



CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

333 West Ocean Blvd., 5th Floor

Long Beach, CA 90802

(562) 570-6194

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March 3, 2016

CHAIR AND PLANNING COMMISSIONERS
City of Long Beach
California

RECOMMENDATION:

Approve a Conditional Use Permit for the construction of a new single-sided 617.5-square-foot electronic billboard, located at 6701 Paramount Boulevard in the Regional Highway (CHW) zoning district, and accept Categorical Exemption CE-15-069. (District 9)

APPLICANT: Richard Montgomery for Lamar Advertising
1121 S. Boyle Avenue, Suite 201
Los Angeles, CA 90023
Application No. 1506-09

DISCUSSION

The location of the proposed project is on an 18,380-square-foot island parcel on the north side of the SR-91 freeway, bounded by 67th Street on the north and west, and Paramount Boulevard on the east (Exhibit A – Location Map). The site is in the CHW (Regional Highway) zoning district, and is improved with a self-serve car wash. The site is bounded by the IG (General Industrial) zoning district on the north and west, and by the CCA commercial-only zoning district to the east and northeast. Beyond the CCA zoning district to the northeast is an area of R-3-T residential zoning. The site abuts the 91 freeway to the south, which is in the PR (Public Right-of-way) zoning district.

The applicant, Lamar Advertising, requests approval of a Conditional Use Permit (CUP) to construct a new single-sided electronic billboard (Exhibit B – Plans). The billboard will be oriented to the east, facing the west-bound traffic lanes of the 91 freeway. The billboard display face will be 13.17 feet by 46.86 feet in dimension, for an area of 617.5 square feet. This is Lamar's version of an industry standard size referred to as "bulletin" size, usually around 14 feet by 48 feet (Exhibit C – Renderings). The rear of the billboard face will be painted and screened, or otherwise treated, to conceal the rear of the electronic display panel and associated equipment.

The July 2014 Billboard Ordinance allows new billboard projects or conversions in exchange for takedown of existing billboards at specified ratios, depending on the project type. For this project, construction of a new electronic billboard, the required takedown ratio is 8 to 1. That means for the proposed 617.5-square-foot single-sided billboard, a

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total of 4,940 square feet of existing billboard area must be removed from within Long Beach, prior to construction of the new billboard. The applicant has elected to achieve this by removing a minimum of 69 existing 6-foot by 12-foot billboards, 72 square feet each (referred to as "8-sheets" by the billboard industry), from their existing inventory within Long Beach (Exhibit D – Billboard Project Site and Removal Sites Map and List). The Billboard Ordinance requires priority removal of billboards located in residential and mixed use zoning districts, and the billboard sites selected by the applicant for removal will comply with this requirement.

This project site is located adjacent to a designated landscaped freeway segment. The applicant proposes to use Caltrans-issued "credits" to construct the new billboard in the landscaped segment. These credits are received by the billboard company when they remove billboards from other landscaped freeway segments elsewhere in California. Long Beach's Billboard Ordinance allows the use of these credits for conversion of an existing static billboard to electronic in a landscaped freeway segment, but prohibits the use of credits to establish a new billboard. This is more restrictive than State law, and Planning staff has found this restriction impedes the City's goal of removing nonconforming billboards. Concurrent with this CUP request, staff is bringing forward a proposed zoning code amendment that would align the local zoning regulations with State regulations regarding credits for billboard construction in landscaped freeway segments (Zoning Amendment Application No. 1602-05), making approval of this CUP possible. All other local zoning restrictions on billboards would remain in full effect and are not proposed to be changed. If this proposed code amendment is not adopted by the City Council, approval of this CUP would be null and void.

Other than the regulations discussed above, staff has found this CUP request to be completely in conformance with the requirements for billboards, as specified in Chapter 21.54 of the Zoning Ordinance. Furthermore, the removal of at least 69 existing nonconforming billboards from within the City will provide significant aesthetic benefits to the community through the elimination of these nonconforming structures and their associated negative visual impacts. Therefore, staff recommends that the Planning Commission approve the CUP request with the attached conditions of approval (Exhibit E – Findings and Conditions of Approval).

