

June 10, 2014

VIA FIRST-CLASS MAIL

Mayor and Honorable City Council Members  
City of Long Beach  
333 West Ocean Boulevard  
Long Beach, California 90802-4664

Re: City Council Agenda Item #1 Proposed Ordinance Amending and Restating  
Chapter 21.54 of the City's Municipal Code Related to Billboards

Ladies and Gentlemen :

On behalf of Lamar Central Outdoor ("Lamar"), I would like to express appreciation for all the hard work City Planning staff has put into revising and updating the City's code related to billboard development. We know the process has been long and arduous and City staff has been gracious in accepting our input and comments in trying to balance the interests of the City in eliminating billboards in certain parts of the City, with the billboard company's desire to continue doing business in the City of Long Beach. Lamar's sole goal through the process is to be treated similarly to the other outdoor advertising companies by being able to develop one or more freeway-oriented billboards within the City in exchange for removal of its entire inventory of billboards throughout the City. In fact, we believe this goal is consistent with the direction given by the Council to staff by way of motion at the January 7, 2014, City Council hearing.

We reviewed the most recent version of the ordinance scheduled to be considered by the City Council on Tuesday, June 10, 2014. Unfortunately, we believe the plain language of the ordinance effectively precludes not only Lamar, but any company that does not currently own freeway-oriented billboards, from being able to develop any freeway-oriented billboards in the future in the City of Long Beach. Moreover, the

*Since 1910*

**SAN BERNARDINO** 550 East Hospitality Lane, Suite 300 • San Bernardino, California 92408

**RIVERSIDE** 3750 University Avenue, Suite 250 • Riverside, California 92501

**SAN DIEGO** 550 West C Street, Suite 1810 • San Diego, California 92101

**LOS ANGELES** 333 South Hope Street, 35<sup>th</sup> Floor • Los Angeles, California 90071

GreshamSavage.com

Mayor and Honorable City Council Members  
City of Long Beach  
June 10, 2014  
Page 2

current version of the ordinance grants an exemption from otherwise applicable restrictions and removal requirements to owners of existing freeway boards.

In order to be eligible to enter into a Development Agreement with the City, an applicant must, in addition to meeting other requirements, agree not to petition or apply to the state of California for the removal or reclassification of the status of a landscaped freeway section within the City of Long Beach. (Section 21.54.112(G)(2)) Additionally, the proposed ordinance prohibits development of new freeway-oriented billboards (either through a Development Agreement or CUP) through utilization of relocation credits given by the California Department of Transportation to allow billboard development within a landscaped freeway segment. (Section 21.54.130(A))

Similarly, Section 21.54.120 of the proposed ordinance enacts a general ban on development of new freeway-oriented billboards adjacent to landscaped segments of freeway within the City of Long Beach and, in fact, specifically enumerates those sections of freeway where billboard development is prohibited. (Section 21.54.120(B))

As you know, the overwhelming majority of freeway segments in the City of Long Beach capable of supporting billboard development are designated as landscaped freeways by the California Department of Transportation. Therefore, the sections cited above, prohibiting Lamar from seeking declassification or utilizing relocation credits to develop within a landscaped segment, effectively precludes and prevents Lamar from developing any freeway-oriented billboards.

We believe minimal revisions to the proposed ordinance will allow Lamar the opportunity to develop a freeway-oriented billboard, while preserving the City's goals in enacting the ordinance.

We suggest revising the section to read as follows:

"Section 21.54.120 Locations Prohibited.

...

B. Additional Restrictions for freeway-oriented billboards

...

2. ... Within six-hundred sixty feet (660') of a section of freeway that has been landscaped, unless that segment of freeway is declassified as landscaped by California Department of Transportation, if the advertising display is designed to be viewed primarily by persons traveling on the main traveled way of the landscaped freeway ..."

Additionally, we believe it's appropriate to revise Section 21.54.130(A) to allow for the use of relocation credits granted by the California Department of Transportation to develop new freeway-oriented billboards adjacent to landscaped freeway segments, as long as the applicant meets the reduction requirement included in Section 21.54.160 and Table 54-2. As mentioned above, subsection (B) of Section 21.54.130 exempts conversion of existing freeway-oriented billboards from the prohibition. We propose the following specific language:

21.54.130A. No new billboard shall be constructed or installed within the City through utilization of credits given by the California Department of Transportation or the Outdoor Advertising Act for relocation of billboards located in landscape freeway segments unless the applicant complies with the removal requirements of Sections 21.54.160A. or B.

The suggested change will allow Lamar the same opportunity to develop freeway-oriented digital billboards as other companies and will further the stated purpose of the ordinance by encouraging removal of existing billboard inventory from residential neighborhoods and focusing development of new billboards along the freeways.

As stated, Lamar appreciates City staff's efforts in implementing this much needed amendment to the City's billboard regulations. We believe that the minor tweaks suggested above will promote a balance between the City's objectives and reasonable

Mayor and Honorable City Council Members

City of Long Beach

June 10, 2014

Page 4

expectations of billboard companies and provide equality among the respective companies doing business in the City.

Very truly yours,

Theodore K. Stream, of  
GRESHAM SAVAGE  
NOLAN & TILDEN,  
A Professional Corporation

TKS:djb

cc: Ray Baker