

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONG BEACH AMENDING AND RESTATING CHAPTER 21.54, RELATED TO BILLBOARDS

The City Council of the City of Long Beach ordains as follows:

Section 1. Chapter 21.54 of the Long Beach Municipal Code is amended and restated in its entirety to read as follows:

Chapter 21.54

BILLBOARDS

21.54.010 Purpose.

Billboards are recognized as a legitimate form of commercial use in the City. However, the size, number, location and illumination of billboards can have significant influence on the City's visual environment, and can, without adequate control, create or contribute to blighted conditions. The purpose of this Chapter is to provide reasonable billboard control, recognizing that community appearance is an important factor in ensuring the general community welfare. Additionally it is the purpose of this Chapter to eventually eliminate nonconforming billboards from the City, through the creation of incentives for the development of conforming billboards linked to requirements for removal of nonconforming billboards in exchange.

21.54.020 Definition of terms.

A. The terms "billboard" and "off-premises sign" may be used interchangeably to mean the same thing. The term "billboard," when used generally, shall also include electronic billboards and any other form of off-premises advertising;

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B. Mixed-use districts, when referenced in this Chapter, shall include Planned Development (PD) Districts, or sub-areas thereof, allowing residential and/or commercial uses;

C. Residential districts, when referenced in this Chapter, shall include those Planned Development (PD) Districts, or sub-areas thereof, allowing residential uses;

D. "Adjacent," when used to refer to a billboard adjacent to a freeway, shall mean located within, either in whole or in part, an area formed by measuring six hundred sixty feet (660') laterally from the edge of the right-of-way of a landscaped freeway section along a line perpendicular to the center line of the freeway (as defined in California Code of Regulations, Title 4, Chapter 1, Section 2242);

E. "Freeway-oriented" shall mean any billboard that is adjacent to a freeway, as set forth above, and designed to be viewed primarily by persons traveling on the main-traveled way of the freeway.

21.54.030 Consistency with the Outdoor Advertising Act.

To the extent that there is any conflict between the provisions of this Chapter and the provisions of the Outdoor Advertising Act, California Business and Professions Code sections 5200, et seq., the Outdoor Advertising Act shall prevail.

21.54.040 Severability clause.

If any provision or clause of this Chapter or the application thereof to any person or circumstance is held to be unconstitutional or to be otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other Chapter provisions or clauses or applications, and to this end the provisions and clauses of this Chapter are declared to be severable.

Division I – Use Regulations

21.54.110 Use regulations.

1 Billboards are a principal use of land and are restricted to the zoning
2 districts indicated in Table 54-1 of this Chapter. Any type, style, or location
3 of billboard development not specifically permitted by this Chapter shall be
4 prohibited.

5 21.54.111 Conditional Use Permit required.

6 Unless a development agreement is applied for and executed in
7 accordance with Section 21.54.112, a Conditional Use Permit shall be
8 obtained prior to the issuance of a building permit for any project involving
9 construction of a new billboard or electronic billboard, conversion of an
10 existing billboard to an electronic billboard, expansion or modification of a
11 billboard, or addition of additional face(s) to a billboard, and as otherwise
12 specified in this Chapter and Title. Required findings are contained in this
13 Chapter.

14 21.54.112 Development agreements.

15 A. In the event that an applicant demonstrates to the satisfaction
16 of the Planning Commission and the City Council that it is infeasible to
17 comply with the provisions of Section 21.54.160, related to the removal of
18 nonconforming billboards, an applicant shall then be eligible to apply for a
19 development agreement in accordance with Chapter 21.29.

20 B. For the purpose of this Section, an applicant shall be required
21 to demonstrate that it lacks an inventory of nonconforming billboards eligible
22 for removal such that would satisfy Section 21.54.160.

23 C. For the purpose of this Section, an applicant shall not be
24 deemed ineligible to apply for a development agreement because the
25 applicant cannot meet the lot size requirement set forth in Section
26 21.29.020.

27 D. All development agreements entered into in accordance with
28 this Section shall contain appropriate standards and public benefits and

1 shall comply with all other standards imposed by this Chapter except the
2 conditional use permit requirement.

3 E. Billboards constructed on property owned by the City or its
4 related agencies may be accomplished by lease or license in lieu of a
5 development agreement, and any reference to a development agreement in
6 this Chapter shall include leases or licenses on such properties.