PUBLIC HEARING NOTICE

Public hearing notices were distributed on February 17, 2016, in accordance with the requirements of Chapter 21.21 of the Long Beach Municipal Code. At the time of writing of this report, staff has received no comments or inquiries on the project.

ENVIRONMENTAL REVIEW

In accordance with the Guidelines for Implementation of the California Environmental Quality Act, a Categorical Exemption was issued for the proposed project (Exhibit F – CE-15-069).

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Respectfully submitted,



LINDA F. TATUM, AICP
PLANNING BUREAU MANAGER



AMY J. BODEK, AICP
DIRECTOR OF DEVELOPMENT SERVICES

AJB:LT:CT:sk

Attachments: Exhibit A – Location Map
 Exhibit B – Plans
 Exhibit C – Renderings
 Exhibit D – Billboard Project Site and Removal Sites Map and List
 Exhibit E – Findings and Conditions of Approval
 Exhibit F – Categorical Exemption CE-15-069

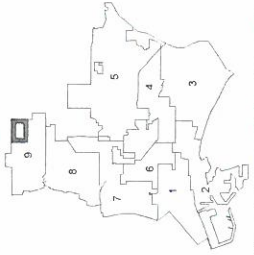
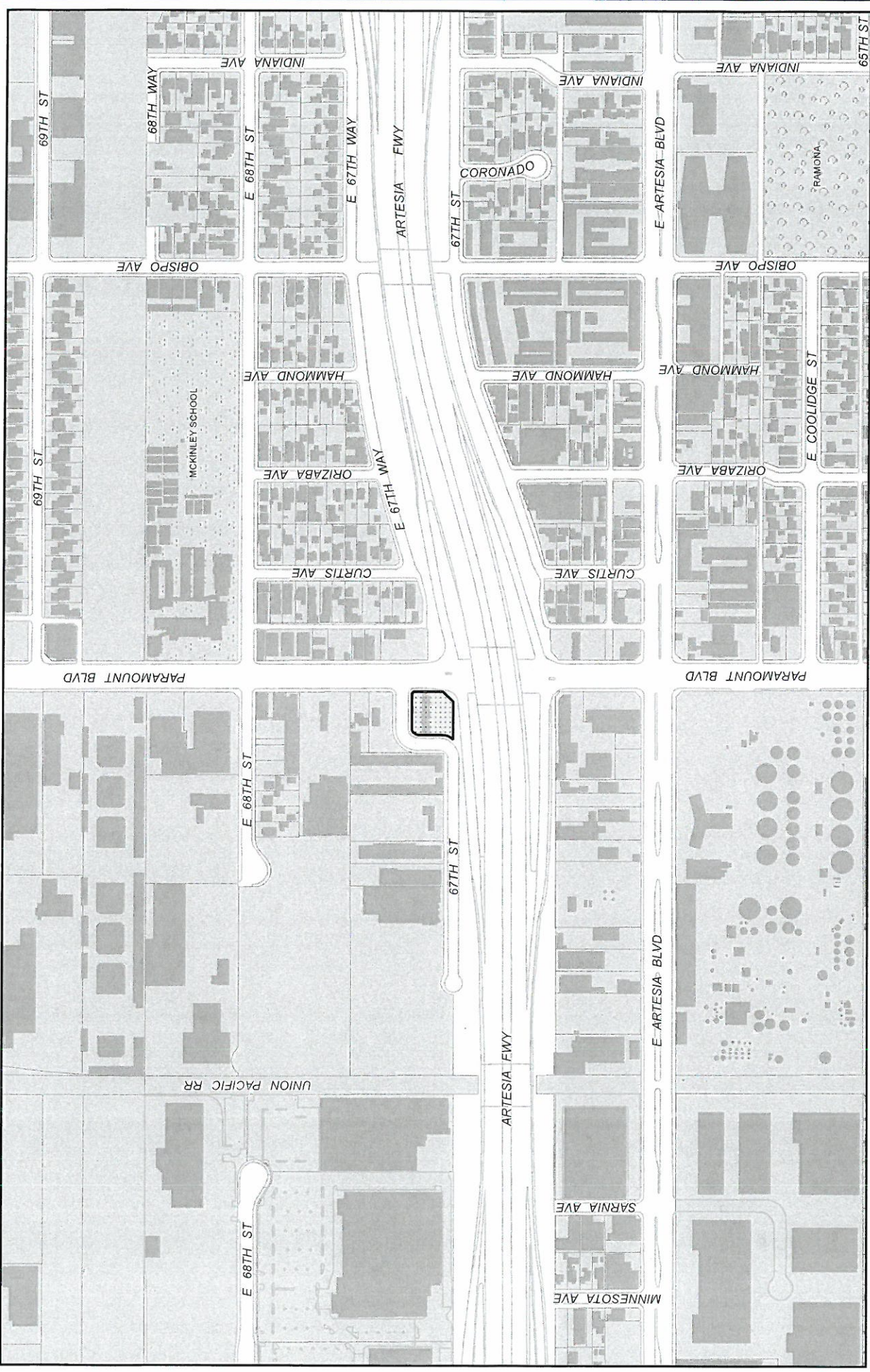
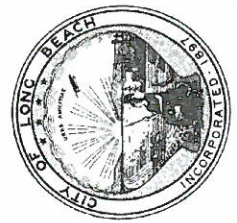


