



CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

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Long Beach, CA 90802

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September 17, 2015

CHAIR AND PLANNING COMMISSIONERS
City of Long Beach
California

RECOMMENDATION:

Deny a Conditional Use Permit request for a proposed electronic message center sign to be attached above an existing 58-foot-tall freestanding sign at 3400 Locust Avenue in the CCA and R-1-N zoning districts. (District 8)

APPLICANT: Caba Toyota
c/o Dan Duddridge
1749 E. 28th Street
Signal Hill, CA 90755
(Application No. 1506-01)

DISCUSSION

The applicant is requesting approval of a Conditional Use Permit to allow a new, one-sided, 450-square-foot electronic message center sign above an existing 58-foot-tall (40 feet from freeway grade), 567-square-foot, double-sided freestanding freeway-oriented sign. The existing sign is located on a 7,819-square-foot lot that contains a one-story, 3,032-square-foot vehicle storage building at 3400 Locust Avenue in the CCA and R-1-N zoning districts (Exhibit A – Location map).

The existing doubled-sided, internally illuminated cabinet sign was allowed by means of a Classification of Use Permit approved by the Planning Commission on August 5, 2010. The subject site, which contains an existing freeway-oriented static sign, is located adjacent to a residential neighborhood to the north.

Because the existing freestanding sign is associated with the vehicle storage building for Caba Toyota, the address for the auto sales businesses is not allowed to be displayed. The display of product at an off site location would be considered a billboard. The existing sign is considered a freestanding sign in terms of its size and placement. However, in terms of design, this sign is legal-nonconforming and would not be allowed under the newly adopted Sign Ordinance and will have to be brought into conformance with current Sign Ordinance regulations upon any change in the business license, according to Section 21.44.710B – Nonconforming signs.

The updated Sign Ordinance, adopted in October of 2013, included revisions to electronic message center signs (21.44.800- Electronic Message Center Signs) and requires a Conditional Use Permit for an electronic message center sign. These new standards

address signs on lots or parcels used for automobile storage and include the following regulations:

- **Lot or Building Minimum Size:** Electronic message center signs are allowed only at a business or shopping center or institutional use that is located upon five (5) or more acres of land. The five (5) or more acres must consist of one (1) contiguous group of parcels or lots, and must be held by one (1) owner. Alternately, an EMCS may be permitted for a single building consisting of one hundred fifty thousand (150,000) square feet or more in gross floor area. Such building must be located on one contiguous parcel or group of lots and be held by one (1) owner.

The proposed electronic message center sign is located on a 7,819-square-foot lot that contains a 3,032 square foot building. An electronic message center sign is not allowed (Section 21.44.820A) on a lot containing less than five acres of land, or a parcel with one building that is less than 150,00 square-feet in gross floor area. Therefore, it does not comply with zoning regulations and a positive finding cannot be made.

- **Same Site as Principal Use.** An electronic message center sign shall be located on the same parcel as the principal land use of the business or institution for which the sign is established. The sign shall not be located on a site containing only a land use or uses secondary to the primary operation of the business or institution. For example, an electronic message center sign shall not be located on a lot or parcel used for automobile storage by an automobile dealership whose primary sales operations are on a different site; nor shall an electronic message center sign be located on a lot or parcel used for parking for an institution if said institution is on a different parcel.

The electronic message center sign is located on a site used for automobile storage for Cabe Toyota and is not located on the same site as the principal business activity (Section 21.44.820B). Therefore, it does not comply with zoning regulations for the district and a positive finding cannot be made.

- **Zones permitted:** EMCS shall be allowed in certain zoning districts as provided in Table 44-5

In the CCA zone, an approved Conditional Use Permit is required (Section 21.44.820C). If findings cannot be made in support of the zoning regulations, an electronic message center sign is not allowed at this location. In the R-1-N zone, an electronic message center sign is not allowed. This site has split zoning; at its's most liberal interpretation, a CUP is required.

- **Distance from residential.** All EMCS shall have a minimum separation of one hundred feet (100') from a residential district.

