

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONG BEACH AMENDING AND RESTATING LONG BEACH MUNICIPAL CODE 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, especially in residential zoning districts and other sensitive areas, 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

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1 generally, shall also include electronic billboards and any other form of off-
2 premises advertising;

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

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

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

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

18 21.54.030 Consistency with the Outdoor Advertising Act.

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

23 21.54.040 Severability clause.

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

Division I – Use Regulations

21.54.110 Use regulations.

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

21.54.111 Conditional Use Permit required.

A Conditional Use Permit shall be obtained prior to the issuance of a building permit for any project involving construction of a new billboard or electronic billboard, conversion of an existing billboard to an electronic billboard, expansion or modification of a billboard, or addition of additional face(s) to a billboard, and as otherwise specified in this Chapter and Title. No Conditional Use Permit shall be approved unless the required findings, contained in Section 21.54.115, are made. A Conditional Use Permit shall not be required if a development agreement is applied for and executed in accordance with Section 21.54.112. Any Relocation Agreement, as provided for under the provisions of the Outdoor Advertising Act (California Business and Professions Code section 5412, et seq), shall be accomplished through the development agreement process.

21.54.112 Development agreements.

A. An applicant shall be eligible to apply for a development agreement in accordance with Chapter 21.29 in the event that it is infeasible to comply with the provisions of Section 21.54.160. This development agreement shall be in lieu of the Conditional Use Permit required by Sections 21.54.111, 21.54.140, and 21.54.150.

B. For the purpose of this Section, an applicant shall be required to demonstrate to the satisfaction of the relevant approval body that it lacks an inventory of non-freeway-oriented billboards eligible for removal such

1 that would satisfy Section 21.54.160. A finding of “infeasibility” is at the
2 discretion of the relevant approval body.

3 C. For the purpose of this Section, an applicant shall not be
4 deemed ineligible to apply for a development agreement because the
5 applicant cannot meet the lot size requirement set forth in Section
6 21.29.020.

7 D. All development agreements entered into in accordance with
8 this Section shall contain appropriate standards and public benefits and
9 shall comply with all other requirements and standards imposed by this
10 Chapter, except the conditional use permit requirement of Section
11 21.54.111. However, the development agreement shall address the
12 Conditional Use Permit findings of Section 21.54.115, and declare whether
13 said findings can be made as part of the determination of appropriate
14 standards and public benefits.

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

19 F. Any aggrieved applicant or person may appeal the
20 determination of the Planning Commission regarding a finding of infeasibility
21 to the City Council in accordance with the appeal provisions set forth in
22 Chapter 21.21, Division V, of this Title.

23 G. In lieu of meeting the removal requirements of Section
24 21.54.160, the terms of the development agreement shall require the
25 following of the applicant:

26 1. For construction of a new freeway-oriented billboard,
27 the applicant shall be required to permanently remove, at a minimum, an
28 existing freeway-oriented billboard or billboards with total display surface

1 area equal to that of the proposed billboard(s). However, a greater removal
2 ratio may be required at the discretion of the approving body.

3 2. The applicant shall agree (using a written instrument to
4 the satisfaction of the City Attorney) not to petition or apply to the State of
5 California for the removal or reclassification of the status of a landscaped
6 freeway section within the City of Long Beach (under Sections 2511 or 2512
7 of the California Code of Regulations).

8 3. All new freeway-oriented billboards approved under the
9 development agreement shall be located at least three hundred feet (300')
10 from a Residential, Institutional, or Park zoning district and shall not be
11 adjacent to (as defined in Section 21.54.020.D) a landscaped freeway
12 segment, as set forth in Section 21.54.120.B.2.

13 H. All applicants shall be eligible to apply for a development
14 agreement for the conversion of a freeway-oriented billboard to electronic,
15 including existing billboards located adjacent to a landscaped freeway
16 segment, regardless of the infeasibility requirement of Sub-section
17 21.54.112.B.

18 21.54.113 Sponsorship or advertising on public property under
19 Chapter 16.55.

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

23 21.54.114 Separate applications.

24 Each individual proposal for construction of a new billboard or
25 electronic billboard, or modification of a billboard, or conversion of an
26 existing billboard to an electronic billboard, shall be considered a separate
27 application, and each application shall be separately and individually subject
28 to a Conditional Use Permit, and the provisions and requirements of this

1 Chapter. Multiple sites shall not be combined into one application. This
2 Section shall not apply to applications for development agreements under
3 Section 21.54.112.

