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Billboards, Electronic/Digital Billboards, and Electronic Message Center Signs

City Council Meeting

June 21, 2011



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Moratorium currently in place

- Current moratorium was initiated by minute order on December 1, 2009, with one-year duration
- Moratorium was extended on December 7, 2010
- Moratorium expires on December 14, 2011

- The moratorium prevents issuance of any permits for new billboards, "supergraphic" signs, and conversion of existing billboards to digital/electronic billboards.



Study Sessions with Planning Commission

- **First billboard study session was held February 5, 2009**
 - Reviewed current state of billboards in the City and current regulatory procedures.
 - Discussed billboard amortization program.
- **Second study session held May 21, 2009**
 - Reviewed electronic message center sign standards and discussed the difference between these and billboards.
 - Commission directed staff to develop code amendments to modernize billboard and sign regulations.
 - Reviewed community concerns and industry desires.
- **Third study session held March 18, 2010**
 - Reviewed proposed changes to code.
 - Discussed specific concepts for removal of nonconforming billboards, including amortization and "cap-and-replace."



Billboards – Off-site Advertising Signs



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Definition of a Billboard

- “Billboard” means a sign that identifies or communicates a commercial or noncommercial message related to an activity conducted, a service rendered, or a commodity sold at a location other than where the sign is located. (LBMC 21.15.370)
- Billboards are referred to as “off-site” signs, as opposed to “on-site” signs that advertise for something located on the same property (e.g., a sign for a store on the front of that store).



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Anatomy of a Billboard





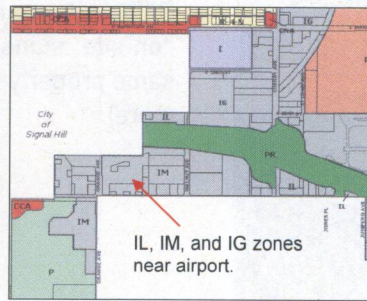
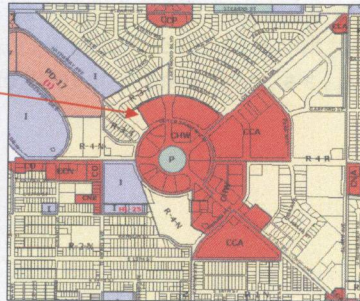
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Current billboard regulations in Long Beach

- **Billboards allowed only in commercial and industrial zones**
 - Commercial – allowed in CHW only (least restrictive commercial zone), limited to 300 square feet in sign area.
 - Industrial – allowed in IL, IM, IG, up to 675 square feet in sign area. Prohibited in IP (Port-related Industrial) zone.

CHW zone
around traffic
circle.



Other restrictions

- Billboards are prohibited within 600 feet of certain segments of of the I-710 Freeway
- Billboards are prohibited within 600 feet of I-405, SR-91, I-605, and SR-22 Freeways for their entire lengths in the City
- Billboards prohibited in all Redevelopment areas since July 25, 2005.



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What are Electronic Billboards?



Palms, Los Angeles

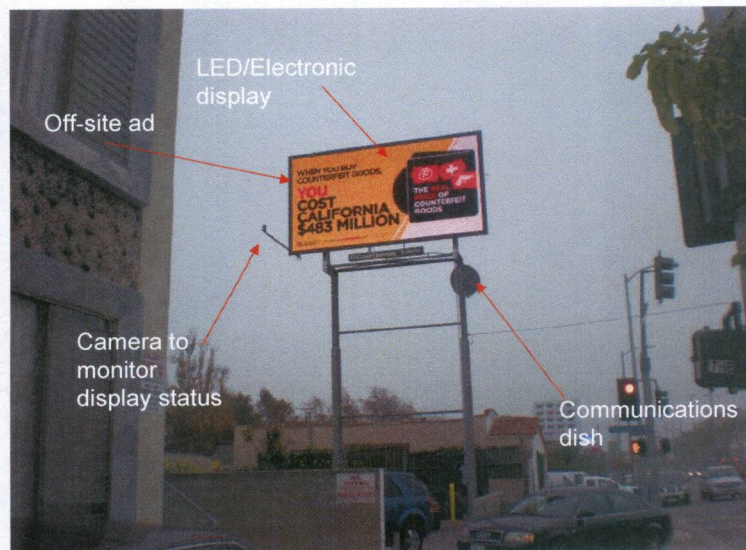
- Commonly called “digital,” “electronic,” or “LED” billboards
- Same advertising concept as “static” billboards, but the message is changed electronically instead of by physically replacing the sign copy
- The important point is that they contain *off-site advertising*
- **There are NO electronic billboards in Long Beach!**



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Anatomy of an Electronic/Digital Billboard





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Electronic vs. Non-electronic Billboards

Note that these signs are the same exact advertising concept, just on a different medium—paper/vinyl vs. an LED screen.