The electronic message center sign is located on a lot that is partially zoned R-1-N. According to Section 21.44.830C, the sign is adjacent to a residential zone, and is within 100 feet of a residential use. A positive finding cannot be made.

- **Freeway-oriented EMCS.** A radius of six hundred sixty feet (660') shall be required between all freeway-oriented electronic message center signs. For freeway-oriented EMCS, and EMCS located adjacent to other State highways, if the requirements of the California Department of Transportation (Caltrans) are more restrictive, those requirements shall control (Section 21.44.830.C.5).

The proposed sign is not located within a 660-foot radius of another electronic message center sign.

- **Sign form.** An EMCS may take the form or style of a freestanding sign, monument sign, or wall sign only. Other forms are prohibited (Section 21.44.830.D).

The proposed electronic message center sign would be a freestanding sign.

- **Substitution for freestanding/monument signs and other sign removal.** For each EMCS to be emplaced, two (2) freestanding or monument signs, if extant, shall be removed from the subject site, on the same street frontage as the EMCS. Additional removal of other on-premises sign(s) may be required by the Planning Commission as a condition of approval.

If an approval were being recommended, staff would require the removal of the existing freestanding sign, and the placement of a stand alone electronic message center sign in the same location. Instead, the applicant is proposing to keep the existing freestanding sign and place the electronic message center sign above the existing freestanding sign.

Standard	Does it Comply?	Can Positive Findings be Made?
Lot/Building Size	No	No
Same as Principal Use	No	No
Zones Permitted	Yes	Yes
Distance from Residential Zone	No	No
Distance from Freeway	Yes	Yes
Sign Form	Yes	Yes
Substitution of Signs	No	No

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Based on an analysis of the site and location standards discussed above, staff could not make positive findings for approval of an electronic message center sign, in accordance with Long Beach Municipal Code section No. 21.52.229. Staff advised the applicant of these findings, and told the applicant that we could not legally support the proposal.

Because positive findings could not be made for this request, the Planning Commission cannot approve the request due to potential legal implications. Therefore, staff recommends that the Planning Commission deny the Conditional Use Permit request. Denial findings are attached for your consideration (Exhibit C – Findings).

