

CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

333 West Ocean Blvd., 3rd Floor, Long Beach, CA 90802 (562) 570-5237

— May 3, 2016

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Receive supporting documentation into the record, conclude the public hearing, and declare Ordinance amending Chapter 21.54 of the Long Beach Municipal Code, relating to the regulation of billboards, read the first time and laid over to the next regular meeting of the City Council for final reading; and,

Accept Categorical Exemption CE-16-026 for the project, which finds that the proposed code amendment is categorically exempt from the provisions of CEQA under Class 5—Minor Alterations in Land Use Limitations. (Citywide)

DISCUSSION

On June 17, 2014, the City Council adopted Ordinance No. ORD-14-006, which revised the City's zoning regulations for off-premise signs (billboards) (Exhibit A – 2014 Billboard Ordinance). A number of major changes were introduced in this new Ordinance, including a Conditional Use Permit (CUP) requirement for all new billboards, allowing new electronic billboards, conversion of existing static billboards to electronic, and a billboard takedown requirement for all billboard projects. Prior to these changes, billboard projects had been allowed "by right." If the project met code requirements for size and location, a permit was issued. This process, combined with a lack of strict zoning controls to limit billboards in the 1940s through the 1970s, resulted in the current proliferation of billboards in the City (Exhibit B – Map of Existing Billboard Locations, Zoning, and Buffers).

The goal of the 2014 Billboard Ordinance was multifold. First, it was to establish regulations for the emerging technology of electronic billboards. Second, it was to establish criteria for the appropriate size and location of any new billboards. Third, and most importantly, it was to incentivize removal of billboards from areas of the City where they are not an appropriate land use, particularly residential areas and mixed-use commercial/residential corridors. The new requirement to make each project subject to a CUP assures a higher level of quality and compatibility with neighboring land uses. Electronic billboards, which had previously been prohibited, are now allowed, subject to

location requirements, the CUP process, and a takedown requirement. For each new billboard (or existing static billboard converted to electronic), other existing billboard sign must first be removed from within the City at a specified ratio (4:1, 6:1, or 8:1), depending on the type of project. The takedown requirement is measured in square feet of billboard area, and not in individual billboards.

The 2014 Billboard Ordinance has been successful to date, with two existing double-sided 14-foot by 48-foot static billboards (a total of four faces at 672 square feet each) converted to electronic, and 48 nonconforming billboards removed, for a total of over 16,000 square feet. One additional double-sided 14-foot by 48-foot electronic billboard conversion has been approved, but not yet built, although its required removals have been completed. Two more billboard projects are currently pending entitlement and would, if approved, result in the removal of 138 additional nonconforming billboards, totaling at least 9,880 square feet.

As previously mentioned, a primary goal of the 2014 Billboard Ordinance is to accelerate the removal of nonconforming billboards in the City. The Ordinance provides an incentive for this to occur by allowing new electronic billboards, or the conversion of existing static billboards to electronic, in areas where the project would be appropriate, contingent upon compliance with removal requirements. In order to maintain the current momentum to allow new billboards that result in the removal of existing nonconforming billboards, staff is proposing a minor code amendment to further optimize billboard removal.

The 2014 Billboard Ordinance was tightly crafted to achieve specific goals, while avoiding unintended consequences, or a rush of billboard development through unforeseen loopholes. However, staff has found that the 2014 Billboard Ordinance is too restrictive in one specific area to achieve the goal of nonconforming billboard removal. It prohibits development of new freeway-oriented billboards adjacent to (meaning within 660 feet of) Caltrans-designated landscaped freeway segments using Caltrans-issued credits received for removing billboards adjacent to Caltrans-designated landscaped freeway segments. These credits could come from landscape-adjacent billboard removal anywhere in the State, not only Long Beach. This prohibition was intended to prevent a rush of billboard proposals in inappropriate locations adjacent to designated landscaped freeway segments in the City.

However, this potential scenario has not materialized and, in fact, staff has found that the prohibition on the use of these Caltrans credits is preventing the approval of billboard projects that are otherwise compliant with the code, are appropriately-sited, and would result in significant nonconforming billboard removal from within the City, if allowed. For these reasons, staff is proposing to amend the 2014 Billboard Ordinance to allow the use of Caltrans-issued credits for billboards adjacent to landscaped freeway segments, in line with what is allowed by State law.

This amendment would not in any way relieve billboard developers of compliance with all other applicable zoning restrictions. A new or converted billboard would still need to

be located in the appropriate zoning district (regional commercial or industrial), fronting on a major arterial or higher street classification, and would still need to comply with all distance and spacing requirements, as well as all takedown requirements. These restrictions would continue to preclude billboard development on the entire length of the 605 freeway in Long Beach, which is adjacent to residential and park zoning districts, as well as most of the 405 freeway, which is also adjacent to residential zoning districts. Portions of the 91 and 710 freeways that are adjacent to residential zoning districts also would be unaffected. Only certain portions of the 91 and 405 freeways adjacent to commercial and industrial zoning would be affected by this change. Staff has found that these areas are appropriate for new billboard development and would further the City's goal of achieving removal of nonconforming billboards, if new billboard projects were approved.

On March 3, 2016, the Planning Commission reviewed this project and conducted a public hearing, at the conclusion of which the Planning Commission recommended the City Council act to approve the recommendation. There was no stated opposition to this proposal when it was reviewed and approved by the Planning Commission.

This matter was reviewed by Assistant City Attorney Michael J. Mais on April 6, 2016 and by Budget Management Officer Victoria Bell on April 14, 2016.

ENVIRONMENTAL REVIEW

In accordance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines, a Categorical Exemption was prepared for this project. The Categorical Exemption found that the proposed code amendment is categorically exempt from the provisions of CEQA under Class 5—Minor Alterations in Land Use Limitations (Exhibit C – Categorical Exemption CE-16-026).

