

OFFICE OF THE CITY ATTORNEY
ROBERT E. SHANNON, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

ORDINANCE NO. ORD-12-0006

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONG BEACH AMENDING THE LONG BEACH MUNICIPAL CODE BY AMENDING SECTIONS 21.15.370, 21.15.2980, TABLE 32-1 OF CHAPTER 21.32, TABLE 33-2 OF CHAPTER 21.33, AND CHAPTER 21.54; AND BY ADDING SECTIONS 21.15.372, 21.15.374, AND 21.15.1835, ALL RELATED TO BILLBOARDS

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

Section 1. Section 21.15.370 of the Long Beach Municipal Code is amended to read as follows:

21.15.370 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. This includes, but is not limited to, electronic billboards, building graphics, supergraphics, building wraps, and wall drop signs containing off-site messages, and billboards painted or applied to building walls.

Section 2. Section 21.15.2980 of the Long Beach Municipal Code is amended to read as follows:

21.15.2980 Supergraphics.

Supergraphic means a sign, containing either on-site or off-site advertising, consisting of an image that is applied to and made integral with

a wall, or projected onto a wall, or printed on vinyl, mesh, or any other material, and which does not comply with the provisions of Sections 21.44.070 (Exempt Signs), 21.44.130 (Wall Signs), 21.44.220 (Backdrop Wall Signs), 21.44.310 (Promotional Activity Signs), or Chapter 21.54 (Billboards). The term "supergraphic" also shall include signs known as "building wraps."

Section 3. Table 32-1 of Chapter 21.32 (Uses in All Other Commercial Zoning Districts, "Billboards") of the Long Beach Municipal Code is amended to read as follows:

Table 32-1
Uses In All Other Commercial Zoning Districts

	Neighborhood			Community				Regional	Other	
Billboards	CNP	CNA	CNR	CCA	CCP	CCR	CCN	CHW	CS	
Billboards	N	N	N	N	N	N	N	C	C	Subject to special standards (see Chapter 21.54). Non-freeway-oriented billboards prohibited in CS district

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1 Section 4. Table 33-2 of Chapter 21.33 (Uses in Industrial Districts,
2 Section 14.7 "Billboards") of the Long Beach Municipal is amended to read as follows:

3
4 **Table 33-2 Uses In Industrial Districts**

5

Use	IL	IM	IG	IP	*Notes and Exceptions
6 14.7 Billboards* 7 (outdoor advertising)	C	C	C	C	b. Billboards subject to regulations and standards contained in Chapter 21.54.

8

9
10 Section 5. Chapter 21.54 of the Long Beach Municipal Code is amended
11 in its entirety to read as follows:

12 Chapter 21.54

13 BILLBOARDS

14 21.54.010 Purpose.

15 Billboards are recognized as a legitimate form of commercial use in
16 the City. However, the size, number, location and illumination of billboards
17 can have significant influence on the City's visual environment, and can,
18 without adequate control, create or contribute to blighted conditions. The
19 purpose of this Chapter is to provide reasonable billboard control,
20 recognizing that community appearance is an important factor in ensuring
21 the general community welfare.

22 21.54.020 Definition of terms.

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

27 B. Mixed-use districts, when referenced in this Chapter, shall
28 include Planned Development (PD) Districts, or sub-areas thereof, allowing

1 residential and/or commercial uses.

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

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

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

14 21.54.030 Consistency with the Outdoor Advertising Act.

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

19 21.54.040 Severability clause.

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

25
26 Division I – Use Regulations

27 21.54.110 Use regulations.

28 Billboards are a principal use of land and are restricted to the zoning

1 districts indicated in Table 54-1 of this Chapter. Any type or location of
2 billboard development not specifically permitted by this Chapter shall be
3 prohibited.

4 21.54.111 Conditional Use Permit required.