Electronic



Palms, Los Angeles

Non-electronic



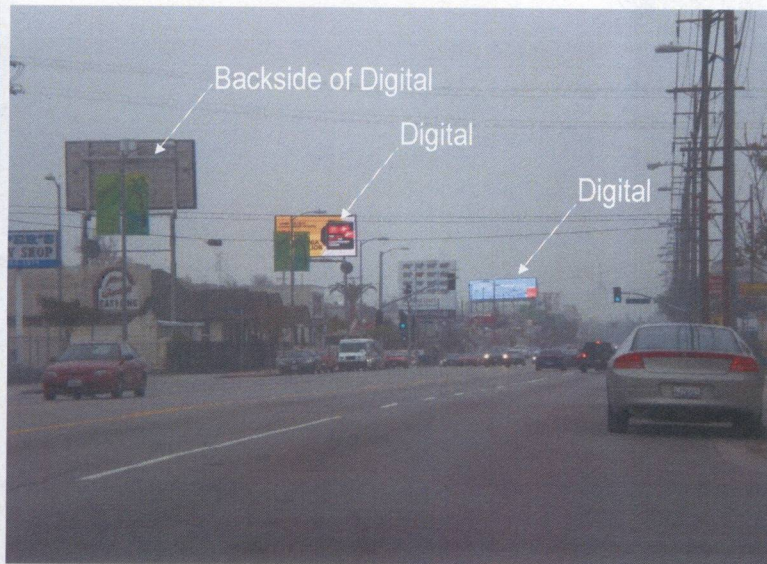
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Examples of Electronic/Digital Billboards





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Rear view of electronic billboard



Palms, Los Angeles



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Electronic Message Center Signs – On-site Advertising

(not billboards)



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Billboards vs. Electronic Message Ctr. Signs (On-site Signs)

- **Billboards are off-site advertisements:**
 - A sign that identifies or communicates a commercial or noncommercial message related to an activity conducted, a service rendered, or a commodity sold at a location other than where the sign is located
 - Long Beach has *no electronic billboards*
- **All other signs must be on-site advertisements only:**
 - Signs for businesses or products, at the location of the business
 - This includes "electronic message center" signs, such as those used by car dealers, colleges, convention centers, churches, etc.



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What exactly is the difference?

- **Off-site Advertising**
 - Billboards
 - Electronic Billboards
- **On-site Advertising**
 - Signs
 - Electronic Message Center Signs



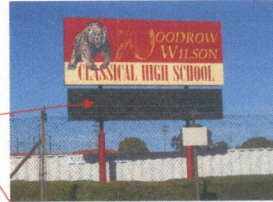


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Electronic Message Center signs:

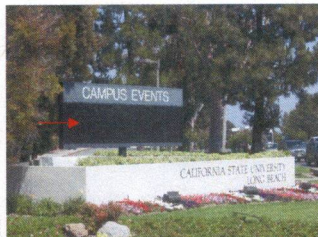
- An electronic display showing only advertising for goods and services available on-site, or non-commercial messages such as time, temperature, and public service announcements
- Must be located on a property of 5 acres or more, or with combined building area of 150,000 square feet or more.



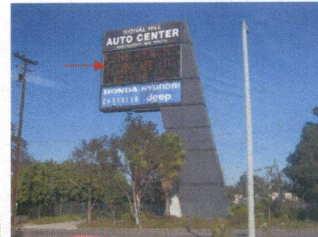
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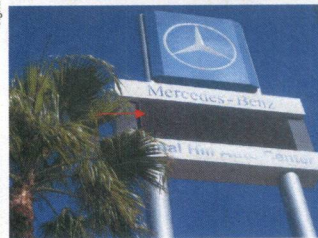
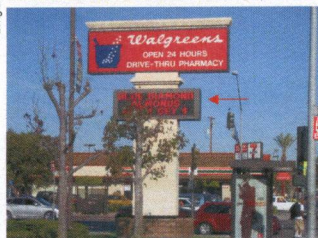
Electronic Message Center Signs – On-site Ads



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Signal Hill





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Anatomy of an Electronic Message Center Sign

Digital/electronic
display panel

Fixed copy
naming the
on-site
business(es)



City Name
(currently
required on
freeway-
oriented
signs)



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Billboard Issues and the City's Goals



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Nonconforming Billboards



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- Approximately 350-370 billboards are located in the City
- Almost all of them nonconforming to our (Municipal) code
- Built when rules allowed billboards almost anywhere, and now are “grandfathered.”
- What can we do about them?