4 21.54.115 Required findings.

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

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

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

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

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

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

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

1 G. Approval of this permit is consistent with the intent of Chapter
2 21.54 (Billboards), which is, primarily, to provide reasonable billboard
3 control and to cause the eventual elimination of nonconforming billboards
4 from the City.

5 21.54.118 Locations allowed.

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

7 21.54.119 Restricted to certain street classification types.

8 Billboards shall only be located on lots abutting certain classifications
9 of public right-of-way, as set forth in Table 54-1.

10 21.54.120 Locations prohibited.

11 A. General.

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

- 13 1. On or over a public right-of-way;
- 14 2. Within ninety feet (90') of any residential, institutional or
15 park district;
- 16 3. Within any Planned Development District (PD), unless
17 explicitly allowed by that PD ordinance;
- 18 4. On the roof of any building whether the building is in
19 use or not;
- 20 5. On a wall of a building or otherwise attached or
21 integrated to, or suspended from a building, unless explicitly approved by
22 the Site Plan Review Committee and the Planning Commission;
- 23 6. Overhanging a building; or
- 24 7. Within eight feet (8'), in any direction, of a building,
25 measured at the nearest distance between the sign surface or structure and
26 the building, so as not to provide an attractive nuisance for graffiti and
27 vandalism.

28 B. Additional restrictions for freeway-oriented billboards.

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

3 1. Within three hundred feet (300') of any residential,
4 institutional or park district;

5 2. Within six hundred sixty feet (660') of a section of a
6 freeway that has been landscaped, if the advertising display is designed to
7 be viewed primarily by persons traveling on the main-traveled way of the
8 landscaped freeway (see "Adjacent," Section 21.54.020.D). This shall
9 include the following landscaped freeway sections:

10 a. 710 Freeway:

11 (1) North City boundary to south side of
12 interchange with 91;

13 (2) South of interchange with 91 to south side
14 of northbound Long Beach Boulevard off-ramp on east side of freeway only;

15 (3) South of north edge of southbound Del
16 Amo Avenue off-ramp to south edge of northbound Del Amo Avenue off-
17 ramp;

18 (4) North edge of southbound transition ramp
19 to 405 Freeway to south edge of the 405 to 710 southbound transition ramp
20 on west side of 710;

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

23 (6) North edge of southbound Willow Street
24 off-ramp to south edge of southbound Willow Street on-ramp on west side of
25 710;

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

28 (8) South of Fifth Street.

- 1 b. 91 Freeway:
- 2 (1) West City boundary to east edge of
- 3 eastbound Long Beach Boulevard on-ramp;
- 4 (2) Western edge of 710 Freeway right-of-
- 5 way to eastern City boundary;
- 6 c. 405 Freeway--Entire length in City;
- 7 d. 605 Freeway--Entire length in City;
- 8 e. 22 Freeway--Entire length in City.

9 21.54.125 Types of billboards prohibited.

10 As set forth in Section 21.54.110, any type or location of billboard
11 development not specifically permitted by this Chapter shall be prohibited.
12 Additionally, the following types of prohibited billboards are specified for
13 clarity. However, this shall not limit the types of prohibited billboards to
14 those described below:

15 A. Mobile billboards. Any billboard installed upon, mounted,
16 attached, or applied to any vehicle, non-motorized vehicle, bicycle, scooter,
17 or trailer whose primary purpose is conveyance, transportation, or support
18 of the billboard message surface shall be prohibited from any display or
19 placement on public or private property or the public right-of-way in a
20 manner making it visible from any other public or private property or the
21 public right-of-way;

22 B. Any billboard integrated, incorporated, or otherwise included
23 into the architectural design of a building, unless explicitly approved by the
24 Site Plan Review Committee and Planning Commission, or otherwise
25 approved as part of a lease agreement entered into with the City prior to
26 January 1, 2014; and

27 C. Supergraphics. Any off-site advertisement meeting the
28 definition of "supergraphic" as defined in Section 21.15.2980 shall be

1 prohibited. The only exception shall be for a temporary supergraphic
2 allowed under a special events permit.

3 21.54.130 Landscaped segment relocation credits.