Respectfully submitted,



JEFF WINKLEPLECK
CURRENT PLANNING OFFICER



LINDA F. TATUM, AICP
PLANNING BUREAU MANAGER



AMY J. BODEK, AICP
DIRECTOR OF DEVELOPMENT SERVICES

AJB: LFT: JW: sv

Attachments: Exhibit A - Location map
 Exhibit B - Plans
 Exhibit C - Findings

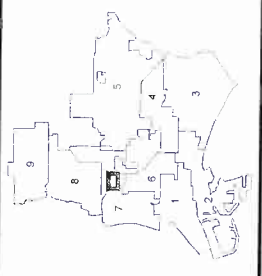
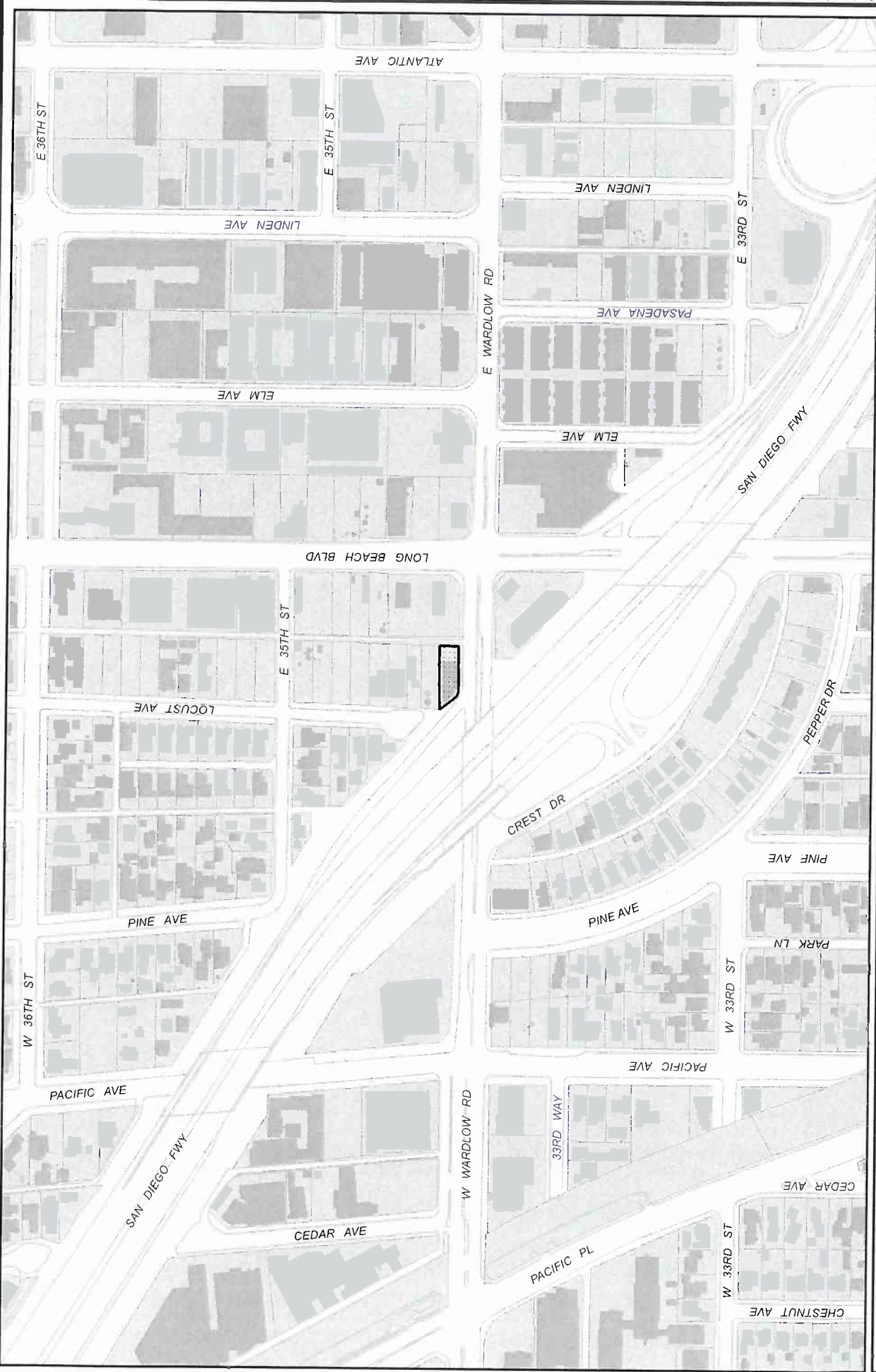


Exhibit A



Subject Property:

3400 Locust Ave
Application No. 1506-01
Council District 7
Zoning Code : R-1-N
CCA OVERLAY HR - 4

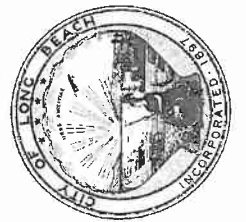


EXHIBIT B

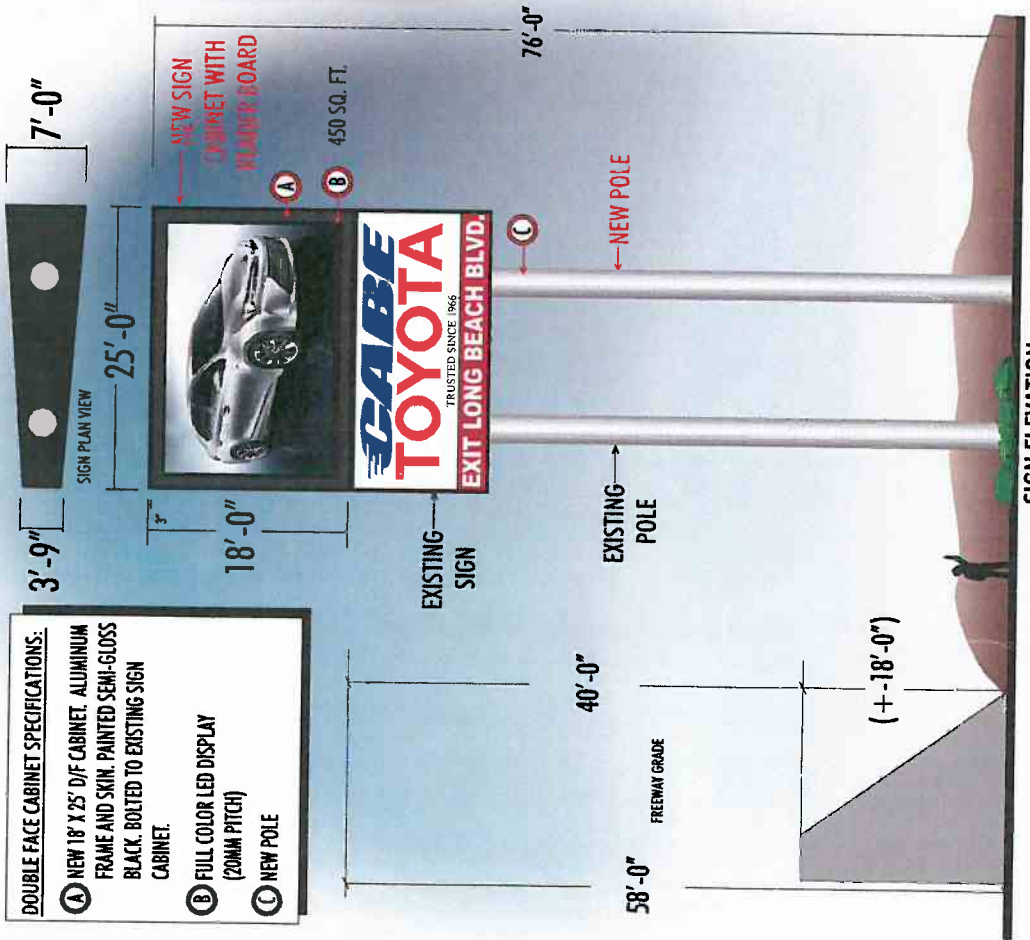
PROJECT:	CABE TOYOTA 3400 LOCUST AVE. LONG BEACH, CA 90807	
DATE:	DRAWING: 10/03/02 D2-42B	
SCALE:	NOTED	
SALES:	DANE CARDONE	
DESIGNER:	R.D.	
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8	01/20/04	RD
9	05/20/04	RD
10	05/23/04	RD
11	11-13-04	RD
12	06-7-14	RD

SIGN METHODS INC.
Electrical Sign and Neon
1749 E. 29th St. Tel: (562) 989-5756
Signal Hill, CA 92806 (907) 666-4356
www.signmethods.com Fax: (562) 427-6275



SATELLITE ZOOM
SCALE UNKNOWN

STEEL PLAN
SCALE UNKNOWN



- DOUBLE FACE CABINET SPECIFICATIONS:**
- (A) NEW 18' X 25' D/F CABINET, ALUMINUM FRAME AND SKIN, PAINTED SEMI-GLOSS BLACK, BOLTED TO EXISTING SIGN CABINET.
 - (B) FULL COLOR LED DISPLAY (20MM PITCH)
 - (C) NEW POLE

SIGN ELEVATION
SCALE: 3/32" = 1'-0"

CONDITIONAL USE PERMIT FINDINGS

3400 Locust Avenue

Case No. 1506-01

September 17, 2015

In order to approve the requested Conditional Use Permit, the Planning Commission is required to make certain findings to support an approval or denial decision. These findings along with staff analysis are presented below for consideration, adoption and incorporation into the record of proceedings.