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Nonconforming Billboards



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Proposed Goals for City's Regulation of Billboards



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1. Modernize regulations to deal with electronic/digital billboards
2. Eliminate non-conforming billboards from the City
3. Reduce the overall number of billboards in the City
4. Allow billboards in appropriate areas (industrial, commercial zones)



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Recent Billboard Removals

Redevelopment Agency acquisition of billboards since 2005:

1. Included in voluntary acquisitions of land:

- 612 Sunrise
- 1827 Pacific

2. In conjunction with condemnation of property:

- 1890 Atlantic
- 5832 Atlantic

3. Termination of billboard lease during official termination period:

- 5948 Atlantic
- 2002 E. PCH

4. Separate condemnation of billboard lease

- 645 Ocean
- 320 E. 3rd Street



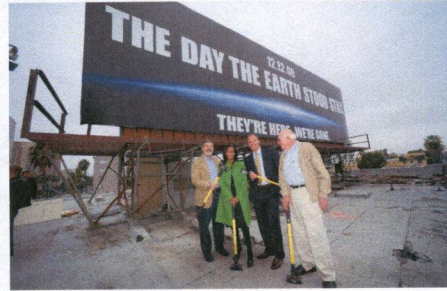
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Recent Billboard Acquisitions



320 E. 3rd St.: \$73,000 to
CBS Outdoors – Oct. '10



645 E. Ocean: \$175,000 to
CBS Outdoors – Nov. '08



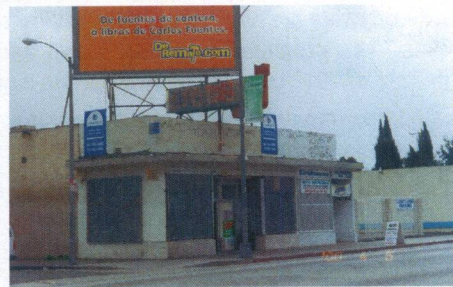
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Recent Billboard Removals



5832 Atlantic/ Front Door
Theater:
All inclusive eminent domain

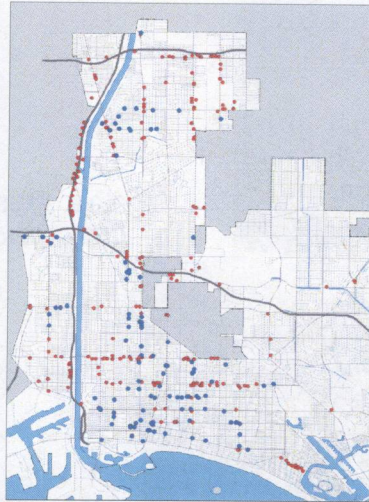


1890 Atlantic:
All inclusive eminent domain



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Billboard Survey



- City completed a billboard survey to locate all existing billboards
- Over 350 billboards total
- At least 252 of these are within Redevelopment Project Areas
- Red: cannot be amortized
- Blue: can be amortized



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Amortization

- State law and municipal code allow amortization of billboards meeting certain criteria. Billboards must be:
 - In a General Plan land use district allowing residential uses, and
 - In a residential zone.
 - Mixed-use zones (commercial-residential) may also be able to be amortized.
- Amortization period is 7 years from notice to remove until removal is required, to allow billboard owners and property owners to “recoup their investment.”
- 122 billboards Citywide are eligible for amortization and have been noticed. Takes 7 years to complete *for each sign*, and will probably run through 2017 or 2018 between stragglers and legal challenges.
- Over 250 billboards that are nonconforming to the Zoning Ordinance will remain.
- Only 1/3 of all billboards in the City are eligible to be amortized

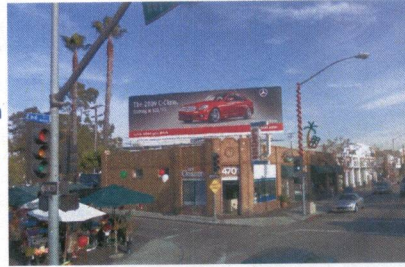


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Something better than Amortization is Needed

- **Problems with Amortization:**
 - Amortization will only eliminate +/-120 billboards, leaving +/-250 in the City
 - While legally effective, will drag on until the end of this new decade
 - Will not ultimately solve the problem of billboard blight in the City. Billboards nonconforming to Municipal Code but not eligible under State law for amortization would remain.
- **Example:**
 - All billboards on 2nd Street in Belmont Shore will remain