7 21.54.113 Sponsorship or advertising on public property under
8 Chapter 16.55.

9 Any contract, permit, license or agreement entered into in
10 accordance with Chapter 16.55 of the Long Beach Municipal Code shall not
11 be subject to the zoning regulations set forth in this Chapter.

12 21.54.114 Separate applications.

13 Each individual proposal for construction of a new billboard or
14 electronic billboard, or modification of a billboard, or conversion of an
15 existing billboard to an electronic billboard, shall be considered a separate
16 application, and each application shall be separately and individually subject
17 to a Conditional Use Permit, and the provisions and requirements of this
18 Chapter. Multiple sites shall not be combined into one application. This
19 Section shall not apply to development agreements under Section
20 21.54.112.

21 21.54.115 Required findings.

22 In addition to the required findings for a Conditional Use Permit
23 (Section 21.25.206), the Planning Commission or City Council, as
24 applicable, shall not approve a Conditional Use Permit for any billboard
25 project unless positive findings also can be made for the following:

26 A. The proposed billboard does not represent a net increase in
27 billboard sign area Citywide,

28 B. The applicant or developer has provided a written plan and a

1 letter of intent explaining how the requirements of Section 21.54.160.A or B
2 (which require removal of certain amounts of existing billboard area in
3 exchange for rights to construct a new billboard or convert an existing
4 billboard to electronic) will be accomplished.

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

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

11 F. The size of the proposed billboard will not be out of context
12 with its visual environment, or be visually disruptive to neighboring
13 properties and structures.

14 G. For electronic billboards, the applicant has demonstrated that
15 the billboard will not cause light and glare to intrude upon residential land
16 uses, including those in mixed-use districts.

17 H. Approval of this permit is consistent with the intent of Chapter
18 21.54 (Billboards), which is, primarily, to provide reasonable billboard
19 control and to cause the eventual elimination of nonconforming billboards
20 from the City.

21 21.54.118 Locations allowed.

22 Billboards shall be allowed in the locations set forth in Table 54-1.

23 21.54.119 Street classification types allowed.

24 A billboard shall only be located on a lot having frontage on a certain
25 classification of public right-of-way, as set forth in Table 54-1.

26 21.54.120 Locations prohibited.

27 A. General.

28 No new off-premises sign (billboard) shall be located:

- 1 1. On or over a public right-of-way;
- 2 2. Within ninety feet (90') of any residential, institutional or
- 3 park district;
- 4 3. Within any Planned Development District (PD), unless
- 5 explicitly allowed by that PD ordinance;
- 6 4. On the roof of any building whether the building is in
- 7 use or not;
- 8 5. On a wall of a building or otherwise attached or
- 9 integrated to, or suspended from a building;
- 10 6. Overhanging a building; or
- 11 7. Within eight feet (8'), in any direction, of a building,
- 12 measured at the nearest distance between the sign surface and the
- 13 building, so as not to provide an attractive nuisance for graffiti and
- 14 vandalism.

15 B. Additional freeway-oriented restrictions.

16 In addition to the above restrictions, no new freeway-oriented off-
17 premises sign (billboard) shall be placed or maintained:

- 18 1. Within five hundred feet (500') of any residential,
- 19 institutional or park district;
- 20 2. On property adjacent (within six hundred sixty feet
- 21 (660')) to a section of a freeway that has been landscaped if the advertising
- 22 display is designed to be viewed primarily by persons traveling on the main-
23 traveled way of the landscaped freeway, including landscaped portions of
24 freeway in the following areas:
 - 25 a. 710 Freeway:
 - 26 (1) North City boundary to south side of
 - 27 interchange with 91;
 - 28 (2) South of interchange with 91 to south side

1 of northbound Long Beach Boulevard off-ramp on east side of freeway only;

2 (3) South of north edge of southbound Del
3 Amo Avenue off-ramp to south edge of northbound Del Amo Avenue off-
4 ramp;

5 (4) North edge of southbound transition ramp
6 to 405 Freeway to south edge of the 405 to 710 southbound transition ramp
7 on west side of 710;

8 (5) North edge of 405 to 710 transition ramp
9 to south edge of northbound Pacific Coast Highway off-ramp on east side;

10 (6) North edge of southbound Willow Street
11 off-ramp to south edge of southbound Willow Street on-ramp on west side of
12 710;

13 (7) North edge of southbound Anaheim Street
14 off-ramp to center line of Anaheim Street;

15 (8) South of Fifth Street.