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

The Land Use Designation of the subject site is LUD 1, Single Family Residential and the zoning designation is both CCA and R-1-N. However, only the rear 10-feet of the property is located within the R-1-N zoning district. The subject site is outside the coastal zone and not within a specific plan area. While the General Plan does not specifically address electronic message center signs, the Zoning Code requires approval of a Conditional Use Permit to establish an electronic message center sign. A Conditional Use Permit shall be consistent with the General Plan and be found to provide a beneficial community service and operate in a manner that does not adversely impact surrounding properties. At the proposed location, a Conditional Use Permit is required, along with site and location based requirements. Based on the site and location based findings shown below, the proposed sign can't be supported and staff recommends that the Planning Commission deny the Conditional Use Permit request:

Electronic message center signs are subject to the following site restrictions, per Section 21.44.820 and 21.44.830:

21.44.820 - Site requirements for electronic message center signs.

Electronic message center signs are subject to the following site restrictions:

- A. **Lot or Building Minimum Size.** Electronic message center signs are allowed only at a business or shopping center or institutional use that is located upon five (5) or more acres of land. The five (5) or more acres must consist of one (1) contiguous group of parcels or lots, and must be held by one (1) owner. Alternately, an EMCS may be permitted for a single building consisting of one hundred fifty thousand (150,000) square feet or more in gross floor area. Such building must be located on one contiguous parcel or group of lots and be held by one (1) owner.

The proposed expansion of an existing freeway-oriented, free standing-sign to accommodate an electronic message center sign is located on a lot that is smaller than five-acres in size (7,473 square feet in size). Since the lot is too small to accommodate an electronic message center sign, according to the zoning ordinance, the sign shall be denied.

- B. Same Site as Principal Use.** An electronic message center sign shall be located on the same parcel as the principal land use of the business or institution for which the sign is established. The sign shall not be located on a site containing only a land use or uses secondary to the primary operation of the business or institution. For example, an electronic message center sign shall not be located on a lot or parcel used for automobile storage by an automobile dealership whose primary sales operations are on a different site; nor shall an electronic message center sign be located on a lot or parcel used for parking for an institution if said institution is on a different parcel.

The sign is being proposed on a lot that contains a building that will be used for automobile storage by an automobile dealership. As proposed, the sign is specifically prohibited by the zoning code. Therefore, it does not comply with zoning regulations of the district and a positive finding cannot be made.

- C. Zones permitted.** EMCS shall be allowed in certain zoning districts as provided in Table 44-5
- D. Street types permitted.** EMCS shall be allowed only on a street or highway classified as a Major Arterial, Regional Corridor, or Freeway.

The expansion of an existing sign is being proposed on an existing freeway-oriented sign.

21.44.830 - Number, location, spacing, form, and substitution/removal requirements.

The following requirements shall apply regarding the number, spacing, and form of electronic message center signs, as well as substitution for other sign types and removal of other sign types:

- A. Number.** One (1) EMCS shall be allowed for each six hundred feet (600') of total street frontage on a qualifying site (the total may include street frontage more than one (1) street for sites bounded by multiple streets).

The expansion of the existing sign to accommodate an electronic message center sign above the existing freestanding sign is being

proposed. The subject site contains only 117 linear feet of frontage and is not a qualifying site. Therefore, the proposed sign does not meet this requirement and no justification exists to support waiving this requirement.

B. Location.

1. **Upon subject site.** No electronic message center sign shall be located closer to any interior side property line than twenty-five feet (25'). Lots adjoining freeway or railroad right-of-way may locate an EMCS on the property line adjoining such right-of-way.

The proposed expansion of an existing freestanding sign to accommodate an electronic message center sign is not located closer than 25-feet to the nearest property line.

2. **Distance from residential.** All EMCS shall have a minimum separation of one hundred feet (100') from a residential district.

The proposed electronic message center sign is located on a lot that is partially zoned R-1-N and is not located more than 100-feet away from the a residential zoning district. The sign is not allowed at the proposed location and a denial is recommended.

C. Spacing.

- i. **Between EMCS on same frontage.** A radius of three hundred feet (300') shall be required between each EMCS on the same property, on the same street frontage.