Exhibit A



Subject Property:
 6701 Paramount Blvd
 Application No. 1506-09
 Council District 9
 Zoning Code : CHW



CONDITIONAL USE PERMIT FINDINGS

6701 Paramount Blvd.
Application No. 1506-09
March 3, 2016

Pursuant to Section 21.25.206 of the Long Beach Municipal Code, a Conditional Use Permit can be granted only when positive findings are made consistent with the following criteria set forth in the Zoning Regulations. These findings and staff analysis are presented for consideration, adoption and incorporation into the record of proceedings:

- 1. THE APPROVAL IS CONSISTENT WITH AND CARRIES OUT THE GENERAL PLAN, ANY APPLICABLE SPECIFIC PLANS SUCH AS THE LOCAL COASTAL PROGRAM AND ALL ZONING REGULATIONS OF THE APPLICABLE DISTRICT;**

Positive Finding: The project site is located in Land Use District #9G—General Industry. LUD #9G does not address the regulation of billboards; however, the Conditional Use Permit (CUP) process exists for land uses that require an additional level of review to ensure they do not cause adverse impacts to nearby uses. The proposed project is consistent with the intent of this LUD as it relates to the allowance of ancillary uses. The project site is not located within a specific plan or the Coastal Zone. The site is located in the CHW (Regional Highway) zoning district. Construction of a new electronic billboard is allowed in the CHW district through the CUP process, subject to the development standards of Chapter 21.54 (Billboards). The project complies with all development standards contained in Chapter 21.54, except it does not meet the requirements of Section 21.54.120.B.2, which prohibits the location of a new freeway-oriented billboard within 660 feet of a designated landscaped freeway segment (the project site is located in the landscaped freeway segment enumerated in Sub-section 21.54.120.B.2.b.(1)). However, the Planning Commission will consider a code amendment, prior to hearing this CUP request, which would, if adopted by the City Council, make this proposed project compliant with this code requirement. Conditions of approval for this project will make this CUP approval contingent upon and not effective until adoption of such code amendment by the City Council, and null and void if the Council does not adopt such a code amendment. The project (with the included conditions of approval) will carry out the zoning regulations applying to this district, and approval of this project would be consistent with the General Plan and the Zoning Regulations.