5 A Conditional Use Permit shall be obtained prior to the issuance of a
6 building permit for any project involving construction of a new billboard,
7 expansion or modification of a billboard, or addition of additional face(s) to a
8 billboard, and as otherwise specified in this Chapter and Title. Required
9 findings are contained in this Chapter.

10 21.54.112 Separate applications.

11 Each individual proposal for construction of a new billboard, or
12 modification of a billboard, shall be considered a separate application, and
13 each application shall be separately and individually subject to a Conditional
14 Use Permit, and the provisions and requirements of this Chapter. Multiple
15 sites shall not be combined into one application.

16 21.54.115 Required findings.

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

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

23 21.54.118 Locations allowed.

24 Billboards shall be allowed in the locations set forth in Tables 32-1
25 and 32-2.

26 21.54.119 Street classification types allowed.

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

- 1 21.54.120 Locations prohibited.
- 2 A. No new off-premises sign (billboard) shall be located:
- 3 1. On or over a public right-of-way;
- 4 2. Within ninety feet (90') of any residential, institutional or
- 5 park district;
- 6 3. Within any Planned Development District (PD), unless
- 7 explicitly allowed by that PD ordinance;
- 8 4. On the roof of any building whether the building in use
- 9 or not;
- 10 5. On a wall of a building or otherwise attached or
- 11 integrated to, or suspended from a building;
- 12 6. Overhanging a building; or
- 13 7. Within eight feet (8'), in any direction, of a building,
- 14 measured at the nearest distance between the sign structure and the
- 15 building, so as not to provide an attractive nuisance for graffiti and
- 16 vandalism.
- 17 B. In addition to the above restrictions, no new freeway-oriented
- 18 off-premises sign (billboard) shall be placed or maintained:
- 19 1. Within five hundred feet (500') of any residential,
- 20 institutional or park district;
- 21 2. On property adjacent (within six hundred sixty feet
- 22 (660')) to a section of a freeway that has been landscaped if the advertising
- 23 display is designed to be viewed primarily by persons traveling on the main-
- 24 traveled way of the landscaped freeway, including landscaped portions of
- 25 freeway in the following areas:
- 26 a. 710 Freeway:
- 27 (1) North City boundary to south side of
- 28 interchange with 91;

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

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

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

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

11 (6) North edge of southbound Willow Street
12 off-ramp to south edge of southbound Willow Street on-ramp on west side of
13 710;

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

16 (8) South of Fifth Street.

17 b. 91 Freeway:

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

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

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

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

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

25 21.54.125 Types of billboards prohibited.

26 As set forth in Section 21.54.110, any type or location of billboard
27 development not specifically permitted by this Chapter shall be prohibited.

28 Additionally, the following types of prohibited billboards are specified for

1 clarity. However, this shall not limit the types of prohibited billboards to
2 those described below.

3 A. Electronic or digital billboards. This includes a prohibition
4 against converting a non-electric or non-digital billboard to either an
5 electronic or digital billboard;

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

13 C. Any billboard integrated, incorporated, or otherwise included
14 into the architectural design of a building; and

15 D. Supergraphics. Any off-site advertisement meeting the
16 definition of "supergraphic" as defined in Section 21.15.2980 shall be
17 prohibited. The only exception shall be for a temporary supergraphic
18 allowed under a special events permit.

19 21.54.130 Landscaped segment relocation credits.

20 No new billboard shall be constructed or installed within the City
21 through utilization of credits given by the California Department of
22 Transportation or State law for relocation of billboards located in landscaped
23 freeway segments, unless so mandated by State law. This shall include
24 credits for billboards located either within the City of Long Beach or in other
25 jurisdictions.

26 21.54.150 Expansion of billboard area or addition of faces to
27 existing billboards.

28 The City hereby declares that the vested rights held by existing

1 billboards, whether conforming or nonconforming to this Chapter, do not
2 allow expansion of billboard area or addition of billboard faces as a matter of
3 right. No billboard shall have its area increased or have an additional face
4 added unless the following conditions are met:

- 5 A. A Conditional Use Permit is obtained by the applicant;
- 6 B. The billboard meets the requirements of Table 54-1;
- 7 C. The applicant obtains all required building permits.