The proposed sign would be the only electronic message center sign on the lot and would be more than 300 feet away from the nearest approved electronic message center sign.

- ii. **Between EMCS on different fronts.** No EMCS shall be located less than one hundred feet (100') from another EMCS on a different street frontage (for example, an EMCS on each frontage of a corner lot) on the same property or site.

The proposed sign would be the only electronic message center sign on the lot and more than 100-feet away from the nearest approved electronic message center sign.

- iii. **Between EMCS and freestanding/monument signs.** The minimum distance required between a freestanding/monument sign and an electronic message center sign shall be one hundred feet (100').

The proposed sign would be the only electronic message center sign on the lot and is further than 100 feet away from the nearest freestanding/monument sign on Wardlow Road

- iv. **Between EMCS on different properties.** No EMCS shall be located less than three hundred feet (300') from another EMCS on a different property or site.

The proposed sign is more than 300-feet away from the nearest approved electronic message center sign.

- v. **Freeway-oriented EMCS.** A radius of six hundred sixty feet (660') shall be required between all freeway-oriented electronic message center signs. For freeway-oriented EMCS, and EMCS located adjacent to other State highways, if the requirements of the California Department of Transportation (Caltrans) are more restrictive, those requirements shall control.

The proposed sign is more than 660-feet away from the nearest approved freeway-oriented electronic message center sign.

- A. **Sign form.** An EMCS may take the form or style of a freestanding sign, monument sign, or wall sign only. Other forms are prohibited.

The proposed EMC sign would be a freestanding sign.

- B. **Substitution for freestanding/monument signs and other sign removal.** For each EMCS to be emplaced, two (2) freestanding or monument signs, if extant, shall be removed from the subject site, on the same street frontage as the EMCS. Additional removal of other on-premises sign(s) may be required by the Planning Commission as a condition of approval.

The approval would require the removal of the existing sign, which is not part of the proposal. Therefore, the proposed sign does not comply with this requirement.

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

The proposed enlargement of a freestanding electronic message center pylon sign cannot meet adopted site and location based requirements listed in Section

21.44.820 and 830 of the Long Beach Municipal Code, and will cause detrimental effects to the surrounding community, including public health, safety or general welfare, environmental quality or quality of life caused by the installation of the proposed electronic message center sign.

C. THE APPROVAL IS IN COMPLIANCE WITH THE SPECIAL CONDITIONS FOR SPECIFIC CONDITIONAL USES, AS LISTED IN CHAPTER 21.52.229

In addition to the required findings for a conditional use permit (Section 21.25.206), the Planning Commission shall not approve a conditional use permit for an Electronic Message Center sign unless positive findings can be made for the following:

- A. The proposed design of the electronic message center sign is complete and consistent within itself and is compatible in design with the architectural theme or character of the existing or proposed development it will serve and the community in which it will be located.

The proposed enlargement of the existing freestanding sign is not compatible with the design of the newly constructed building on-site, and if built today would not be allowed at the proposed location, according to Section 21.44-On-site Signs. The proposed electronic sign would also emit continuous lighting that may impact single-family residential uses to the north.

- B. The establishment of the proposed electronic message center sign will not adversely affect the character, livability, or quality of life of any residential community it will be adjacent to or located in.

The sign is proposed on a lot that is zoned residential and does not meet zoning code regulations, which require the sign to be more than 600-feet away from a residential zoning district. The proposed sign may also affect the livability, or quality of life to adjacent residential properties to the north due to the continuous lighting and changes to the proposed electronic message center sign. Therefore, staff has recommended denial of the Conditional Use Permit.

- C. The electronic message center sign shall not constitute a hazard to the safe and efficient operation of vehicles upon a street or freeway.

The sign can not meet zoning regulations and is considered a hazard at the proposed location given that zoning regulations cannot be met.

D. The applicant has demonstrated that the proposed electronic message display surface is factory-certified as capable of complying with the brightness standards in Section 21.44.850.

The applicant has not submitted documentation to satisfy this requirement.