement of low- and moderate-income housing

**Negative Finding:**

The exterior signs (Signs E1 and E4) will not impact any requirements relating to low and moderate-income housing but will create a negative impact on the sensitive uses in the area, such as the existing habitat located to the northeast of the site, which is also intended for future wetland restoration. The proposed exterior facing signs are inconsistent with protecting the adjacent environmentally sensitive habitat areas, parks and recreation areas as required by the Coastal Commission (Public Resources Code Section 30240).

And as such, positive findings could not be made for signs E1 and E4.

**B. THE PROPOSED DEVELOPMENT CONFORMS TO THE PUBLIC ACCESS AND RECREATION POLICIES OF CHAPTER 3 OF THE COASTAL ACT. THIS SECOND FINDING APPLIES ONLY TO DEVELOPMENT LOCATED SEAWARD OF THE NEAREST PUBLIC HIGHWAY TO THE SHORELINE.**

The project site is separated from Alamitos Bay Marina by Marina Drive, a public street, and is not located seaward of the nearest public highway to the shoreline. The adjacent marina is fully improved with sea walls and boat slips accessible to boat owners and their guests only; no public shoreline access is available at this marina. Currently, the project is under construction and will include a commercial shopping center, which would provide visitor-serving commercial retail, restaurant, and personal service (fitness/health club) uses to the public.

**CONDITIONAL USE PERMIT  
FINDINGS  
6400 East Pacific Coast Highway  
Application No. 1906-12 (CUP19-026)  
November 19, 2019**

Pursuant to Section 21.25.206 of the Long Beach Municipal Code (LBMC), a Conditional Use Permit (CUP) can be granted only when positive findings are made consistent with the following criteria set forth in the Zoning Ordinance. These findings along with staff analysis are presented below for consideration, adoption and incorporation into the record of proceedings:

The proposed project consists of four (4) wall mounted Electronic Message Center signs (EMCs) at a retail commercial development project (2<sup>nd</sup> & PCH) that was approved in 2017 and is currently under construction. Two of the four EMC signs are wall mounted signs that are located on the exterior of the Whole Foods market façade and face the right-of-way (Sign E1 and Sign E4). The other two electronic message center signs are also mounted to the exterior building façade but are inward facing (Sign E2 and Sign E3). Sign E2 is located on the building C parking entrance, and will display on-site retailers, announce projects and events, and provide wayfinding for customer convenience. Lastly, Sign E3 is courtyard-facing on building E, and will communicate branding for on-site retailers, announce projects and community events, supplement as wayfinding, and will provide entertainment amenities for guests such as movie showings. On September 5, 2019 Planning Commission was able to make affirmative findings for interior signs (Signs E2 and E3) and could not make affirmative findings for the exterior signs (Signs E1 and E4) for the reasons detailed below.

- 1. THE APPROVAL IS CONSISTENT WITH AND CARRIES OUT THE GENERAL PLAN, ANY APPLICABLE SPECIFIC PLANS SUCH AS THE LOCAL COASTAL PROGRAM AND ALL ZONING REGULATIONS OF THE APPLICABLE DISTRICT;**

**Affirmative Finding:**

Signs E2 and E3 are consistent with the General Plan Mixed Use District (LUD#7), the land use and development standards for the South East Area Development and Improvement Plan (SEADIP) (PD-1) zone (subarea 17), and the SEADIP Community Plan provisions of the Local Coastal Program (LCP). While there are no specific signage regulations within the General Plan, SEADIP, or the LCP that the signs would be subject to, the signs themselves are consistent with the zoning code regulations that apply to EMCs (LBMC 21.44.800). Therefore, the Conditional Use Permit (CUP) for signs E2 and E3 is consistent with the commercial nature of subarea 17 of SEADIP, LUD#7 and LCP.

**Negative Finding:**

In contrast, the exterior signs (Signs E1 and E4) were found to be inconsistent, creating a negative impact to the sensitive uses in the area. Sensitive uses include the existing habitat located to the northeast of the site, which is also intended for future wetland restoration. Additionally, the signs pose a visual distraction and a

potential hazard to drivers and create visual clutter inconsistent with any other nearby retail properties.

**2. THE PROPOSED USE WILL NOT BE DETRIMENTAL TO THE SURROUNDING COMMUNITY INCLUDING PUBLIC HEALTH, SAFETY OR GENERAL WELFARE, ENVIRONMENTAL QUALITY OR QUALITY OF LIFE; AND**

**Affirmative Finding:**

In accordance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines, a Categorical Exemption (CE 19-181) was prepared for this project. The proposed signage will be established within a previously-approved commercial shopping center. The interior facing signs would not be visible from the public right-of-way and would not be visible to motorists or bicyclists traveling in the vicinity of the project site, rather the signs face internal courtyards and the main street at 2<sup>nd</sup> & PCH. As such, the interior facing electronic message center signs (Signs E2 and E3) were found to not be detrimental to the surrounding community including public health, safety or general welfare, environmental quality or quality of life. To further ensure that the interior facing signs will not be detrimental to the surrounding community, the signs have been conditioned to limit the brightness and speed of the messages.

**Negative Finding:**

The exterior signs, Signs E1 (378 SF) and E4 (80 SF), would be visible from the public right-of-way and specifically, would be visible along East 2<sup>nd</sup> Street and Pacific Coast Highway. Pacific Coast Highway is a heavily-trafficked regional corridor, and the Planning Commission found the exterior signs to be distracting to motorists and bicyclists and consequently, unsafe and detrimental to the surrounding community. Overall, the signs create a visual impact to the existing scenic coastal drive.

And as such, positive findings could not be made for Signs E1 and E4.

**3. THE APPROVAL IS IN COMPLIANCE WITH THE SPECIAL CONDITIONS FOR SPECIFIC CONDITIONAL USES, AS LISTED IN CHAPTER 21.52**

The City Council is unable to make affirmative findings to approve the placement of Signs E1 and E4 as detailed below. The City Council is, however, able to make affirmative findings for the interior signs (Signs E2 and E3) and, as such, are provided below.