- 2. THE PROPOSED USE WILL NOT BE DETRIMENTAL TO THE SURROUNDING COMMUNITY INCLUDING PUBLIC HEALTH, SAFETY, GENERAL WELFARE, ENVIRONMENTAL QUALITY OR QUALITY OF LIFE; AND**

Positive Finding: The proposed use will not be detrimental to the surrounding community. One new electronic billboard will be constructed, with a single east-facing display face measuring 617.5 sq. ft. in area. Surrounding land uses are

heavily industrial to the north and west, with commercial use to the northeast and residential uses beyond to the northeast. Construction of the proposed electronic billboard will result in new light emissions from the display panel; however, these emissions will be required to comply with the limitations prescribed in Ch. 21.54 of the Zoning Ordinance, and are subject to third-party verification for compliance at the City's discretion. The zoning regulations also contain adequate restrictions on electronic sign copy (preventing the imitation of traffic signs or controls) and message transition (preventing any motion, video, and blinking or bright-dark-bright "pop" transitions) to prevent the electronic billboard from creating a traffic distraction or hazard for the SR-91 freeway or adjacent surface streets. The billboard meets all the spacing requirements in Ch. 21.54 for distance of a converted electronic billboard from residential, institutional, and park zoning districts. The proposed electronic billboard will generate no noise, air quality, or traffic generation impacts. The site is largely surrounded by industrial land uses, which are expected to receive no impacts from the project, and the project is not expected to generate any significant impacts upon the commercial use to the northeast or the residential uses beyond to the northeast. No public health, safety, general welfare, environmental quality, or quality of life impacts are foreseen for this project.

3. THE APPROVAL IS IN COMPLIANCE WITH THE SPECIAL CONDITIONS FOR THE USE ENUMERATED IN CHAPTER 21.52.

The special conditions specified in Chapter 21.52 for billboards have been replaced with new findings for billboards, enumerated in Section 21.54.115, as follows:

A. The proposed billboard does not represent a net increase in billboard sign area Citywide;

Positive Finding: The proposed project will comply with the removal requirements of Section 21.54.160.A, at an 8:1 area ratio. The new electronic billboard face is 617.5 square feet in area, and will require the removal of a minimum of 4,940 square feet of other billboard area from within the City. The applicant's proposal for removal exceeds this total. The project will result in the removal of at least sixty-nine (69) other existing "eight-sheet" size 6 × 12-foot billboards, a sum of 4,968 square feet of billboard area.

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

Positive Finding: The applicant has provided this information to staff's satisfaction. The applicant has identified the existing billboards that will be removed from within the City prior to issuance of a building permit for the proposed conversion.

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

Positive Finding: The project consists of construction of a new single-sided electronic oriented southeast, facing the west-bound traffic lanes of the SR-91 freeway. The size, siting, and location of the billboard will not create a traffic hazard, and the new billboard will be subject to review by the California Department of Transportation (Caltrans) for compliance with all State laws and Caltrans regulations governing billboard placement and traffic safety. Also, the restrictions specified in Ch. 21.54 of the zoning regulations will restrict brightness, message transition (to prevent any motion, video, and bright-dark-bright "pop" transitions), and copy (to prevent imitation of traffic signs or controls) such that the electronic billboard will not create a traffic hazard.

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

Positive Finding: The proposed billboard site is located approximately 2,000 feet from the nearest existing freeway-oriented billboard on the SR-91 freeway to the west (located on the opposite side of the freeway east of Cherry Avenue), and approximately 3,250 feet from the nearest existing billboard to the east (located on the opposite side of the freeway east of Downey Avenue). Other existing billboards are located on the surface streets, mainly on Artesia Blvd. between Cherry Ave. and Paramount Blvd., but these are on the opposite site of the SR-91 freeway and are not visible from the subject site. Additionally, a number of these surface-street billboards are owned by the applicant, and would be removed following approval of this project.

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

Positive Finding: The proposed billboard will be freeway oriented in an industrial zoning district, will be primarily visible from the SR-91 freeway travel lanes, and will not be out of context with its visual environment, or disruptive to neighboring properties or structures. The proposed billboard will be an adequate distance from the commercial and residential uses to the northeast to avoid creating any significant negative impact upon these properties.

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

Positive Finding: The proposed electronic billboard is oriented to the east, facing the westbound traffic lanes of the SR-91 freeway. The plane of its orientation and the display panel technology, which limits the angle from which the display's light can be viewed, will preclude impacts from light and glare from intruding upon residential land uses.