8
9 Division II – Development Standards

10 21.54.210 Maximum area.

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

12 21.54.220 Maximum height.

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

14 21.54.221 Maximum number of faces.

15 No billboard shall have more than two (2) faces. A face shall be
16 considered the display surface upon which an advertising message is
17 displayed.

18 21.54.222 Face orientation.

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

21 21.54.223 Name of owner.

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

24 21.54.230 Spacing.

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

1 21.54.240 Supports.

2 Billboards shall be provided with no more than two (2) supports, and
3 the supports shall be constructed of steel.

4 21.54.250 Lighting.

5 In order to decrease the negative effects of light pollution, illumination
6 for billboards shall be designed, aimed, and shielded if necessary so that all
7 light falls on the billboard display surface, and light trespass into the night
8 sky or onto adjacent private or public property is prevented. All service
9 wiring shall be underground. Prior to issuance of a building permit, the
10 billboard developer shall provide proof to the satisfaction of the Director of
11 Development Services that this requirement is met. It shall be the
12 responsibility of the billboard owner to develop and maintain the billboard
13 lighting system in compliance with this Section.

14 21.54.260 Clearance.

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

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

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

24 21.54.270 Screening.

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

1 21.54.280 Design and brightness restrictions.

2 Billboards shall not contain any of the following:

3 A. Moving parts;

4 B. Appendages, cut-out letters or figures that exceed twenty
5 percent (20%) of the permitted sign area or that protrude more than twelve
6 inches (12") beyond the flat surface of the sign face;

7 C. Lights that flash, shimmer, glitter or give the appearance of
8 flashing, shimmering or glittering. Exceptions to this restriction include time,
9 temperature and smog index units, provided the frequency of change does
10 not exceed four (4) second intervals;

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

13 E. Copy which simulates any traffic sign in a manner which
14 confuses the public; or

15 F. Devices which emit audible sound, or odor or particulate
16 matter.

17 21.54.285 Additional requirements.

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

20 A. The telephone number of a maintenance service, to be
21 available twenty-four (24) hours a day, to be contacted in the event that a
22 billboard becomes dilapidated or damaged;

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

25 C. A list of locations of all billboards in the City owned or
26 managed by the entity that will own or manage the subject billboard. This
27 information also shall be provided on a map. The intent of this requirement
28 is to facilitate analysis of the proposed billboard's compliance with the

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spacing and location requirements.

21.54.290 Maintenance.

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

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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	675 sq. ft.	40 ft. above nearest freeway lane.	500 ft. between billboards	Freeway, Regional Corridor, or Major Arterial ^{(c)(d)}	CHW ^(e) , CS, IL, IM, IG, IP ^(f)
2. Other new billboard	300 sq. ft.	35 ft. above curb grade.	300 ft between billboards	Regional Corridor, or Major Arterial only ^{(c)(d)}	CHW ^(e) , IL, IM, IG
3. Expansion of existing billboard (includes addition of faces)	300 sq. ft., 675 sq. ft. if freeway-oriented	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)

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 pending (as of 2011) 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 prior to application for a Conditional Use Permit.
- (g) Size shall not be increased over that of the existing billboard unless explicitly approved by the Planning Commission.

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Table 54-1A

Equivalence of Street Classification Type Designations

1991 General Plan Transportation Element Street Classification Type Designation	Pending (2011) General Plan Mobility Element Street Classification Type Designation
Freeway	Freeway
Regional Corridor	Regional Connector
	Boulevard
Major Arterial	Major Avenue
Minor Arterial	Minor Avenue
Collector Street	Neighborhood Street
Local Street	Local Street

Division III - Abandoned and Illegal Billboards

21.54.310 Abandoned billboards.

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

21.54.320 Illegal billboards.

Illegal billboards shall have no vested rights under the Long Beach Municipal Code. Illegal billboards shall either be brought into legal conforming status, or removed by the owner immediately, subject to any

1 applicable restrictions in State law. Consistent with State law, the City
2 Manager or his designee shall have the authority to enter onto private
3 property and cause such removal, and recover the costs of said removal
4 from the property owner.