**A. The proposed design of the electronic message center sign is complete and consistent within itself and is compatible in design with the architectural theme or character of the existing or proposed development it will serve and the community in which it will be located.**

**Affirmative Finding:**

The proposed design of the interior electronic message center signs detailed above (Sign E2 and Sign E3) is complete and consistent within itself, as well as compatible with the scale of the architecture and the themes and overall interior character of the shopping center. The signs were designed to fit within the building in a manner that creates compatibility with the building façade.

**Negative Finding:** Although the exterior signs (Sign E1 and Sign E4) were designed to fit within the building facade, there are no EMCs in the surrounding

vicinity, and, therefore, the signs are incompatible with the architectural theme and character of the existing development in the community. In the surrounding vicinity, the type of business signs are limited to wall signs, wall-painted signs and monument signs.

- B. The establishment of the proposed electronic message center sign will not adversely affect the character, livability, or quality of life of any residential community it will be adjacent to or located in.**

**Affirmative Finding:**

The establishment of the proposed interior electronic message center signs will not adversely affect the character, livability, or quality of life of any residential community because there are no residential units adjacent to the site nor will the EMCs be located in a residential community.

**Negative Finding:**

Not applicable, due to the proposed location of the EMCs being 900 linear feet away from the nearest residential site.

- C. The electronic message center sign shall not constitute a hazard to the safe and efficient operation of vehicles upon a street or freeway.**

**Affirmative Finding:**

Conditions of approval five (5) to twelve (12) require the applicant to operate the interior signage in a manner that will not be harmful to those operating a vehicle. Conditions include adherence to all applicable zoning standards, restriction on the speed of message display, and a prohibition of off-site advertising.

**Negative Finding:**

As identified in the 2013 Mobility Element, Pacific Coast Highway and 2nd Street is a level F PM Peak Hour Level of Service (LOS) intersection, which speaks to level of heavy congestion this corridor experiences. The EMC signs have the ability to create a distraction to a motorist and cyclist along this existing heavily trafficked corridor.

- D. The applicant has demonstrated that the proposed electronic message display surface is factory-certified as capable of complying with the brightness standards in Section 21.44.850.**

**Affirmative Finding:**

The applicant has provided specification sheets from the manufacture, which demonstrate that the proposed electronic message display surface is factory-certified and capable of complying with the brightness standards.

**Negative Finding:**

Not applicable, the applicant has provided a specification sheet that determines the signs would meet the standards required by the Long Beach Municipal Code.

**4. THE RELATED DEVELOPMENT APPROVAL, IF APPLICABLE, IS CONSISTENT WITH THE GREEN BUILDING STANDARDS FOR PUBLIC AND PRIVATE DEVELOPMENT, AS LISTED IN SECTION 21.45.400.**

Section 21.45.400 specifies types of projects that require compliance with green building standards. The proposed use is not one of the types of projects that require compliance to Section 21.45.400, and therefore, this section of the Municipal Code would not be applicable to the proposed use.

**CONDITIONAL USE PERMIT &  
LOCAL COASTAL DEVELOPMENT PERMIT  
CONDITIONS OF APPROVAL  
Application No. 1906-12 (CUP19-007; LCDP19-013)  
6400 East Pacific Coast Highway  
September 19, 2019**

1. A Conditional Use Permit and Local Coastal Development Permit to only allow two interior wall mounted electronic message center signs (Sign E2 and Sign E3) proposed at a previously approved shopping center, located in the South East Area Development and Improvement Plan (PD-1) zoning district.
2. This permit and all development rights hereunder shall terminate two years from the effective date of this permit unless construction is commenced, or a time extension is granted based on a written and approved request submitted prior to the expiration of the two-year period as provided in Section 21.21.406 of the Long Beach Municipal Code.
3. This permit shall be invalid if the owner(s) and/or applicant(s) have failed to return written acknowledgment of their acceptance of the conditions of approval on the *Conditions of Approval Acknowledgment Form* supplied by the Planning Bureau. This acknowledgment must be submitted within 30 days from the effective date of approval (final action date or, if in the appealable area of the Coastal Zone, 21 days after the local final action date).
4. All Conditions of approval from previous entitlement permits for this site shall remain in full force and effect, unless herein rescinded. If individual conditions from said entitlements are superseded by more restrictive conditions from this subject permit, the more restrictive conditions(s) shall control.

**Special Conditions:**

5. The electronic message center signs shall comply with all requirements and development standards of the Zoning Regulations, including but not limited to Division VIII (Electronic Message Center Signs) of Chapter 21.41 (On-Premises Signs) of the Zoning Regulations.
6. At the request of the Director of Development Services, the applicant shall provide, at their own expense, a light and glare study for the electronic message center signs, to demonstrate compliance with Section 21.44.850.A of the Zoning Regulations.
7. In accordance with Section 21.44.850.B, the display message shall not change at a rate faster than one (1) message every eight (8) seconds.
8. Applicant may not use the Electronic Message Center signs to display any message that contains "obscene matter" as that term is defined in California

Penal Code section 311, or otherwise promotes adult entertainment, or contains language that is obscene, vulgar, profane, or scatological, or that presents a clear and present danger of causing riot, disorder, or other imminent threat to public safety, peace or order.

9. The two electronic message center signs shall be adequately shielded, properly oriented, and aimed so as to prevent the intrusion of light and glare upon residential land uses, including those in mixed-use districts.
10. All messages shall be limited to the on-site advertising of goods or services, or noncommercial messages (i.e., time, temperature, or public service announcements). All off-site advertising messages are prohibited; this includes messages by or for sponsors patrons, brands, or other similar off-site parties or entities. The interior signs, specifically sign E3, can display interactive messages, such as movies, art displays and announcements from community non-profits.
11. Hours of operation for the Electronic Message Center signs shall be limited to 6 a.m. to 1 a.m.
12. If at any time there are substantiated complaints regarding the glare or lighting intensity of the EMCs, the owner shall reduce the intensity and/or the hours of operation to the satisfaction of the Director of Development Services.