16 b. 91 Freeway:

17 (1) West City boundary to east edge of
18 eastbound Long Beach Boulevard on-ramp;

19 (2) Western edge of 710 Freeway right-of-
20 way to eastern City boundary;

21 c. 405 Freeway--Entire length in City;

22 d. 605 Freeway--Entire length in City;

23 e. 22 Freeway--Entire length in City.

24 21.54.125 Types of billboards prohibited.

25 As set forth in Section 21.54.110, any type or location of billboard
26 development not specifically permitted by this Chapter shall be prohibited.
27 Additionally, the following types of prohibited billboards are specified for
28 clarity. However, this shall not limit the types of prohibited billboards to

1 those described below:

2 A. Mobile billboards. Any billboard installed upon, mounted,
3 attached, or applied to any vehicle, non-motorized vehicle, bicycle, scooter,
4 or trailer whose primary purpose is conveyance, transportation, or support
5 of the billboard message surface shall be prohibited from any display or
6 placement on public or private property or the public right-of-way in a
7 manner making it visible from any other public or private property or the
8 public right-of-way;

9 B. Any billboard integrated, incorporated, or otherwise included
10 into the architectural design of a building; and

11 C. Supergraphics. Any off-site advertisement meeting the
12 definition of "supergraphic" as defined in Section 21.15.2980 shall be
13 prohibited. The only exception shall be for a temporary supergraphic
14 allowed under a special events permit.

15 21.54.130 Landscaped segment relocation credits.

16 No new billboard shall be constructed or installed within the City
17 through utilization of credits given by the California Department of
18 Transportation or State law for relocation of billboards located in landscaped
19 freeway segments, unless so mandated by State law. This shall include
20 credits originating from billboards located either within the City of Long
21 Beach or in other jurisdictions. Conversion of existing billboards located in
22 landscaped freeway segments to electronic billboards using such credits
23 shall be the sole exception, and in this case all removal requirements of
24 Section 21.54.160.A or B shall apply.

25 21.54.140 Conversion of non-electronic billboards to electronic.

26 The City hereby declares that the vested rights held by existing
27 billboards, whether conforming or nonconforming to this Chapter, do not
28 allow conversion of said billboards to electronic billboards as a matter of

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1 right. No existing billboard shall be converted to an electronic billboard
2 unless the following conditions are met:

- 3 A. A Conditional Use Permit is obtained by the applicant;
- 4 B. The billboard meets the requirements of Table 54-1;
- 5 C. The applicant obtains all required building permits; and
- 6 D. Other existing billboard display surface area is permanently

7 removed from the City as required by Section 21.54.160.A or B, as
8 applicable (see Table 54-2 for summary).

9 21.54.150 Expansion of billboard area or addition of faces to
10 existing billboards.

11 The City hereby declares that the vested rights held by existing
12 billboards, whether conforming or nonconforming to this Chapter, do not
13 allow expansion of billboard area or addition of billboard faces as a matter of
14 right. No billboard shall have its area increased or have an additional face
15 added unless the following conditions are met:

- 16 A. A Conditional Use Permit is obtained by the applicant;
- 17 B. The billboard meets the requirements of Table 54-1;
- 18 C. The applicant obtains all required building permits; and
- 19 D. Other existing billboard display surface area is permanently

20 removed from the City as required by Section 21.54.160.A or B, as
21 applicable (see Table 54-2 for summary).

22 21.54.160 Citywide billboard capacity limited.

23 The City of Long Beach finds that, at the time of adoption of this
24 Chapter, a plenitude of modes of advertising were available via television,
25 newspaper, magazines, circulars, direct mail, bulk mail, internet, email,
26 mobile phones, City bus ads, bus stop posters, and other constantly-
27 developing sources of ad placement. Also, the City finds that a sufficient or
28 more than sufficient amount of billboard advertising capacity exists in the

1 City to meet or exceed the community's need for outdoor advertising, and
2 that a reduction in the amount of billboards Citywide will not impose any
3 hardship upon the community through diminution of overall advertising
4 capacity or options. Therefore, no building permit shall be issued for a new
5 billboard, conversion of an existing non-electronic billboard to an electronic
6 billboard, or expansion or addition of faces to an existing billboard, unless
7 the following requirements are met:

8 A. An existing nonconforming billboard or billboards, as specified
9 in Section 21.54.170, shall first be permanently removed from within the City
10 as follows (see Table 54-2 for summary):

11 1. If a new electronic billboard is proposed, nonconforming
12 billboard(s) equal to or greater than eight (8) times the display surface area
13 of the proposed electronic billboard shall be removed;

14 2. If conversion of an existing billboard to an electronic
15 billboard is proposed, nonconforming billboard(s) equal to or greater than
16 four (4) times the display surface area of the existing size of the converted
17 billboard shall be removed. If the billboard is proposed to be expanded as
18 part of the conversion to electronic, it shall be considered a new electronic
19 billboard and nonconforming billboard(s) totaling eight (8) times the display
20 surface area of the final size of the proposed billboard shall be removed;

21 3. If a new non-electronic billboard is proposed,
22 nonconforming billboard(s) equal to or greater than six (6) times the display
23 surface area of the proposed billboard shall be removed;

24 4. If expansion of an existing electronic billboard is
25 proposed, the portion that represents a net increase over the existing
26 display surface area shall require removal of existing nonconforming
27 billboard(s) equal to or greater than eight (8) times the area of the net
28 increase;

1 5. If expansion of an existing non-electronic billboard is
2 proposed, the portion that represents a net increase over the existing
3 display surface area shall require removal of existing nonconforming
4 billboard(s) equal to or greater than six (6) times the area of the net
5 increase;

6 6. Nonconforming billboards shall be removed with the
7 following priority, in order of highest priority to lowest:

8 a. Nonconforming billboards located in a residential
9 zoning district and not adjacent to a street classified as a Freeway, Regional
10 Corridor, or Major Arterial;

11 b. Nonconforming billboards located in a Planned
12 Development District (or a subarea thereof) allowing residential uses and
13 not adjacent to a street classified as a Freeway, Regional Corridor, or Major
14 Arterial;

15 c. All other nonconforming billboards located in a
16 residential zoning district or Planned Development District allowing
17 residential uses;

18 d. All other nonconforming billboards located in a
19 General Plan Land Use District allowing residential uses; and

20 e. All other nonconforming billboards;

21 B. If existing nonconforming billboards are permanently removed
22 to satisfy Section 21.54.160.A, until no such nonconforming billboards as
23 specified in Section 21.54.170 remain in the City, then the following
24 requirements shall apply instead of Section 21.54.160.A (see Table 54-2 for
25 summary):

26 1. It shall be the responsibility of the applicant to
27 demonstrate, to the satisfaction of the Director of Development Services,
28 that no nonconforming billboards, as specified in Section 21.54.170, remain

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in the City;

2. If a new billboard or electronic billboard is proposed, an existing billboard or billboards with total display surface area equal to or greater than that of the proposed billboard shall first be permanently removed from within the City;

3. If conversion of an existing billboard to an electronic billboard is proposed, an existing billboard or billboards with total display surface area equal to or greater than that of the proposed conversion shall first be permanently removed from within the City;

4. For any other billboard modification or expansion, any net increase in the size of the display area shall first require removal of an existing billboard or billboards with an area equal to or greater than that of the net increase in size of the existing billboard;

C. In determining the existing display surface area to be removed to satisfy (A) or (B) above, if a billboard with more than one face is proposed, the sum of both faces shall be used. For example, if a billboard with two 300-square-foot faces is proposed, a sum of 600 square feet shall be used to calculate the amount of removal required;

D. In all cases, the required removals shall be completed prior to issuance of a building permit for the new, converted, or expanded billboard. The developer shall provide a list of all billboards to be removed to meet the removal requirements of (A) or (B) above, and shall obtain a separate demolition permit for each, and provide proof, to the satisfaction of the Director of Development Services, that such removal has been completed, prior to building permit issuance for a new billboard. In order that the developer should not be subject to possible loss of development rights lawfully obtained through a Conditional Use Permit and performance of subsequent required removal of billboards, said development rights, once

1 obtained, shall be considered vested for one (1) year, contingent upon
2 completion of the required prior removal of billboards;