4 A. No new billboard shall be constructed or installed within the
5 City through utilization of credits given by the California Department of
6 Transportation or the Outdoor Advertising Act for relocation of billboards
7 located in landscaped freeway segments, unless so mandated by the
8 Outdoor Advertising Act. In the case that the Outdoor Advertising Act
9 requires the City to permit construction of a new billboard using such
10 credits, the removal requirements of Section 21.54.160.A or B shall apply,
11 unless also preempted by the Outdoor Advertising Act, or unless the
12 conversion is the subject of a development agreement, in which case the
13 provisions of 21.54.112 (Development Agreements) shall apply..

14 B. Conversion of existing billboards located in landscaped
15 freeway segments to electronic billboards using such credits shall be
16 allowed, and in this case the removal requirements of Section 21.54.160.A
17 or B shall apply, unless preempted by the Outdoor Advertising Act, or
18 unless the conversion is the subject of a development agreement, in which
19 case the provisions of 21.54.112 (Development Agreements) shall apply.

20 21.54.140 Conversion of non-electronic billboards to electronic.

21 The City hereby declares that the vested rights held by existing
22 billboards, whether conforming or nonconforming to this Chapter, do not
23 allow conversion of said billboards to electronic billboards as a matter of
24 right. No existing billboard shall be converted to an electronic billboard
25 unless the following conditions are met:

- 26 A. A Conditional Use Permit is obtained by the applicant;
27 B. The billboard meets the requirements of Table 54-1;
28 C. The applicant obtains all required building permits; and

1 D. Other existing billboard display surface area is permanently
2 removed from the City as required by Section 21.54.160.A or B, as
3 applicable.

4 21.54.150 Expansion of billboard area or addition of faces to
5 existing billboards.

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

- 11 A. A Conditional Use Permit is obtained by the applicant;
12 B. The billboard meets the requirements of Table 54-1;
13 C. The applicant obtains all required building permits; and
14 D. Other existing billboard display surface area is permanently
15 removed from the City as required by Section 21.54.160.A or B, as
16 applicable.

17 21.54.160 Citywide billboard capacity limited.

18 The City of Long Beach finds that, at the time of adoption of this
19 Chapter, a plenitude of modes of advertising were available via television,
20 newspaper, magazines, circulars, direct mail, bulk mail, internet, email,
21 mobile phones, City bus ads, bus stop posters, and other constantly-
22 developing sources of ad placement. Also, the City finds that a sufficient or
23 more than sufficient amount of billboard advertising capacity exists in the
24 City to meet or exceed the community's need for outdoor advertising, and
25 that a reduction in the amount of billboards Citywide will not impose any
26 hardship upon the community through diminution of overall advertising
27 capacity or options. Therefore, no building permit shall be issued for any
28 new billboard, conversion of an existing non-electronic billboard to an

1 electronic billboard, or expansion or addition of faces to an existing
2 billboard, unless the following requirements are met:

3 A. An existing nonconforming billboard or billboards (as specified
4 in Section 21.54.170) shall first be permanently removed from within the
5 City as set forth in Table 54-2.

6 1. 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 2. Nonconforming billboards with more than one face shall
22 be removed in their entirety and shall not be altered or partially dismantled
23 in such a way as to leave behind one or more faces or portion(s) thereof.

24 B. If existing nonconforming billboards are permanently removed
25 to satisfy Section 21.54.160.A, until no such nonconforming billboards (as
26 specified in Section 21.54.170) remain in the City, then existing billboard
27 area shall first be permanently removed from within the City as set forth in
28 Table 54-3. It shall be the responsibility of the applicant to demonstrate, to

1 the satisfaction of the Director of Development Services, that no
2 nonconforming billboards remain in the City.

3 C. In determining the existing display surface area to be removed
4 to satisfy (A) or (B) above, if a billboard with more than one face is
5 proposed, the sum of both faces shall be used. For example, if a billboard
6 with two (2) three hundred (300) square-foot faces is proposed, a sum of six
7 hundred (600) square feet shall be used to calculate the amount of removal
8 required;

9 D. In all cases, the required removals shall be completed in
10 accordance with one of the two following alternatives:

11 1. The required removals shall be completed prior to
12 issuance of a building permit for the new, converted, expanded or otherwise
13 altered billboard; or

14 2. The Applicant shall, as part of the Conditional Use
15 Permit approval process, provide a cash bond or equivalent financial
16 instrument to the satisfaction of the Director of Financial Management, in an
17 amount as determined by the Planning Commission to reasonably insure
18 the prompt removal of billboards in accordance with this Section.