### **Standard Conditions**

13. If, for any reason, there is a violation of any of the conditions of this permit or if the use/operation is found to be detrimental to the surrounding community, including public health, safety or general welfare, environmental quality or quality of life, such shall cause the City to initiate revocation and termination procedures of all rights granted herewith.
14. In the event of transfer of ownership of the property involved in this application, the new owner shall be fully informed of the permitted use and development of said property as set forth by this permit together with all conditions that are a part thereof. These specific requirements must be recorded with all title conveyance documents at time of closing escrow.
15. All conditions of approval must be printed verbatim on all plans submitted for plan review to the Department of Development Services. These conditions must be printed on the site plan or subsequent reference page.
16. This approval is required to comply with these conditions of approval as long as the use is on the subject site. As such, the site shall allow periodic re-inspections, at the discretion of City officials, to verify compliance. The property owner shall reimburse the City for the inspection cost as per the



special building inspection specifications established by City Council (Sec. 21.25.412, 21.25.212).

17. The Director of Long Beach Development Services is authorized to make minor modifications to the approved plans or to any of the conditions of approval if such modifications shall not significantly change/alter the approved design/project. Any major modifications shall be reviewed by the Zoning Administrator or Planning Commission, respectively.
18. The property shall be developed and maintained in a neat, quiet, and orderly condition and operated in a manner so as not to be detrimental to adjacent properties and occupants. This shall encompass the maintenance of exterior facades of the building, designated parking areas serving the use, fences and the perimeter of the site (including all public parkways).
19. The applicant shall defend, indemnify, and hold harmless the City of Long Beach, its agents, officers, and employees from any claim, action, or proceeding against the City of Long Beach or its agents, officers, or employees brought to attack, set aside, void, or annul an approval of the City of Long Beach, its advisory agencies, commissions, or legislative body concerning this project. The City of Long Beach will promptly notify the applicant of any such claim, action, or proceeding against the City of Long Beach and will cooperate fully in the defense. If the City of Long Beach fails to promptly notify the applicant of any such claim, action or proceeding or fails to cooperate fully in the defense, the applicant shall not, thereafter, be responsible to defend, indemnify, or hold harmless the City of Long Beach.

# Attachment F Application For Appeal

Department of Development Services | Planning Bureau  
411 W. Ocean Blvd., 2<sup>nd</sup> Floor, Long Beach, CA 90802  
(562) 570-6194 longbeach.gov/lbds

An appeal is hereby made to Your Honorable Body from the decision of the

- Site Plan Review Committee
- Zoning Administrator
- Planning Commission
- Cultural Heritage Commission

Which was taken on the 19th day of September, 20 19.

**Project Address:** 6400 E. Pacific Coast Highway

I/We, your appellant(s), hereby respectfully request that Your Honorable Body **reject** the decision and  **Approve** /  **Deny** the application or permit in question.

ALL INFORMATION BELOW IS REQUIRED

**Reasons for Appeal:** This appeal is filed in response to the 09/19/19 Planning Commission decision to deny a CUP and LCDP for two exterior EMC signs and for the imposition of conditions on the two interior facing EMC signs for the reasons stated in the letter to the Planning Commission (Attachment A). In the 09/05/19 report, staff made positive findings for the design, location, safety and brightness of the EMC signs. These findings are confirmed by the Project Light Studies that show the signs will operate in compliance with the Long Beach Municipal Code (Attachment B).

**Appellant Name(s):** PCH CenterCal LLC and PCH Realty Partners LLC

**Organization (if representing)** N/A

**Address:** 1600 East Franklin Avenue

**City** El Segundo **State** CA **ZIP** 90245 **Phone** 424.218.0469

**Signature(s)**  **Date** 9/27/2019

- A separate appeal form is required for each appellant party, except for appellants from the same address, or an appellant representing an organization.
- Appeals must be filed within 10 days after the decision is made (LBMC 21.21.502).
- You must have established *aggrieved* status by presenting oral or written testimony at the hearing where the decision was rendered; otherwise, you may not appeal the decision.
- See reverse of this form for the statutory provisions on the appeal process.

BELOW THIS LINE FOR STAFF USE ONLY

**Appeal by Applicant**       **Appeal by Third Party**

Received by: \_\_\_\_\_ Case No.: \_\_\_\_\_ Appeal Filing Date: \_\_\_\_\_

Fee: \_\_\_\_\_  Fee Paid      Project (receipt) No.: \_\_\_\_\_

# **Attachment A**

# ALSTON & BIRD

333 South Hope Street, 16th Floor  
Los Angeles, CA 90071-1410  
213-576-1000 | Fax: 213-576-1100

Edward J. Casey

Direct Dial: 213-576-1005

Email: ed.casey@alston.com

September 19, 2019

*VIA EMAIL*

Dionne Bearden  
Commission Secretary  
Long Beach Development Services  
411 West Ocean Boulevard  
Third Floor  
Long Beach, CA 90802

Re: 2<sup>nd</sup> & PCH Conditional Use Permit Application No. 1906-12 (CUP 19-007  
and LCDP 19-13)

Gentlepersons:

We represent PCH CenterCal LLC and PCH Realty Partners LLC (“CenterCal” or “Applicant”), the applicants for the 2<sup>nd</sup> & PCH Project, a 245,000 square foot shopping center under construction at the southwest corner of Pacific Coast Highway and 2<sup>nd</sup> Street (“Project”). We submit this letter to object to the September 5, 2019, Planning Commission’s decision to deny (the “Denial Decision”) a conditional use permit (“CUP”) and a local coastal development permit (“LCDP”) for two proposed electronic message center (“EMC”) signs mounted to the exterior of the Whole Foods market façade (Sign E1 and Sign E4).

The Long Beach Municipal Code (“Code”) regulates EMC signs for business or shopping center or institutional uses that are located on five or more acres of land that front streets or highways classified as a Major Arterial, Regional Corridor, or Freeway. The signs are subject to design standards that limit the size of the signs, height and spacing requirements, and the type of high-quality materials used in the sign. The brightness, display, copy and messages are controlled to avoid creating a hazard to vehicles operating in the surrounding area. For CenterCal’s Project, City staff evaluated the design, location, safety and brightness of the proposed EMC signs as shown on the sign compliance report (Exhibit F), made positive findings based on substantial evidence presented to the Planning Commission at the September 5, 2019 public hearing, and recommended conditions of approval in addition to the Code requirements, to ensure the outward facing signs do not distract motorist, bicyclist or pedestrians traveling through the area, disturb any sensitive uses or negatively impact the aesthetics of the community.

