



CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

333 West Ocean Blvd., 5th Floor Long Beach, CA 90802 (562) 570-6194 FAX (562) 570-6068

October 6, 2016

CHAIR AND PLANNING COMMISSIONERS
City of Long Beach
California

RECOMMENDATION:

Accept Categorical Exemption CE-15-068 and approve a Modification to an approved Conditional Use Permit (Application No. 1506-08) to allow construction of a new single-sided electronic billboard at a total height of 50 feet above the nearest freeway lane, instead of the previously-approved 40-foot height limit in effect at the time of approval of CUP No. 1506-08, located at 3310 Airport Way in the IG (General Industrial) zoning district. (District 5)

APPLICANT: Richard Montgomery for Lamar Advertising
1121 S. Boyle Avenue, Suite 201
Los Angeles, CA 90023
Application No. 1608-26

DISCUSSION

The applicant proposes to construct a new single-sided electronic billboard on the subject site, a 1.0-acre industrial parcel on the south side of Airport Way, with the rear of the property fronting on the San Diego Freeway (I-405 Freeway) right-of-way (Exhibit A – Location Map). The site is in the IG (General Industrial) zoning district, and is improved with an industrial building (Twining Laboratories). This site is located in the industrial area between the I-405 Freeway and the Long Beach Airport. The billboard will be oriented to the southeast, facing the northwest-bound traffic lanes of the I-405 Freeway. The billboard display face will be approximately 13 feet by 47 feet in dimension; this is Lamar’s version of an industry standard size referred to as “bulletin” size, usually around 14 feet by 48 feet (Exhibit B – Plans). The rear of the billboard face will be painted and screened, or otherwise treated to conceal the rear of the display panel and associated electronic equipment. The applicant will remove 69 existing nonconforming billboards within Long Beach prior to construction of the new electronic billboard, in accordance with the removal requirements of Section 21.54.160 of the zoning regulations for billboards.

On March 3, 2016, the Planning Commission approved Application No. 1506-08 for a CUP to construct a billboard on this site. At the time of this approval, the height limit for freeway-oriented billboards was 40 feet above the nearest freeway lane, and this height limit was recorded in this project’s conditions of approval. On May 3, 2016, the City Council adopted an Ordinance making several minor amendments to the zoning

regulations for billboards. Included in these amendments was a change to the height limit for freeway-oriented billboards, from 40 feet to 50 feet above the nearest freeway lane. The applicant requests a Modification to the height limit set forth in the conditions of approval of Application No. 1506-08, for a CUP to allow the project to be constructed at the current height limit of 50 feet above nearest freeway lane.

Since the modification will bring the project approval in line with current development regulations for billboards, and no other changes to the previously approved plans are proposed, staff finds that the request is in full compliance with zoning regulations. Staff therefore recommends that the Planning Commission approve Application No. 1608-26 to modify an approved CUP (Application No. 1506-08), subject to conditions of approval (Exhibit C – Findings, and Exhibit D – Revised Conditions of Approval).

PUBLIC HEARING NOTICE

Public hearing notices were distributed on September 19, 2016, in accordance with the requirements of Chapter 21.21 of the Long Beach Municipal Code. At the time of writing of this report, staff has received no questions or comments, written or otherwise, from the public regarding this project. Any public comments received following preparation of this report will be provided to the Planning Commission as soon as possible, up to 4:30 pm on the day of the scheduled hearing.

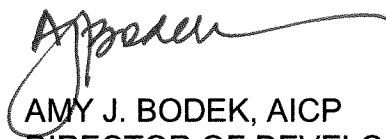
ENVIRONMENTAL REVIEW

In accordance with the Guidelines for Implementation of the California Environmental Quality Act, a Categorical Exemption was prepared for the proposed project in conjunction with CUP No. 1506-08 (Exhibit E – CE-15-068), finding that this project qualifies for a Categorical Exemption per Section 15303 of the California Environmental Quality Act Guidelines. This Categorical Exemption was accepted by the Planning Commission at the March 3, 2016, hearing for CUP No. 1506-08. This Categorical Exemption also is sufficient for the requested modification to an approved CUP.

