

ORDINANCE NO.

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

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

Table 33-2 Uses In Industrial Districts

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

Section 5. Chapter 21.54 of the Long Beach Municipal Code is amended 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 and location 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.

21.54.020 Definition of terms.

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

B. Mixed-use districts, when referenced in this Chapter, shall 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 Division I – Use Regulations

26 21.54.110 Use regulations.

27 Billboards are a principal use of land and are restricted to the zoning
28 districts indicated in Table 54-1 of this Chapter. Any type or location of

1 billboard development not specifically permitted by this Chapter shall be
2 prohibited.

3 21.54.111 Conditional Use Permit required.

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

10 21.54.112 Separate applications.

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

17 21.54.115 Required findings.

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

22 A. The proposed billboard does not represent a net increase in
23 billboard sign area Citywide, and the applicant or developer has provided a
24 written plan explaining how the removal requirements of Section
25 21.54.160.A or B will be accomplished.

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

28 C. For electronic billboards, the applicant has demonstrated that

1 the billboard will not cause light and glare to intrude upon residential land
2 uses, including those in mixed-use districts.

3 21.54.118 Locations allowed.

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

5 21.54.119 Street classification types allowed.

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

8 21.54.120 Locations prohibited.

9 A. No new off-premises sign (billboard) shall be located:

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

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

- 26 1. Within five hundred feet (500') of any residential,
27 institutional or park district;
- 28 2. On property adjacent (within six hundred sixty feet

1 (660')) to a section of a freeway that has been landscaped if the advertising
2 display is designed to be viewed primarily by persons traveling on the main-
3 traveled way of the landscaped freeway, including landscaped portions of
4 freeway in the following areas:

5 a. 710 Freeway:

6 (1) North city boundary to south side of
7 interchange with 91;

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

10 (3) South of north edge of southbound Del
11 Amo Avenue off-ramp to south edge of northbound Del Amo Avenue off-
12 ramp;

13 (4) North edge of southbound transition ramp
14 to 405 Freeway to south edge of the 405 to 710 southbound transition ramp
15 on west side of 710;

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

18 (6) North edge of southbound Willow Street
19 off-ramp to south edge of southbound Willow Street on-ramp on west side of
20 710;

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

23 (8) South of Fifth Street.

24 b. 91 Freeway:

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

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

- 1 c. 405 Freeway--Entire length in City;
- 2 d. 605 Freeway--Entire length in City;
- 3 e. 22 Freeway--Entire length in City.

4 21.54.125 Types of billboards prohibited.

5 As set forth in Section 21.54.110, any type or location of billboard
6 development not specifically permitted by this Chapter shall be prohibited.
7 Additionally, the following types of prohibited billboards are specified for
8 clarity. However, this shall not limit the types of prohibited billboards to
9 those described below.

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

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

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

23 21.54.130 Landscaped segment relocation credits.

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

1 jurisdictions. Conversion of existing billboards located in landscaped
2 freeway segments to electronic billboards using such credits shall be the
3 sole exception, and in this case all removal requirements of Section
4 21.54.160(A) or (B) shall apply.

5 21.54.140 Conversion of non-electronic billboards to electronic.

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 conversion of said billboards to electronic billboards as a matter of
9 right. No existing billboard shall be converted to an electronic billboard
10 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 removed from

15 the City as required by Section 21.54.160.A or B, as applicable (see Table
16 54-2 for summary).

17 21.54.150 Expansion of billboard area or addition of faces to
18 existing billboards.

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

- 24 A. A Conditional Use Permit is obtained by the applicant;
- 25 B. The billboard meets the requirements of Table 54-1;
- 26 C. The applicant obtains all required building permits; and
- 27 D. Other existing billboard display surface area is removed from

28 the City as required by Section 21.54.160.A or B, as applicable (see Table

1 54-2 for summary).

2 21.54.160 Citywide billboard capacity limited.

3 The City of Long Beach finds that, at the time of adoption of this
4 Chapter, a plenitude of modes of advertising were available via television,
5 newspaper, magazines, circulars, direct mail, bulk mail, internet, email,
6 mobile phones, city bus ads, bus stop posters, and other constantly-
7 developing sources of ad placement. Also, the City finds that a sufficient or
8 more than sufficient amount of billboard advertising capacity exists in the
9 City to meet or exceed the community's need for outdoor advertising, and
10 that a reduction in the amount of billboards Citywide will not impose any
11 hardship upon the community through diminution of overall advertising
12 capacity or options. Therefore, no building permit shall be issued for a new
13 billboard, conversion of an existing non-electronic billboard to an electronic
14 billboard, or expansion or addition of faces to an existing billboard, unless
15 the following conditions are met:

16 A. An existing billboard or billboards nonconforming to this
17 Chapter shall first be removed from within the City as follows (see Table 54-
18 2 for summary):

19 1. If a new electronic billboard is proposed, nonconforming
20 billboard(s) totaling eight (8) times the display surface area of the proposed
21 electronic billboard shall be removed.