The City must rely on substantial evidence to support its findings for the Denial Decision. (*See Federation of Hillside and Canyon Assns. v. City of Los Angeles* (2000) 83 Cal.App.4th 1252,1259; Pub. Resources Code, § 2108.2.2.) Substantial evidence includes

facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts. (Pub. Resources Code, § 2108.2.2.) However, the City's two proposed negative findings in the September 19, 2019, recommendation report to the Planning Commission do not satisfy this test because they are not supported by substantial evidence.

The first proposed negative finding states that "the exterior signs (Signs E1 and E4) were found to be inconsistent, creating a negative impact to the sensitive uses in the area. Sensitive uses include the existing habitat located to the northeast of the site, which is also intended for future wetland restoration. Additionally, the signs pose a visual distraction and a hazard to drivers." This negative finding is directly contrary to the evidence, including the environmental impact report ("EIR") for the Project. The Project design features detailed in the EIR (Draft EIR page IV.A-28 and Final EIR page II-23) and the September 7, 2017, staff report describe the types of signage that may be installed at the Project site including wall/digital media signs for advertising purposes. An analysis of light-sensitive uses in the Project vicinity, including boats docked at Alamitos Bay Marina, natural areas associated with the Los Cerritos Wetlands and the San Gabriel River, and the Marina Pacifica residential community, determined that due to the distances from the Project site, implementation of the project design features in compliance with City requirements would further ensure that light generated by the Project would not result in light spillover onto sensitive use (Draft EIR page IV.A-37).

Further, based on the analysis in the certified EIR, the Planning Commission found the Project in compliance with all land use and development standards of the Community Commercial Automobile-Oriented District and approved the site plan review ("SPR") and LCDP for the Project. In response to one of the conditions of approval in the SPR, the applicant submitted a master sign program for review and approval by the SPR Committee. All of the EMC signs were included in the master sign program and approved by the SPR Committee on October 20, 2018.

The second proposed negative finding states that "the exterior signs, Signs E1(378 SF) and E4 (80 SF) would be visible from the public right-of-way and specifically, would be visible along East 2<sup>nd</sup> Street and Pacific Coast Highway. Pacific Coast Highway is a heavily-trafficked regional corridor, and the Planning Commission found the exterior signs to be distracting to motorist and bicyclist and consequently, unsafe and detrimental to the surrounding community." However, the very purpose of all the design requirements in the Code for the EMC signs is to protect public health, safety or general welfare, environmental quality or quality of life. In accordance with these design requirements, the staff proposed eleven special conditions of approval to further ensure the protection of the public safety and welfare. To further minimize potential distractions to motorist and bicyclist, Sign E4 is oriented perpendicular to the street.

Instead of being supported by substantial evidence, the Commission's proposed second finding is based on speculation and irrelevant evidence. The Planning Commission's decision to deny the two outward facing signs appears to be based on public testimony expressing fear that the EMC signs would cause traffic accidents by distracted

drivers, the bright lights from the signs would disturb wildlife and nearby residents and have a negative impact on the aesthetics of the area. Yet, no evidence has been provided to support these claims. The only report submitted by any person opposing the signs is a report submitted by a member of the community regarding the digital billboards from other cities. That report does not address the City of Long Beach nor the Long Beach Municipal Code's stringent regulations for installing EMC signs.

Argument, speculation, unsubstantiated opinion or narrative, or evidence that is clearly inaccurate or erroneous does not constitute substantial evidence. (Pub. Resources Code, § 2108.2.2.) In the absence of factual foundation in the record, predictions by nonexperts regarding the consequences of a project do not constitute substantial evidence. (*Keep Our Mountains Quiet v. County of Santa Clara* (2015) 236 Cal.App.4th 714, 730-31.)

Finally, the Applicant objects to the imposition of conditions on the interior facing signs. The second affirmative finding in the September 19, 2019, staff report notes that the interior facing signs would not be visible from the public right-of-way and would not be visible to motorists or bicyclists traveling near the project site. Accordingly, those signs are specifically exempt from the requirement to obtain a CUP and the design standards listed in the Code since they face internal courtyards and the main street at 2<sup>nd</sup> & PCH, and are not visible from the public right-of-way (LBMC Section 21.44.860.B). Therefore, none of the proposed conditions of approval can be applicable to Sign E2 and Sign E3 (the two interior signs).

Since the Planning Commission did not provide substantial evidence to support denial of Sign E1 and Sign E4, the Applicant requests that the Planning Commission adopt the positive findings in the September 5, 2019 staff report, approve Sign E1 and Sign E4 and delete all conditions related to Sign E2 and E3 the inward facing EMC signs for the Project.

Very truly yours,



Edward J. Casey

EJC/ysr  
Attachment

cc: Michael Mais  
(w/Attachment) [Via E-mail]  
Christopher Koontz  
(w/Attachment) [Via E-mail]  
Barret Bradley  
(w/Attachment) [Via E-mail]

21.44.820 Site requirements for electronic message center signs

Electronic Message Center Sign Standards	2 <sup>nd</sup> And PCH Electronic Message Center Sign
<b>Lot or Building Minimum Size.</b> EMCs are allowed only at a business or shopping center located upon five (5) or more acres of land	The 2 <sup>nd</sup> and PCH shopping center is located on a parcel of approximately 11 acres of land with approximately 70 tenant spaces.
<b>Same Site as Principal Use.</b> An electronic message center sign shall be located on the same parcel as the principal land use of the business or institution for which the sign is established.	The signs are located on the northeast corner of 2 <sup>nd</sup> and PCH shopping center which functions as a unified center.
<b>Zones Permitted.</b> EMCS shall be allowed in certain zoning districts as provided in table 44-5.	The proposed signage is within an exclusively commercial area of the South East Area Development and Improvement Plan, Subarea 17, consistent with requirements of table 44-5.
<b>Street Types Permitted.</b> EMCS shall be allowed only on a street or highway classified as a Major Arterial, Regional Corridor, or Freeway.	Exterior facing EMCS are on the Pacific Coast Highway face which is classified as a highway

21.44.830 - Number, location, spacing, form, and substitution/removal requirements.

