

**AGENDA
SPECIAL JOINT MEETING
BANNING CITY COUNCIL AND
BANNING PLANNING COMMISSION
CITY OF BANNING
BANNING, CALIFORNIA**

September 22, 2015
3:00 p.m.

Banning Civic Center
Council Chambers
99 E. Ramsey St.

I. CALL TO ORDER

- . Roll Call - Councilmembers Miller, Moyer, Peterson, Welch, Mayor Franklin
 - Commissioners Briant, Ellis, Krick, Price, Chairman Shaw

II. STUDY SESSION ITEM

- 1. Economic Development – Billboards or Outdoor Advertising
Signs **1**

III. ADJOURNMENT

Pursuant to amended Government Code Section 54957.5(b) staff reports and other public records related to open session agenda items are available at City Hall, 99 E. Ramsey St., at the office of the City Clerk during regular business hours, Monday through Thursday, 8 a.m. to 5 p.m.

The City of Banning promotes and supports a high quality of life that ensures a safe and friendly environment, fosters new opportunities and provides responsive, fair treatment to all and is the pride of its citizens

NOTICE: Any member of the public may address this meeting of the Mayor and Council on any item appearing on the agenda by approaching the microphone in the Council Chambers and asking to be recognized, either before the item about which the member desires to speak is called, or at any time during consideration of the item. A five-minute limitation shall apply to each member of the public, unless such time is extended by the Mayor. No member of the public shall be permitted to “share” his/her five minutes with any other member of the public.

Any member of the public may address this meeting of the Mayor and Council on any item which does not appear on the agenda, but is of interest to the general public and is an item upon which the Mayor and Council may act. A five-minute limitation shall apply to each member of the public, unless such time is extended by the Mayor. No member of the public shall be permitted to “share” his/her five minutes with any other member of the public. The Mayor and Council will in most instances refer items of discussion which do not appear on the agenda to staff for appropriate action or direct that the item be placed on a future agenda of the Mayor and Council. However, no other action shall be taken, nor discussion held by the Mayor and Council on any item which does not appear on the agenda, unless the action is otherwise authorized in accordance with the provisions of subdivision (b) of Section 54954.2 of the Government Code.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk's Office (951) 922-3102. **Notification 48 hours prior to the meeting** will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28 CFR 35.02-35.104 ADA Title II]

CITY OF BANNING
City Council and Planning Commission
Joint Study Session

DATE: September 22, 2015

TO: City Council Members and Planning Commission Members

FROM: Brian Guillot, Acting Community Development Director

SUBJECT: **Economic Development**
Billboards or Outdoor Advertising Signs

STAFF RECOMMENDATION:

That the City Council and Planning Commission provide policy direction to staff regarding billboards or outdoor advertising signs:

1. Amend the sign regulations to allow the relocation of existing billboards or outdoor advertising signs through approval of a relocation agreement by City Council.

No action is recommended at this time.
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JUSTIFICATION:

The construction of new billboards is prohibited by the current sign regulations. At times, the City receives requests to relocate existing billboards because the owner of the parcel would like to develop the property with another use, for example a retail store, and the billboard is in the way of the new development. In order to accommodate both businesses (the retail store and advertising company billboard) it is necessary to amend the sign regulations to allow relocation agreements.

It is a policy of the State of California to encourage relocation agreements which allow development in a planned manner without expenditure of public funds while allowing the continued maintenance of private investment and a medium of public communication. Cities are specifically empowered to enter into relocation agreements on whatever terms are agreeable to the display owner and the city and to adopt ordinances or resolutions providing for the relocation of displays.

BACKGROUND AND DESCRIPTION:

The City of Banning is bisected by Interstate 10 (I-10) from east to west and has over five miles of frontage along the freeway. Traffic counts prepared by Caltrans showed that for the year 2009 on average as many as 147,000 vehicles per day travel the interstate. The number of vehicles traveling the interstate is an opportunity for businesses located along this transportation corridor to capture motorist's attention to exit the freeway to shop, eat at restaurants, or stay at hotels in the City of Banning. However, that opportunity needs to be balanced with scenic values and/or aesthetics, and the health, safety, and welfare of the community as it relates to billboards or outdoor advertising signs. Over the years, different sign regulations have been adopted resulting in a mix of billboards, pole signs, and other advertising devices.

The need for this balance is identified by the different Goals and Policies in the City's General Plan as follows:

Economic Development Policy 6 states "Encourage and facilitate highway-serving commercial development at appropriate Interstate-10 interchanges within the City limits" (GP p. III-43).

While the subject of scenic vistas and aesthetics are not part of the goals or policies of the adopted General Plan for the City of Banning, these subjects are important to the community as they may define or identify particular parts of a community; and, be used by individuals in the decision making process for locating homes and/or businesses within the city. Billboards or outdoor advertising signs contribute little towards enhancing the scenic qualities and scenic vistas (aesthetic values) of the community. Therefore, sign regulations serve the need to limit billboards or outdoor advertising signs in order to enhance this valuable community asset.

Billboards or outdoor advertising signs

There are approximately 45 billboards located along the interstate, 39 of which are double-faced and 6 that are single-faced. The City adopted an updated "Zoning Ordinance" in January 2006 that prohibits the installation of new billboards (BMC Section 17.36.060D). Prior to that update, the City's regulations also prohibited billboards. However, a few billboard installations were permitted through approval of a conditional use permit and a variance. The existing billboards are considered legal non-conforming and may not be upgraded under the present non-conforming policy of the "Zoning Ordinance" (BMC Chapter 17.88).

Also, State of California regulations prohibit the placement of billboards adjacent to a designated "scenic highway" or "landscaped freeway" (see Attachment 2 – Outdoor Advertising Act, Sections 5440 and 5440.1). Please note that I-10 through the pass area is eligible as a state scenic highway; however, it is not officially designated as such at this time. Highway 243 from the City of Banning city limits to Highway 74 is designated as a scenic highway. Portions of I-10 in the City of Banning are designated as a "landscaped freeway" (see Attachment 6 for locations).

Adopted Regulations

The City Council adopted the present "Zoning Ordinance" in January 2006 that included Chapter 17.36 sign regulations. The sign portion of the ordinance prohibits new billboards or outdoor advertising signs. Signs used to advertise a commercial or industrial business are permitted only as a monument sign limited to 8 feet in height; or, a wall sign that is mounted on the building wall; and, freeway oriented signs are allowed through approval of a Conditional Use Permit by Planning Commission.

On April 25, 2011, a similar study session was conducted that resulted in the adoption of the freeway oriented sign regulations. For that study session a telephone survey was conducted to obtain a general idea of how other local agencies are regulating digital billboards and is included with this report (see Attachment 7). Please keep in mind that the information provided in this survey is not comprehensive.

ISSUES AND OPPORTUNITIES

A number of cities in Southern California have taken advantage of a state law that allows a city to enter into a relocation agreement with billboard advertisers (see Attachment 2, Section 5412).

Options

Staff is recommending the following options for revising the sign portion of the "Zoning Ordinance" in order to provide incentives that meet the needs of both the community and the economic interests of those involved with this issue. The options are listed as follows:

Option 1 – Do nothing. (see Attachment 3 for the existing sign regulations).

Option 2 – Amend the existing sign regulations with the following incentives.

- Allow no new billboard installations; however, upgrades of an existing billboard subject to a billboard relocation agreement that would require the removal of existing billboards in exchange for the construction of a digital technology billboard. This option would include design requirements to be approved by City Council in the relocation agreement.
- Possible design requirements:
 1. Relocated billboards shall not be permitted in the Downtown Commercial or any residential zoning district.
 2. Billboards shall not be permitted within 750 feet of any existing residential use.
 3. No billboards or digital advertising displays shall depict or simulate any motion or video; and, a photometric sensor shall be required that adjusts the display brightness to balance with the ambient lighting.
 4. Every billboard relocation agreement shall require that a minimum of two (2) existing billboards be removed for one billboard relocation.

5. Billboards must require a building permit.

Option 3 – Other recommendations as directed by City Council and Planning Commission.

Digital Billboards and Changeable Message Displays

This new technology is giving advertisers the unparalleled ability to change their ad messages quickly and efficiently. Many advertisers offer the digital billboards for public service announcements and for community information. This could include safety alerts such as those issued by the State of California in connection with Amber alerts; and, publicizing local events like Stagecoach Days. Lamar Outdoor Advertising has provided a letter to the City highlighting their position regarding proposed changes to the City's sign regulations (see Attachment 8).

An example of a newly constructed digital billboard is shown in Attachment 5 of this report. It is located in San Bernardino along Interstate 10. Notice that the sign includes an architectural base that enhances the appearance of the installation.

Digital billboards are updated electronically through a variety of methods. Some are networked together, most are operated remotely, and all of them can be updated quickly, sometimes with just the click of a computer mouse. A major concern with digital billboards is the brightness of the electronic displays. Current technology permits the automatic adjustment of the display to balance the brightness with the available ambient light at any given time.

Issues

It is strongly recommended that guidelines be developed to determine under what non-subjective circumstances relocation agreements should be entered into. The following items are listed for consideration:

1. Include a provision that Caltrans must approve the new location.
2. Include a provision that the relocated billboard must comply with all applicable state¹ and federal² laws relating to outdoor advertising signs near scenic or landscaped highways.
3. Include time, place, and manner specifications for the relocated billboards, and limit the speed at which messages can change.
4. It is also recommended that limitations are placed on how bright the display may be.
5. Clarify where the billboards can be placed.

This relates to no. 1, above. We should include objective time, place, and manner specifications regarding the relocated billboards beyond what is proposed. Size, construction, placement, maximum height from grade, maximum dimensions, distance requirements from each other and from residential properties, and anything else relevant to location.

¹ The Outdoor Advertising Act, codified as Section 5200 et seq. of the California Business & Professions Code.

² The federal Highway Beautification Act, codified as Section 131 of Title 23 of the United States Code, and Part 750 of Title 23 of the Code of Federal Regulations.

6. Digital billboards are exponentially more valuable than regular billboards.

Digital billboards, when they replace off-site advertising structures, become exponentially more valuable. Traditional billboards rent by the week or month. Digital billboards rent by increments of minutes, often seconds. Thus, any time that a city wants to remove a billboard by eminent domain, the cost of doing so will be significant, if not prohibitive. Amortization provisions in the municipal code are unenforceable, based on Section 5412; however, any amortization provisions entered into as part of the relocation agreement are valid, at least under the Outdoor Advertising Act.

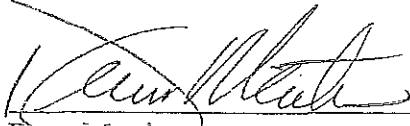
7. Driver distraction.

At this time, there is not enough evidence to determine whether electronic billboards are dangerously distracting to drivers. This is from the Federal Highway Administration:

In summary, from the perspective of strict statistical hypothesis testing, the present literature review is inconclusive with regard to demonstrating a possible relationship between driver safety and [Commercial Electronic Variable Message Signs] exposure. From this perspective, the more stringent restrictions on the placement of billboards found in other countries might be regarded as a conservative precautionary measure, erring on the side of protecting public health from a possible but unproven threat and not as a response to an established driving safety hazard. That is not to say that such a conservative approach is inappropriate, but it should be acknowledged as such.