TIMING CONSIDERATIONS

Because the request is a Zoning Code Amendment, Section 21.25.103.A.1 of the Zoning Regulations requires a hearing on this item by the City Council within 60 days of the Planning Commission hearing, which took place on March 3, 2016.

FISCAL IMPACT

There is no fiscal or local job impact associated with this recommendation.

SUGGESTED ACTION:

Approve recommendation.

HONORABLE MAYOR AND CITY COUNCIL

May 3, 2016

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Respectfully submitted,



AMY J. BODEK, AICP
DIRECTOR OF DEVELOPMENT SERVICES

AJB:LT:sk

P:\Planning\City Council Items (Pending)\Council Letters\2016\5-03-16\Council letter 5.03.16 Billboard Ordinance Amendment v2.docx

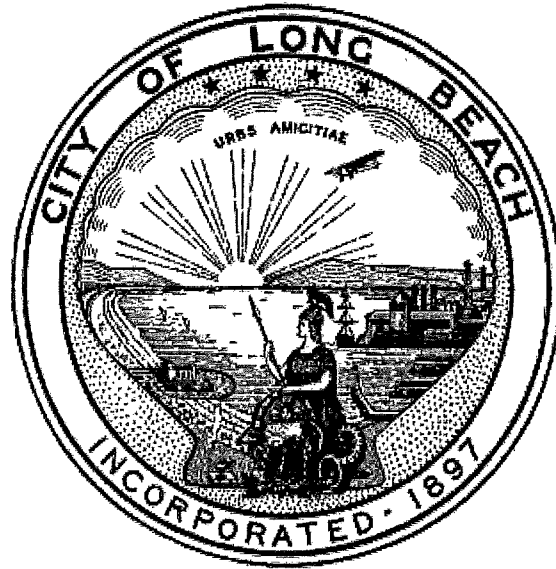
Attachments: Exhibit A – 2014 Billboard Ordinance
Exhibit B – Map of Existing Billboard Locations, Zoning, and Buffers
Exhibit C – Categorical Exemption CE-16-026
City Council Ordinance

APPROVED:



PATRICK H. WEST
CITY MANAGER

**LONG BEACH MUNICIPAL CODE
TITLE 21 – ZONING ORDINANCE**



**CHAPTER 21.54
BILLBOARDS
(OFF-PREMISES SIGNS)**

Effective July 17, 2014

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Billboard Definitions—Excerpted from Chapter 21.15 – DefinitionsContents

21.15.030	Abandoned
21.15.370	Billboard
21.15.372	Billboard, abandoned
21.15.374	Billboard, electronic
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21.15.2577	Sign, electronic message center
21.15.2650	Sign, off-premises
21.15.2980	Supergraphics

21.15.030 Abandoned.

"Abandoned" means given up, deserted, forsaken, demolished or changed to another use. A nonconforming use shall be considered abandoned if not used for a period of one (1) year, if the business license establishing the use has expired, and remained expired, for a period of one (1) year or if the structure housing the use is demolished or rebuilt.

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.

21.15.372 Billboard, abandoned.

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

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.

21.15.1835 Mural.

"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 facade, 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.

21.15.1920 Outdoor advertising.

See "Billboard."

21.15.2577 Sign, electronic message center.

"Electronic message center sign" is a sign whose alphabetic, pictographic, or symbolic informational content can be changed or altered on a fixed display surface composed of electrically-illuminated or mechanically-driven changeable segments. This includes signs whose informational content can be changed or altered by means of computer- or circuit-driven electronic impulses. An electronic message center sign displays only on-site sign copy, information, and advertising; otherwise it shall be considered a billboard. Electronic message center sign does not include a sign that displays only time, date, and/or temperature if it is six (6) square feet or smaller.

21.15.2650 Sign, off-premises.

See "Billboard."

21.15.2980 Supergraphics.

"Supergraphic" means a sign, containing either on-site or off-site advertising, consisting of sign copy and/or an image that is applied to a building, structure, or wall, or projected onto a building, structure, or wall, or printed on vinyl, mesh, fabric, or any other material, and hung from or wrapped about a building or structure, and which does not comply with the requirements for a permitted sign type under the provisions of Chapter 21.44, or the requirements for a billboard under Chapter 21.54. The term "supergraphic" also shall include signs known as "building wraps."

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Chapter 21.54 – Billboards (Off-Premises Signs)

Contents

Purpose and Definitions

Division I	Use Regulations
Division II	Development Standards
Division III	Abandoned and Illegal Billboards
Division IV	Nonconforming Billboards

21.54.010 – Purpose.

Billboards are recognized as a legitimate form of commercial use in the City. However, the size, number, location and illumination 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. Additionally, it is the purpose of this Chapter to eventually eliminate nonconforming billboards from the City, especially in residential zoning districts and other sensitive areas, through the creation of incentives for the development of conforming billboards linked to requirements for removal of nonconforming billboards in exchange.

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 residential and/or commercial uses;
- C. "Residential districts," when referenced in this Chapter, shall include those Planned Development (PD) Districts, or sub-areas thereof, allowing residential uses;
- D. "Adjacent," when used to refer to a billboard adjacent to a freeway, shall mean located within, either in whole or in part, an area formed by measuring six hundred sixty feet (660') laterally from the edge of the right-of-way of a landscaped freeway section along a line perpendicular to the center line of the freeway (as defined in California Code of Regulations, Title 4, Chapter 1, Section 2242);

- E. “Freeway-oriented” shall mean any billboard that is adjacent to a freeway, as set forth in (D) above, and designed to be viewed primarily by persons traveling on the main-traveled way of the freeway.

21.54.030 – Consistency with the Outdoor Advertising Act.