<b>Number.</b> One (1) EMCS shall be allowed for each six hundred feet (600') of total street frontage on a qualifying site (the total may include street frontage more than one (1) street for sites bounded by multiple streets).	The site meets the minimum requirement of 2,400 square feet of frontage needed for four signs.
<b>Location.</b>	
<b>Upon Subject Site.</b> No electronic message center sign shall be located closer to any interior side property line than twenty-five feet (25'). Lots adjoining freeway or railroad right-of-way may locate an EMCS on the property line adjoining such right-of-way.	There are no electronic message center signs located on the interior property line.
<b>Distance from Residential.</b> All EMCS shall have a minimum separation of one hundred feet (100') from a residential district.	The Marina Pacific Condos are the closest residential district to the site, they are approximately 600 feet from the shopping center.
<b>Spacing.</b>	
<b>Between EMCS on Same Frontage.</b> A radius of three hundred feet (300') shall be required between each EMCS on the same property, on the same street frontage.	There are no EMCS within the same frontage, this standard does not apply.
<b>Between EMCS on Different Frontage.</b> No EMCS shall be located less than one hundred feet (100') from another EMCS on a different street frontage (for example, an EMCS on each frontage of a corner lot) on the same property or site.	The Electronic Message Center signs are more than 100' apart, Sign E1 is at least 275 feet from Sign E4. All other signs have a separation of 400 feet or more.
<b>Between EMCS and Freestanding/Monument Signs.</b> The minimum distance required between a freestanding/monument sign and an electronic message center sign shall be one hundred feet (100').	The proposed signs are not freestanding/monument signs therefore this standard does not apply.
<b>Between EMCS on Different Properties.</b> No EMCS shall be located less than three hundred	There are no EMCS on the surrounding properties.

feet (300') from another EMCS on a different property or site.	
<b>Freeway-Oriented EMCS.</b> A radius of six hundred sixty feet (660') shall be required between all freeway-oriented electronic message center signs. For freeway-oriented EMCS, and EMCS located adjacent to other State highways, if the requirements of the California Department of Transportation (Caltrans) are more restrictive, those requirements shall control.	The proposed EMCS is not a freeway oriented EMCS, Caltrans separations criteria does not apply to on-site signage.
<b>Sign Form.</b> An EMCS may take the form or style of a freestanding sign, monument sign, or wall sign only. Other forms are prohibited.	The proposed form of the EMCS is wall mounted.
<b>Substitution for Freestanding/Monument Signs and Other Sign Removal.</b> For each EMCS to be emplaced, two (2) freestanding or monument signs, if extant, shall be removed from the subject site, on the same street frontage as the EMCS. Additional removal of other on-premises sign(s) may be required by the Planning Commission as a condition of approval.	There are no existing or proposed freestanding/monument signs on site.

**21.44.835 - Design standards.**

Bare metal structural supports are prohibited and shall have an architectural covering instead.	There are no visible structural supports, the signs are integrated within the building and have a border around them to hide any structural support. A condition was added to ensure that metal structural supports are not visible.
A freestanding EMCS shall have an architectural base and support(s) totaling at least half the width of the sign face.	Applicant is not proposing a freestanding EMCS.
Use of flat, translucent plastic or acrylic sign faces for the fixed/permanent copy shall be prohibited. Channel letters are preferred, and push-through-type faces may be used on cabinets.	Applicant is not proposing these types of materials.
High-quality materials shall be used in the sign overall. Use of metal backgrounds and cabinets is strongly encouraged.	Applicant is not proposing these types of materials.
The overall design, form, and structure of the EMCS shall be architecturally interesting and creative, and shall be harmonious with itself and the surrounding land uses. The design should complement the building(s) of the site for which it is emplaced, and, where appropriate, bear a strong architectural relationship to those buildings.	The overall design of the signs is compatible and integrated within the architecture and the surrounding buildings.



**21.44.840 - Height, area, projection, and clearance requirements.**

<p><b>Height and area.</b> The height and area of an EMCS shall not exceed the limits set forth in Table 44-5.</p>	<p>The Electric Message Center Sign height and area were previously waived and approved through a master sign program (Application No. 1808-19). In accordance with LBMC two (2) EMC signs may be permitted, each of the EMC signs are allowed a maximum area of 250 square feet for a total of 500 square feet of sign area. The exterior wall mounted EMCS are labeled as Sign E1 and Sign E4. Sign E1 is 378 square feet in size and Sign E4 is 80 square feet in size. Together the area of the signs are 458 square feet. The interior facing wall mounted EMCS are labeled as Sign E2 and Sign E3. Sign E2 is 449 square feet in size, and sign E3 is 362 square feet in size. See exhibit B – Plans and Photographs for reference. The applicant's signs are within the total allowed area. The Site Plan Review Committee approved the height and area because the size of the signs is appropriate with the scale of the center. The Center occupies a total of 245,000 square feet, with a street frontage of approximately 1,200-foot frontage along Pacific Coast Highway and approximately 400-foot frontage on 2<sup>nd</sup> street.</p>
<p><b>Projection and Clearance.</b></p>	
<p>No portion of an electronic message center sign shall project into any right-of-way.</p>	<p>No Portions of the electronic message center signs will project onto any right-of-way.</p>
<p>The vertical clearance from grade to the lowest point of the sign is eight feet (8') for pedestrian use and fifteen feet (15') for vehicular use.</p>	<p>All signs meet the minimum clearance required. Sign E1 has a 27' clearance, Sign E2 has a 26'8" clearance, Sign E3 has a 12' clearance and Sign E4 has a 10' clearance.</p>

**21.44.850 - Brightness, display, copy, and message requirements.**

<p><b>Brightness.</b> The following brightness standards and limitations shall apply:</p>	
<p>Dawn to dusk: unlimited;</p>	
<p>Dusk to dawn: the display surface shall not produce luminance more than 0.3 foot-candles above ambient light conditions, or the level recommended by the Illuminating Engineering Society of North America (IESNA) for the specific size and location of the sign, whichever is less;</p>	<p>The display is factory certified to comply with the brightness standards, See attachment E. A condition was added to ensure signs meet this requirement.</p>
<p>The display brightness shall be controlled by a photocell or light sensor that adjusts the brightness to the required dusk-to-dawn level based on ambient light conditions without the need for human input. Use of other brightness adjustment methods, such as timer- or calendar-based systems, shall only be used as a backup system;</p>	<p>The display is factory certified to comply with the brightness standards, See attachment E. A condition was added to ensure signs meet this requirement.</p>