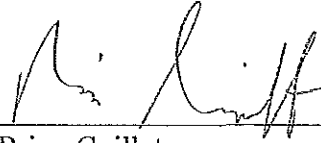
Section 2.7.1, *The Possible Effects of Commercial Electronic Variable Message Signs (CEVMS) on Driver Attention and Distraction*, Federal Highway Administration, Updated September 5, 2014.
(http://www.fhwa.dot.gov/real_estate/oac/possible_effects/cevms00.cfm).

APPROVED BY:



Dean Martin
Interim City Manager

RECOMMENDED BY:



Brian Guillot
Acting Community Development Director

Attachments:

1. Proposed Amendments to the Sign Regulations
2. Copy of Outdoor Advertising Act -- State of California
3. Copy of Chapter 17.36 sign regulations
4. Sample Relocation Agreement -- City of Corona
5. Photograph of existing digital billboard in San Bernardino
6. Designated as a "landscaped freeway" list
7. Telephone survey of digital billboard regulations
8. Lamar letter dated May 4, 2015
9. City Attorney Comments

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Attachment 1

(Proposed Amendments to the Sign Regulations)

**Proposed Amendments to Chapter 17.36 "Sign Regulations" of the Zoning Ordinance
related to billboards or outdoor advertising signs**

Amend Section 17.36.030 Definitions by adding the following:

"Billboard. See outdoor advertising sign.

Electronic message center means a sign having the capability of presenting variable advertising message displays by projecting an electronically controlled light pattern against a contrasting background, and which can be programmed to change such message display periodically. An electronic message center is neither an animated sign nor a simulated motion sign.

Outdoor advertising sign (Billboards) means any sign with a commercial or non-commercial message, other than a directional sign, which directs attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than upon the premises where the sign is located, or to which it is affixed. Said definition shall not include subdivision or tract signs (see Section 17.36.080), political signs, signage affiliated with solar powered electric vehicle charging stations, or signs installed pursuant to a city sign program.

Pylon sign. A freestanding sign that is permanently supported by one or more uprights, braces, or poles, or other similar structural components that are architecturally compatible with the main structure of the site.

Relocated billboard. An existing billboard that is located in the city that is relocated through a City Council approved Relocation Agreement. The relocated billboard is not considered a new outdoor advertising sign.

Pylon and monument signs. The entire area enclosing the extreme limits of representation, emblem or any figure or similar characters excluding the necessary supports or uprights on which such sign is placed, unless such supports, uprights or structures are designed in such a manner as to form an integral background of the display. Where a sign has two or more faces the area of all faces shall be included in determining the area of the sign except where two such faces are placed back to back and are at no point more than two feet from one another. The area of the sign shall be taken as the area of one face if the two faces are of equal area or as the area of the larger face if the two faces are of unequal area."

Amend Section 17.36.060 Prohibited signs by amending paragraph (D) as follows:

The following signs are inconsistent with the sign standards set forth in this chapter, and are therefore prohibited:

“(D) Billboards or Outdoor advertising signs. However, notwithstanding any other provision of this chapter, and consistent with the California Business & Professions Code Outdoor Advertising provisions, billboards or outdoor advertising signs, including electronic message centers, electronic message boards, and changeable message boards, may be considered and constructed as part of a relocation agreement requested by the city and entered into between the city and a billboard and/or property owner. The replacement of a static billboard face with an electronic message center, electronic message board, or changeable message board shall be considered a relocation for purposes of this section. Such agreements may be approved by the City Council upon terms that are agreeable to the city in their sole and absolute discretion. The execution of a relocation agreement shall not operate to change the status of any billboard as a nonconforming use for purposes of this code.

Minimum design requirements for billboard relocations:

1. Relocated billboards shall not be permitted in the Downtown Commercial or any residential zoning district.
2. Billboards shall not be permitted within 750 feet of any existing residential use.
3. No billboards or digital advertising displays shall depict or simulate any motion or video; and, a photometric sensor shall be required that adjusts the display brightness to balance with ambient lighting.
4. Every billboard relocation agreement shall require that a minimum of two (2) existing billboards be removed for one billboard relocation.”

Add the following Sections:

“17.36.180 Signs within adopted specific plan areas.

Signs within adopted specific plan areas shall conform to the sign requirements as indicated within the individual specific plan. However, in the event sign requirements are not provided in the individual specific plans, all signs within the specific plan areas shall conform to the provisions of Chapter 17.36. If the land use within the specific plan is not specifically identified in the Zoning Ordinance, the most appropriate (closely related) use of the area shall apply, as determined by the Community Development Director.

17.36.190 Flags, banners and pennants on city-owned light poles.

Notwithstanding §17.36.070, the City of Banning may install flags, banners, and/or pennants on city-owned utility poles. The City Manager shall establish a written banner program to regulate the installation of flags, banners, and pennants on City-owned utility poles. Banners and pennants shall be installed in compliance with the banner program established by the City Manager.”

Attachment 2

(Copy of Outdoor Advertising Act – State of California)

BUSINESS AND PROFESSIONS CODE

SECTION 5200-

5200. This chapter of the Business and Professions Code constitutes the chapter on advertisers. It may be cited as the Outdoor Advertising Act.

5201. Unless the context otherwise requires, the general provisions set forth in this article govern the construction of this chapter.

5202. "Advertising display" refers to advertising structures and to signs.

5203. "Advertising structure" means a structure of any kind or character erected, used, or maintained for outdoor advertising purposes, upon which any poster, bill, printing, painting or other advertisement of any kind whatsoever may be placed, including statuary, for advertising purposes.

"Advertising structure" does not include:

- (a) Official notices issued by any court or public body or officer;
- (b) Notices posted by any public officer in performance of a public duty or by any person in giving legal notice;
- (c) Directional, warning or information structures required by or authorized by law or by federal, state or county authority.
- (d) A structure erected near a city or county boundary, which contains the name of such city or county and the names of, or any other information regarding, civic, fraternal or religious organizations located therein.

5204. "Bonus segment" means any segment of an interstate highway which was covered by the Federal Aid Highway Act of 1958 and the Collier-Z'berg Act, namely, any such segment which is constructed upon right-of-way, the entire width of which was acquired subsequent to July 1, 1956.

5205. "Business area" means an area within 1,000 feet, measured in each direction, from the nearest edge of a commercial or industrial building or activity and which is zoned under authority of state law primarily to permit industrial or commercial activities or an unzoned commercial or industrial area.

5206. "Centerline of the highway" means a line equidistant from the edges of the median separating the main traveled way of a divided highway, or the centerline of the main traveled way of a nondivided highway.

5208. "Collier-Z'berg Act" refers to Chapter 128, Statutes of 1964 (First Extraordinary Session).

5208.6. "Department" means the Department of Transportation.

5209. "Director" refers to the Director of Transportation of the State of California.

5210. "Federal Aid Highway Act of 1958" refers to Section 131 of Title 23 of the United States Code, as in effect before October 22, 1965.

5211. "Flashing" is a light or message that changes more than once every four seconds.

5212. "Freeway," for the purposes of this chapter only, means a divided arterial highway for through traffic with full control of access and with grade separations at intersections.

5213. "Highway" includes roads, streets, boulevards, lanes, courts, places, commons, trails, ways or other rights-of-way or easements used for or laid out and intended for the public passage of vehicles or of vehicles and persons.

5214. "Highway Beautification Act of 1965" refers to Section 131 of Title 23 of the United States Code, as in effect October 22, 1965.

5215. "Interstate highway" means any highway at any time officially designated as a part of the national system of interstate and defense highways by the director and approved by appropriate authority of the federal government.

5216. (a) "Landscaped freeway" means a section or sections of a freeway that is now, or hereafter may be, improved by the planting at least on one side or on the median of the freeway right-of-way of lawns, trees, shrubs, flowers, or other ornamental vegetation requiring reasonable maintenance.

(b) Planting for the purpose of soil erosion control, traffic safety requirements, including light screening, reduction of fire hazards, or traffic noise abatement, shall not change the character of a freeway to a landscaped freeway.

(c) Notwithstanding subdivision (a), if an agreement to relocate advertising displays from within one area of a city or county to an area adjacent to a freeway right-of-way has been entered into between a city or county and the owner of an advertising display, then a "landscaped freeway" shall not include the median of a freeway right-of-way.

5216.1. "Lawfully erected" means, in reference to advertising displays, advertising displays which were erected in compliance with state laws and local ordinances in effect at the time of their erection or which were subsequently brought into full compliance with state laws and local ordinances, except that the term does not apply to any advertising display whose use is modified after erection in a manner which causes it to become illegal. There shall be a rebuttable presumption pursuant to Section 606 of the Evidence Code that an advertising display is lawfully erected if it has been in existence for a period of five years or longer without the owner having received written notice during that period from a governmental entity stating that the display was not lawfully erected.

5216.3. "Main-traveled way" is the traveled way of a highway on which through traffic is carried. In the case of a divided highway, the traveled way of each of the separate roadways for traffic in opposite directions is a main-traveled way. Main-traveled way does

not include facilities such as frontage roads, ramps, auxiliary lanes, parking areas, or shoulders.

5216.4. "Message center" is an advertising display where the message is changed more than once every two minutes, but no more than once every four seconds.

5216.5. "Nonconforming advertising display" is an advertising display that was lawfully placed, but that does not conform to the provisions of this chapter, or the administrative regulations adopted pursuant to this chapter, that were enacted subsequent to the date of placing.

5216.6. (a) "Officially designated scenic highway or scenic byway" is any state highway that has been officially designated and maintained as a state scenic highway pursuant to Sections 260, 261, 262, and 262.5 of the Streets and Highways Code or that has been officially designated a scenic byway as referred to in Section 131(s) of Title 23 of the United States Code.

(b) "Officially designated scenic highway or scenic byway" does not include routes listed as part of the State Scenic Highway system, Article 2.5 (commencing with Section 260) of Chapter 2 of Division 1 of the Streets and Highways Code, unless those routes, or segments of those routes, have been designated as officially designated state scenic highways.

5218. "Penalty segment" means any segment of a highway located in this state which was not covered by the Federal Aid Highway Act of 1958 and the Collier-Z'berg Act but which is covered by the Highway Beautification Act of 1965, namely, any segment of an interstate highway which is constructed upon right-of-way, any part of the width of which was acquired prior to July 1, 1956, and any segment of a primary highway.

5219. "Person" includes natural person, firm, cooperative, partnership, association, limited liability company, and corporation.

5220. "Primary highway" means any highway, other than an interstate highway, designated as a part of the federal-aid primary system in existence on June 1, 1991, and any highway that is not in that system but which is in the National Highway System.

5221. "Sign" refers to any card, cloth, paper, metal, painted or wooden sign of any character placed for outdoor advertising purposes on or to the ground or any tree, wall, bush, rock, fence, building, structure or thing, either privately or publicly owned, other than an advertising structure.

"Sign" does not include any of the following:

(a) Official notices issued by any court or public body or officer.

(b) Notices posted by any public officer in performance of a public duty or by any person in giving any legal notice.