3 E. Fractional numbers. The purpose of (A) and (B) above is to
4 require removal of a certain amount of billboard display surface area, rather
5 than a specific number of billboards. However, it is not desirable for an
6 existing billboard to be altered to reduce its size to comply with these
7 requirements, due to the negative aesthetic impacts such alteration may
8 create. Therefore, no billboard shall be reduced in size or otherwise altered
9 to provide for the required removal, and only whole, entire billboard(s) shall
10 be removed. In no case shall less than the required amount of display
11 surface area be removed;

12 F. Ownership. Section 21.54.160.B shall not come into effect
13 until all nonconforming billboards, as specified in Section 21.54.170, are
14 removed from within the City, regardless of the ownership or management
15 of those nonconforming billboards. Specifically, a party owning or managing
16 billboards shall not be eligible for Section 21.54.160.B if only the
17 nonconforming billboards owned or managed by that party are removed,
18 while other nonconforming billboards yet remain in the City;

19 G. Other removal. Any billboard removed or demolished from
20 within the City, or reduced in size, not in conjunction with a project requiring
21 removal under Section 21.54.160.A or B, shall not be credited toward the
22 removal requirements of Section 21.54.160.A or B above.

23 21.54.170 Nonconformity defined for purposes of removal requirements.

24 A billboard shall be considered nonconforming for the purposes of
25 the removal requirements set forth in Section 21.54.160, if it is any of the
26 following:

27 A. Not located in a zoning district allowed by Table 54-1;

28 B. Not located adjacent to a freeway or street having a street

1 classification type allowed in Table 54-1;

2 C. Freeway-oriented, and located within 660 feet of a landscaped
3 freeway segment, as set forth in Section 21.54.120.B.2;

4 D. Located on a building or building rooftop

5
6 **Table 54-1**

7 **Billboard Development Standards**

Type of Billboard	Standard				
	Maximum Area (sq. ft.)	Max. Height	Spacing between billboards ^(a)	Street Classification Types Allowed ^(b)	Zoning Districts Allowed
1. New freeway-oriented billboard, electronic or non-electronic	675 sq. ft.	40 ft. above nearest freeway lane.	As required by California Department of Transportation, otherwise 300 ft.	Freeway, Regional Corridor, or Major Arterial ^{(c)(d)}	CHW ^(e) , CS, IL, IM, IG, IP ^(f)
2. Other new billboard, electronic or non-electronic	675 sq. ft.	35 ft. above curb grade.	As required by California Department of Transportation, otherwise 300 ft.	Regional Corridor, or Major Arterial only ^{(c)(d)}	CHW ^(e) , IL, IM, IG
3. Conversion of existing billboard to electronic (with or without expansion of area)	675 sq. ft. ^(g)	No higher than existing billboard, or 35 ft. above curb grade (or 40 ft. above nearest freeway lane, if freeway-oriented), whichever is greater.	As required by California Department of Transportation, otherwise no limit	Freeway Regional Corridor, or Major Arterial only ^(c)	CCA, CCP, CHW ^(e) , CS, IL, IM, IG, IP ^(f)

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4. Expansion of existing electronic or non-electronic billboard (does not include conversion to electronic)	675 sq. ft. ^(g)	No higher than existing billboard, or 35 ft. above curb grade (or 40 ft. above nearest freeway lane, if freeway-oriented), whichever is greater.	N/A	Freeway, Regional Corridor, or Major Arterial only ^(c)	CHW ^(e) , CS, IL, IM, IG, IP ^(f)
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Footnotes:

- (a) Required spacing between billboards on same side of the right-of-way.
- (b) Street classifications are as shown on the Functional Classification of Streets map in the Transportation Element of the General Plan. See equivalence table (Table 54-1A) for updated designations adopted into the 2013 General Plan Mobility Element.
- (c) If a lot has frontage on a right-of-way that is a Freeway, Regional Corridor, or Major Arterial, and on a street that is not a Freeway, Regional Corridor, or Major Arterial, the billboard shall be located no more than 25 feet from the property line with frontage on a Freeway, Regional Corridor, or Major Arterial.
- (d) Any billboard adjacent to a freeway right-of-way, but not freeway-oriented and not adjacent to a Regional Corridor or Major Arterial, shall be prohibited.
- (e) Also allowed in the deprecated CH commercial highway zoning district.
- (f) Billboards in the IP zoning district shall require approval of the Harbor Department.
- (g) Size shall not be increased over that of the existing billboard unless explicitly approved by the Planning Commission.