Respectfully submitted,



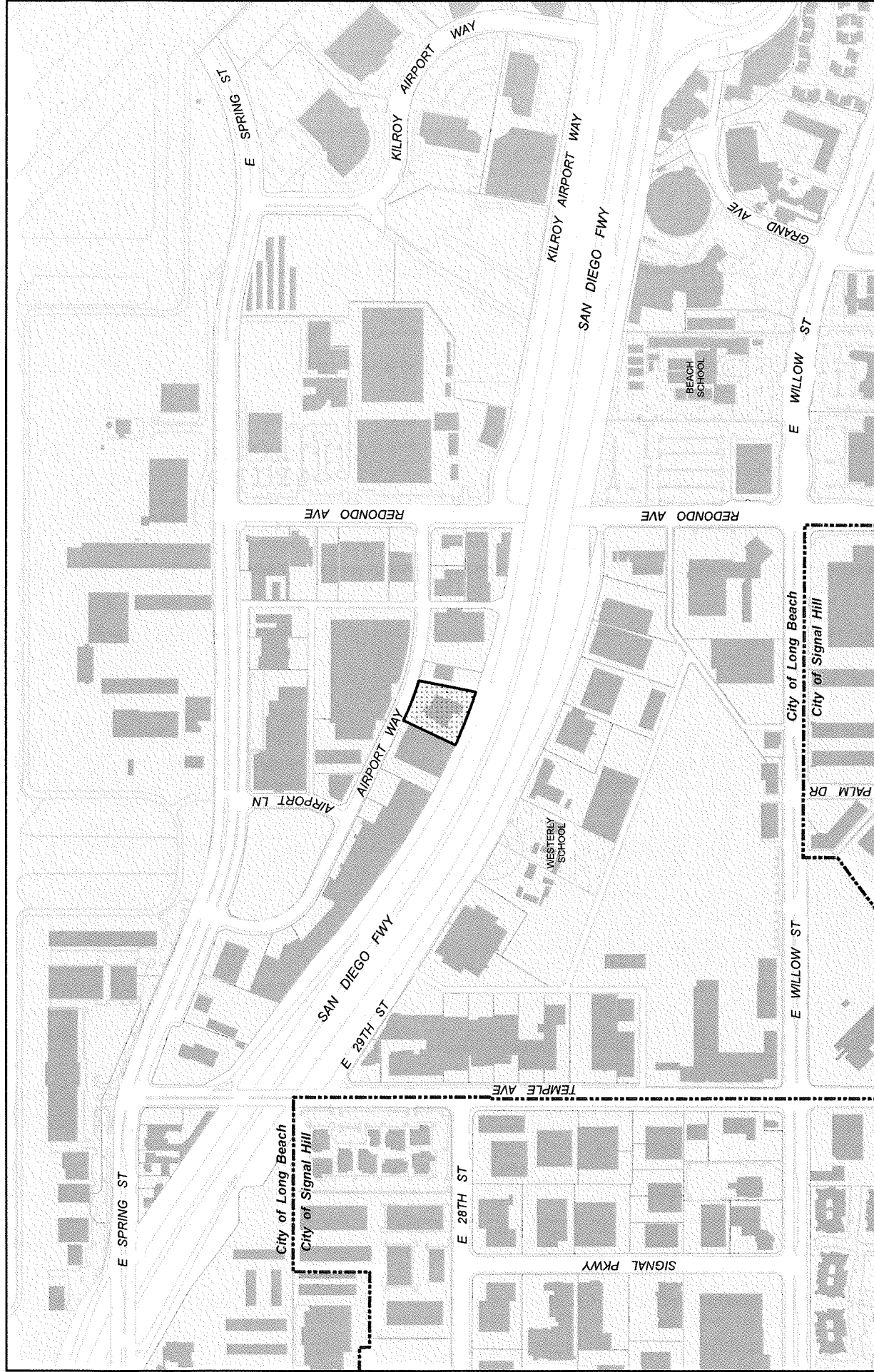
LINDA F. TATUM, AICP
PLANNING BUREAU MANAGER



AMY J. BODEK, AICP
DIRECTOR OF DEVELOPMENT SERVICES

AJB:LT:sk

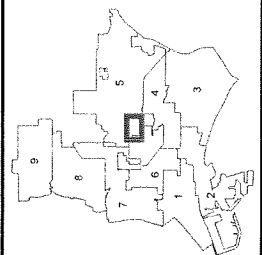
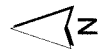
- Attachments:
- Exhibit A – Location Map
 - Exhibit B – Plans
 - Exhibit C – Findings
 - Exhibit D – Conditions of Approval
 - Exhibit E – Categorical Exemption CE-15-068