Long Beach, Google Street View



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What other cities are doing

- **Los Angeles** currently is re-writing their proposed ordinance to regulate billboard size and digital conversion
- **Oakland** banned billboards near freeways and restricted them elsewhere
- **Other Practices**
 - Total ban on any new billboards, with or without a finding that the city has enough billboards to meet the community's outdoor advertising needs.
 - Specific ban on electronic signs (upheld in 1st Circuit Court of Appeals)
 - Strict limits on any signs (on-site or off-site advertising) with a video display
 - Adopt a large spacing radius between billboards or digital conversions
 - Cap billboards at current levels and encourage relocation or swaps of multiple (4 or more) smaller signs for one new sign in a more lucrative location



Digital Billboard Conversion in Long Beach

- Code sets no special standards for this type of conversion:
 - Whether to allow?
 - Maximum size of digital billboards?
 - Locations appropriate and locations prohibited?
 - Maximum height of digital billboards?
 - Discretionary permit (CUP) required?
 - Design standards?



Overview of Proposed Code Amendments

- New regulations for billboards
- New regulations for electronic message center signs (on-site advertising on digital/electronic signs)
- Update of administrative and permitting procedures
- Update of relevant definitions



Proposed Billboard Regulations for consideration in a new ordinance

- Require a Conditional Use Permit (CUP), or keep as an allowed use, but add significantly more development standards? Pros and cons.
- Currently allowed only in CHW, IL, IM, and IG zones—no change proposed.
- Require RDA Board to make a recommendation to Planning Commission regarding any billboard activity in an active Redevelopment Project Area
- “Cap and Trade” policy for construction of new billboards
 - No new signs allowed unless sign area is removed
 - 4x sign area removal for regular billboards, 8x removal for electronic billboards *until all nonconforming billboards are gone*, then 1:1 removal ratio would apply to maintain cap.
- New size limits on billboards: 300 sq. ft., except 672 sq. ft. for freeway-oriented boards (currently 300 in commercial zone and 675 in industrial zones regardless of adjacent right-of-way)
- Restrict billboards to streets designated Major Arterials or greater
- Update regulations on “supergraphics”



Best Practices – Other Jurisdictions

- “Cap and Replace” system is gaining acceptance in cities with progressive billboard ordinances
- A special “billboard district” or “sign district” is legally difficult in California and would require legal research (see LA’s mistakes in this area)
- Many other California cities have fallen behind in billboard regulation, and Long Beach has the opportunity to become a progressive leader
- Any new ordinance here will necessarily be unique to Long Beach, due to our large number of old, nonconforming billboards



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Possible Courses of Action

• The Situation:

- State law strongly protects the outdoor advertising industry—we can't wish the signs away
- We cannot eliminate billboards outright except by condemning them, meaning the City must buy them out, which is prohibitively expensive
- Our ongoing amortization program takes 7 years to remove a billboard, and will result in removal of only 1/3 of the billboards in the City

• The Options:

- Prohibit electronic billboards and maintain status quo—very few new billboards are possible, but 300+ billboards remain in City permanently (or until State law changes),
- or
- Institute a "cap-and-replace" system, where no new billboard can be built unless some ratio of existing billboards are removed, thus incentivizing removal of non-conforming billboards



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Cap and Replace Specifics



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- To construct a new billboard, nonconforming billboards totaling 4x the proposed billboard area would have to be removed. Example: new 300 sq. ft. billboard = 1,200 sq. ft. worth of nonconforming billboards to be removed.
- To construct a new electronic billboard, or convert an existing billboard to electronic, 8x removal would be required.
- Example: new 300 sq. ft. electronic billboard = 2,400 sq. ft. of nonconforming removal.
- A typical nonconforming "8-sheet" billboard is 6' x 12' = 72 sq. ft.



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Cap and Replace Specifics

- Ratios are not set in stone yet, but 3x to 4x for traditional billboards and 6x to 8x for electronic billboards is reasonable. Higher ratios of 10x to 12x may be a disincentive, and existing situation would remain.
- After all nonconforming boards are removed from the City, 1 to 1 sq. ft. removal ratio would be required for new billboards or conversion to electronic, to maintain the cap.



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Other Proposed Rule Changes

- Require a Conditional Use Permit
- Request RDA board recommendation in RDA areas
- Set strict brightness limits for electronic billboards
- Limit billboards to major streets and freeways
- Set size limit at 300 sq. ft. for new non-freeway-oriented boards
- Ban mobile billboards
- Continue allowing billboards in CHW, IL, IM, IG zones only?
- Allow billboards in industrial Planned Development Districts?
- Allow billboards in Downtown Shoreline PD-6 (The Pike)?



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Next Steps

- Staff to proceed with ordinance development?
- Return to Planning Commission with draft ordinance?
- New ordinance would need to be adopted by December 14, 2011