Table 54-1A

Equivalence of Street Classification Type Designations

1991 General Plan Transportation Element Street Classification Type Designation	2013 General Plan Mobility Element Street Classification Type Designation
Freeway	Freeway
Regional Corridor	Regional Corridor
	Boulevard
Major Arterial	Major Avenue
Minor Arterial	Minor Avenue
Collector Street	Neighborhood Connector
Local Street	Local Street

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**Table 54-2
 Summary of Billboard Removal Ratios**

Under Section 21.54.160.A (If nonconforming billboards are still present in City)	
Project	Required Removal Ratio
1. New electronic billboard	8 times the area of the proposed billboard
2. New non-electronic billboard	6 times the area of the proposed billboard
3. Conversion of existing billboard to electronic with no expansion of area	4 times the area of the billboard to be converted
4. Conversion of existing billboard to electronic with expansion of area	8 times the area of the final size of the proposed billboard
5. Expansion of existing electronic billboard	8 times the area of the proposed net increase in area
6. Expansion of existing non-electronic billboard	6 times the area of the proposed net increase in area.
Under Section 21.54.160B (After all nonconforming billboards have been removed from City)	
Project	Required Removal Ratio
1. New electronic or non-electronic billboard	Area equal to the proposed billboard
2. Conversion of existing billboard to electronic	Area equal to the proposed billboard
3. Expansion of existing billboard (electronic or non electronic)	Area equal to the proposed net increase.

Division II – Development Standards

21.54.210 Maximum area.

The maximum area of billboards shall be as indicated in Table 54-1.

21.54.220 Maximum height.

The maximum height of billboards shall be as indicated in Table 54-1.

21.54.221 Maximum number of faces.

No billboard shall have more than two (2) faces. A face shall be

1 considered the display surface upon which an advertising message is
2 displayed.

3 21.54.222 Face orientation.

4 No billboard shall have more than one (1) face (display surface) oriented
5 in the same vertical plane.

6 21.54.223 Name of owner.

7 No billboard shall be maintained in the City unless the name of the
8 person or company owning or maintaining it is plainly displayed thereon.

9 21.54.230 Spacing.

10 Spacing between billboards on the same side of a right-of-way shall
11 be as indicated in Table 54-1. For spacing purposes, any double-faced, V-
12 type, or back-to-back billboard with more than one (1) face (display surface)
13 shall be considered as a single billboard.

14 21.54.240 Supports.

15 Billboards shall be provided with no more than one (1) support, and
16 the support shall be constructed of steel. The support shall be
17 architecturally treated to the satisfaction of the Planning Commission. Bare
18 steel structural supports and wood structural supports shall be prohibited.

19 21.54.250 Lighting.

20 In order to decrease the negative effects of light pollution, illumination
21 for non-electronic billboards shall be designed, aimed, and shielded if
22 necessary so that all light falls on the billboard display surface, and light
23 trespass into the night sky or onto adjacent private or public property is
24 prevented. All service wiring shall be underground. Prior to issuance of a
25 building permit, the billboard developer shall provide proof to the satisfaction
26 of the Director of Development Services that this requirement is met. It shall
27 be the responsibility of the billboard owner to develop and maintain the
28 billboard lighting system in compliance with this Section.

1 21.54.260 Clearance.

2 A. Driveways. Billboards projecting over a driveway or driving
3 aisle shall have a minimum clearance of sixteen feet (16') between the
4 lowest point of the sign and the driveway grade.

5 B. Pedestrian Walkway. Billboards projecting over a pedestrian
6 walkway shall have a minimum clearance of eight feet (8') between the
7 lowest point of the sign and the walkway grade.

8 C. All Others. All other billboards shall have a minimum
9 clearance of eight feet (8') between the lowest point of the sign and ground
10 level so as not to provide an attractive nuisance for graffiti and vandalism.

11 21.54.265 Projection

12 No billboard shall project over a public sidewalk unless an
13 encroachment permit is granted by the Department of Public Works. In all
14 cases, a billboard shall be a minimum of two (2) feet away from the curb. No
15 billboard shall project over a public alley.

16 21.54.270 Screening.