Subject Property:
 3310 Airport Way
 Application No. 1608-26
 Council District 5
 Zoning Code : IG



Exhibit A



MODIFICATION TO AN APPROVED PERMIT FINDINGS

**3310 Airport Way
Application No. 1608-26
October 6, 2016**

**Original Application No. 1508-06
Original Approval Date March 3, 2016**

Pursuant to Section 21.21.405 (Modification of Permits) of the Long Beach Municipal Code, an approved permit, variance or other entitlement may be modified as long as the modification is found to further the purposes of the Zoning Regulations. The Conditional Use Permit findings, set forth in Section 21.25.206, and staff analysis are presented for consideration, adoption and incorporation into the record of proceedings:

- 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;**

The construction of an electronic billboard at this location originally was approved under Conditional Use Permit No. 1506-08 on March 3, 2016 (see staff report, findings, and conditions of approval for Application No. 1506-08). The requested Modification to an Approved Permit would allow the proposed electronic billboard to be constructed to the current code-allowed height limit of 50 feet above the nearest freeway lane, instead of the height limit of 40 feet above nearest freeway lane, which was in effect at the time of approval of CUP No. 1506-08, and was recorded in the project's conditions of approval (see Condition #1). On May 3, 2016, the City Council passed an ordinance making several minor amendments to the zoning regulations for billboards. Included in these amendments was a change to the height limit for freeway-oriented billboards, from 40 feet to 50 feet above the nearest freeway lane. The proposed modification would alter Condition #1 to allow a height limit of 50 feet above the nearest freeway lane, with no other changes to the conditions of approval. The increase in height will be consistent with the current zoning regulations for billboards. All other conditions and zoning development standards would remain in effect. This modification does not change the project's consistency with the General Plan and Zoning Regulations, as analyzed and discussed in the findings for CUP No. 1506-08. No specific plan applies to the project site, and the project site is not located in the Coastal Zone. The applicant will continue to be required to provide for the removal of 69 existing billboards from within Long Beach prior to the issuance of building permits for the new electronic billboard, in accordance with the requirements of Section 21.54.160 and the conditions of approval of Application No. 1506-08.

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

The proposed use will not change from that approved under CUP No. 1506-08 (see staff report, findings, and conditions of approval for Application No. 1506-08). The proposed use will not be detrimental to the surrounding community. One new electronic billboard will be constructed, with a single southeast-facing display face measuring approximately 615 square feet in area. Surrounding land uses are heavily industrial, and the site is located well over 1,000 feet from any residential land uses. Construction of a new electronic billboard will result in new light emissions from the display panel; however, these emissions will be required to comply with the limitations prescribed in Ch. 21.54 of the Zoning Ordinance, and are subject to third-party verification for compliance at the City's discretion. The zoning regulations also contain adequate restrictions on electronic sign copy (preventing the imitation of traffic signs or controls) and message transition (preventing any motion, video, and blinking or bright-dark-bright "pop" transitions) to prevent the electronic billboard from creating a traffic distraction or hazard for the San Diego Freeway (I-405) or adjacent surface streets. The billboard meets all the spacing requirements in Ch. 21.54 for distance of a converted electronic billboard from residential, institutional, and park zoning districts. The proposed electronic billboard will generate no noise, air quality, or traffic generation impacts. The site is surrounded by industrial land uses, which are expected to receive no impacts from the project. No public health, safety, general welfare, environmental quality, or quality of life impacts are foreseen for this project.

3. THE APPROVAL IS IN COMPLIANCE WITH THE SPECIAL CONDITIONS FOR THE USE ENUMERATED IN CHAPTER 21.52.

The special conditions specified in Chapter 21.52 for billboards have been replaced with new findings for billboards, enumerated in Section 21.54.115, as follows:

A. The proposed billboard does not represent a net increase in billboard sign area Citywide;

The proposed project will comply with the removal requirements of Section 21.54.160.A, at an 8:1 area ratio. The new electronic billboard face is approximately 615 square feet in area, and will require the removal of a minimum of 4,920 square feet of other billboard area from within the City. The applicant's proposal for removal exceeds this total. The project will result in the removal of at least sixty-nine (69) other existing "eight-sheet" size 6 × 12-foot billboards, a sum of 4,968 square feet of billboard area.

