



Legislation Text

File #: 11-1179, **Version:** 2

Recommendation to declare ordinance 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, read and adopted as read. (Citywide)

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 community comments at a number of community meetings, finding a wide range of opinions on the subject of billboards. With the completion of the October 20, 2011 Planning Commission hearing on the subject, staff is now prepared with a final proposed Ordinance ready for City Council consideration. An overview of this proposed Ordinance is presented herein.

The proposed Ordinance improves and updates the City's existing billboard rules, which are badly outdated. The current rules fail to anticipate and regulate 21st-century trends, such as electronic billboards, supergraphics (building wraps), and mobile billboards. The existing billboard Ordinance, adopted in the 1970s, also fails 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 under current code. 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 has developed as part of this Ordinance.

The proposed Billboard Ordinance (see attached - City Council Ordinance) implements the following core objectives:

- Caps the amount of billboard space in the City; requires 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).
- Limits billboard projects to freeways, regional corridors, and major arterial streets (Exhibit A - Billboard Ordinance Amendment Map). Currently, they are allowed anywhere within the permissible zoning districts, i.e. on minor and local streets.
- Requires a Conditional Use Permit (CUP) for any major billboard project, including a new billboard, conversion of an existing billboard to electronic, and expansion of an existing 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.
- Prohibits supergraphics (building wraps) and mobile billboards,

As an example, if the above standards are implemented, staff estimates that the approval of a project to convert one 14-foot x 48-foot (672-square-foot) billboard to electronic would result in the removal of up to 38 nonconforming "8-sheet" size billboards (at 72 square feet each, the most common size found in neighborhoods and neighborhood commercial corridors). For each new billboard project brought forward, removal at these ratios would be required until all nonconforming billboards are eliminated from the City. Once all nonconforming billboards are eliminated, new billboard space would require a 1-to-1 removal ratio, which results in the total amount of billboard space in the City remaining capped. Similar "cap-and-replace" plans have been implemented with success in a number of cities across the United States, such as San Diego and Oakland, and it is a legally tested and durable concept. Staff also has conducted repeated meetings with representatives from all four companies representing billboards in Long Beach, and all are aware of the proposed cap-and-replace approach. The billboard companies have expressed concerns over a number of points in the new Ordinance, most of which staff has been able to address to the satisfaction of both staff and the industry representatives.

At the October 20, 2011 Planning Commission hearing, the Commission unanimously approved the cap-and-replace concept and staff's proposed Ordinance. The Planning Commission requested implementation of a 10-year review period for billboards, like that required for wireless telecommunications sites. The Commission also requested that staff make a number of minor fixes to the Ordinance suggested both by the Commission, the public, and billboard industry representatives. These changes have been incorporated into the Ordinance presented to City Council for consideration.

The issue of electronic billboards, in particular, is complex, complicated and controversial, especially considering that in Long Beach, currently none exist. However, the City is faced with a choice of either providing some incentive to cause removal of a majority of the City's billboards—especially those in residential areas—or preserving the status quo. Under California State law, billboards are a highly protected use of land, and the City's ability to eliminate them outright through local controls is practically nonexistent. Staff believes that adoption of this cap-and-replace strategy will provide appropriate incentive for removal of old nonconforming billboards, while adequately regulating new billboards and electronic billboards.

In accordance with the Guidelines for Implementation of the California Environmental Quality Act, a Categorical Exemption (CE) was prepared for the proposed project (Exhibit B - CE-11-066).

This matter was reviewed by Assistant City Attorney Michael Mais on November 15, 2011 and by Budget Management Officer Victoria Bell on November 14, 2011.

The current moratorium on new billboards, supergraphics, and conversion of existing billboards to electronic/digital billboards expires on December 14, 2011, and has already been extended once, thus it cannot be extended again. New billboard regulations must be adopted by the expiration date, or existing regulations, minus the moratorium, will continue to apply.

There is no fiscal or job impact associated with this request

Approve recommendation.

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.

AMY J. BODEK, AICP
DIRECTOR OF DEVELOPMENT SERVICES

APPROVED:

PATRICK H. WEST
CITY MANAGER