To the extent that there is any conflict between the provisions of this Chapter and the provisions of the Outdoor Advertising Act, California Business and Professions Code Sections 5200, et seq., the Outdoor Advertising Act shall prevail.

21.54.040 – Severability clause.

If any provision or clause of this Chapter or the application thereof to any person or circumstance is held to be unconstitutional or to be otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other Chapter provisions or clauses or applications, and to this end the provisions and clauses of this Chapter are declared to be severable.

Division I – Use Regulations

21.54.110 – Use regulations.

Billboards are a principal use of land and are restricted to the zoning districts indicated in Table 54-1 of this Chapter. Any type, style, or location of billboard development not specifically permitted by this Chapter shall be prohibited.

21.54.111 – Conditional Use Permit required.

A Conditional Use Permit shall be obtained prior to the issuance of a building permit for any project involving construction of a new billboard or electronic billboard, conversion of an existing billboard to an electronic billboard, expansion or modification of a billboard, or addition of additional face(s) to a billboard, and as otherwise specified in this Chapter and Title. No Conditional Use Permit shall be approved unless the required findings, contained in Section 21.54.115, are made. A Conditional Use Permit shall not be required if a development agreement is applied for and executed in accordance with Section 21.54.112. Any Relocation Agreement, as provided for under the provisions of the Outdoor Advertising Act (California Business and Professions Code section 5412, et seq), shall be accomplished through the development agreement process.

21.54.112 – Development agreements.

- A. An applicant shall be eligible to apply for a development agreement in accordance with Chapter 21.29 in the event that it is infeasible to comply with the provisions of Section 21.54.160. This development agreement shall be in

lieu of the Conditional Use Permit required by Sections 21.54.111, 21.54.140, and 21.54.150.

- B. For the purpose of this Section, an applicant shall be required to demonstrate to the satisfaction of the relevant approval body that it lacks an inventory of non-freeway-oriented billboards eligible for removal such that would satisfy Section 21.54.160. A finding of “infeasibility” is at the discretion of the relevant approval body.
- C. For the purpose of this Section, an applicant shall not be deemed ineligible to apply for a development agreement because the applicant cannot meet the lot size requirement set forth in Section 21.29.020.
- D. All development agreements entered into in accordance with this Section shall contain appropriate standards and public benefits and shall comply with all other requirements and standards imposed by this Chapter, except the conditional use permit requirement of Section 21.54.111. However, the development agreement shall address the Conditional Use Permit findings of Section 21.54.115, and declare whether said findings can be made as part of the determination of appropriate standards and public benefits.
- E. Billboards constructed on property owned by the City or its related agencies may be accomplished by lease or license in lieu of a development agreement, and any reference to a development agreement in this Chapter shall include leases or licenses on such properties.
- F. Any aggrieved applicant or person may appeal the determination of the Planning Commission regarding a finding of infeasibility to the City Council in accordance with the appeal provisions set forth in Chapter 21.21, Division V, of this Title.
- G. In lieu of meeting the removal requirements of Section 21.54.160, the terms of the development agreement shall require the following of the applicant:
 - 1. For construction of a new freeway-oriented billboard, the applicant shall be required to permanently remove, at a minimum, an existing freeway-oriented billboard or billboards with total display surface area equal to that of the proposed billboard(s). However, a greater removal ratio may be required at the discretion of the approving body.
 - 2. The applicant shall agree (using a written instrument to the satisfaction of the City Attorney) 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 (under Sections 2511 or 2512 of the California Code of Regulations).
 - 3. All new freeway-oriented billboards approved under the development agreement shall be located at least three hundred feet (300') from a

Residential, Institutional, or Park zoning district and shall not be adjacent to (as defined in Section 21.54.020.D) a landscaped freeway segment, as set forth in Section 21.54.120.B.2.

- H. All applicants shall be eligible to apply for a development agreement for the conversion of a freeway-oriented billboard to electronic, including existing billboards located adjacent to a landscaped freeway segment, regardless of the infeasibility requirement of Sub-section 21.54.112.B.

21.54.113 – Sponsorship or advertising on public property under Chapter 16.55.

Any contract, permit, license or agreement entered into in accordance with Chapter 16.55 of the Long Beach Municipal Code shall not be subject to the zoning regulations set forth in this Chapter.

21.54.114 – Separate applications.

Each individual proposal for construction of a new billboard or electronic billboard, or modification of a billboard, or conversion of an existing billboard to an electronic billboard, shall be considered a separate application, and each application shall be separately and individually subject to a Conditional Use Permit, and the provisions and requirements of this Chapter. Multiple sites shall not be combined into one application. This Section shall not apply to applications for development agreements under Section 21.54.112.

21.54.115 – Required findings.

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

- A. The proposed billboard does not represent a net increase in billboard sign area Citywide,
- 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.
- C. The billboard shall not constitute a hazard to the safe and efficient operation of vehicles upon a street or freeway.
- 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,

- 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.
- 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.
- 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.

21.54.118 – Locations allowed.

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

21.54.119 – Restricted to certain street classification types.

Billboards shall only be located on lots abutting certain classifications of public right-of-way, as set forth in Table 54-1.

21.54.120 – Locations prohibited.