(c) Directional warning or information signs or structures required by or authorized by law or by federal, state or county authority.

(d) A sign erected near a city or county boundary that contains the name of that city or county and the names of, or any other

information regarding, civic, fraternal, or religious organizations located within that city or county.

5222. "660 feet from the edge of the right-of-way" means 660 feet measured from the edge of the right-of-way horizontally along a line normal or perpendicular to the centerline of the highway.

5222.1. "State highway system" means the state highway system as described in Section 300 of the Streets and Highways Code.

5223. "Unzoned commercial or industrial area" means an area not zoned under authority of state law in which the land use is characteristic of that generally permitted only in areas which are actually zoned commercial or industrial under authority of state law, embracing all of the land on which one or more commercial or industrial activities are conducted, including all land within 1,000 feet, measured in each direction, from the nearest edge of the commercial or industrial building or activity on such land. As used in this section, "commercial or industrial activities" does not include the outdoor advertising business or the business of wayside fresh product vending.

5224. "Visible" means capable of being seen (whether or not legible) without visual aid by a person of normal visual acuity.

5225. The verb, "to place" and any of its variants, as applied to advertising displays, includes the maintaining and the erecting, constructing, posting, painting, printing, tacking, nailing, gluing, sticking, carving or otherwise fastening, affixing or making visible any advertising display on or to the ground or any tree, bush, rock, fence, post, wall, building, structure or thing. It does not include any of the foregoing activities when performed incident to the change of an advertising message or customary maintenance of the advertising display.

5226. The regulation of advertising displays adjacent to any interstate highway or primary highway as provided in Section 5405 is hereby declared to be necessary to promote the public safety, health, welfare, convenience and enjoyment of public travel, to protect the public investment in such highways, to preserve the scenic beauty of lands bordering on such highways, and to insure that information in the specific interest of the traveling public is presented safely and effectively, recognizing that a reasonable freedom to advertise is necessary to attain such objectives. The Legislature finds:

(a) Outdoor advertising is a legitimate commercial use of property adjacent to roads and highways.

(b) Outdoor advertising is an integral part of the business and marketing function, and an established segment of the national economy, and should be allowed to exist in business areas, subject to reasonable controls in the public interest.

5227. It is the intention of the Legislature to occupy the whole field of regulation by the provisions of this chapter except that nothing in this chapter prohibits enforcement of any or all of its provisions by persons designated so to act by appropriate ordinances duly adopted by any county of this state nor does anything prohibit the passage by any county of reasonable land use or zoning

regulations affecting the placing of advertising displays in accordance with the provisions of the Planning Law, Chapter 1 (commencing with Section 65000) of Title 7 of the Government Code, relating to zoning, or, with reference to signs or structures pertaining to the business conducted or services rendered or goods produced or sold upon the property upon which such advertising signs or structures are placed, ordinances subjecting such signs or structures to building requirements.

5228. It is declared to be the intent of the Legislature in enacting the provisions of this chapter regulating advertising displays adjacent to highways included in the national system of interstate and defense highways or the federal-aid primary highway system to establish minimum standards with respect thereto.

5229. The provisions of this chapter shall not be construed to permit a person to place or maintain in existence on or adjacent to any street, road or highway, including any interstate or state highway, any outdoor advertising prohibited by law or by any ordinance of any city, county or city and county.

5230. The governing body of any city, county, or city and county may enact ordinances, including, but not limited to, land use or zoning ordinances, imposing restrictions on advertising displays adjacent to any street, road, or highway equal to or greater than those imposed by this chapter, if Section 5412 is complied with. No city, county, or city and county may allow an advertising display to be placed or maintained in violation of this chapter.

5231. The governing body of any city or city and county may enact ordinances requiring licenses or permits, or both, in addition to those imposed by this chapter, for the placing of advertising displays in view of any highway, including a highway included in the national system of interstate and defense highways or the federal-aid primary highway system, within its boundaries.

5270. The regulation of the placing of advertising displays by this chapter, insofar as such regulation may affect the placing of advertising displays within view of the public highways of this state in unincorporated areas, shall be exclusive of all other regulations for the placing of advertising displays within view of the public highways of this state in unincorporated areas whether fixed by a law of this state or by a political subdivision thereof.

5271. Except as otherwise provided in this chapter, the provisions of this chapter apply only to the placing of advertising displays within view of highways located in unincorporated areas of this state, except that the placing of advertising displays within 660 feet from the edge of the right-of-way of, and the copy of which is visible from, interstate highways or primary highways, including the portions of such highways located in incorporated areas, shall be governed by this chapter.

5272. With the exception of Article 4 (commencing with Section 5300) and Sections 5400 and 5404, inclusive, nothing contained in this chapter applies to any advertising display that is used exclusively for any of the following purposes:

(a) To advertise the sale, lease, or exchange of real property upon which the advertising display is placed.

(b) To advertise directions to, and the sale, lease, or exchange of, real property for which the advertising display is placed; provided, that the exemption of this paragraph does not apply to advertising displays visible from a highway and subject to the Highway Beautification Act of 1965 (23 U.S.C., Sec. 131).

(c) To designate the name of the owner or occupant of the premises or to identify the premises.

(d) To advertise the business conducted or services rendered or the goods produced or sold upon the property upon which the advertising display is placed if the display is upon the same side of the highway and within 1,000 feet of the point on the property or within 1,000 feet of the entrance to the site at which the business is conducted or services are rendered or goods are produced or sold.

(e) (1) To advertise any products, goods, or services sold by persons on the premise of an arena pursuant to all of the following conditions:

(A) The arena is located on public land.

(B) The arena provides a venue for professional sports on a permanent basis.

(C) The arena has a capacity of 5,000 or more seats.

(D) The arena has an advertising display in existence before January 1, 2009.

(E) The products, goods, or services advertised are or will be offered for sale by persons on a regular basis during the term of an agreement between the vendor or business whose products, goods, or services are sold and the property owner, facility owner, or facility operator, and the term of the agreement is a minimum of one year.

(2) An advertising display authorized pursuant to this subdivision shall not advertise products, goods, or services directed at an adult population, including, but not limited to, alcohol, tobacco, gambling, or sexually explicit material.

5273. For the purpose of this chapter, advertising displays advertising those businesses and activities developed within the boundary limits of, and as a part of, an individual redevelopment agency project may, with the consent of the redevelopment agency governing the project, be considered to be on the premises anywhere within the limits of that project when all of the land is contiguous or is separated only by a public highway or public facilities developed or relocated for inclusion within the project as a part of the original redevelopment plan for a period not to exceed 10 years or the completion of the project, whichever first occurs, after which Sections 5272 and 5405 apply, unless an arrangement has been made for extension of the period between the redevelopment agency and the department for good cause. The 10-year period for existing displays shall commence on January 1, 1986.

5273.5. (a) Notwithstanding Section 5273, for the purposes of this chapter, in the City of Buena Park in Orange County, the Cities of Commerce, Covina, and South Gate in Los Angeles County, and the City of Victorville in San Bernardino County, advertising displays advertising those businesses and activities developed within the boundary limits of, and as a part of, any redevelopment agency project area or areas may, with the consent of the redevelopment agency governing the project area, be considered to be on the

premises anywhere within the legal boundaries of the redevelopment agency's project area or areas for a period not to exceed 10 years or the completion of the project, whichever occurs first, after which Sections 5272 and 5405 apply, unless an arrangement has been made for extension of the period between the redevelopment agency and the department for good cause.

(b) The governing body of a redevelopment agency in the cities set forth in subdivision (a), upon approving the purchase, lease, or other authorization for the erection of an advertising display pursuant to this section, shall prepare, adopt, and submit to the department an application for the issuance of a permit that, at a minimum, includes a finding that the advertising display would not result in a concentration of displays that will have a negative impact on the safety or aesthetic quality of the community. The department shall only deny the application if the proposed structure violates Sections 5400 to 5405, inclusive, or subdivision (d) of Section 5408, or if the display would cause a reduction in federal-aid highway funds as provided in Section 131 of Title 23 of the United States Code.

5274. (a) None of the provisions of this chapter, except those in Article 4 (commencing with Section 5300), Sections 5400 to 5404, inclusive, and subdivision (d) of Section 5405, apply to an on-premises advertising display that is visible from an interstate or primary highway and located within a business center, if the display is placed and maintained pursuant to Chapter 2.5 (commencing with Section 5490) and meets all of the following conditions:

(1) The display is placed within the boundaries of an individual development project, as defined in Section 65928 of the Government Code, for commercial, industrial, or mixed commercial and industrial purposes, as shown on a subdivision or site map approved by a city, county, or city and county, and is developed and zoned for those purposes.

(2) The display identifies the name of the business center, if named.

(3) Each business identified on the display is located within the business center and on the same side of an interstate or primary highway where the display is located.

(4) The governing body of the city, county, or city and county has adopted ordinances for the display pursuant to Sections 5230 and 5231 for the area where the display will be placed, and the display meets city, county, or city and county ordinances.

(5) The display results in a consolidation of allowable displays within the business center, so that fewer displays will be erected as a result of the display.

(6) Placement of the display does not cause a reduction of federal aid highway funds as provided in Section 131 of Title 23 of the United States Code.

5275. Notwithstanding any other provision of this chapter, the director may not regulate noncommercial, protected speech contained within any advertising display authorized by, or exempted from, this chapter.

5300. (a) A person engages in the business of outdoor advertising whenever, personally or through employees, that person places an

advertising display, changes the advertising message of an advertising display that does not pertain exclusively to that person's business and is visible to a state highway or freeway.

(b) A manufacturer or distributor of a product for sale to the general public does not engage in the business of outdoor advertising when furnishing a sign pertaining to the product to a retailer of that product for installation on the retailer's place of business or when installing on the retailer's place of business a sign containing advertising pertaining to the product, the name or the business of the retailer.

5301. No person shall engage in or carry on the business or occupation of outdoor advertising without first having paid the license fee provided by this chapter. The fee is payable annually in advance on the first day of July of each year to the director or his authorized agent. Each license shall remain in force for the term of one year from and after the first day of July, and may be renewed annually.

A license shall be obtained whether or not the advertising display requires a permit.

5302. All licenses issued on or after the first day of July shall expire on the 30th day of June following the date of issue. Fees for original licenses issued after the first day of July of each year shall be apportioned and collected on the basis of one-twelfth of the fee for each month or part thereof remaining in the fiscal year.

5303. Every application for a license shall be made on a form to be furnished by the director. It shall state the full name of the applicant and the post office address of his fixed place of business and shall contain a certification that the applicant has obtained a copy of the provisions of this chapter and any regulations adopted thereunder and is aware of their contents.

The issuance of a license entitles the holder to engage in or carry on the outdoor advertising business and to apply for permits during the term of the license.

5350. No person shall place any advertising display within the areas affected by the provisions of this chapter in this state without first having secured a written permit from the director or from his authorized agent.

5351. Every person desiring a permit to place any advertising display shall file an application with the director or with his authorized agent.

5353. The application shall be filed on a blank to be furnished by the director or by his agent. It shall set forth the name and address of the applicant and shall contain a general description of the property upon which it is proposed to place the advertising display for which a permit is sought and a diagram indicating the location of the proposed advertising display on the property, in such a manner that the property and the location of the proposed advertising display may be readily ascertained and identified.