19 Regardless of the alternative selected, the applicant shall provide a
20 list of all billboards to be removed to meet the removal requirements of
21 Section 21.54.160 (A) or (B), and shall obtain a separate demolition permit
22 for each. In order that the applicant should not be subject to possible loss of
23 development rights lawfully obtained through a Conditional Use Permit and
24 performance of the required removal of billboards, said development rights,
25 once obtained, shall be considered vested for one (1) year from the date of
26 final action of the Conditional Use Permit or the date of execution of the
27 development agreement by the City.

28 E. Fractional numbers and removal. The purpose of (A) and (B)

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

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

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

20 21.54.170 Nonconformity defined for purposes of removal requirements.

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

- 24 A. Not located in a zoning district allowed by Table 54-1;
25 B. Not located adjacent to a freeway or street having a street
26 classification type allowed in Table 54-1;
27 C. Located on a building or building rooftop.
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Table 54-1
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 500 ft.	Freeway, Regional Corridor, or Major Arterial ^{(c)(d)}	CHW ^(e) , CS, IL, IM, IG, IP ^(f)
2. Non-freeway-oriented 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, IP ^(f)
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) , PR
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)	CCA, CCP, CHW ^(e) , CS, IL, IM, IG, IP ^(f)

Footnotes:

- (a) Required spacing between billboards on same side of the right-of-way, whether electronic or non-electronic.
- (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.

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- (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 obsolete 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

Billboard Removal Ratios for Nonconforming Billboards

Under Section 21.54.160.A (If any nonconforming billboards as set forth in Section 21.54.170 are still present in City)	
Project	Required Removal Ratio ^a
1. New electronic billboard	8 times the area of the proposed billboard ^b
2. New non-electronic billboard	6 times the area of the proposed billboard ^b
3. Conversion of existing billboard to electronic with no expansion of area	4 times the area of the billboard to be converted ^b
4. Conversion of existing billboard to electronic with expansion of area	8 times the area of the final size of the proposed billboard ^b
5. Expansion of existing electronic billboard	8 times the area of the proposed net increase in area ^b
6. Expansion of existing non-electronic billboard	6 times the area of the proposed net increase in area ^b

Footnotes:

- a) See Section 21.54.112.G for required removal for Development Agreements
- b) At a minimum. However, in order to comply with Section 21.54.160.E, only whole billboards shall be removed.

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Table 54-3

Billboard Removal Ratios for Conforming Billboards

Under Section 21.54.160.B (After all nonconforming billboards as set forth in Section 21.54.170 have been removed from City)	
Project	Required Removal Ratio ^a
1. New electronic or non-electronic billboard	Area equal to the proposed billboard ^b
2. Conversion of existing billboard to electronic	Area equal to the proposed billboard ^b
3. Any other expansion or modification of an existing billboard (electronic or non-electronic)	Area equal to the proposed net increase ^b

Footnotes:

- a) See Section 21.54.112.G for required removal for Development Agreements
- b) At a minimum. However, in order to comply with Section 21.54.160.E, only whole billboards shall be removed.

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

21.54.222 Face orientation.

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

21.54.223 Name of owner.

No billboard shall be maintained in the City unless the name of the

1 person or company owning or maintaining it is plainly displayed thereon.

2 21.54.230 Spacing.

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

7 21.54.240 Supports.

8 Billboards shall be provided with no more than one (1) support, and
9 the support shall be constructed of steel. The support shall be
10 architecturally treated to the satisfaction of the Planning Commission. At a
11 minimum, unpainted steel structural supports and wood structural supports
12 shall be prohibited.

13 21.54.250 Lighting.

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

23 21.54.260 Clearance.

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

27 B. Pedestrian Walkway. Billboards projecting over a pedestrian
28 walkway shall have a minimum clearance of eight feet (8') between the

1 lowest point of the sign and the walkway grade.

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

5 21.54.265 Projection

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

10 21.54.270 Screening.

11 All back or rear portions of single-faced and V-type billboards visible
12 from a public right-of-way or other public or private property shall be
13 screened. The screening shall cover all structural members of the sign, not
14 including the pole supports, and shall additionally cover all electrical or
15 electronic display equipment, and any associated antennas, cables, and
16 other appurtenances.

17 21.54.280 Design and brightness restrictions.