- A. **General.** No new off-premises sign (billboard) shall be located:
 - 1. On or over a public right-of-way;
 - 2. Within ninety feet (90') of any residential, institutional or park district;
 - 3. Within any Planned Development District (PD), unless explicitly allowed by that PD ordinance;
 - 4. On the roof of any building whether the building is in use or not;
 - 5. On a wall of a building or otherwise attached or integrated to, or suspended from a building, unless explicitly approved by the Site Plan Review Committee and the Planning Commission;
 - 6. Overhanging a building; or
 - 7. Within eight feet (8'), in any direction, of a building, measured at the nearest distance between the sign surface or structure and the building, so as not to provide an attractive nuisance for graffiti and vandalism.
- B. **Additional restrictions for freeway-oriented billboards.** In addition to the above restrictions, no new freeway-oriented off-premises sign (billboard) shall be placed or maintained:
 - 1. Within three hundred feet (300') of any residential, institutional or park district;

2. Within six hundred sixty feet (660') of a section of a freeway that has been landscaped, if the advertising display is designed to be viewed primarily by persons traveling on the main-traveled way of the landscaped freeway (see "Adjacent," Section 21.54.020.D). This shall include the following landscaped freeway sections:
 - a. **710 Freeway:**
 - (1) North City boundary to south side of interchange with 91;
 - (2) South of interchange with 91 to south side of northbound Long Beach Boulevard off-ramp on east side of freeway only;
 - (3) South of north edge of southbound Del Amo Avenue off-ramp to south edge of northbound Del Amo Avenue off-ramp;
 - (4) North edge of southbound transition ramp to 405 Freeway to south edge of the 405 to 710 southbound transition ramp on west side of 710;
 - (5) North edge of 405 to 710 transition ramp to south edge of northbound Pacific Coast Highway off-ramp on east side;
 - (6) North edge of southbound Willow Street off-ramp to south edge of southbound Willow Street on-ramp on west side of 710;
 - (7) North edge of southbound Anaheim Street off-ramp to center line of Anaheim Street;
 - (8) South of Fifth Street.
 - b. **91 Freeway:**
 - (1) West City boundary to east edge of eastbound Long Beach Boulevard on-ramp;
 - (2) Western edge of 710 Freeway right-of-way to eastern City boundary;
 - c. **405 Freeway:** Entire length in City;
 - d. **605 Freeway:** Entire length in City;
 - e. **22 Freeway:** Entire length in City.

21.54.125 – Types of billboards prohibited.

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

- A. **Mobile billboards.** Any billboard installed upon, mounted, attached, or applied to any vehicle, non-motorized vehicle, bicycle, scooter, or trailer whose primary purpose is conveyance, transportation, or support of the billboard message surface shall be prohibited from any display or placement on public or private property or the public right-of-way in a manner making it visible from any other public or private property or the public right-of-way;
- B. Any billboard integrated, incorporated, or otherwise included into the architectural design of a building, unless explicitly approved by the Site Plan Review Committee and Planning Commission, or otherwise approved as part of a lease agreement entered into with the City prior to January 1, 2014; and
- C. **Supergraphics.** Any off-site advertisement meeting the definition of “supergraphic” as defined in Section 21.15.2980 shall be prohibited. The only exception shall be for a temporary supergraphic allowed under a special events permit.

21.54.130 – Landscaped segment relocation credits.

- A. 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 landscaped freeway segments, unless so mandated by the Outdoor Advertising Act. In the case that the Outdoor Advertising Act requires the City to permit construction of a new billboard using such credits, the removal requirements of Section 21.54.160.A or B shall apply, unless also preempted by the Outdoor Advertising Act, or unless the conversion is the subject of a development agreement, in which case the provisions of 21.54.112 (Development Agreements) shall apply..
- B. Conversion of existing billboards located in landscaped freeway segments to electronic billboards using such credits shall be allowed, and in this case the removal requirements of Section 21.54.160.A or B shall apply, unless preempted by the Outdoor Advertising Act, or unless the conversion is the subject of a development agreement, in which case the provisions of 21.54.112 (Development Agreements) shall apply.

21.54.140 – Conversion of non-electronic billboards to electronic.

The City hereby declares that the vested rights held by existing billboards, whether conforming or nonconforming to this Chapter, do not allow conversion of said

billboards to electronic billboards as a matter of right. No existing billboard shall be converted to an electronic billboard unless the following conditions are met:

- A. A Conditional Use Permit is obtained by the applicant;
- B. The billboard meets the requirements of Table 54-1;
- C. The applicant obtains all required building permits; and
- D. Other existing billboard display surface area is permanently removed from the City as required by Section 21.54.160.A or B, as applicable.

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

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

- A. A Conditional Use Permit is obtained by the applicant;
- B. The billboard meets the requirements of Table 54-1;
- C. The applicant obtains all required building permits; and
- D. Other existing billboard display surface area is permanently removed from the City as required by Section 21.54.160.A or B, as applicable.

21.54.160 – Citywide billboard capacity limited.

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

- A. An existing nonconforming billboard or billboards (as specified in Section 21.54.170) shall first be permanently removed from within the City as set forth in Table 54-2.
 - 1. Nonconforming billboards shall be removed with the following priority, in order of highest priority to lowest:

- a. Nonconforming billboards located in a residential zoning district and not adjacent to a street classified as a Freeway, Regional Corridor, or Major Arterial;
 - b. Nonconforming billboards located in a Planned Development District (or a subarea thereof) allowing residential uses and not adjacent to a street classified as a Freeway, Regional Corridor, or Major Arterial;
 - c. All other nonconforming billboards located in a residential zoning district or Planned Development District allowing residential uses;
 - d. All other nonconforming billboards located in a General Plan Land Use District allowing residential uses; and
 - e. All other nonconforming billboards;
2. Nonconforming billboards with more than one face shall be removed in their entirety and shall not be altered or partially dismantled in such a way as to leave behind one or more faces or portion(s) thereof.
- B. If existing nonconforming billboards are permanently removed to satisfy Section 21.54.160.A, until no such nonconforming billboards (as specified in Section 21.54.170) remain in the City, then existing billboard area shall first be permanently removed from within the City as set forth in Table 54-3. It shall be the responsibility of the applicant to demonstrate, to the satisfaction of the Director of Development Services, that no nonconforming billboards remain in the City.
- 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 (2) three hundred (300) square-foot faces is proposed, a sum of six hundred (600) square feet shall be used to calculate the amount of removal required;
- D. In all cases, the required removals shall be completed in accordance with one of the two following alternatives:
1. The required removals shall be completed prior to issuance of a building permit for the new, converted, expanded or otherwise altered billboard; or
 2. The Applicant shall, as part of the Conditional Use Permit approval process, provide a cash bond or equivalent financial instrument to the satisfaction of the Director of Financial Management, in an amount as determined by the Planning Commission to reasonably insure the prompt removal of billboards in accordance with this Section.