22 2. If conversion of an existing billboard to an electronic
23 billboard is proposed, nonconforming billboard(s) totaling four (4) times the
24 display surface area of the existing size of the converted billboard shall be
25 removed. If the billboard is proposed to be expanded as part of the
26 conversion to electronic, it shall be considered a new electronic billboard
27 and nonconforming billboard(s) totaling eight (8) times the display surface
28 area of the final size of the proposed billboard shall be removed.

1 3. If a new non-electronic billboard is proposed,
2 nonconforming billboard(s) totaling six (6) times the display surface area of
3 the proposed billboard shall be removed.

4 4. If expansion of an existing electronic billboard is
5 proposed, the portion that represents a net increase over the existing
6 display surface area shall require removal of existing nonconforming
7 billboard(s) totaling eight (8) times the area of the net increase.

8 5. If expansion of an existing non-electronic billboard is
9 proposed, the portion that represents a net increase over the existing
10 display surface area shall require removal of existing nonconforming
11 billboard(s) totaling six (6) times the area of the net increase.

12 6. Nonconforming billboards shall be removed with the
13 following priority:

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

17 b. Nonconforming billboards located in a Planned
18 Development District allowing residential uses and not adjacent to a street
19 classified as a Freeway, Regional Corridor, or Major Arterial;

20 c. All other nonconforming billboards located in a
21 residential zoning district or Planned Development District allowing
22 residential uses;

23 d. All other nonconforming billboards located in a
24 General Plan Land Use District allowing residential uses but not located in a
25 residential zoning district or Planned Development District allowing
26 residential uses;

27 e. All other nonconforming billboards located in an
28 active Redevelopment Project Area; and

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f. All other nonconforming billboards.

B. If existing billboards nonconforming to this Chapter are removed to satisfy Section 21.54.160.A until no billboards nonconforming to this Chapter remain in the City, regardless of ownership of said billboards, then the following conditions shall apply (see Table 54-2 for summary):

1. It shall be the responsibility of the applicant to demonstrate, to the satisfaction of the Director of Development Services, that no billboards nonconforming to this Chapter remain in the City;

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

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

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

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

D. In all cases, the required removals shall be completed prior to issuance of a building permit for the new, converted, or expanded billboard. The developer shall provide a list of all billboards to be removed to meet the removal requirements of (A) or (B) above, and shall obtain demolition

1 permits and provide proof, to the satisfaction of the Director of Development
2 Services, that such removal has been completed prior to building permit
3 issuance. In order that the developer should not be subject to possible loss
4 of development rights lawfully obtained through a Conditional Use Permit
5 and performance of subsequent required removal of billboards, said
6 development rights, once obtained, shall be considered vested for one (1)
7 year, contingent upon completion of the required prior removal of billboards.

8 E. Fractional numbers. The purpose of (A) and (B) above is to
9 require removal of a certain amount of billboard display surface area, rather
10 than a specific number of billboards. However, it is not desirable for an
11 existing billboard to be altered to reduce its size to comply with these
12 requirements, due to the negative aesthetic impacts such alteration may
13 create. Therefore, no billboard shall be reduced in size or otherwise altered
14 to provide for the required removal, and only a whole, entire billboard or
15 billboards shall be removed. Provided that all other applicable requirements
16 of this Chapter and Title are met, the applicant or developer may choose the
17 billboard(s) to be removed in order to minimize the difference between the
18 amount of display surface area required to be removed by (A) or (B) and the
19 amount reached by removal of whole billboards. In no case shall less than
20 the required amount of display surface area be removed.

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

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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.	1,000 ft. between electronic, 500 ft. between non-electronic	Freeway, Regional Corridor, or Major Arterial ^{(c)(d)}	CHW ^(e) , CS, IL, IM, IG, IP ^(f)
2. Other new billboard, electronic or non-electronic	300 sq. ft.	35 ft. above curb grade.	1,000 ft. between electronic, 300 ft between non-electronic	Regional Corridor, or Major Arterial only ^{(c)(d)}	CHW ^(e) , IL, IM, IG
3. Conversion of existing billboard to electronic (with or without expansion of area)	675 sq. ft. ^(g)	No higher than existing billboard, or 35 ft. above curb grade (or 40 ft. above nearest freeway lane, if freeway-oriented), whichever is greater.	1,000 ft. between electronic billboards	Freeway Regional Corridor, or Major Arterial only ^(c)	CCA, CCP, CHW ^(e) , CS, IL, IM, IG, IP ^(f)
4. Expansion of existing electronic or non-electronic billboard (includes addition of faces; does not include conversion to electronic)	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.