- B. The applicant or developer has provided a written plan and a letter of intent explaining how the requirements of Section 21.54.160.A or B (which require removal of certain amounts of existing billboard area in exchange for rights to construct a new billboard or convert an existing billboard to electronic) will be accomplished;**

The applicant has provided this information to staff's satisfaction. The applicant has identified the existing billboards that will be removed from within the City prior to issuance of a building permit for the proposed conversion.

- C. The billboard shall not constitute a hazard to the safe and efficient operation of vehicles upon a street or freeway;**

The project consists of construction of a new single-sided electronic oriented southeast, facing the northwest-bound traffic lanes of the San Diego Freeway (I-405). The size, siting, and location of the billboard will not create a traffic hazard, and the new billboard will be subject to review by the California Department of Transportation (Caltrans) for compliance with all State laws and Caltrans regulations governing billboard placement and traffic safety. Also, the restrictions specified in Ch. 21.54 of the zoning regulations will restrict brightness, message transition (to prevent any motion, video, and bright-dark-bright "pop" transitions), and copy (to prevent imitation of traffic signs or controls) such that the electronic billboard will not create a traffic hazard.

- D. For a new billboard, adequate spacing will exist between the proposed billboard and any existing or proposed billboards in the vicinity, such that negative visual and aesthetic impacts upon the neighborhood and surrounding land uses shall be avoided.**

The proposed billboard site is located approximately 1,750 feet from the nearest existing billboard on the San Diego Freeway (I-405), located at Temple Avenue on the north side of the I-405.

- E. The size of the proposed billboard will not be out of context with its visual environment, or be visually disruptive to neighboring properties and structures.**

The proposed billboard will be freeway oriented in an industrial zoning district, will be primarily visible from the San Diego Freeway (I-405) travel lanes, and will not be out of context with its visual environment, or disruptive to neighboring properties or structures.

- F. For electronic billboards, the applicant has demonstrated technically, through a light study or similar study, that the billboard will not cause light and glare to intrude upon residential land uses, including those in mixed-use districts.**

The proposed electronic billboard will not affect properties in residential zoning districts or mixed-use districts. There are no residential or mixed-use land uses near the project site.

- G. Approval of this permit is consistent with the intent of Chapter 21.54 (Billboards), which is, primarily, to provide reasonable billboard control and to cause the eventual elimination of nonconforming billboards from the City.**

Approval of this modification not relieve the applicant of providing for the code-required removal of existing billboard area from within the City at an 8:1 ratio, as set forth in Section 21.54.160.A of the zoning regulations for billboards. The applicant has identified at least sixty-nine (69) existing billboards that will be removed to comply with this requirement, representing a net area of 4,968 square feet, greater than the 4,920 required by code to be removed. This removal will have a significantly positive impact upon the community within the City overall, and will significantly further the Ordinance's and City's stated goals of eventual removal of nonconforming billboards. Approval of this modification therefore is consistent with the intent of Chapter 21.54.

REVISED CONDITIONS OF APPROVAL

3310 Airport Way
Application No. 1608-26
October 6, 2016

Original Application No. 1506-08
Original Approval Date March 3, 2016

Special Conditions:

1. This Conditional Use Permit approval is for the construction of a new single-sided freeway-oriented electronic billboard, not larger than 621 square feet in area, at a maximum height of not more than **50** feet above the nearest freeway lane.
2. The applicant shall provide for the removal of 4,940 square feet, at a minimum, of existing billboard advertising area from within the City of Long Beach. This removal shall be completed prior to the issuance of any building or electrical permits for the construction of the new electronic billboard. The applicant shall obtain a separate demolition permit for each billboard to be removed, and shall provide to the Planning Bureau photographs of each site prior to removal, and photographs of each site following removal.
3. The applicant has provided a list containing a pool of one hundred thirty eight (138) existing billboards in Long Beach to be removed to satisfy the requirements of Section 21.54.160.A of the Zoning Ordinance, upon approval of this Conditional Use Permit. The 138 billboards in this pool also are intended to be used to satisfy the removal requirements of the CUP application at 6701 Paramount Boulevard, Application No. 1506-09. Whichever project is constructed first (1506-08 or 1506-09) shall provide for the removal of nonconforming billboards from this pool of 138 billboards in the priority order specified by Section 21.54.160.A. The project that is constructed second (1506-08 or 1506-09) shall continue removal of nonconforming billboards from this pool in the sequence begun by the first project. The purpose of this condition is to ensure that, if only one of the two projects is built, or if both are built but with a significant delay between, that nonconforming billboards will be removed in the priority order specified by code in any case.
4. Per Section 21.54.160.E of the Zoning Ordinance, the developer shall not remove a fractional number of billboards, but whole billboards only.
5. At the request of the Director of Development Services, the applicant shall provide, at own expense, a light and glare study for the new electronic billboard, in accordance with Section 21.54.115.F of the Zoning Ordinance, and shall demonstrate compliance with Section 21.54.280.B.6.b and 21.54.280.B.10.
6. The applicant shall obtain all required permits from the California Department of Transportation (Caltrans) or other involved State or County agency, and provide

evidence of such permits to the Department of Development Services when such permits have been secured (the Outdoor Advertising Act requires the applicant to first obtain local jurisdiction permits before Caltrans permits may be issued).

7. The applicant shall provide for all electrical service wiring to be routed to the billboard underground, per Section 21.54.250.
8. The new electronic billboard shall not overhang the public right-of-way or any public street or sidewalk.
9. Prior to issuance of a building permit, the developer shall provide written authorization from the property owner for the project.
10. All demolition, site preparation, and construction activities shall comply with the noise requirements of Chapter 8.80 of the Long Beach Municipal Code at all times.
11. The back of the billboard shall be painted, screened, or otherwise treated to conceal the rear of the electronic display panel to the satisfaction of the Director of Development Services, in accordance with Section 21.54.270 of the Zoning Ordinance.
12. The structural support pole for the billboard shall be concealed within an architectural treatment, per Section 21.54.240, to the satisfaction of the Director of Development Services. The applicant shall revise plans as necessary to reflect this, and a sample of the architectural material shall be provided to the Director of Development Services for review prior to issuance of a building permit.
13. At the developer's option, this billboard may be constructed with a second face of equal size in lieu of constructing the electronic billboard project at 6701 Paramount Boulevard. (Application No. 1506-09), if that application is approved by the Planning Commission. The two billboard faces may be mounted parallel to each other facing opposite directions, or at an acute angle to each other ("V-shaped"), at the developer's option. The billboard support structure (pole) may be either center-mounted to the panels, or "flag-mounted" at one end of the panels, at the developer's option. If the developer chooses to construct the second billboard face at this site, all removal of existing billboard area required by Application No. 1506-09 shall be completed prior to issuance of building permits. Upon issuance of a building permit for construction of a double-sided billboard at the 6701 Paramount Boulevard site (Application No. 1506-09), this CUP approval (Application No. 1506-08) shall be null and void.

14. This Conditional Use Permit approval shall not enter into effect until the effective date of an Ordinance, adopted by the City Council, amending the Zoning Regulations for the purpose of allowing the use of Caltrans-issued "credits" for the construction of a new billboard adjacent to a designated landscaped freeway segment (current code allows use of these credits for conversion of a static billboard to electronic, but not for construction of a new billboard). If the City Council declines to adopt said Ordinance, or does not act to adopt said Ordinance within one year of the date of action by the Planning Commission on this Conditional Use Permit, then this Conditional Use Permit approval shall never have been effective, and shall be null and void.
15. Applicant may not use the digital billboard 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.

Standard Conditions – Plans, Permits, and Construction:

16. Prior to the issuance of a building permit, the applicant shall submit a revised set of plans reflecting all of the design changes set forth in the conditions of approval, to the satisfaction of the Director of Development Services.
17. 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 a subsequent reference page.
18. The plans submitted for plan review must explicitly call out and describe all materials, textures, accents, colors, window, door, planter, and paving details that were approved by the Site Plan Review Committee or the Planning Commission. No substantial changes shall be made without prior written approval of the Site Plan Review Committee or the Planning Commission.
19. The Director of Development Services is authorized to approve minor modifications to the approved design plans or to any of the conditions of approval if such modifications shall not significantly change or alter the approved project. Any major modifications shall be reviewed by the Zoning Administrator, Site Plan Review Committee, or Planning Commission, respectively.
20. Upon plan approval and prior to issuance of a building permit, the applicant shall submit a reduced-size set of final construction plans for the project file.
21. A permit from the Department of Public Works shall be required for any work to be performed in or over the public right-of-way.
22. Any off-site improvements found to be damaged as a result of construction activities related to this project shall be replaced to the satisfaction of the Director of Public Works.