Regardless of the alternative selected, the applicant shall provide a list of all billboards to be removed to meet the removal requirements of Section 21.54.160 (A) or (B), and shall obtain a separate demolition permit for each. In order that the applicant should not be subject to possible loss of development rights lawfully obtained through a Conditional Use Permit and performance of the required removal of billboards, said development rights, once obtained, shall be considered vested for one (1) year from the date of final action of the Conditional Use Permit or the date of execution of the development agreement by the City.

- E. **Fractional numbers and removal.** The purpose of (A) and (B) above is to require removal of a certain amount of billboard display surface area, rather than a specific number of billboards. However, it is not desirable for an existing billboard to be altered to reduce its size to comply with these requirements, due to the negative aesthetic impacts such alteration may create. Therefore, no billboard shall be reduced in size or otherwise altered to provide for the required removal, and only whole, entire billboard(s) shall be removed. In no case shall less than the required amount of display surface area be removed;
- F. **Ownership.** Section 21.54.160.B shall not come into effect until all nonconforming billboards (as specified in Section 21.54.170) are removed from within the City, regardless of the ownership or management of those nonconforming billboards. Specifically, a party owning or managing billboards shall not be eligible for Section 21.54.160.B if only the nonconforming billboards owned or managed by that party are removed, while other nonconforming billboards yet remain in the City;
- G. **Other removal.** Any billboard removed or demolished from within the City, or reduced in size, not in conjunction with a project requiring removal under Section 21.54.160.A or B, shall not be credited toward the removal requirements of Section 21.54.160.A or B above.

21.54.170 – Nonconformity defined for purposes of removal requirements.

A billboard shall be considered nonconforming for the purposes of the removal requirements set forth in Section 21.54.160, if it is any of the following:

- A. Not located in a zoning district allowed by Table 54-1;
- B. Not located adjacent to a freeway or street having a street classification type allowed in Table 54-1;
- C. Located on a building or building rooftop.

**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.	As required by California Department of Transportation, otherwise 500 ft.	Freeway, Regional Corridor, or Major Arterial (c)(d)	CHW (e), CS, IL, IM, IG, IP (f)
2. Non-freeway-oriented new billboard, electronic or non-electronic	675 sq. ft.	35 ft. above curb grade.	As required by California Department of Transportation, otherwise 300 ft.	Regional Corridor, or Major Arterial only (c)(d)	CHW (e), IL, IM, IG, IP (f)
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.	As required by California Department of Transportation, otherwise no limit	Freeway Regional Corridor, or Major Arterial only (c)	CCA, CCP, CHW (e), CS, IL, IM, IG, IP (f), PR
4. Expansion of existing electronic or non-electronic billboard (does not include conversion to electronic)	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.	N/A	Freeway, Regional Corridor, or Major Arterial only(c)	CCA, CCP, CHW (e), CS, IL, IM, IG, IP (f)

Footnotes:

(a) Required spacing between billboards on same side of the right-of-way, whether electronic or non-electronic.

- (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 2013 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.
- (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.
- (e) Also allowed in the obsolete CH commercial highway zoning district.
- (f) Billboards in the IP zoning district shall require approval of the Harbor Department.
- (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	2013 General Plan Mobility Element Street Classification Type Designation
Freeway	Freeway
Regional Corridor	Regional Corridor
	Boulevard
Major Arterial	Major Avenue
Minor Arterial	Minor Avenue
Collector Street	Neighborhood Connector
Local Street	Local Street

Table 54-2

Billboard Removal Ratios for Nonconforming Billboards

Under Section 21.54.160.A (If any nonconforming billboards as set forth in Section 21.54.170 are still present in City)	
Project	Required Removal Ratio ^(a)
1. New electronic billboard	8 times the area of the proposed billboard ^(b)
2. New non-electronic billboard	6 times the area of the proposed billboard ^(b)
3. Conversion of existing billboard to electronic with no expansion of area	4 times the area of the billboard to be converted ^(b)
4. Conversion of existing billboard to electronic with expansion of area	8 times the area of the final size of the proposed billboard ^(b)
5. Expansion of existing electronic billboard	8 times the area of the proposed net increase in area ^(b)
6. Expansion of existing non-electronic billboard	6 times the area of the proposed net increase in area ^(b)

Footnotes:

- a) See Section 21.54.112.G for required removal for Development Agreements
- b) At a minimum. However, in order to comply with Section 21.54.160.E, only whole billboards shall be removed.

Table 54-3

Billboard Removal Ratios for Conforming Billboards

Under Section 21.54.160.B (After all nonconforming billboards as set forth in Section 21.54.170 have been removed from City)	
Project	Required Removal Ratio ^(a)
1. New electronic or non-electronic billboard	Area equal to the proposed billboard ^(b)
2. Conversion of existing billboard to electronic	Area equal to the proposed billboard ^(b)
3. Any other expansion or modification of an existing billboard (electronic or non-electronic)	Area equal to the proposed net increase ^(b)

Footnotes:

- a) See Section 21.54.112.G for required removal for Development Agreements
- b) At a minimum. However, in order to comply with Section 21.54.160.E, only whole billboards shall be removed.

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.

21.54.222 – Face orientation.

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

21.54.223 – Name of owner.