- 1 (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.
- 2 (e) Also allowed in the deprecated CH commercial highway zoning district.
- 3 (f) Billboards in the IP zoning district shall require approval of the Harbor Department prior to application for a Conditional Use Permit.
- 4 (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	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

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Table 54-2

Summary of Billboard Removal Ratios

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

Division II – Development Standards

21.54.210 Maximum area.

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

21.54.220 Maximum height.

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

21.54.221 Maximum number of faces.

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

1 21.54.222 Face orientation.

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

4 21.54.223 Name of owner.

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

7 21.54.230 Spacing.

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

12 21.54.240 Supports.

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

15 21.54.250 Lighting.

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

25 21.54.260 Clearance.

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

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

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

7 21.54.270 Screening.

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

12 21.54.280 Design and brightness restrictions.

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

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

28 B. For electronic billboards, the following restrictions also shall

1 apply:

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

4 2. Each message shall not move, flash, shimmer, glitter,
5 or give the appearance of moving, flashing, shimmering or glittering;

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

9 4. Display of full motion video is prohibited;

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

13 6. The brightness of the display surface shall be limited as
14 follows:

15 a. Dawn to dusk: unlimited;

16 b. Dusk to dawn: the display surface shall not
17 produce luminance in excess of 0.3 foot-candles above ambient light
18 conditions, or the level recommended by the Illuminating Engineering
19 Society of North America (IESNA) for the specific size and location of the
20 billboard, whichever is less;

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

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

1 e. The billboard owner shall provide to the City,
2 upon request, certification by an independent contractor that the brightness
3 levels of the electronic billboard are in compliance with the requirements of
4 this Section.

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

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

12 21.54.285 Additional requirements.

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

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

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

21 C. A list of locations of all billboards in the City owned or
22 managed by the entity that will own or manage the subject billboard. This
23 information also shall be provided on a map. The intent of this requirement
24 is to facilitate analysis of the proposed billboard's compliance with the
25 spacing and location requirements, as well as the nonconforming billboard
26 removal requirements of this Chapter.

27 21.54.290 Maintenance.

28 All billboard structures shall be maintained in an orderly condition.

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

8 Division III - Abandoned and Illegal Billboards

9 21.54.310 Abandoned billboards.

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

17 21.54.320 Illegal billboards.

18 Illegal billboards shall have no vested rights under the Long Beach
19 Municipal Code. Illegal billboards shall either be brought into legal
20 conforming status, or removed by the owner immediately, subject to any
21 applicable restrictions in State law. Consistent with State law, the City
22 Manager or his designee shall have the authority to enter onto private
23 property and cause such removal, and recover the costs of said removal
24 from the property owner.

25 Division IV - Nonconforming Billboards

26 21.54.410 Amortization of nonconforming billboards.

27 It is the intent of this Division to require the eventual elimination of
28 existing billboards which do not conform to the provisions of this Chapter, as

1 allowed by State law. It is also the intent of this Section to ensure that the
2 elimination of nonconforming billboards occurs as expeditiously and fairly as
3 possible and avoids any unreasonable invasion of established property
4 rights.

5 21.54.420 Removal by amortization.

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

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

- 15 1. The billboard is located within an area identified as
16 residential on the general plan land use map; and
17 2. The billboard is located within an area zoned for residential use.

18 21.54.430 Continuation of use.

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

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

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

25 21.54.440 Repair.

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

28 21.54.450 Nonconforming billboards--Replacement.

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

6 A. The billboard shall be of the same size or smaller, with the
7 same number of faces or fewer, or else removal of other billboard display
8 area from within the City shall be required in accordance with Section
9 21.54.160 for any net increase in display area.

10 B. All development standards of this Chapter and Title shall be met.

11 C. A building permit shall be obtained.

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

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

18
19 Section 6. The Long Beach Municipal Code is amended by adding
20 Sections 21.15.372 and 21.15.374 to read as follows:

21 21.15.372 Billboard, Abandoned.

22 A billboard shall be considered abandoned consistent with the
23 definition and standards set forth in Section 2272 (Abandoned Display) of
24 the Outdoor Advertising Act, California Business and Professions Code, as
25 amended from time to time. If the billboard in question is not subject to the
26 Outdoor Advertising Act, it shall be considered abandoned consistent with
27 the definition of "abandoned" contained in Section 21.15.030 ("Abandoned")
28 of this Title.

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21.15.374 Billboard, Electronic.

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

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

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

Section 8. 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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OFFICE OF THE CITY ATTORNEY
ROBERT E. SHANNON, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

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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