5354. (a) The applicant for any permit shall offer written evidence that both the owner or other person in control or possession of the property upon which the location is situated and the city or the

county with land use jurisdiction over the property upon which the location is situated have consented to the placing of the advertising display.

(b) At the written request of the city or county with land use jurisdiction over the property upon which a location is situated, the department shall reserve the location and shall not issue a permit for that location to any applicant, other than the one specified in the request, in advance of receiving written evidence as provided in subdivision (a) and for a period of time not to exceed 90 days from the date the department received the request.

(c) In addition to the 90-day period set forth in subdivision (b), an additional period of 30 days may be granted at the discretion of the department upon any proof, satisfactory to the department and provided by the city or county making the original request for a 90-day period, of the existence of extenuating circumstances meriting an additional 30 days. There shall be a conclusive presumption in favor of the department that the granting or denial of the request for an additional 30 days was made in compliance with this subdivision.

5355. An application for a permit to place a display shall contain a description of the display, including its material, size, and subject and the proposed manner of placing it.

5357. If the applicant for a permit is engaged in the outdoor advertising business, the application shall contain the number of the license issued by the director.

5358. When the application is in full compliance with this chapter and if the advertising display will not be in violation of any other state law, the director or the director's authorized agent shall, within 10 days after compliance and upon payment by the applicant of the fee provided by this chapter, issue a permit to place the advertising display for the remainder of the calendar year in the year in which the permit is issued and for an additional four calendar years.

5359. (a) The issuance of a permit for the placing of an advertising display includes the right to change the advertising copy without obtaining a new permit and without the payment of any additional permit fee.

(b) The issuance of a permit does not affect the obligation of the owner of the advertising display to comply with a zoning ordinance applicable to the advertising display under the provisions of this chapter nor does the permit prevent the enforcement of the applicable ordinance by the county.

5360. (a) The director shall establish a permit renewal term of five years, which shall be reflected on the face of the permit.

(b) The director shall adopt regulations for permit renewal that include procedures for late renewal within a period not to exceed one year from the date of permit expiration. Any permit that was not renewed after January 1, 1993, is deemed revoked.

5361. Each permit provided in this chapter shall carry an identification number and shall entitle the holder to place the advertising display described in the application.

5362. No person shall place any advertising display unless there is securely fastened upon the front thereof an identification number plate of the character specified in Section 5363. The placing of any advertising display without having affixed thereto an identification number plate is prima facie evidence that the advertising display has been placed and is being maintained in violation of the provisions of this chapter, and any such display shall be subject to removal as provided in Section 5463.

5363. Identification number plates shall be furnished by the director. Identification number plates shall bear the identification number of the advertising display to which they are assigned.

5364. The provisions of this article shall apply to any advertising display which was lawfully placed and which was in existence on November 7, 1967, adjacent to an interstate or primary highway and within the limits of an incorporated area, but for which a permit has not heretofore been required. A permit which is issued pursuant to this section shall be deemed to be a renewal of an original permit for an existing advertising display.

5365. When a highway within an incorporated area is designated as an interstate or a primary highway, each advertising display maintained adjacent to such highway shall thereupon become subject to all of the provisions of this act. For purposes of applying the provisions of this act, each such display shall be considered as though it had been placed along an interstate or a primary highway during all of the time that it had been in existence. Within 30 days of notification by the director of such highway designation, the owner of each advertising display adjacent to such highway shall notify the director of the location of such display on a form prescribed by the director. The director shall issue a permit for each such advertising display on the basis of the notification from the display owner; provided that such permits will be issued and renewed only if the owner pays the fees required by subdivision (b) of Section 5485. Each permit issued pursuant to this section shall be deemed to be a renewal of an original permit for an existing advertising display.

5366. The issuance of a permit pursuant to this chapter does not allow any person to erect an advertising display in violation of any ordinance of any city, county, or city and county.

5400. No advertising structure may be maintained unless the name of the person owning or maintaining it, is plainly displayed thereon.

5401. No advertising structure shall be placed unless it is built to withstand a wind pressure of 20 pounds per square foot of exposed surface. Any advertising structure not conforming to this section shall be removed as provided in Section 5463.

5402. No person shall display or cause or permit to be displayed upon any advertising structure or sign, any statements or words of an obscene, indecent or immoral character, or any picture or illustration of any human figure in such detail as to offend public morals or decency, or any other matter or thing of an obscene,

indecent or immoral character.

5403. No advertising display shall be placed or maintained in any of the following locations or positions or under any of the following conditions or if the advertising structure or sign is of the following nature:

- (a) If within the right-of-way of any highway.
- (b) If visible from any highway and simulating or imitating any directional, warning, danger or information sign permitted under the provisions of this chapter, or if likely to be mistaken for any permitted sign, or if intended or likely to be construed as giving warning to traffic, by, for example, the use of the words "stop" or "slow down."
- (c) If within any stream or drainage channel or below the floodwater level of any stream or drainage channel where the advertising display might be deluged by flood waters and swept under any highway structure crossing the stream or drainage channel or against the supports of the highway structure.
- (d) If not maintained in safe condition.
- (e) If visible from any highway and displaying any red or blinking or intermittent light likely to be mistaken for a warning or danger signal.
- (f) If visible from any highway which is a part of the interstate or primary systems, and which is placed upon trees, or painted or drawn upon rocks or other natural features.
- (g) If any illumination shall impair the vision of travelers on adjacent highways. Illuminations shall be considered vision impairing when its brilliance exceeds the values set forth in Section 21466.5 of the Vehicle Code.
- (h) If visible from a state regulated highway displaying any flashing, intermittent, or moving light or lights.
- (i) If, in order to enhance the display's visibility, the owner of the display or anyone acting on the owner's behalf removes, cuts, cuts down, injures, or destroys any tree, shrub, plant, or flower growing on property owned by the department that is visible from the highway without a permit issued pursuant to Section 670 of the Streets and Highways Code.

5404. No advertising display shall be placed outside of any business district as defined in the Vehicle Code or outside of any unincorporated city, town or village, or outside of any area that is subdivided into parcels of not more than 20,000 square feet each in area in any of the following locations or positions, or under any of the following conditions, or if the advertising display is of the following nature:

- (a) If within a distance of 300 feet from the point of intersection of highway or of highway and railroad right-of-way lines, except that this does not prevent the placing of advertising display on that side of an intercepted highway that is opposite the point of interception. But in case any permanent building, structure or other object prevents any traveler on any such highway from obtaining a clear view of approaching vehicles for a distance of 300 feet, then advertising displays may be placed on such buildings, structure or other object if such displays will not further obstruct the vision of those approaching the intersection or interception, or if any such display does not project more than one foot therefrom.
- (b) If placed in such a manner as to prevent any traveler on any

highway from obtaining a clear view of approaching vehicles for a distance of 500 feet along the highway.

5405. Notwithstanding any other provision of this chapter, no advertising display shall be placed or maintained within 660 feet from the edge of the right-of-way of, and the copy of which is visible from, any interstate or primary highway, other than any of the following:

(a) Directional or other official signs or notices that are required or authorized by law, including, but not limited to, signs pertaining to natural wonders and scenic and historical attractions, and which comply with regulations adopted by the director relative to their lighting, size, number, spacing, and any other requirements as may be appropriate to implement this chapter which are consistent with national standards adopted by the United States Secretary of Transportation pursuant to subdivision (c) of Section 131 of Title 23 of the United States Code.

(b) Advertising displays advertising the sale or lease of the property upon which they are located, if all advertising displays within 660 feet of the edge of the right-of-way of a bonus segment comply with the regulations adopted under Sections 5251 and 5415.

(c) Advertising displays which advertise the business conducted, services rendered, or goods produced or sold upon the property upon which the advertising display is placed, if the display is upon the same side of the highway as the advertised activity; and if all advertising displays within 660 feet of the right-of-way of a bonus segment comply with the regulations adopted under Sections 5251, 5403, and 5415; and except that no advertising display shall be placed after January 1, 1971, if it contains flashing, intermittent, or moving lights (other than that part necessary to give public service information, including, but not limited to, the time, date, temperature, weather, or similar information, or a message center display as defined in subdivision (d)).

(d) (1) Message center displays that comply with all requirements of this chapter. The illumination or the appearance of illumination resulting in a message change of a message center display is not the use of flashing, intermittent, or moving light for purposes of subdivision (b) of Section 5408, except that no message center display may include any illumination or message change that is in motion or appears to be in motion or that changes in intensity or exposes its message for less than four seconds. No message center display may be placed within 1,000 feet of another message center display on the same side of the highway. No message center display may be placed in violation of Section 131 of Title 23 of the United States Code.

(2) Any message center display located beyond 660 feet from the edge of the right-of-way of an interstate or primary highway and permitted by a city, county, or city and county on or before December 31, 1988, is in compliance with Article 6 (commencing with Section 5350) and Article 7 (commencing with Section 5400) for purposes of this section.

(3) Any message center display legally placed on or before December 31, 1996, which does not conform with this section may continue to be maintained under its existing criteria if it advertises only the business conducted, services rendered, or goods produced or sold upon the property upon which the display is placed.

(4) This subdivision does not prohibit the adoption by a city,

county, or city and county of restrictions or prohibitions affecting off-premises message center displays which are equal to or greater than those imposed by this subdivision, if that ordinance or regulation does not restrict or prohibit on-premises advertising displays, as defined in Chapter 2.5 (commencing with Section 5490).

(e) Advertising displays erected or maintained pursuant to regulations of the director, not inconsistent with the national policy set forth in subdivision (f) of Section 131 of Title 23 of the United States Code and the standards promulgated thereunder by the Secretary of Transportation, and designed to give information in the specific interest of the traveling public.

5405.3. Nothing in this chapter, including, but not limited to, Section 5405, shall prohibit the placing of temporary political signs, unless a federal agency determines that such placement would violate federal regulations. However, no such sign shall be placed within the right-of-way of any highway or within 660 feet of the edge of and visible from the right-of-way of a landscaped freeway.

A temporary political sign is a sign which:

- (a) Encourages a particular vote in a scheduled election.
- (b) Is placed not sooner than 90 days prior to the scheduled election and is removed within 10 days after that election.
- (c) Is no larger than 32 square feet.
- (d) Has had a statement of responsibility filed with the department certifying a person who will be responsible for removing the temporary political sign and who will reimburse the department for any cost incurred to remove it.

5405.5. In addition to those displays permitted pursuant to Section 5405, displays erected and maintained pursuant to regulations of the director, which will not be in violation of Section 131 of Title 23 of the United States Code, and which identify the location of a farm produce outlet where farmers sell directly to the public only those farm or ranch products they have produced themselves, may be placed or maintained within 660 feet from the edge of the right-of-way so that the copy of the display is visible from a highway.

The advertising displays shall indicate the location of the farm products but not the price of any product and shall not be larger than 150 square feet.