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

21.54.230 – Spacing.

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

21.54.240 – Supports.

Billboards shall be provided with no more than one (1) support, and the support shall be constructed of steel. The support shall be architecturally treated to the satisfaction of the Planning Commission. At a minimum, unpainted steel structural supports and wood structural supports shall be prohibited.

21.54.250 – Lighting.

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

21.54.260 – Clearance.

- A. **Driveways.** Billboards projecting over a driveway or driving aisle shall have a minimum clearance of sixteen feet (16') between the lowest point of the sign and the driveway grade.
- B. **Pedestrian Walkway.** Billboards projecting over a pedestrian walkway shall have a minimum clearance of eight feet (8') between the lowest point of the sign and the walkway grade.
- C. **All Others.** All other billboards shall have a minimum clearance of eight feet (8') between the lowest point of the sign and ground level so as not to provide an attractive nuisance for graffiti and vandalism.

21.54.265 – Projection.

No billboard shall project over a public sidewalk unless an encroachment permit is granted by the Department of Public Works. In all cases, a billboard shall be a minimum of two feet (2') away from the curb. No billboard shall project over a public alley.

21.54.270 – Screening.

All back or rear portions of single-faced and V-type billboards visible from a public right-of-way or other public or private property shall be screened. The screening shall cover all structural members of the sign, not including the pole supports, and shall additionally cover all electrical or electronic display equipment, and any associated antennas, cables, and other appurtenances.

21.54.280 – Design and brightness restrictions.

- A. **Billboards shall not contain any of the following:**
 - 1. Moving parts;
 - 2. Appendages, cut-out letters or figures that exceed twenty percent (20%) of the permitted sign area or that protrude more than twelve inches (12") beyond the flat surface of the sign face;
 - 3. Lights that flash, shimmer, glitter or give the appearance of flashing, shimmering or glittering. Exceptions to this restriction include time, temperature and smog index units, provided the frequency of change does not exceed four (4) second intervals;
 - 4. Walls or screens at the base of the sign which create a hazard to public safety or provide an attractive nuisance;

5. Copy which simulates any traffic sign in a manner which confuses the public; or
6. Devices which emit audible sound, or odor or particulate matter.

B. For electronic billboards, the following restrictions also shall apply:

1. The duration of each message displayed shall be at least eight (8) seconds;
2. No message shall move, flash, shimmer, glitter, or give the appearance of moving, flashing, shimmering or glittering;
3. There shall be a direct change from each message to the next, with no blank or dark interval in between, to avoid a flashing or blinking effect;
4. Display of any form of motion or apparent motion within the message, and any form of video, are prohibited;
5. Any sign area not comprising the electronic display panel is prohibited. This includes, but is not limited to, static sign area, appendages, cut-out letters, and figures. A frame surrounding the display panel up to 12 inches in width shall be permitted, and shall not contain any sign copy or graphics, and shall not count toward the sign area;
6. The brightness of the display surface shall be limited as follows:
 - a. Dawn to dusk: unlimited;
 - b. Dusk to dawn: the display surface shall not produce luminance in excess of 0.3 foot-candles above ambient light conditions, or the level recommended by the Illuminating Engineering Society of North America (IESNA) for the specific size and location of the billboard, whichever is less. Measurement of luminance shall be carried out in accordance with established scientific methods and industry standards, specifically IESNA TM-11-00, or a successive IESNA technical publication;
7. The display brightness shall be controlled by a photocell or light sensor that adjusts the brightness to the required dusk-to-dawn level based on ambient light conditions without the need for human input. Use of other brightness adjustment methods, such as timer- or calendar-based systems, shall only be used as a backup system;
8. The display shall be factory-certified as capable of complying with the above brightness standards. Such certification shall be provided to the satisfaction of the Director of Development Services; and

9. The billboard owner shall provide to the City, upon request, certification by an independent contractor that the brightness levels of the electronic billboard are in compliance with the requirements of this Section.
10. All electronic billboards shall be oriented, and adequately shielded if necessary, so as to prevent the trespass of light and glare upon any residential land uses, including those in mixed-use districts, as existed on the date of building permit issuance; and
11. All electronic billboards shall be equipped with a control system that, in the event of a display or control malfunction, “freezes” the display on either a single, unchanging message, or a blank screen.

21.54.285 – Additional requirements.

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

- A. The telephone number of a maintenance service, to be available twenty-four (24) hours a day, to be contacted in the event that a billboard becomes dilapidated or damaged, or malfunctions in the case of electronic billboards;
- B. Proof of lease demonstrating a right to install the billboard on the subject property;
- C. A list and map of locations of all billboards in the City owned or managed by the entity that will own or manage the subject billboard, to the satisfaction of the Director of Development Services. This information also shall be provided on a map. The intent of this requirement is to facilitate analysis of the proposed billboard’s compliance with the spacing and location requirements, as well as the nonconforming billboard removal requirements of this Chapter.

21.54.290 – Maintenance.

All billboard structures shall be maintained in a neat, clean, and orderly condition. Any structure which is highly rusted, has peeling paint or sign copy, or in any other way appears unattractive or in disrepair shall be deemed in violation of this Chapter and shall be removed or repaired in accordance with the provisions of this Chapter. Any structure which the City Engineer or Building Official identifies as an immediate threat to public safety may be removed by the City Engineer or Building Official, or his designee, without notice to the property owner and at the property owner’s expense.

Division III – Abandoned and Illegal Billboards

21.54.310 – Abandoned billboards.

Any billboard meeting the definition of abandoned in this Title (Section 21.15.030 “Abandoned”), and which can, under the applicable provisions of the Outdoor Advertising Act, be considered abandoned and having no rights to remain, shall be removed immediately at the expense of either the billboard owner or property owner. Where consistent with the Outdoor Advertising Act, the City Manager or his designee shall have the authority to enter onto private property and cause such removal, and recover the costs of said removal from the property owner.