The display shall be factory-certified as capable of complying with the above brightness standards. Such certification shall be provided to the satisfaction of the Director of Development Services; and	The display is factory certified to comply with the brightness standards, See attachment E. A condition was added to ensure signs meet this requirement.
The sign owner shall provide to the City, upon request, certification by an independent contractor that the brightness levels of the sign are in compliance with the requirements of this section.	The display is factory certified to comply with the brightness standards, See attachment E. A condition was added to ensure signs meet this requirement.
<b>Display Message.</b> The following standards and limitations shall apply to the message shown on the display surface:	
The message shown on the EMCS display shall not flash, shimmer, glitter, or give the appearance of flashing, shimmering, or glittering.	A condition was added to ensure signs meet this requirement.
The EMCS display shall have no message or illumination which moves, or is in continuous motion, or which appears to be in continuous motion. Display of full-motion video and video-like sequences is prohibited.	Signs have been conditioned to avoid this, the only exception is the plaza facing sign (Sign E3) – specifically for movie showings.
The display message shall not change at a rate faster than one (1) message every eight (8) seconds	A condition was added to ensure signs meet this requirement.
There shall be a direct change from each message to the next, with no transition effect, and no blank or dark interval in between, to avoid a flashing or blinking effect.	Signs have been conditioned to meet the Electronic Message Center sign code
The intensity of illumination shall not change, except as required to comply with the dusk-to-dawn brightness standards.	Signs have been conditioned to meet the Electronic Message Center sign code
All messages shall be limited to on-site advertising of goods or services, or noncommercial messages (i.e., time, temperature, or public service announcements). All off-site advertising messages are prohibited (see "Billboard" Section 21.15.370); this includes messages by or for sponsors, patrons, brands, and other similar off-site parties or entities.	A condition was added to prohibit off-site advertising, and only lifestyle images will be allowed on the exterior signs.
<b>Fixed Copy.</b> Fixed/permanent sign copy on each face of an electronic message center sign shall be limited to the identification of the business, shopping or convention center name or icon and two (2) major tenants or products or services. The fixed/permanent sign copy shall not flash, shimmer, glitter, or give the appearance of flashing, shimmering, or glittering, and shall be included in the overall sign area as indicated on Table 44-5.	A condition was added to ensure signs meet this requirement.

**21.44.855 - Light and glare intrusion prevention.**

All electronic message center signs shall be adequately shielded and properly oriented and aimed so as to prevent the intrusion of light and	A condition was added to ensure signs meet this requirement.
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glare upon residential land uses, including those in mixed-use districts.	
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# **Attachment B**

## 2<sup>nd</sup> & PCH Light Studies

### Summary:

As supplementary information to the aesthetics, views, and light/glare impact analysis conducted as a part of the environmental impact report for the Project, the applicant has commissioned three light studies to measure the projection of light (in foot candles) from the three primary electronic message center (EMC) signs E1, E2 and E3. The studies show the brightness generated by the signs at different distance intervals and at different angles and shows the corresponding impact from the EMCs in foot candles at each point. The proposed EMC signs do not produce luminance more than 0.3 foot-candles at any point and will comply with Long Beach Municipal Code (LBMC) Section 21.44.850.

### Foot Candles as a Measurement Tool:

Foot-candles are the current industry-standard for measuring the brightness of LED signs. Foot-candles measure “illuminance” which is the amount of light intercepted by a meter at a given distance from a lit object (like an EMC). Foot-candles are inexpensive to measure and provide a good methodology to measure light projection.

The LBMC requirement that EMCs must operate within 0.3 foot-candles above ambient lighting levels (from dusk until dawn) suggests the City of Long Beach has accepted this measurement tool as standard, as many other cities have. The proposed EMCs from Daktronics feature multi-direction light sensors, which measure ambient light levels and use the information to automatically dim the signs to under 0.3foot-candles at all times. The signs are also designed with special louvers, which prevent light from being pushed upward into the sky and limiting the projection of light.

### Light Study Assumptions and Findings:

In the light studies for the three larger EMC signs (E1, E2, E3), potential foot-candle readings from the signs are all found to be so low that they would not be perceptible at the very edge of areas that may be considered sensitive. The light study also takes an extremely conservative approach and assumes there are no other light sources in the area, which is generally not actually the case. The conservative light projection at impactable areas in each case is either non-existent, or well-below the 0.3 FC municipal standard. In summary the findings by sign are as follows:

- **Sign E1 (2<sup>nd</sup> & PCH Corner):** Readings at the southwestern edge of the Synergy Oil site (a future wetlands restoration site) are forecasted to be 0.05 foot-candles with no other lighting in the vicinity. With In-N-Out Burger operating at this corner and generating high levels of ambient lighting, Sign E1 would have no impact measured in foot-candles on this potential sensitive use.
- **Sign E2 (Interior-facing on private street):** The sign will be completely internal-facing and blocked by buildings on all sides. There is no potential for external impact.
- **Sign E3 (Interior-facing at center park area):** Mostly shielded by buildings with minimal potential for light projection to the project exterior. With no other lighting present,

## 2<sup>nd</sup> & PCH Light Studies

the sign could in theory generate 0.005 foot-candles mid-way through the Marina Drive parking lot, however the forecasted reading at the edge of the Marina is zero. The sign will be oriented in a way such that it does not have the potential to impact any areas to the north-east of the project site.

**Sign E4 (Whole Foods' Messaging Sign)** The exterior-facing Whole Foods' sign is much smaller than the three other EMC signs and will be oriented east, directly at another commercial property that should generate far more light than the EMC signs and will be angled away from the area to the northeast. This sign will not have a negative impact on the community.



# Light Analysis for Digital LED Display 10' 10" x 36'

Centercal Properties

Location: 6400 E Pacific Coast Highway, Long Beach CA, 90803

**Values expressed are specific to Daktronics product only**

Date: 09/19/2019

Prepared by: Glen Wiebe



- Display at 6% of Maximum Daytime Brightness
- Calculations take into account display at ~20' above ground level
- Any rise or fall in elevation or physical blockage is not shown in calculations

\*Calculations are based on Red, Green, and Blue LEDs (White Content) powered to their maximum potential for nighttime viewing. Values are shown in Footcandles.