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

Positive Finding: Approval of this permit will require removal of existing billboard area from within the City at an 8:1 ratio in exchange for the rights to construct the proposed 617.5-square foot electronic billboard. The applicant has identified at least sixty-nine (69) existing billboards that will be removed to comply with this requirement, representing a net area of 4,968 square feet, greater than the 4,940 required by code to be removed. This removal will have a significantly positive impact upon the community within the City overall, and will significantly further the Ordinance's and City's stated goals of eventual removal of nonconforming billboards. Approval of this permit therefore is consistent with the intent of Chapter 21.54.

CONDITIONS OF APPROVAL

6701 Paramount Blvd.

Case No. 1506-09

March 3, 2016

Special Conditions:

1. This Conditional Use Permit approval is for the construction of a new 13.17 × 46.86-foot (617.5 square feet in area) single-sided freeway-oriented electronic billboard, at a maximum height of not more than 40 feet above the nearest freeway lane.
2. The applicant shall provide for the removal of 4,940 square feet, at a minimum, of existing billboard advertising area from within the City of Long Beach. This removal shall be completed prior to the issuance of any building or electrical permits for the construction of the new electronic billboard. The applicant shall obtain a separate demolition permit for each billboard to be removed, and shall provide to the Planning Bureau photographs of each site prior to removal, and photographs of each site following removal.
3. The applicant has provided a list containing a pool of one hundred thirty eight (138) existing billboards in Long Beach to be removed to satisfy the requirements of Section 21.54.160.A of the Zoning Ordinance, upon approval of this Conditional Use Permit. The 138 billboards in this pool also are intended to be used to satisfy the removal requirements of the CUP application at 3310 Airport Way, Case No. 1506-08. Whichever project is constructed first (1506-08 or 1506-09) shall provide for the removal of nonconforming billboards from this pool of 138 billboards in the priority order specified by Section 21.54.160.A. The project that is constructed second (1506-08 or 1506-09) shall continue removal of nonconforming billboards from this pool in the sequence begun by the first project. The purpose of this condition is to ensure that, if only one of the two projects is built, or if both are built but with a significant delay between, that nonconforming billboards will be removed in the priority order specified by code in any case.
4. Per Section 21.54.160.E of the Zoning Ordinance, the developer shall not remove a fractional number of billboards, but whole billboards only.
5. At the request of the Director of Development Services, the applicant shall provide, at own expense, a light and glare study for the new electronic billboard, in accordance with Section 21.54.115.F of the Zoning Ordinance, and shall demonstrate compliance with Section 21.54.280.B.6.b and 21.54.280.B.10.
6. The applicant shall obtain all required permits from the California Department of Transportation (Caltrans) or other involved State or County agency, and provide evidence of such permits to the Department of Development Services when such permits have been secured (the Outdoor Advertising Act requires the applicant to first obtain local jurisdiction permits before Caltrans permits may be issued).