21.54.320 – Illegal billboards.

Illegal billboards shall have no vested rights under the Long Beach Municipal Code. Illegal billboards shall either be brought into legal conforming status, or removed by the owner immediately, subject to any applicable restrictions in the Outdoor Advertising Act. Where consistent with the Outdoor Advertising Act, the City Manager or his designee shall have the authority to enter onto private property and cause such removal, and recover the costs of said removal from the property owner.

Division IV – Nonconforming Billboards

21.54.410 – Amortization of nonconforming billboards.

It is the intent of this Chapter to require the eventual elimination of existing billboards which do not conform to the provisions of this Chapter, as allowed by the Outdoor Advertising Act. It is also the intent of this Chapter to ensure that the elimination of nonconforming billboards occurs as expeditiously and fairly as possible and avoids any unreasonable invasion of established property rights. Therefore an amortization program is established as allowed under the Outdoor Advertising Act (Section 5412, et seq., of California Business and Professions Code).

21.54.420 – Removal by amortization.

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

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

21.54.430 – Continuation of use.

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

- A. The billboard, including copy, is maintained in good repair; and
- B. The billboard is not enlarged, and additional faces are not erected on the billboard structure.

21.54.440 – Repair.

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

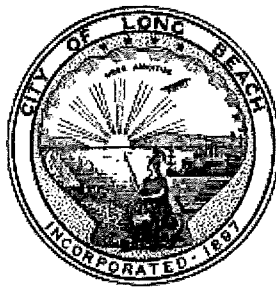
21.54.450 – Nonconforming billboards—Replacement.

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

- A. The billboard shall be of the same size or smaller, with the same number of faces or fewer, and the billboard shall not be an electronic billboard if the destroyed billboard was not an electronic billboard. A conditional use permit shall be required in accordance with Section 21.54.111, and the removal requirements of Section 21.54.160 shall apply, if the replacement does not comply with this Subsection;
- B. All development standards of this Chapter and Title shall be met, excepting the conditional use permit requirements of Section 21.54.111, and the removal requirements of Section 21.54.160;
- C. A building permit shall be obtained;
- D. In cases of uncertainty as to the extent of damage to the billboard, the Long Beach Building Official shall be authorized to determine if the billboard is catastrophically damaged; and

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

Department of Development Services
Planning Bureau



(562) 570-6194 | lbsds.longbeach.gov

City of Long Beach
California

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08

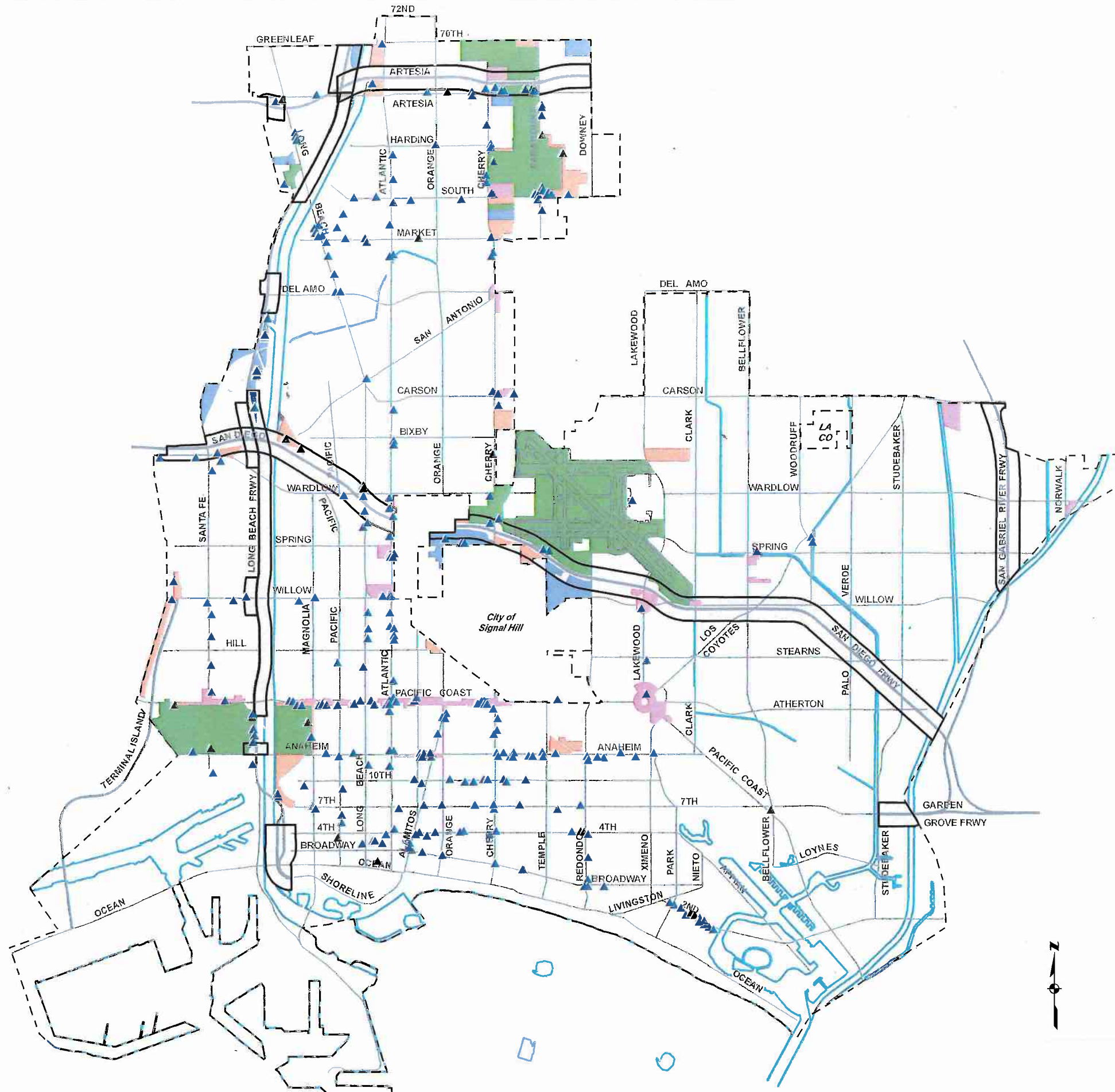
Development Services
Existing Billboard
Areas