5405.6. Notwithstanding any other provision of law, no outdoor advertising display that exceeds 10 feet in either length or width, shall be built on any land or right-of-way owned by the Los Angeles County Metropolitan Transportation Authority, including any of its rights-of-way, unless the authority complies with any applicable provisions of this chapter, the federal Highway Beautification Act of 1965 (23 U.S.C.A. Sec. 131), and any local regulatory agency's rules or policies concerning outdoor advertising displays. The authority shall not disregard or preempt any law, ordinance, or regulation of any city, county, or other local agency involving any outdoor advertising display.

5406. The provisions of Sections 5226 and 5405 shall not apply to bonus segments which traverse and abut on commercial or industrial zones within the boundaries of incorporated municipalities, as such boundaries existed on September 21, 1959, wherein the use of real property adjacent to and abutting on the national system of

interstate and defense highways is subject to municipal regulation or control, or which traverse and abut on other business areas where the land use, as of September 21, 1959, was clearly established by state laws as industrial or commercial, provided that advertising displays within 660 feet of the edge of the right-of-way of such bonus segments shall be subject to the provisions of Section 5408.

5407. The provisions of Sections 5226 and 5405 shall not apply to penalty segments which are located, or which are to be located, in business areas and which comply with Section 5408, except that Sections 5226 and 5405 shall apply to unzoned commercial or industrial areas in which the commercial or industrial activity ceases and is removed or permanently converted to other than a commercial or industrial activity, and displays in such areas shall be removed not later than five years following the cessation, removal, or conversion of the commercial or industrial activity.

5408. In addition to the advertising displays permitted by Section 5405 to be placed within 660 feet of the edge of the right-of-way of interstate or primary highways, advertising displays conforming to the following standards, and not in violation of any other provision of this chapter, may be placed in those locations if placed in business areas:

(a) Advertising displays may not be placed that exceed 1,200 square feet in area with a maximum height of 25 feet and a maximum length of 60 feet, including border and trim, and excluding base or apron supports and other structural members. This subdivision shall apply to each facing of an advertising display. The area shall be measured by the smallest square, rectangle, triangle, circle, or combination thereof, which will encompass the entire advertisement. Two advertising displays not exceeding 350 square feet each may be erected in a facing. Any advertising display lawfully in existence on August 1, 1967, that exceeds 1,200 square feet in area, and that is permitted by city or county ordinance, may be maintained in existence.

(b) Advertising displays may not be placed that are so illuminated that they interfere with the effectiveness of, or obscure any official traffic sign, device, or signal; nor shall any advertising display include or be illuminated by flashing, intermittent, or moving lights (except that part necessary to give public service information such as time, date, temperature, weather, or similar information); nor shall any advertising display cause beams or rays of light to be directed at the traveled ways if the light is of an intensity or brilliance as to cause glare or to impair the vision of any driver, or to interfere with any driver's operation of a motor vehicle.

(c) Advertising displays may not be placed to obstruct, or otherwise physically interfere with, an official traffic sign, signal, or device or to obstruct, or physically interfere with, the vision of drivers in approaching, merging, or intersecting traffic.

(d) No advertising display shall be placed within 500 feet from another advertising display on the same side of any portion of an interstate highway or a primary highway that is a freeway. No advertising display shall be placed within 500 feet of an interchange, or an intersection at grade, or a safety roadside rest area on any portion of an interstate highway or a primary highway that is a freeway and if the interstate or primary highway is located

outside the limits of an incorporated city and outside the limits of an urban area. No advertising display shall be placed within 300 feet from another advertising display on the same side of any portion of a primary highway that is not a freeway if that portion of the primary highway is located outside the limits of an incorporated city and outside the limits of an urban area. No advertising display shall be placed within 100 feet from another advertising display on the same side of any portion of a primary highway that is not a freeway if that portion of the primary highway is located inside the limits of an incorporated city or inside the limits of an urban area.

(e) Subdivision (d) does not apply to any of the following:

(1) Advertising displays that are separated by a building or other obstruction in a manner that only one display located within the minimum spacing distances set forth herein is visible from the highway at any one time.

(2) Double-faced, back-to-back, or V-type advertising display, with a maximum of two signs per facing, as permitted in subdivision (a).

(3) Advertising displays permitted by subdivisions (a) to (c), inclusive, of Section 5405. The minimum distance between signs shall be measured along the nearest edge of the pavement between points directly opposite the signs along each side of the highway.

(4) Any advertising display lawfully in existence on August 1, 1967, which does not conform to this subdivision but that is permitted by city or county ordinances.

(f) "Urban area," as used in subdivision (d), shall be determined in accordance with Section 101(a) of Title 23 of the United States Code.

5408.1. (a) No advertising display shall be placed or maintained beyond 660 feet from the edge of the right-of-way of an interstate or primary highway if such advertising display is located outside of an urban area or within that portion of an urban area that is not a business area, is visible from the main traveled way of such highway, and is placed with the purpose of its message being read from such main traveled way, unless such advertising display is included within one of the classes of displays permitted by Section 5405 to be placed within 660 feet from the edge of such highway. Such display may be placed or maintained within the portion of an urban area that is also a business area if such display conforms to the criteria for size, spacing and lighting set forth in Section 5408.

(b) Any advertising display which was lawfully in existence on the effective date of the enactment of this section, but which does not conform to the provisions of this section, shall not be required to be removed until January 1, 1980. If federal law requires the state to pay just compensation for the removal of any such display, it may remain in place after January 1, 1980, and until just compensation is paid for its removal pursuant to Section 5412.

(c) For purposes of this section, an urban area means an area so designated in accordance with the provisions of Section 101 of Title 23 of the United States Code.

5408.2. Notwithstanding any other provision of this chapter, an advertising display is a lawfully erected advertising display and, upon application and payment of the application fee, the director shall issue a permit for the display if it meets all of the following conditions:

(a) The display was erected on property adjacent to State Highway Route 10 (Interstate 10) in the unincorporated area of the County of Los Angeles in order to replace a display which was required to be removed because the property on which it was located was acquired by the State of California to facilitate construction of the busway on Route 10 in the County of Los Angeles.

(b) Upon proper application, the display could have qualified for a permit at the time it was erected, except for Sections 5351 and 5408 and Article 5 (commencing with Section 5320) as in effect at the time.

(c) The display conforms to Section 5408 as in effect on January 1, 1984.

(d) The display was in existence on January 1, 1984.

5408.3. Notwithstanding Section 5408, a city or a county with land use jurisdiction over the property may adopt an ordinance that establishes standards for the spacing and sizes of advertising displays that are more restrictive than those imposed by the state.

5408.5. In addition to the advertising displays permitted by Sections 5405 and 5408, advertising displays located on bus passenger shelters or benches and conforming to the following standards may be placed on or adjacent to a highway:

(a) The advertising display may not be within 660 feet of and visible from any federal-aid interstate or primary rural highway, and any advertising display within 660 feet of and visible from any urban highway shall be consistent with federal law and regulations.

(b) The advertising display shall meet traffic safety standards of the public entity having operational authority over the highway. These standards may include provisions requiring a finding and certification by an appropriate official that the proposed advertising display does not constitute a hazard to traffic.

(c) Bus passenger shelters or benches with advertising displays may only be placed at approved passenger loading areas.

(d) Bus passenger shelters or benches with advertising displays may only be placed in accordance with a permit or agreement with the public entity having operational authority over the highway adjacent to where, or upon which, the advertising display is to be placed.

(e) Any advertising display on bus passenger shelters or benches may not extend beyond the exterior limits of the shelter or bench.

(f) There may not be more than two advertising displays on any bus passenger shelter.

(g) Advertising displays placed on bus passenger shelters or benches pursuant to a permit or agreement with a local public entity shall not be subject to the state permit requirements specified in Article 6 (commencing with Section 5350).

5408.7. (a) It is the intent of the Legislature that this section shall not serve as a precedent for other changes to the law regarding outdoor advertising displays on, or adjacent to, highways. The Legislature recognizes that the streets in the City and County of San Francisco that are designated as state or federal highways are unique in that they are also streets with street lights, sidewalks, and many of the other features of busy urban streets. At the same time, these streets double as a way, and often the only way, for people to move through the city and county from one boundary to another. The Legislature recognizes the particular topography of the

City and County of San Francisco, the popularity of the area as a tourist destination, the high level of foot traffic, and the unique design of its highways.

(b) For purposes of this section, "street furniture" is any kiosk, trash receptacle, bench, public toilet, news rack, or public telephone placed on, or adjacent to, a street designated as a state or federal highway.

(c) In addition to the advertising displays permitted by Sections 5405, 5408, and 5408.5, advertising displays located on street furniture may be placed on, or adjacent to, any street designated as a state or federal highway within the jurisdiction of a city and county, subject to all of the following conditions:

(1) The advertising display meets the traffic safety standards of the city and county. These standards may include provisions requiring a finding and certification by an appropriate official of the city and county that the proposed advertising display does not constitute a hazard to traffic.

(2) Any advertising display that is within 660 feet of, and visible from, any street designated as a state or federal highway shall be consistent with federal law and regulations.

(3) Advertising displays on street furniture shall be placed in accordance with a permit or agreement with the city and county.

(4) Advertising displays on street furniture shall not extend beyond the exterior limits of the street furniture.

(d) Advertising displays placed on street furniture pursuant to a permit or agreement with the city and county shall not be subject to the state permit requirements of Article 6 (commencing with Section 5350). This subdivision does not affect the authority of the state to enforce compliance with federal law and regulations, as required by paragraph (2) of subdivision (c).

(e) (1) The city and county shall, upon written notice of any suit or claim of liability against the state for any injury arising out of the placement of an advertising display approved by the city and county pursuant to subdivision (c), defend the state against the claim and provide indemnity to the state against any liability on the suit or claim.

(2) For the purposes of this subdivision, "indemnity" has the same meaning as defined in Section 2772 of the Civil Code.

(f) (1) This section shall become inoperative not later than 60 days from the date the director receives notice from the United States Secretary of Transportation that future operation of this section will result in a reduction of the state's share of federal highway funds pursuant to Section 131 of Title 23 of the United States Code.

(2) Upon receipt of the notice described in paragraph (1), the director shall notify in writing the Secretary of State and the City and County of San Francisco of that receipt.

(3) This section shall be repealed on January 1 immediately following the date the Secretary of State receives the notice required under paragraph (2).

5410. Any advertising display located within 660 feet of the edge of the right-of-way of, and the copy of which is visible from, any penalty segment, or any bonus segment described in Section 5406 which display was lawfully maintained in existence on the effective date of this section but which was not on that date in conformity with the provisions of this article, may be maintained, and shall not be

required to be removed until July 1, 1970. Any other sign which is lawful when erected, but which does not on January 1, 1968, or any time thereafter, conform to the provisions of this article, may be maintained, and shall not be required to be removed, until the end of the fifth year after it becomes nonconforming; provided that this section shall not apply to advertising displays adjacent to a landscaped freeway.

5412. Notwithstanding any other provision of this chapter, no advertising display which was lawfully erected anywhere within this state shall be compelled to be removed, nor shall its customary maintenance or use be limited, whether or not the removal or limitation is pursuant to or because of this chapter or any other law, ordinance, or regulation of any governmental entity, without payment of compensation, as defined in the Eminent Domain Law (Title 7 (commencing with Section 1230.010) of Part 3 of the Code of Civil Procedure), except as provided in Sections 5412.1, 5412.2, and 5412.3. The compensation shall be paid to the owner or owners of the advertising display and the owner or owners of the land upon which the display is located.