17 All back or rear portions of single-faced and V-type billboards visible
18 from a public right-of-way or other public or private property shall be
19 screened. The screening shall cover all structural members of the sign, not
20 including the pole supports.

21 21.54.280 Design and brightness restrictions.

22 A. Billboards shall not contain any of the following:

- 23 1. Moving parts;
- 24 2. Appendages, cut-out letters or figures that exceed
25 twenty percent (20%) of the permitted sign area or that protrude more
26 than twelve inches (12") beyond the flat surface of the sign face;
- 27 3. Lights that flash, shimmer, glitter or give the
28 appearance of flashing, shimmering or glittering. Exceptions to this

1 restriction include time, temperature and smog index units, provided
2 the frequency of change does not exceed four (4) second intervals;

3 4. Walls or screens at the base of the sign which create a
4 hazard to public safety or provide an attractive nuisance;

5 5. Copy which simulates any traffic sign in a manner
6 which confuses the public; or

7 6. Devices which emit audible sound, or odor or
8 particulate matter.

9 B. For electronic billboards, the following restrictions also shall
10 apply:

11 1. The duration of each message displayed shall be at
12 least eight (8) seconds;

13 2. No message shall move, flash, shimmer, glitter, or give
14 the appearance of moving, flashing, shimmering or glittering;

15 3. There shall be a direct change from each message to
16 the next, with no blank or dark interval in between, to avoid a flashing or
17 blinking effect;

18 4. Display of any form of motion or apparent motion within
19 the message, and any form of video, are prohibited;

20 5. Any sign area not comprising the electronic display
21 panel is prohibited. This includes, but is not limited to, static sign area,
22 appendages, cut-out letters, and figures;

23 6. The brightness of the display surface shall be limited as
24 follows:

25 a. Dawn to dusk: unlimited;

26 b. Dusk to dawn: the display surface shall not
27 produce luminance in excess of 0.3 foot-candles above ambient light
28 conditions, or the level recommended by the Illuminating Engineering

1 Society of North America (IESNA) for the specific size and location of the
2 billboard, whichever is less;

3 c. The display brightness shall be controlled by a
4 photocell or light sensor that adjusts the brightness to the required dusk-to-
5 dawn level based on ambient light conditions without the need for human
6 input. Use of other brightness adjustment methods, such as timer- or
7 calendar-based systems, shall only be used as a backup system;

8 d. The display shall be factory-certified as capable
9 of complying with the above brightness standards. Such certification shall
10 be provided to the satisfaction of the Director of Development Services; and

11 e. The billboard owner shall provide to the City,
12 upon request, certification by an independent contractor that the brightness
13 levels of the electronic billboard are in compliance with the requirements of
14 this Section.

15 7. All electronic billboards shall be oriented, and
16 adequately shielded if necessary, so as to prevent the trespass of light and
17 glare upon any residential land uses, including those in mixed-use districts,
18 as existed on the date of building permit issuance; and

19 8. All electronic billboards shall be equipped with a control
20 system that, in the event of a display or control malfunction, "freezes" the
21 display on either a single, unchanging message, or a blank screen.

22 21.54.285 Additional requirements.

23 Prior to issuance of a building permit for any billboard project subject
24 to the requirements of this Chapter, the applicant shall provide the following:

25 A. The telephone number of a maintenance service, to be
26 available twenty-four (24) hours a day, to be contacted in the event that a
27 billboard becomes dilapidated or damaged, or malfunctions in the case of
28 electronic billboards;

1 B. Proof of lease demonstrating a right to install the billboard on
2 the subject property;

3 C. A list and map of locations of all billboards in the City owned or
4 managed by the entity that will own or manage the subject billboard, to the
5 satisfaction of the Director of Development Services. This information also
6 shall be provided on a map. The intent of this requirement is to facilitate
7 analysis of the proposed billboard's compliance with the spacing and
8 location requirements, as well as the nonconforming billboard removal
9 requirements of this Chapter.

10 21.54.290 Maintenance.

11 All billboard structures shall be maintained in a neat, clean, and
12 orderly condition. Any structure which is highly rusted, has peeling paint or
13 sign copy, or in any other way appears unattractive or in disrepair shall be
14 deemed in violation of this Chapter and shall be removed or repaired in
15 accordance with the provisions of this Chapter. Any structure which the City
16 Engineer identifies as an immediate threat to public safety may be removed
17 by the City Engineer, or his designee, without notice to the property owner
18 and at the property owner's expense.