23. Separate building permits are required for fences, retaining walls, flagpoles, and pole mounted yard lighting foundations.
24. The applicant shall file a separate plan check submittal to the Long Beach Fire Department for review and approval prior to the issuance of a building permit.
25. All structures shall conform to the Long Beach Building Code requirements. Notwithstanding this subject permit, all other required permits from the Building Bureau must be secured.
26. Site development, including landscaping, shall conform to the approved plans on file with the Department of Development Services. At least one set of approved plans containing Planning, Building, Fire, and, if applicable, Redevelopment and Health Department stamps shall be maintained at the job site, at all times for reference purposes during construction and final inspection.
27. Energy conserving equipment, lighting, and construction features shall be utilized in this project.

Standard Conditions – General:

28. This permit and all development rights hereunder shall terminate one year 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 one year period as provided in Section 21.21.406 of the Long Beach Municipal Code.
29. 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).
30. 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.
31. 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).

32. 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.
33. Approval of this development project is expressly conditioned upon payment (prior to building permit issuance or prior to Certificate of Occupancy, as specified in the applicable Ordinance or Resolution for the specific fee) of impact fees, connection fees and other similar fees based upon additional facilities needed to accommodate new development at established City service level standards, including, but not limited to, sewer capacity charges, Park Fees and Transportation Impact Fees.
34. 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.
35. Any graffiti found on site must be removed within 24 hours of its appearance.
36. All required utility easements shall be provided to the satisfaction of the concerned department, agency, or utility company.
37. As a condition of any City approval, the applicant shall defend, indemnify, and hold harmless City and its agents, officers, and employees from any claim, action, or proceeding against City or its agents, officers, and employees to attack, set aside, void, or annul the approval of City concerning the processing of the proposal/entitlement or any action relating to, or arising out of, such approval. At the discretion of the City and with the approval of the City Attorney, a deposit of funds by the applicant may be required in an amount sufficient to cover the anticipated litigation costs.



NOTICE of EXEMPTION from CE

EXHIBIT E

CITY OF LONG BEACH | DEPARTMENT OF DEVELOPMENT SERVICES
333 W. OCEAN BLVD., 5TH FLOOR, LONG BEACH, CA 90802
(562) 570-6194 FAX: (562) 570-6068
lbs.longbeach.gov

TO: Office of Planning & Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

FROM: Department of Development Services
333 W. Ocean Blvd, 5th Floor
Long Beach, CA 90802

L.A. County Clerk
Environmental Fillings
12400 E. Imperial Hwy., Room 1201
Norwalk, CA 90650

Project Title: CE-15-068

Project Location/Address: 3310 Airport Way

Project Activity/Description: The applicant intends to construct and install a new
14 x 48 LED Digital Billboard in the southwest portion of the property,
approximately 13' x 47' feet and 620 sq. ft. in area.

Public Agency Approving Project: City of Long Beach, Los Angeles County, California

Applicant Name: Lamar Advertising

Mailing Address: 1121 S. Boyle Avenue, Suite 201, Los Angeles, CA 90023

Phone Number: (323) 933-3222

Applicant Signature: *Richard Montgomery*

BELOW THIS LINE FOR STAFF USE ONLY

Application Number: 1506-08 Planner's Initials: SK

Required Permits: Conditional Use Permit

THE ABOVE PROJECT HAS BEEN FOUND TO BE EXEMPT FROM CEQA IN ACCORDANCE WITH
STATE GUIDELINES SECTION 15303 New Construction or Conversion of Small
Structures

Statement of support for this finding: Project consists of construction of a new
electronic billboard, a small non-occupiable structure that generates no
traffic trips, noise, or air quality impacts.

Contact Person: Scott Kinsey, Planner IV Contact Phone: (562) 570-6194

Signature: *Scott Kinsey*

Date: 7/5/16