This section applies to all displays which were lawfully erected in compliance with state laws and local ordinances in effect when the displays were erected if the displays were in existence on November 6, 1978, or lawfully erected after November 6, 1978, regardless of whether the displays have become nonconforming or have been provided an amortization period. This section does not apply to on-premise displays as specified in Section 5272 or to displays which are relocated by mutual agreement between the display owner and the local entity.

"Relocation," as used in this section, includes removal of a display and construction of a new display to substitute for the display removed.

It is a policy of this state to encourage local entities and display owners to enter into relocation agreements which allow local entities to continue development in a planned manner without expenditure of public funds while allowing the continued maintenance of private investment and a medium of public communication. Cities, counties, cities and counties, and all other local entities are specifically empowered to enter into relocation agreements on whatever terms are agreeable to the display owner and the city, county, city and county, or other local entity, and to adopt ordinances or resolutions providing for relocation of displays.

Relocations

5412.1. A city, county, or city and county, whose ordinances or regulations are otherwise in full compliance with Section 5412, is not in violation of that section if the entity elects to require the removal without compensation of any display which meets all the following requirements:

(a) The display is located within an area shown as residential on a local general plan as of either the date an ordinance or regulation is enacted or becomes applicable to the area which incorporates the provisions of this section.

(b) The display is located within an area zoned for residential use either on the date on which the removal requirement is adopted or becomes applicable to the area.

(c) The display is not located within 660 feet from the edge of the right-of-way of an interstate or primary highway with its copy

visible from the highway, nor is placed or maintained beyond 660 feet from the edge of the right-of-way of an interstate or primary highway with the purpose of its message being read from the main traveled way.

(d) The display is not required to be removed because of an overlay zone, combining zone, or any other special zoning district whose primary purpose is the removal or control of signs.

(e) The display is allowed to remain in existence for the period of time set forth below after the enactment or amendment after January 1, 1983, of any ordinance or regulation necessary to bring the entity requiring removal into compliance with Section 5412, and after giving notice of the removal requirement:

Fair Market Value on Date of Notice of Removal Requirement	Minimum Years Allowed
Under \$1,999.....	2
\$2,000 to \$3,999.....	3
\$4,000 to \$5,999.....	4
\$6,000 to \$7,999.....	5
\$8,000 to \$9,999.....	6
\$10,000 and over.....	7

The amounts provided in this section shall be adjusted each January 1 after January 1, 1983, in accordance with the changes in building costs, as indicated in the United States Department of Commerce Composite Cost Index for Construction Costs.

5412.2. A city or city and county, whose ordinances or regulations are otherwise in full compliance with Section 5412, is not in violation of that section if the entity elects to require the removal without compensation of any display which meets all the following requirements:

(a) The display is located within an incorporated area shown as agricultural on a local general plan as of either the date an ordinance or regulation is enacted or becomes applicable to the area which incorporates the provisions of this section.

(b) The display is located within an area zoned for agricultural use either on the date on which the removal requirement is adopted or becomes applicable to the area.

(c) The display is not located within 660 feet from the edge of the right-of-way of an interstate or primary highway with its copy visible from the highway, nor is placed or maintained beyond 660 feet from the edge of the right-of-way of an interstate or primary highway with the purpose of its message being read from the main traveled way.

(d) The display is not required to be removed because of an overlay zone, combining zone, or any other special zoning district whose primary purpose is the removal or control of signs.

(e) The display is allowed to remain in existence for the period of time set forth below after the enactment or amendment after January 1, 1983, of any ordinance or regulation necessary to bring the entity requiring removal into compliance with Section 5412, and after giving notice of the removal requirement:

Fair Market Value on Date of Notice	Minimum Years
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of Removal Requirement	Allowed
Under \$1,999.....	2
\$2,000 to \$3,999.....	3
\$4,000 to \$5,999.....	4
\$6,000 to \$7,999.....	5
\$8,000 to \$9,999.....	6
\$10,000 and over.....	7

The amounts provided in this section shall be adjusted each January 1 after January 1, 1983, in accordance with the changes in building costs as indicated in the United States Department of Commerce Composite Cost Index for Construction Costs.

5412.3. A county whose ordinances or regulations are otherwise in full compliance with Section 5412, is not in violation of that section if the county elects to require the removal without compensation of any display which meets all the following requirements:

(a) The display is located within an unincorporated area shown as agricultural on a local general plan as of either the date an ordinance or regulation is enacted or becomes applicable to the area which incorporates the provisions of this section.

(b) The display is located within an area zoned for agricultural use either on the date on which the removal requirement is adopted or becomes applicable to the area.

(c) The display is not located within 660 feet from the edge of the right-of-way of an interstate or primary highway with its copy visible from the highway, nor is placed or maintained beyond 660 feet from the edge of the right-of-way of an interstate or primary highway with the purpose of its message being read from the main traveled way.

(d) The display is not required to be removed because of an overlay zone, combining zone, or any other special zoning district whose primary purpose is the removal or control of signs.

(e) The display is allowed to remain in existence for the period of time set forth below after the adoption or amendment after January 1, 1983, of any ordinance or regulation necessary to bring the entity requiring removal into compliance with Section 5412, and after giving notice of the removal requirement:

Fair Market Value on Date of Notice of Removal Requirement	Minimum Years Allowed
Under \$1,999.....	3.0
\$2,000 to \$3,999.....	4.5
\$4,000 to \$5,999.....	6.0
\$6,000 to \$7,999.....	7.5
\$8,000 to \$9,999.....	9.0
\$10,000 and over.....	10.5

The amounts provided in this section shall be adjusted each January 1 after January 1, 1983, in accordance with the changes in building costs, as indicated in the United States Department of Commerce Composite Cost Index for Construction Costs.

5412.4. Section 5412 shall not be applied in any judicial proceeding which was filed and served by any city, county, or city

and county prior to January 1, 1982, except that Section 5412 shall be applied in litigation to prohibit the removal without compensation of any advertising display located within 660 feet from the edge of the right-of-way of an interstate or primary highway with its copy visible from the highway, or any advertising display placed or maintained beyond 660 feet from the edge of the right-of-way of an interstate or primary highway that is placed with the purpose of its message being read from the main traveled way of the highway.

5412.6. The requirement by a governmental entity that a lawfully erected display be removed as a condition or prerequisite for the issuance or continued effectiveness of a permit, license, or other approval for any use, structure, development, or activity other than a display constitutes a compelled removal requiring compensation under Section 5412, unless the permit, license, or approval is requested for the construction of a building or structure which cannot be built without physically removing the display.

5413. Prior to commencing judicial proceedings to compel the removal of an advertising display, the director may elect to negotiate with the person entitled to compensation in order to arrive at an agreement as to the amount of compensation to be paid. If the negotiations are unsuccessful, or if the director elects not to engage in negotiations, a civil proceeding may be instituted as set forth in Section 5414.

To facilitate the negotiations, the Department of Transportation shall prepare a valuation schedule for each of the various types of advertising displays based on all applicable data. The schedule shall be updated at least once every two years. The schedule shall be made available to any public entity requesting a copy.

5414. Proceedings to compel the removal of displays and to determine the compensation required by this chapter shall be conducted pursuant to Title 7 (commencing with Section 1230.010) of Part 3 of the Code of Civil Procedure.

5415. The director shall prescribe and enforce regulations for the erection and maintenance of advertising displays permitted by Sections 5226, 5405, and 5408 consistent with Section 131 of Title 23 of the United States Code and the national standards promulgated thereunder by the Secretary of Transportation; provided, that the director shall not prescribe regulations imposing stricter requirements for the size, spacing or lighting of advertising displays than are prescribed by Section 5408 and provided that the director shall not prescribe regulations to conform to changes in federal law or regulations made after November 8, 1967, without prior legislative approval.

Notwithstanding any other provisions of this chapter, no outdoor advertising shall be placed or maintained adjacent to any interstate highway or primary highway in violation of the national standards promulgated pursuant to subsections (c) and (f) of Section 131 of Title 23 of the United States Code, as such standards existed on November 8, 1967.

5416. The director shall seek, and may enter into, agreements with the Secretary of Transportation of the United States and shall take such steps as may be necessary from time to time to obtain, and may

accept, any allotment of funds as provided by subdivision (j) of Section 131 of Title 23 of the United States Code, as amended from time to time, and such steps as may be necessary from time to time to obtain funds allotted pursuant to Section 131 for the purpose of paying the 75 percent federal share of the compensation required by subdivision (g) of Section 131 of Title 23 of the United States Code.

5417. From state funds appropriated by the Legislature for such purposes and from federal funds made available for such purposes, the California Transportation Commission may allocate funds to the director for payment of compensation authorized by this chapter.

5418. The California Transportation Commission is authorized to allocate sufficient funds from the State Highway Account in the State Transportation Fund that are available for capital outlay purposes to match federal funds made available for the removal of outdoor advertising displays.

5418.1. When allocating funds pursuant to Section 5418, the commission shall consider, and may designate for expenditure, all or any part of such funds in accordance with the following order of priorities for removal of those outdoor advertising displays for which compensation is provided pursuant to Section 5412:

(a) Hardship situations involving outdoor advertising displays located adjacent to highways which are included within the state scenic highway system, including those nonconforming outdoor advertising displays which are offered for immediate removal by the owners thereof.

(b) Hardship situations involving outdoor advertising displays located adjacent to other highways, including those nonconforming outdoor advertising displays which are offered for removal by the owners thereof.

(c) Nonconforming outdoor advertising displays located adjacent to highways which are included within the state scenic highway system.

(d) Nonconforming outdoor advertising displays which are generally used for product advertising, and which are located in unincorporated areas.

(e) Nonconforming outdoor advertising displays which are generally used for product advertising located within incorporated areas.

(f) Nonconforming outdoor advertising displays which are generally used for non-motorist-oriented directional advertising.

(g) Nonconforming outdoor advertising displays which are generally used for motorist-related directional advertising.

5419. (a) The director shall seek agreement with the Secretary of Transportation of the United States, or his successor, under provisions of Section 131 of Title 23 of the United States Code, to provide for effective control of outdoor advertising substantially as set forth herein, provided that such agreement can vary and change the definition of "unzoned commercial or industrial area" as set forth in Section 5222 and the definition of "business area" as set forth in Section 5223, or other sections related thereto, and provided further that if such agreement does vary from such sections it shall not be effective until the Legislature by statute amends the sections to conform with the terms of the agreement. If agreement is reached on these terms, the director shall execute the agreement on behalf of the state.

(b) In the event an agreement cannot be achieved under subdivision (a), the director shall promptly institute proceedings of the kind provided for in subdivision (1) of Section 131 of Title 23 of the United States Code, in order to obtain a judicial determination as to whether this chapter and the regulations promulgated thereunder provide effective control of outdoor advertising as set forth therein. In such action the director shall request that the court declare rights, status, and other legal relations and declare whether the standards, criteria, and definitions contained in the agreement proposed by the director are consistent with customary use. If such agreement is held by the court in a final judgment to be invalid in whole or in part as inconsistent with customary use or as otherwise in conflict with Section 131 of Title 23 of the United States Code, the director shall promptly negotiate with the Secretary of Transportation, or his successor, a new agreement or agreements which shall conform to this chapter, as interpreted by the court in such action.