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

- 19 1. Moving parts;
- 20 2. Appendages, cut-out letters or figures that exceed
21 twenty percent (20%) of the permitted sign area or that protrude more
22 than twelve inches (12") beyond the flat surface of the sign face;
- 23 3. Lights that flash, shimmer, glitter or give the
24 appearance of flashing, shimmering or glittering. Exceptions to this
25 restriction include time, temperature and smog index units, provided
26 the frequency of change does not exceed four (4) second intervals;
- 27 4. Walls or screens at the base of the sign which create a
28 hazard to public safety or provide an attractive nuisance;

- 1 5. Copy which simulates any traffic sign in a manner
2 which confuses the public; or
- 3 6. Devices which emit audible sound, or odor or
4 particulate matter.
- 5 B. For electronic billboards, the following restrictions also shall
6 apply:
- 7 1. The duration of each message displayed shall be at
8 least eight (8) seconds;
- 9 2. No message shall move, flash, shimmer, glitter, or give
10 the appearance of moving, flashing, shimmering or glittering;
- 11 3. There shall be a direct change from each message to
12 the next, with no blank or dark interval in between, to avoid a flashing or
13 blinking effect;
- 14 4. Display of any form of motion or apparent motion within
15 the message, and any form of video, are prohibited;
- 16 5. Any sign area not comprising the electronic display
17 panel is prohibited. This includes, but is not limited to, static sign area,
18 appendages, cut-out letters, and figures. A frame surrounding the display
19 panel up to 12 inches in width shall be permitted, and shall not contain any
20 sign copy or graphics, and shall not count toward the sign area;
- 21 6. The brightness of the display surface shall be limited as
22 follows:
- 23 a. Dawn to dusk: unlimited;
- 24 b. Dusk to dawn: the display surface shall not
25 produce luminance in excess of 0.3 foot-candles above ambient light
26 conditions, or the level recommended by the Illuminating Engineering
27 Society of North America (IESNA) for the specific size and location of the
28 billboard, whichever is less. Measurement of luminance shall be carried out

1 in accordance with established scientific methods and industry standards,
2 specifically IESNA TM-11-00, or a successive IESNA technical publication;

3 7. 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 8. The display shall be factory-certified as capable of
9 complying with the above brightness standards. Such certification shall be
10 provided to the satisfaction of the Director of Development Services; and

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

15 10. 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 11. 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 or Building Official identifies as an immediate threat to public
17 safety may be removed by the City Engineer or Building Official, or his
18 designee, without notice to the property owner and at the property owner's
19 expense.

20
21 Division III - Abandoned and Illegal Billboards

22 21.54.310 Abandoned billboards.

23 Any billboard meeting the definition of abandoned in this Title
24 (Section 21.15.030 "Abandoned"), and which can, under the applicable
25 provisions of the Outdoor Advertising Act, be considered abandoned and
26 having no rights to remain, shall be removed immediately at the expense of
27 either the billboard owner or property owner. Where consistent with the
28 Outdoor Advertising Act, the City Manager or his designee shall have the

1 authority to enter onto private property and cause such removal, and
2 recover the costs of said removal from the property owner.

3 21.54.320 Illegal billboards.

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

11
12 Division IV - Nonconforming Billboards

13 21.54.410 Amortization of nonconforming billboards.

14 It is the intent of this Chapter to require the eventual elimination of
15 existing billboards which do not conform to the provisions of this Chapter, as
16 allowed by the Outdoor Advertising Act. It is also the intent of this Chapter
17 to ensure that the elimination of nonconforming billboards occurs as
18 expeditiously and fairly as possible and avoids any unreasonable invasion
19 of established property rights. Therefore an amortization program is
20 established as allowed under the Outdoor Advertising Act (Section 5412, et
21 seq., of California Business and Professions Code).

22 21.54.420 Removal by amortization.

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

1 shall be removed if written notice of removal was given prior to the effective
2 date of this Section and Chapter.

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

4 1. The billboard is located within an area identified as
5 residential on the general plan land use map; and

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

8 21.54.430 Continuation of use.

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

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

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

15 21.54.440 Repair.

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

18 21.54.450 Nonconforming billboards--Replacement.

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

24 A. The billboard shall be of the same size or smaller, with the
25 same number of faces or fewer, and the billboard shall not be an electronic
26 billboard if the destroyed billboard was not an electronic billboard. A
27 conditional use permit shall be required in accordance with Section
28 21.54.111, and the removal requirements of Section 21.54.160 shall apply,

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if the replacement does not comply with this Subsection;

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

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.

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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

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664