7. The applicant shall provide for all electrical service wiring to be routed to the billboard underground, per Section 21.54.250.
8. The new electronic billboard shall not overhang the public right-of-way or any public street or sidewalk.
9. Prior to issuance of a building permit, the developer shall provide written authorization from the property owner for the project.
10. All demolition, site preparation, and construction activities shall comply with the noise requirements of Chapter 8.80 of the Long Beach Municipal Code at all times.
11. The back of the billboard shall be painted, screened, or otherwise treated to conceal the rear of the electronic display panel to the satisfaction of the Director of Development Services, in accordance with Section 21.54.270 of the Zoning Ordinance.
12. The structural support pole for the billboard shall be concealed within an architectural treatment, per Section 21.54.240, to the satisfaction of the Director of Development Services. The applicant shall revise plans as necessary to reflect this, and a sample of the architectural material shall be provided to the Director of Development Services for review prior to issuance of a building permit.
13. At the developer's option, this billboard may be constructed with a second face of equal size in lieu of constructing the electronic billboard project at 3310 Airport Way (Case No. 1506-08), if that case is approved by the Planning Commission. The two billboard faces may be mounted parallel to each other facing opposite directions, or at an acute angle to each other ("V-shaped"), at the developer's option. The billboard support structure (pole) may be either center-mounted to the panels, or "flag-mounted" at one end of the panels, at the developer's option. If the developer chooses to construct the second billboard face at this site, all removal of existing billboard area required by Case No. 1506-08 shall be completed prior to issuance of building permits.
14. This Conditional Use Permit approval is contingent upon the adoption of a Zoning Amendment by the City Council to amend certain sections of Chapter 21.54 (Billboards) of the Zoning Ordinance, for the purpose of allowing the use of Caltrans-issued "credits" or "chits" for the construction of a new billboard adjacent to a designated landscaped freeway segment (current code allows use of these credits for conversion of a static billboard to electronic, but not for construction of a new billboard). This Conditional Use Permit approval shall not be effective unless and until the City Council adopts said Zoning Amendment in a form that would allow this billboard project to proceed in full compliance with Chapter 21.54 and other relevant provisions of the Long Beach Municipal Code. If the City Council declines to adopt said Zoning Amendment, or does not act to adopt said Zoning Amendment within one year of the date of action of this Conditional Use Permit, then this Conditional Use Permit approval shall never have been effective and shall be null and void.

15. The developer shall revise plans as necessary so that all portions of this billboard structure is located a minimum of 300 feet from the nearest residentially-zoned property to the northeast, and demonstrate that this requirement is met to the satisfaction of the Director of Development Services. If, for whatever reason, the developer is unable to adjust the siting of the proposed billboard to comply with this requirement, no building or electrical permits shall be issued for the proposed billboard until this requirement is met or a Standards Variance is obtained.

Standard Conditions – Plans, Permits, and Construction:

16. Prior to the issuance of a building permit, the applicant shall submit a revised set of plans reflecting all of the design changes set forth in the conditions of approval, to the satisfaction of the Director of Development Services.
17. All conditions of approval must be printed verbatim on all plans submitted for plan review to the Department of Development Services. These conditions must be printed on the site plan or a subsequent reference page.
18. The plans submitted for plan review must explicitly call out and describe all materials, textures, accents, colors, window, door, planter, and paving details that were approved by the Site Plan Review Committee or the Planning Commission. No substantial changes shall be made without prior written approval of the Site Plan Review Committee or the Planning Commission.
19. The Director of Development Services is authorized to approve minor modifications to the approved design plans or to any of the conditions of approval if such modifications shall not significantly change or alter the approved project. Any major modifications shall be reviewed by the Zoning Administrator, Site Plan Review Committee, or Planning Commission, respectively.
20. Upon plan approval and prior to issuance of a building permit, the applicant shall submit a reduced-size set of final construction plans for the project file.
21. A permit from the Department of Public Works shall be required for any work to be performed in or over the public right-of-way.
22. Any off-site improvements found to be damaged as a result of construction activities related to this project shall be replaced to the satisfaction of the Director of Public Works.
23. Separate building permits are required for fences, retaining walls, flagpoles, and pole mounted yard lighting foundations.
24. The applicant shall file a separate plan check submittal to the Long Beach Fire Department for review and approval prior to the issuance of a building permit.

25. All structures shall conform to the Long Beach Building Code requirements. Notwithstanding this subject permit, all other required permits from the Building Bureau must be secured.
26. Site development, including landscaping, shall conform to the approved plans on file with the Department of Development Services. At least one set of approved plans containing Planning, Building, Fire, and, if applicable, Redevelopment and Health Department stamps shall be maintained at the job site, at all times for reference purposes during construction and final inspection.
27. Energy conserving equipment, lighting, and construction features shall be utilized in this project.