5440. Except as otherwise provided in this article, no advertising display may be placed or maintained on property adjacent to 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.

5440.1. Except as provided in Section 5442.5, no advertising display may be placed or maintained along any highway or segment of any interstate highway or primary highway that before, on, or after the effective date of Section 131(s) of Title 23 of the United States Code is an officially designated scenic highway or scenic byway.

5441. Any advertising display which is now, or hereafter becomes, in violation of Section 5440 shall be subject to removal three years from the date the freeway has been declared a landscaped freeway by the director or the director's designee and the character of the freeway has been changed from a freeway to a landscaped freeway.

5442. Section 5440 does not apply to any advertising structure or sign if the advertising display is used exclusively for any of the following purposes:

- (a) To advertise the sale or lease of the property upon which the advertising display is placed.
- (b) To designate the name of the owner or occupant of the premises upon which the advertising display is placed, or to identify the premises.
- (c) To advertise goods manufactured or produced, or services rendered, on the property upon which the advertising display is placed.

5442.5. Section 5440.1 does not apply to any advertising display if the advertising display is used exclusively for any of the following purposes:

- (a) Directional and official signs and notices, including, but not be limited to, signs and notices pertaining to natural wonders or scenic and historical attractions that are otherwise required or authorized by law and conform to regulations adopted by the department.
- (b) Signs, displays, and devices advertising the sale or lease of

real property upon which they are located.

(c) Signs, displays, and devices, including, but not limited to, those that may be changed at reasonable intervals by electronic process or by remote control, advertising activities conducted on the property on which they are located.

(d) Signs lawfully in existence on October 22, 1965, as determined by the department to be landmark signs, including signs on farm structures or natural surfaces, or of historic or artistic significance the preservation of which, in the opinion of the department, would be consistent with the purposes of this section, as determined by regulations adopted by the department.

(e) Signs, displays, and devices advertising the distribution by nonprofit organizations of free coffee to individuals traveling on the interstate system or the primary system. For the purpose of this subdivision, the term "free coffee" means, coffee for which a donation may be made, but is not required.

5442.7. (a) Section 5440 does not apply to any freestanding identifying structure that is used exclusively to identify development projects, business centers, or associations located within the jurisdiction of, and sponsored by, the City of Richmond to support economic development activities.

(b) A structure erected pursuant to subdivision (a) shall conform to all of the following conditions:

(1) Not more than one identifying structure may be used by the City of Richmond and only if approved by that city by ordinance or resolution after a duly noticed public hearing regarding the structure.

(2) Placement of the structure shall not require the immediate trimming, pruning, topping, or removal of existing trees to provide visibility to the structure, unless done as part of the normal landscape maintenance activities that would have been undertaken without regard to the placement of the structure.

(3) The structure shall be generic only and shall not identify any specific business.

(4) No public funds may be expended to pay for the costs of the structure.

(5) The structure shall not cause a reduction in federal aid highway funds as provided in Section 131 of Title 23 of the United States Code.

5442.8. Section 5440 does not apply to any advertising structure or sign if the advertising display is used exclusively to identify development projects, business centers, or associations located within the jurisdiction of, or sponsored by, the City of Costa Mesa to support economic development activities, if all of the following conditions are met:

(a) No other display is used by the city pursuant to this section.

(b) The governing body of the city has authorized placement of the display by an ordinance or resolution adopted following a duly noticed public hearing regarding the display.

(c) Placement of the display will not necessitate the immediate trimming, pruning, topping, or removal of existing trees in order to make the display visible or to improve its visibility, unless done as part of the normal landscape maintenance activities that would have been undertaken without regard to the placement of the display.

(d) The display does not cause a reduction in federal aid highway

funds, as provided in Section 131 of Title 23 of the United States Code.

5442.9. (a) Notwithstanding Section 5440, a city described in subdivision (b) may erect a nonconforming display if all of the following apply:

(1) The display is placed on property that the city has owned since before January 1, 1995.

(2) Not more than one additional display is added to the number of signs within the city that do not conform to this article as of January 1, 2000.

(3) The display is located within the boundaries of the city.

(4) Placement or maintenance of the display does not require the immediate trimming, pruning, topping, or removal of existing trees to provide visibility to the display, unless done as part of the normal landscape maintenance activities that would have been undertaken without regard to the placement or maintenance of the display.

(5) No public funds are required to be expended to pay for the costs of the display.

(6) The display does not impose additional liability on the Department of Transportation.

(7) The display does not cause a reduction in federal aid highway funds, as provided in Section 131 of Title 23 of the United States Code.

(8) All proceeds received by a participating city by allowing the erection of the nonconforming display are expended by the city solely for parks and programs for at-risk youth.

(9) The display does not advertise products or services which are directed at an adult population, including, but not limited to, alcohol, tobacco, and gambling activities.

(b) For purposes of this section, city is any city that meets all of the following conditions:

(1) The city's population is 17,000 persons or less.

(2) The city's annual budget is less than eight million dollars (\$8,000,000).

(3) The city's geographical area is less than 1.7 square miles.

(4) The city is located in an urbanized county containing a population of 6,000,000 or more persons.

5442.10. (a) Notwithstanding any other provision of this chapter, Section 5440 does not apply to any advertising display if all of the following conditions are met:

(1) Not more than five advertising displays, whose placement or maintenance is otherwise prohibited under this chapter, shall be erected and only if approved by the Oakland-Alameda County Coliseum Authority.

(2) All five advertising displays shall meet the 1,200 square foot size restriction set forth in subdivision (a) of Section 5408. However, subject to subdivision (b), three of the advertising displays may be vertically oriented so long as those displays do not exceed 60 feet in height and 25 feet in length, including border and trim and excluding base or apron supports, and other structural members.

(3) The display area of each advertising display is measured by the smallest square, rectangle, circle, or combination that will encompass the display area. For purposes of this section, embellishments and secondary signs located in the border or trim

around a display area advertising the name of the coliseum complex or the identities of athletic teams who are licensees or lessees of all or portions of the Oakland-Alameda County Coliseum Complex shall not cause the border or trim areas to be included in a display face for measurement purposes. In the case of an LED display advertising on-premises activities at the Oakland-Alameda County Coliseum Complex, or off-premises, noncommercial community activities, the LED portion of the display face shall not be included for measurement purposes.

(4) Placement or maintenance of each advertising display does not require the immediate trimming, pruning, topping, or removal of trees located on a state highway right-of-way to provide visibility to the advertising display, unless done as part of the normal landscape maintenance activities that would have been undertaken without regard to the placement of the display.

(5) No advertising display shall advertise products or services that are directed at an adult population, including, but not limited to, alcohol, tobacco, gambling, or sexually explicit material.

(6) Each advertising display shall be located on the Oakland-Alameda County Coliseum Complex property and shall comply with the spacing requirements set forth in subdivision (d) of Section 5408, as implemented by department regulation.

(7) If any advertising display erected pursuant to this section is removed for purposes of a transportation project undertaken by the department, the display owner is entitled to relocate that display within the Oakland-Alameda County Coliseum Complex property, and is not entitled to monetary compensation for the removal or relocation even if relocation is not possible.

(8) The display shall not cause a reduction in federal aid highway funds as provided in Section 131 of Title 23 of the United States Code.

(b) For the specific purpose of this section and in accordance with the Memorandum for Record with the Federal Highway Administration dated January 17, 2001, upon the written request of the Oakland-Alameda County Coliseum Authority on behalf of its licensee or contractor seeking to erect one or more of the three advertising displays allowed by paragraph (2) of subdivision (a) consisting of a size not to exceed 60 feet in height and 25 feet in length, the department shall promptly request Federal Highway Administration approval of that change in orientation to ensure that the advertising displays will not cause a reduction in federal aid highway funds. Upon receipt of the approval from the Federal Highway Administration, the advertising display or displays may be erected.

(c) For the purposes of this section, the Oakland-Alameda County Coliseum Complex is the real property and improvements located at 7000 Coliseum Way, City of Oakland, and more particularly described in Parcel Map 7000, filed August 1, 1996, Map Book 223, Page 84, Alameda County Records, Assessor's Parcel Nos. 041-3901-008 and 041-3901-009.

5442.11. Notwithstanding any other provision of this chapter, Section 5440 does not apply to any advertising display in the Mid-City Recovery Redevelopment Project Area within the City of Los Angeles if all of the following conditions are met:

(a) Not more than four advertising displays, whose placement or maintenance is otherwise prohibited under this chapter, may be erected if approved by the Community Redevelopment Agency of the City

of Los Angeles as part of an owner-participation agreement or disposition and development agreement.

(b) All four advertising displays meet the requirements set forth in Section 5405 and 5408.

(c) Placement or maintenance of each advertising display does not require the immediate trimming, pruning, topping, or removal of trees located on a state highway right-of-way to provide visibility to the advertising display, unless done as part of the normal landscape maintenance activities that would have been undertaken without regard to the placement of the display.

(d) No advertising display shall advertise products or services that are directed at an adult population, including, but not limited to, alcohol, tobacco, gambling, or sexually explicit material.

(e) If any advertising display erected pursuant to this section is removed for purposes of a transportation project undertaken by the department, the display owner is entitled to relocate that display and is not entitled to monetary compensation for the removal or relocation.

(f) The advertising display shall not cause a reduction in federal aid highway funds as provided in Section 131 of Title 23 of the United States Code.

5442.13. (a) Notwithstanding any other provision of this chapter, Section 5440 shall not prohibit an advertising display in the City of Los Angeles by a not-for-profit educational academy that is exempt from taxation pursuant to Section 501(c)(3) of Title 26 of the United States Code, if all of the following conditions are met:

(1) The exception provided by this section is limited to only one advertising display.

(2) The site of the academy is located immediately adjacent to State Highway Routes 10 and 110 in the City of Los Angeles.

(3) The academy's curriculum focuses on providing arts and entertainment business education.

(4) The advertising display is constructed on the roof of the academy's facility.

(5) The advertising display meets the requirements set forth in Sections 5405 and 5408.

(6) Placement or maintenance of the advertising display does not require the immediate trimming, pruning, topping, or removal of trees located on a state highway right-of-way to provide visibility to the advertising display, unless done as part of the normal landscape maintenance activities that would have been undertaken without regard to the placement of the display.

(7) Revenues accruing to the academy from the advertising display are used exclusively for the acquisition, operation, and improvement of the academy.

(b) An advertising display erected pursuant to this section shall not advertise products or services that are directed at an adult population, including, but not limited to, alcohol, tobacco, gambling, or sexually explicit material.

(c) If an advertising display erected pursuant to this section is removed for purposes of a transportation project undertaken by the department, the display owner shall be entitled to relocate that advertising display with no compensation for the removal or relocation, and the relocation shall be limited to a site on the property of the academy specified in subdivision (a).

(d) An advertising display erected pursuant to this section shall

not cause a reduction in federal aid highway funds, as provided in Section 131 of Title 23 of the United States Code.