Sign E1



Light Analysis for Digital LED Display 10' 10" x 36'

Centercal Properties

Location: 6400 E Pacific Coast Highway, Long Beach CA 90803

Values expressed are specific to Daktronics product only

Date: 09/19/2019

Prepared by: Glen Wiebe



- Display at 6% of Maximum Daytime Brightness
- Calculations take into account display at ~20' above ground level
- Light output blockage due to surrounding buildings shown

\*Calculations are based on Red, Green, and Blue LEDs (White Content) powered to their maximum potential for nighttime viewing. Values are shown in Footcandles.

Sign E2





Light Analysis for Digital LED Display 20' 5" x 14' 5"

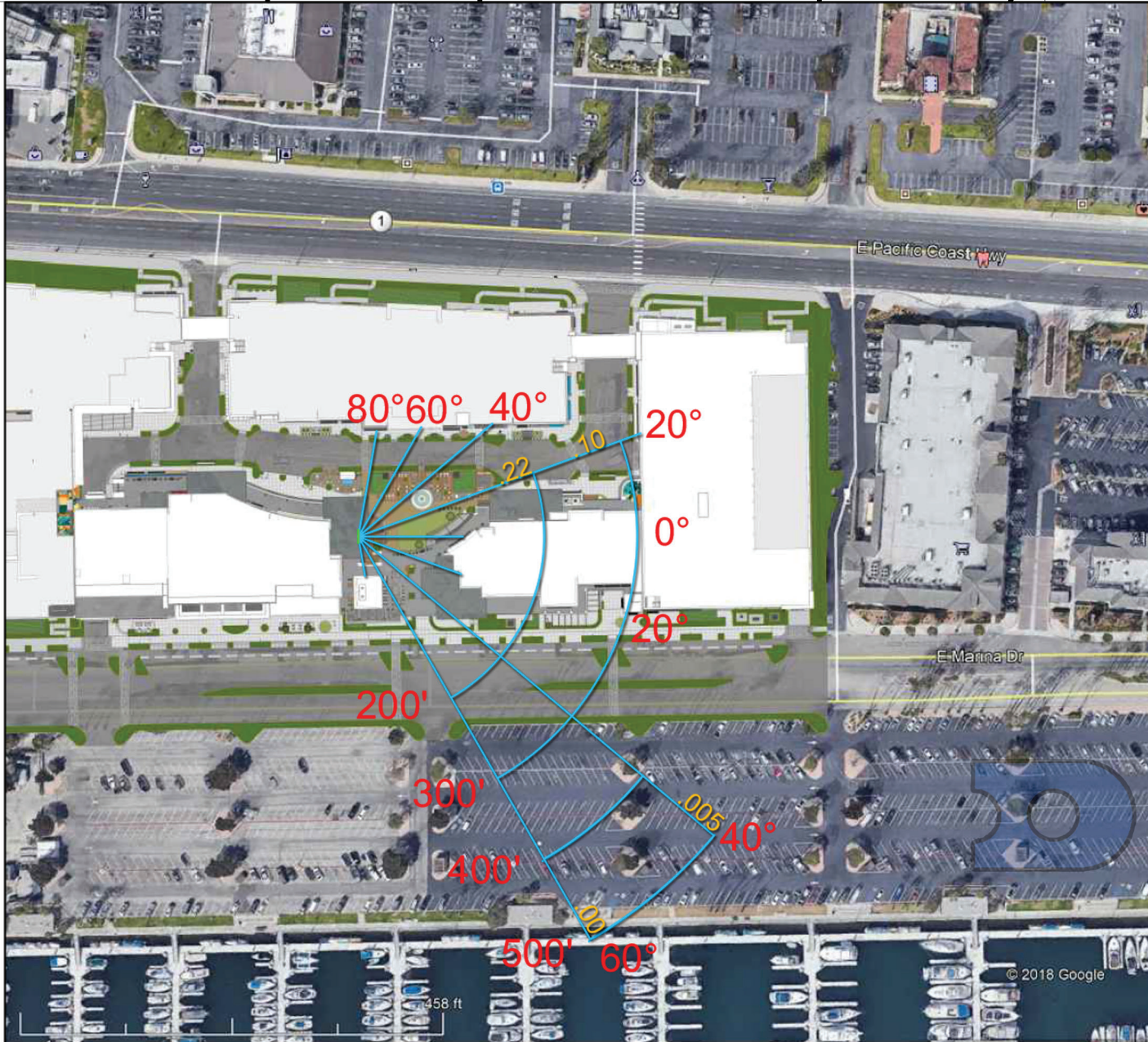
Centercal Properties

Location: 6400 E Pacific Coast Highway, Long Beach CA 90803

Values expressed are specific to Daktronics product only

Date: 09/19/2019

Prepared by: Glen Wiebe



- Display at 6% of Maximum Daytime Brightness
- Calculations take into account display at ~15' above ground level
- Light output blockage due to surrounding buildings shown

\*Calculations are based on Red, Green, and Blue LEDs (White Content) powered to their maximum potential for nighttime viewing. Values are shown in Footcandles.