5
6 Division IV - Nonconforming Billboards

7 21.54.410 Amortization of nonconforming billboards.

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

14 21.54.420 Removal by amortization.

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

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

- 24 1. The billboard is located within an area identified as
25 residential on the general plan land use map; and
26 2. The billboard is located within an area zoned for
27 residential use.

28 21.54.430 Continuation of use.

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

- 4 A. The billboard, including copy, is maintained in good repair; and
- 5 B. The billboard is not enlarged, and additional faces are not
6 erected on the billboard structure.

7 21.54.440 Repair.

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

10 21.54.450 Nonconforming billboards--Replacement.

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

- 16 A. The billboard shall be of the same size or smaller, with the
17 same number of faces or fewer.
- 18 B. All development standards of this Chapter and Title shall be
19 met.
- 20 C. A building permit shall be obtained.
- 21 D. In cases of uncertainty as to the extent of damage to the
22 billboard, the Long Beach Building Official shall be authorized to determine
23 if the billboard is catastrophically damaged.
- 24 E. It shall be the responsibility of the billboard owner or the
25 property owner to remove the catastrophically damaged billboard within ten
26 (10) days of the date of catastrophic damage.

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28 //

1 Section 6. The Long Beach Municipal Code is amended by adding
2 Sections 21.15.372 and 21.15.374 to read as follows:

3 21.15.372 Billboard, Abandoned.

4 A billboard shall be considered abandoned consistent with the
5 definition and standards set forth in Section 2272 (Abandoned Display) of
6 the Outdoor Advertising Act, California Business and Professions Code, as
7 amended from time to time. If the billboard in question is not subject to the
8 Outdoor Advertising Act, it shall be considered abandoned consistent with
9 the definition of "abandoned" contained in Section 21.15.030 ("Abandoned")
10 of this Title.

11 21.15.374 Billboard, Electronic.

12 An electronic billboard is a billboard whose alphabetic, pictographic,
13 or symbolic informational content can be changed or altered on a fixed
14 display surface composed of electronically illuminated or electronically
15 actuated or motivated elements. This includes billboards with displays that
16 have to be preprogrammed to display only certain types of information (i.e.,
17 time, date, temperature) and billboards whose informational content can be
18 changed or altered by means of computer-driven electronic impulses. This
19 includes, without limitation, billboards also known as digital billboards or
20 LED billboards.

21
22 Section 7. The Long Beach Municipal Code is amended by adding Section
23 21.15.1835 to read as follows:

24 "Mural" is used in regard to signs and means a graphical image, with
25 or without text, that covers all or a portion of a building façade, and does not
26 contain any advertising message, but consists of an artistic representation
27 of a subject not for the purposes of creating a sign or billboard, as defined in
28 this Title.

OFFICE OF THE CITY ATTORNEY
ROBERT E. SHANNON, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664


1 Section 8. The City Clerk shall certify to the passage of this ordinance by
2 the City Council and cause it to be posted in three (3) conspicuous places in the City of
3 Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved by the
4 Mayor.

5 I hereby certify that the foregoing ordinance was adopted by the City Council
6 of the City of Long Beach at its meeting of March 13, 2012, by the following
7 vote:

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9 Ayes: Councilmembers: Garcia, Lowenthal, DeLong, O'Donnell,
10 Andrews, Johnson, Neal.

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12
13 Noes: Councilmembers: None.

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15 Absent: Councilmembers: Schipske, Gabelich.

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19 _____
City Clerk

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22 Approved: 3/15/12 _____
23 (Date) Mayor

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