



R-11

Date: October 8, 2013

To: Honorable Mayor Foster and Members of the City Council

From: Gary DeLong, Councilmember 3rd District *GD*
Suja Lowenthal, Councilmember 2nd District *SL*
Patrick O'Donnell, Councilmember 4th District *P.O.*

Subject: **Billboard Regulations**

RECOMMENDATION:

Direct the City Attorney and Development Services staff to prepare an Ordinance amending Title 21 of the Municipal Code to include electronic billboard language originally proposed in December 2011 (Citywide)

DISCUSSION

In December 2011, City staff presented the City Council with a proposal to improve and update the City's existing billboard rules. At that time the City Council directed City staff to work with the existing billboard companies to bring back an ordinance containing "cap and trade" provisions with the goal of taking down non-conforming billboards and including a "cash in lieu" option. In March 2012, the City Council approved an Ordinance amending Title 21 of the Municipal Code which contained the majority of the recommended provisions from December 2011. City Attorney staff subsequently reached out to the various companies to discuss cap and trade provisions, but they have declined to provide staff with inventories of their existing non-conforming billboards, which is necessary to analyze the need for the "cash in lieu" option.

Accordingly, it would appear to be appropriate at this time to implement the remainder of staff's December 2011 recommendations that were not included in the March 2012 revisions to Title 21.

HISTORY

In December 2009, the City Council adopted an Ordinance initiating a one-year moratorium on the issuance of permits for the development of billboards (off-site advertising), "supergraphic" signs, and conversion of existing billboards to electronic billboards within the City. In December 2010, the City Council extended the moratorium for another year to allow staff more time to research and develop comprehensive regulations for billboards throughout the City. Across a series of study sessions spanning nearly two years, the Planning Commission and City Council have provided direction and guidance to staff on the development and framework of this Ordinance. Staff also received

October 8, 2013

Page 2

community comments at a number of community meetings, finding a wide range of opinions on the subject of billboards. After the October 20, 2011 Planning Commission hearing on the subject, staff prepared an Ordinance for City Council consideration in December 2011.

The Ordinance as originally drafted improved and updated the City's existing billboard rules, which were badly outdated. The previous billboard Ordinance, adopted in the 1970s, failed to encourage or incentivize the removal of hundreds of billboards installed in the 1940s through 1960s that are located in areas of the City where they would not be legally permitted today. Many of these nonconforming billboards are found in residential neighborhoods, where they contribute to blighted conditions. The City has very limited power to compel removal of these billboards absent the programs and incentives staff developed as part of the draft Ordinance in December 2011.

In March 2012, the City Council adopted an Ordinance amending Title 21 of the Municipal Code that dealt with a number of these issues. That ordinance presented new and expanded definitions, regulated supergraphics and mobile billboards, included new development standards, locations restrictions, and imposed a Conditional Use Permit (CUP) requirement for any new or converted billboard.

It is now requested that the remaining issues be codified in a new Ordinance using the same terms as originally presented by staff in December 2011 for the regulation of electronic billboards. These issues include:

- Capping the amount of billboard space in the City; requiring removal of a specified amount of existing billboard space before new billboard or electronic billboard space can be constructed (8:1 ratio for new electronic billboard, 6:1 for new non-electronic billboard).
- Allows conversion of existing billboards to electronic format in appropriate commercial and industrial areas; prior removal of a specified amount of existing billboard space also is required (4:1 removal ratio for conversion to electronic billboard).
- Sets priorities for removal of nonconforming billboards exchanged for new or converted billboards; will result in highest-priority removal from neighborhoods first.

FISCAL IMPACT

There is no fiscal or job impact associated with this request.