Sign E3

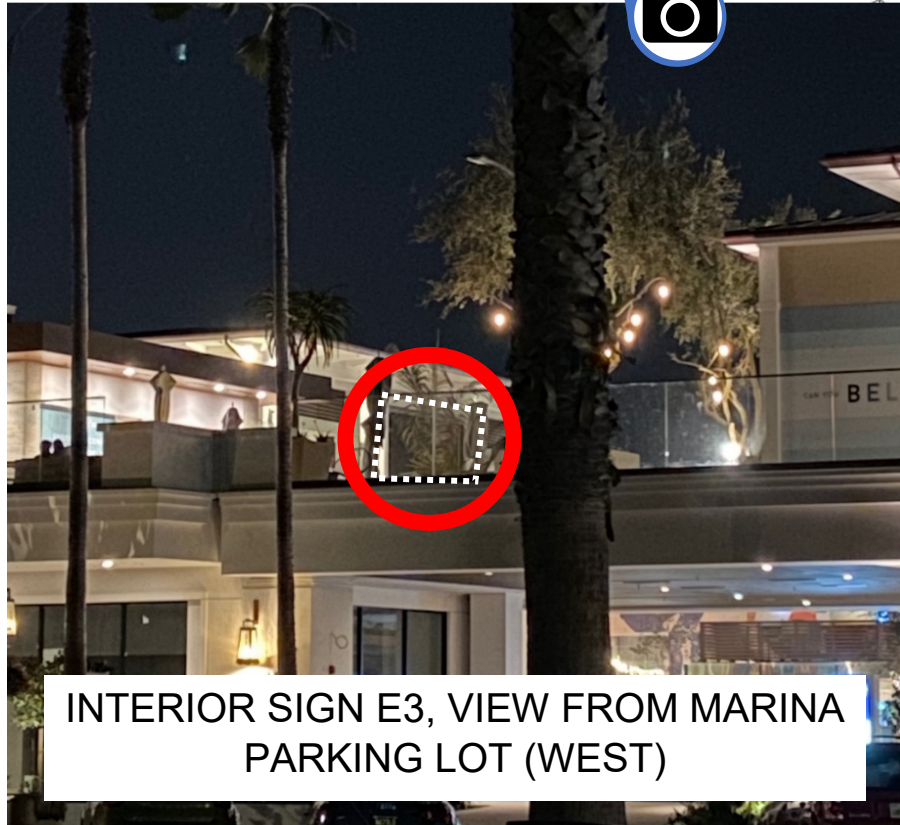
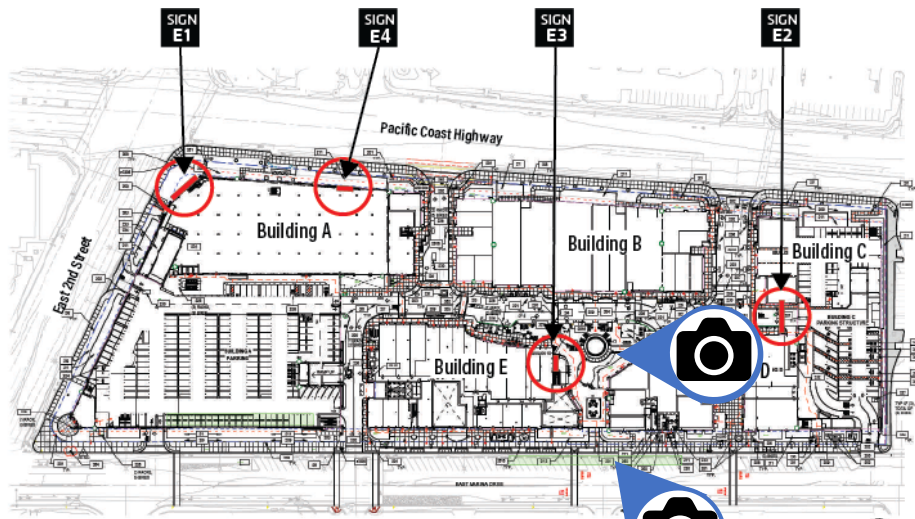
# Attachment G

APL19-005 Appeal Response to Comments

Comment Number	Comment Summary	Response
1.	Introduction to why the letter was sent out	No Comment
2.	Introduction to argument on not providing substantial evidence to two of the findings.	See comments 3 and 4
3.	First negative finding – applicant’s attorney states that the exterior signs were found to be inconsistent and create a negative impact to sensitive uses in the area, including the existing habitat and future wetland restoration areas. Additionally, the letter states “the negative finding is directly contrary to the evidence, including the environmental impact report (“EIR”) for the Project. The Project design features detailed in the EIR (Draft EIR page IV .A-28 and Final EIR page II-23) and the September 7, 2017 staff report described the types of signage that may be installed at the Project site including wall/digital media signs for advertising purposes...Project would not result in light spill over onto sensitive use (Draft EIR page IV A.-37).”	The EIR broadly envisioned wall/media signs as part of the Project. As required by the California Environmental Quality Act (CEQA), the entirety of the Project was evaluated regardless of additional entitlements needed at a later date. Due to a lack of specific information regarding the EMCs at the time, the EMCs were not approved through the original entitlement.
4.	The applicant states that the Planning Commission found the project in compliance with all land use and development standards, and the Site Plan review committee approved a master sign program which included the EMC signs.	The EMC signs were not approved through the original Site Plan Review entitlement by the Planning Commission. The Site Plan Review Committee did conceptually approve the size and locations; however, pursuant to LBMC 21.44.810 and LBMC 21.25.205, all electronic message center signs need a Conditional Use Permit, for which Planning Commission is the reviewing body.
5.	The second negative finding - the letter states that the Code and conditions ensure the protection of the public safety and welfare. Additionally, the appellant states that the Planning Commission decision on the second finding is based on speculation and irrelevant evidence on the communities input instead of factual evidence; therefore, the communities’ input is not valid.	As identified on page 34 in the 2013 Mobility Element, Pacific Coast Highway and 2 <sup>nd</sup> Street is a level F PM Peak Hour Level of Service (LOS) intersection, which speaks to level of heavy congestion this corridor experiences. The Planning Commission heard public testimony regarding safety concerns and the potential negative impacts the signs may have on the wetlands, deliberated, and found the EMC signs to be a potential distraction to motorists on this

APL19-005 Appeal Response to Comments

		already heavily-trafficked regional corridor.
6.	The applicant objects to the imposition of conditions of the interior-facing signs due to LBMC section 21.44.860.B which states that signs not visible from the public right-of-way are exempt from the Conditional Use Permit.	LBMC 21.44.860.B, exempts EMC signs that are, "not visible from not only the public right-of-way, and any other public or private property." Although the interior-facing signs were found to not be a distraction and visible from the public right-of-way to those who are driving and biking, the interior-facing signs, specifically sign E2 and E3 are visible from the public right-of-way along the sidewalk adjacent to Pacific Coast Highway, and Marina Drive potentially still be visible from other public or private property.
7.	Concluding paragraph.	No Comment see above.



INTERIOR SIGN E3, VIEW FROM MARINA PARKING LOT (WEST)



INTERIOR SIGN E4, COURTYARD VIEW