Standard Conditions – General:

28. This permit and all development rights hereunder shall terminate one year from the effective date of this permit unless construction is commenced or a time extension is granted, based on a written and approved request submitted prior to the expiration of the one year period as provided in Section 21.21.406 of the Long Beach Municipal Code.
29. This permit shall be invalid if the owner(s) and/or applicant(s) have failed to return written acknowledgment of their acceptance of the conditions of approval on the *Conditions of Approval Acknowledgment Form* supplied by the Planning Bureau. This acknowledgment must be submitted within 30 days from the effective date of approval (final action date or, if in the appealable area of the Coastal Zone, 21 days after the local final action date).
30. If, for any reason, there is a violation of any of the conditions of this permit or if the use/operation is found to be detrimental to the surrounding community, including public health, safety or general welfare, environmental quality or quality of life, such shall cause the City to initiate revocation and termination procedures of all rights granted herewith.
31. This approval is required to comply with these conditions of approval as long as the use is on the subject site. As such, the site shall allow periodic re-inspections, at the discretion of city officials, to verify compliance. The property owner shall reimburse the City for the inspection cost as per the special building inspection specifications established by City Council (Sec. 21.25.412, 21.25.212).
32. In the event of transfer of ownership of the property involved in this application, the new owner shall be fully informed of the permitted use and development of said property as set forth by this permit together with all conditions that are a part thereof. These specific requirements must be recorded with all title conveyance documents at time of closing escrow.

33. Approval of this development project is expressly conditioned upon payment (prior to building permit issuance or prior to Certificate of Occupancy, as specified in the applicable Ordinance or Resolution for the specific fee) of impact fees, connection fees and other similar fees based upon additional facilities needed to accommodate new development at established City service level standards, including, but not limited to, sewer capacity charges, Park Fees and Transportation Impact Fees.
34. The property shall be developed and maintained in a neat, quiet, and orderly condition and operated in a manner so as not to be detrimental to adjacent properties and occupants.
35. Any graffiti found on site must be removed within 24 hours of its appearance.
36. All required utility easements shall be provided to the satisfaction of the concerned department, agency, or utility company.
37. As a condition of any City approval, the applicant shall defend, indemnify, and hold harmless City and its agents, officers, and employees from any claim, action, or proceeding against City or its agents, officers, and employees to attack, set aside, void, or annul the approval of City concerning the processing of the proposal/entitlement or any action relating to, or arising out of, such approval. At the discretion of the City and with the approval of the City Attorney, a deposit of funds by the applicant may be required in an amount sufficient to cover the anticipated litigation costs.



CITY of LONG BEACH NOTICE of EXEMPTION

DEPARTMENT OF DEVELOPMENT SERVICES | PLANNING BUREAU
333 W. OCEAN BLVD., 5TH FLOOR, LONG BEACH, CA 90802
(562) 570-6194 FAX: (562) 570-6068
lbs.longbeach.gov

TO: [X] Office of Planning & Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

FROM: Department of Development Services
333 W. Ocean Blvd, 5th Floor
Long Beach, CA 90802

[X] L.A. County Clerk
Environmental Fillings
12400 E. Imperial Hwy. 2nd Floor, Room 2001
Norwalk, CA 90650

Categorical Exemption CE-15-069

Project Location/Address: 6701 N. Paramount Boulevard, Long Beach, CA 90805

Project/Activity Description: The applicant intends to construct and install a 14 x 48 LED Digital billboard in the southern portion of the property. (13.17' x 46.86' display area, totaling @17.5 sq. ft. of sign face.

Public Agency Approving Project: City of Long Beach, Los Angeles County, California

Applicant Name: Lamar Advertising

Mailing Address: 1121 S. Boyle Avenue, Suite 201

Phone Number: 323-933-3222

Applicant Signature:

[Handwritten signature]

BELOW THIS LINE FOR STAFF USE ONLY

Application Number: 1506-09 Planner's Initials: SK

Required Permits: Conditional Use Permit

THE ABOVE PROJECT HAS BEEN FOUND TO BE EXEMPT FROM CEQA IN ACCORDANCE WITH STATE GUIDELINES SECTION 15303 New Construction or Conversion of Small Structures

Statement of support for this finding: Project consists of construction of a new electronic billboard, a small non-occupiable structure that generates no traffic trips, noise, or air quality impacts.

Contact Person: Scott Kinsey

Contact Phone: (562) 570-6194

Signature: Scott Kinsey

Date: 2/17/16