(with current
billboard locations)

Map Features

Zoning Classifications

- CHW
- IG
- IL
- IM
- Current Billboard Locations
- Freeway Buffer(600 ft.)
L BMC 21.54.120.B.2



Department of
Technology Services
GIS





NOTICE of EXEMPTION from CEQA

CITY OF LONG BEACH | DEPARTMENT OF DEVELOPMENT SERVICES
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., Room 1201
Norwalk, CA 90650

Project Title: CE-16-026

Project Location/Address: Citywide

Project Activity/Description: Minor text amendment to zoning regulations, to allow the use of Caltrans "credits" for construction of new billboards adjacent to designated landscaped freeway segments where this would be allowed by all other development standards.

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

Applicant Name: City of Long Beach, Dept. of Development Services

Mailing Address: 333 W. Ocean Blvd., 5th Floor Long Beach, CA 90802

Phone Number: (562) 570-6194 Applicant Signature: [Signature]

BELOW THIS LINE FOR STAFF USE ONLY

Application Number: 1602-05 Planner's Initials: SK

Required Permits: Zoning Code Amendment

THE ABOVE PROJECT HAS BEEN FOUND TO BE EXEMPT FROM CEQA IN ACCORDANCE WITH STATE GUIDELINES SECTION 15305 Minor Alterations in Land Use Limitations

Statement of support for this finding: Project consists of a minor change to billboard regulations Citywide, governing a small aspect of adopted development standards.

Contact Person: Scott Kinsey

Contact Phone: (562) 570-6194

Signature: [Signature]

Date: 2/22/16

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

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ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF LONG BEACH AMENDING THE LONG BEACH
MUNICIPAL CODE BY AMENDING SUBSECTIONS
21.54.120.B.2 AND 21.54.130.A, RELATING TO
BILLBOARDS

The City Council of the City of Long Beach ordains as follows:

Section 1. Chapter 21.54.120.B.2 of the Long Beach Municipal Code is amended to read as follows:

2. Within six hundred sixty feet (660') of a section of a freeway that has been landscaped, if the advertising display is designed to be viewed primarily by persons traveling on the main-traveled way of the landscaped freeway (see "Adjacent," Subsection 21.54.020.D), unless otherwise authorized by the Outdoor Advertising Act and/or Caltrans regulations. This shall include the following landscaped freeway sections:

- a. 710 Freeway:
 - (1) North City boundary to south side of interchange with 91;
 - (2) South of interchange with 91 to south side of northbound Long Beach Boulevard off-ramp on east side of freeway only;
 - (3) South of north edge of southbound Del Amo Avenue off-ramp to south edge of northbound Del Amo Avenue off-ramp;
 - (4) North edge of southbound transition ramp to 405

- 1 Freeway to south edge of the 405 to 710
2 southbound transition ramp on west side of 710;
3 (5) North edge of 405 to 710 transition ramp to south
4 edge of northbound Pacific Coast Highway off-ramp
5 on east side;
6 (6) North edge of southbound Willow Street off-ramp to
7 south edge of southbound Willow Street on-ramp on
8 west side of 710;
9 (7) North edge of southbound Anaheim Street off-ramp
10 to center line of Anaheim Street;
11 (8) South of Fifth Street.
12 b. 91 Freeway:
13 (1) West City boundary to east edge of eastbound Long
14 Beach Boulevard on- ramp;
15 (2) Western edge of 710 Freeway right-of-way to
16 eastern City boundary;
17 c. 405 Freeway- Entire length in City;
18 d. 605 Freeway- Entire length in City;
19 e. 22 Freeway-Entire length in City.
20

21 Section 2. Subsection 21.54.130.A of the Long Beach Municipal Code
22 is amended to read as follows:

23 A. No new billboard shall be constructed or installed within the
24 City through utilization of credits given by the California Department of
25 Transportation or the Outdoor Advertising Act for relocation of billboards
26 located in landscaped freeway segments, unless authorized by the
27 Outdoor Advertising Act and/or Caltrans regulations. In the case that the
28 Outdoor Advertising Act and/or Caltrans regulations authorize the City to

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

1 permit construction of a new billboard using such credits, the removal
2 requirements of Subsection 21.54.160.A or B shall apply, unless
3 preempted by the Outdoor Advertising Act, or unless the conversion is the
4 subject of a development agreement, in which case the provisions of
5 Section 21.54.112 (Development Agreements) shall apply.
6

7 Section 3. The City Clerk shall certify to the passage of this ordinance
8 by the City Council and cause it to be posted in three conspicuous places in the City of
9 Long Beach, and it shall take effect on the thirty-first day after it is approved by the
10 Mayor.

11 I hereby certify that the foregoing ordinance was adopted by the City
12 Council of the City of Long Beach at its meeting of _____, 2016, by
13 the following vote:

14			
15	Ayes:	Councilmembers:	_____
16			_____
17			_____
18			_____
19	Noes:	Councilmembers:	_____
20			_____
21	Absent:	Councilmembers:	_____
22			_____
23			_____

24
25 _____
City Clerk

26
27 Approved: _____

28 _____
Mayor