19
20 Division III - Abandoned and Illegal Billboards

21 21.54.310 Abandoned billboards.

22 Any billboard meeting the definition of abandonment in this Title, and
23 which can, under the applicable provisions of State law, be considered
24 abandoned and having no rights to remain, shall be removed immediately at
25 the expense of either the billboard owner or property owner. Consistent with
26 State law, the City Manager or his designee shall have the authority to enter
27 onto private property and cause such removal, and recover the costs of said
28 removal from the property owner.

1 21.54.320 Illegal billboards.

2 Illegal billboards shall have no vested rights under the Long Beach
3 Municipal Code. Illegal billboards shall either be brought into legal
4 conforming status, or removed by the owner immediately, subject to any
5 applicable restrictions in State law. Consistent with State law, the City
6 Manager or his designee shall have the authority to enter onto private
7 property and cause such removal, and recover the costs of said removal
8 from the property owner.

9
10 Division IV - Nonconforming Billboards

11 21.54.410 Amortization of nonconforming billboards.

12 It is the intent of this Division to require the eventual elimination of
13 existing billboards which do not conform to the provisions of this Chapter, as
14 allowed by State law. It is also the intent of this Section to ensure that the
15 elimination of nonconforming billboards occurs as expeditiously and fairly as
16 possible and avoids any unreasonable invasion of established property
17 rights.

18 21.54.420 Removal by amortization.

19 A. A nonconforming billboard shall be removed if the billboard
20 meets the criteria set forth in Subsection 21.54.420.B. Any billboard
21 meeting these criteria is allowed to remain in existence seven (7) years after
22 notice to remove nonconforming billboard has been issued, in order that the
23 value of the billboard may be amortized. The adoption of this Section and
24 Chapter shall not have the effect of extending the time in which a Billboard
25 shall be removed if written notice of removal was given prior to the effective
26 date of this Section and Chapter.

27 B. Criteria. A billboard shall be removed if:

28 1. The billboard is located within an area identified as

1 residential on the general plan land use map; and

2 2. The billboard is located within an area zoned for
3 residential use.

4 21.54.430 Continuation of use.

5 Subject to the removal requirements set forth in Section 21.54.420, a
6 nonconforming billboard use may be continued and change of billboard
7 copy shall not be prohibited, provided that:

8 A. The billboard, including copy, is maintained in good repair; and

9 B. The billboard is not enlarged, and additional faces are not
10 erected on the billboard structure.

11 21.54.440 Repair.

12 A legal nonconforming billboard may be repaired, provided that: a
13 building permit is obtained for the repair.

14 21.54.450 Nonconforming billboards--Replacement.

15 Catastrophic Damage. A nonconforming off-premises sign which is
16 damaged by accident, storm, earthquake, other forces of nature, fire or act
17 of vandalism, sabotage or warfare to an extent too great to be repaired shall
18 not be replaced at a site where it is a non-conforming use, but may be
19 relocated to a site where it is a conforming use, subject to the following:

20 A. The billboard shall be of the same size or smaller, with the
21 same number of faces or fewer, and the billboard shall not be an electronic
22 billboard if the destroyed billboard was not an electronic billboard. A
23 conditional use permit shall be required in accordance with Section
24 21.54.111, and the removal requirements of Section 21.54.160 shall apply,
25 if the replacement does not comply with this Subsection;

26 B. All development standards of this Chapter and Title shall be
27 met, excepting the conditional use permit requirements of Section
28 21.54.111, and the removal requirements of Section 21.54.160;

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C. A building permit shall be obtained;

D. In cases of uncertainty as to the extent of damage to the billboard, the Long Beach Building Official shall be authorized to determine if the billboard is catastrophically damaged; and

E. It shall be the responsibility of the billboard owner or the property owner to remove the catastrophically damaged billboard within ten (10) days of the date of catastrophic damage.

Section 2. The City Clerk shall certify to the passage of this ordinance by the City Council and cause it to be posted in three (3) conspicuous places in the City of Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved by the Mayor.

I hereby certify that the foregoing ordinance was adopted by the City Council of the City of Long Beach at its meeting of _____, 20__, by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

City Clerk

Approved: _____
(Date)

Mayor