(e) If the academy specified in subdivision (a) closes or otherwise ceases to operate, the advertising display permitted under this section shall no longer be authorized and shall be removed from the property of the academy.

(f) Notwithstanding Section 5412, if the property on which the academy specified in subdivision (a) is sold, the seller shall remove the billboard from the property without compensation before title to the property is transferred to the buyer.

(g) The academy specified in subdivision (a) shall prepare an audit of the revenues generated by the advertising display authorized under this section that includes, but is not limited to, the total revenues generated from the display, the amount of revenues received by the academy, and the expenditures and uses of the revenue. The audit shall be submitted to the Controller and the Legislature on or before January 1, 2007, and every four years thereafter.

(h) The academy specified in subdivision (a) shall comply with the provisions of the City of Los Angeles regulation designated as Section 12.21A 7 (1) of the Los Angeles Municipal Code. The requirements of this subdivision shall be waived if the City of Los Angeles fails to implement, comply with, and make a determination pursuant to the provisions of Section 12.21A7 (1) of the Los Angeles Municipal Code on or before January 1, 2005.

5443. Nothing in this article prohibits either of the following:

(a) Any county from designating the districts or zones in which advertising displays may be placed or prohibited as part of a county land use or zoning ordinance.

(b) Any governmental entity from entering into a relocation agreement pursuant to Section 5412 or the department from allowing any legally permitted display to be increased in height at its permitted location or to be relocated if a noise attenuation barrier is erected in front of the display or if a building, construction, or structure, including, but not limited to, a barrier, bridge, overpass, or underpass, has been or is then being erected by any government entity that obstructs the display's visibility within 500 feet of the display and that relocated display or that action of the department would not cause a reduction in federal aid highway funds as provided in Section 131 of Title 23 of the United States Code or an increase in the number of displays within the jurisdiction of a governmental entity which does not conform to this article. Any increase in height permitted under this subdivision shall not be more than that necessary to restore the visibility of the display to the main-traveled way. An advertising display relocated pursuant to this subdivision shall comply with all of the provisions of Article 6 (commencing with Section 5350).

5443.5. Nothing in this article prohibits the Department of Transportation from allowing any legally permitted display situated on property being acquired for a public use to be relocated, subject to the approval of the public agency acquiring the property and the approval of the jurisdiction in which the display will be relocated, so long as the action of the department in allowing the relocation of the display would not cause a reduction in federal-aid highway funds, as provided in Section 131 of Title 23 of the United States Code, or an increase in the number of displays which do not conform

to this article within the jurisdiction of a governmental entity.

5460. It is unlawful for any person to place or cause to be placed, or to maintain or cause to be maintained any advertising display without the lawful permission of the owner or lessee of the property upon which the advertising display is located.

5461. All advertising displays which are placed or which exist in violation of the provisions of this chapter are public nuisances and may be removed by any public employee as further provided in this chapter.

5463. The director may revoke any license or permit for the failure to comply with this chapter and may remove and destroy any advertising display placed or maintained in violation of this chapter after 30 days' written notice is forwarded by mail to the permitholder at his or her last known address. If no permit has been issued, a copy of the notice shall be forwarded by mail to the display owner, property owner, or advertiser at his or her last known address.

Notwithstanding any other provision of this chapter, the director or any authorized employee may summarily and without notice remove and destroy any advertising display placed in violation of this chapter which is temporary in nature because of the materials of which it is constructed or because of the nature of the copy thereon.

For the purpose of removing or destroying any advertising display placed in violation of this chapter, the director or the director's authorized agent may enter upon private property.

5464. Every person as principal, agent or employee, violating any of the provisions of this chapter is guilty of a misdemeanor.

5465. The remedies provided in this chapter for the removal of illegal advertising displays are cumulative and not exclusive of any other remedies provided by law.

5466. (a) Notwithstanding any other provision of law, as to an advertising display in place as of August 12, 2004, a cause of action for the erection or maintenance of an advertising display that violates this chapter or the laws of a local governmental entity shall not be brought by a private party against an advertising display that has been in continuous existence in its current location for a period of five years. However, if the advertising display has been illegally modified, the cause of action for the illegal modification may be brought by a private party if it is filed within five years of the date the modification was made.

(b) This section shall not apply to a cause of action brought by a governmental entity that is based on the erection or maintenance of an advertising display that violates this chapter or the laws of the governmental entity.

Attachment 3

(Copy of Chapter 17.36 sign regulations)

Chapter 17.36 - SIGN REGULATIONS

Sections:

17.36.010 - Purpose.

The purpose of this chapter is to establish sign regulations that are intended to:

- A. Limit and control the location, size, type and number of signs allowed in the City of Banning.
- B. To provide for a more orderly display of advertising devices, while implementing community design standards with respect to character, quality of materials, color, illumination and maintenance, which are consistent with the City's General Plan.
- C. To bring these advertising devices into harmony with the buildings, with the neighborhood, with the natural environment, and with other signs in the area.
- D. To preserve and improve the appearance of the City as a place in which to live and work, and as an attraction to nonresidents who come to visit or trade.
- E. To encourage sound signage practices as an aid to business and for the information of the public, while preventing excessive and confusing sign displays.
- F. To reduce hazards to motorists, bicyclists and pedestrians.
- G. And to promote the public health, safety, viewsheds, aesthetic values, and general welfare of the community by regulating and controlling all matters relating to signs.

(Zoning Ord. dated 1/31/06, § 9109.01.)

17.36.020 - Applicability.

- A. This chapter shall apply to all signage proposed within the community. No signs shall be erected or maintained in any land use district established by this Zoning Ordinance, except those signs specifically enumerated in this chapter. The number and area of signs as outlined in this chapter are intended to be maximum standards.
- B. In addition to the standards set forth herein, consideration shall be given to a sign's relationship to the need that it serves, and the overall appearance of the subject property as well as the surrounding community. Compatible design, simplicity, and sign effectiveness are to be used in establishing guidelines for sign approval.

(Zoning Ord. dated 1/31/06, § 9109.02.)

17.36.030 - Definitions.

Abandoned Sign. Any display remaining in place or not maintained for a period of 120 days or more which no longer advertises or identifies an on-going business, product, or service available on the business premises where the display is located.

Address Sign. The numeric reference of a structure or use to a street, included as part of a wall or monument sign.

A-Frame Sign. A free standing sign usually hinged at the top, or attached in a similar manner, and widening at the bottom to form a shape similar to the letter "A". Such signs are usually designed to be auxiliary portable commercial signage, hence they are not considered permanent signs.

Anchor Tenant. A shopping center key tenant, usually the largest or one of the largest tenants located within the shopping center, which serves to attract customers to the center through its size, product line, name, and reputation.

Animated Sign. A sign with action or motion, flashing or color changes, requiring electrical energy, electronic or manufactured sources of supply, but not including wind actuated elements such as flags or banners. Said definition shall not include displays such as time and temperature, revolving, changeable copy or public information centers.

Announcement or Bulletin Board Signs. Signs permanent in character designed to accept changeable copy, handbills, posters and matters of a similar nature.

Area of sign. The area of a sign shall be the entire area including any type of perimeter or border which may enclose the outer limits of any writing, representation, emblem, figure or character excluding architectural features or design. The area of the sign having no such perimeter or border shall be computed by enclosing the entire area within

parallelograms, triangles or circles of the smallest size sufficient to cover the entire area of the sign and computing the area of these parallelograms, triangles or circles. The area computed shall be the maximum portion or portions which may be viewed from any one direction.

Awning, Canopy, or Marquee Sign. A nonelectric sign that is printed on, painted on, or attached to an awning, canopy, or marquee and is only permitted on the vertical surface or flap.

Banner. A temporary display such as used to announce open houses, grand openings or special announcements. Often made of cloth, bunting, plastic, paper, or similar material.

Bench Sign. Copy painted on any portion of a bus stop or other bench.

Billboard or Off-Site Sign. A sign structure advertising an establishment, merchandise, service, or entertainment, which is not sold, produced, manufactured, or furnished at the property on which the sign is located.

Building Face and/or Frontage. The length of the single front building elevation in which the primary entrance to the business is located. If more than one business is located in a single building, then such length shall be limited to that portion which is occupied by each individual business.

Canopy Sign. Shall mean a sign attached to either the underside of the canopy, or marquee, or directly to the canopy itself.

Changeable Copy Sign. A sign designed to allow the changing of copy through manual, mechanical, or electrical means.

Civic Event Sign. A temporary sign, other than a commercial sign, posted to advertise a civic event sponsored by a public agency, school, church, civic-fraternal organization, or similar noncommercial organization.

Commercial Seasonal Sign. An "open" or "closed" window sign, posted on a seasonal basis.

Contractor's Sign/Construction Sign. A temporary sign erected on the parcel on which construction is taking place, limited to the duration of the construction, indicating the names of the architects, engineers, landscape architects, contractors, or similar artisans, and the owner, financial supporters, sponsors, and similar individuals or firms having a major role or interest with respect to the structure or project.

Directional Sign. Signs limited to on-premises directional messages, principally for pedestrian or vehicular traffic, such as "one way", "entrance", or "exit".

Directory Sign. A sign for listing the tenants or occupants and their suite numbers of a building or center.

Double-faced Sign. A single structure designed with the intent of providing copy on both sides.

Eaveline. The bottom of the roof eave or parapet.

Election Sign. A temporary sign related to or directly associated with a national, state, county or local election or referendum.

Flags and pennants. Shall mean devices generally made of flexible materials, usually cloth, paper or plastic, and displayed on strings. They may or may not contain copy. This definition shall not include the flag of the United States or of any state.

Flags of the State and Nation. A flag of the United States or the State of California.

Flashing Sign. A sign that contains an intermittent or sequential flashing light source.

Freestanding Sign. A sign which is supported by one or more uprights, braces, poles, or other similar structural components that is not attached to a building or buildings. Flagpoles are not included in this definition.

Freeway. A highway in respect to which the owners of abutting land have no right or easement of access or in respect to which such owners have only limited or restricted right or easement of access, and which is declared to be such in compliance with the Streets and Highways Code of the State of California.

Future Tenant Identification Sign. A temporary sign which identifies a future use of a site or building.

Grand Opening. A promotional activity not exceeding 30 calendar days used by newly established businesses, within 2 months after occupancy, to inform the public of their location and service available to the community. Grand Opening does not mean an annual or occasional promotion of retail sales or activity by a business.

Ground Sign. A display attached to the ground, within an architecturally planned wall or structure, and not over eight (8) feet in height.

Height of Sign. The greatest vertical distance measured from the existing grade at the mid-point of the sign support(s) that intersect the ground to the highest element of the sign.

Holiday Decoration Sign. Temporary signs, in the nature of decorations, clearly incidental to and customarily associated with holidays.

Identification Sign. A sign attached to the building and displaying only the name, type of business, and/or logo in combination, identifying a particular business establishment.

Illegal Sign. Any of the following: a sign erected without first complying with all ordinances and regulations in effect at the time of its construction and erection or use; a sign that was legally erected, but whose use has ceased, or the structure upon which the display is placed has been abandoned by its owner, not maintained, or not used to identify or advertise an ongoing business for a period of not less than 120 days; a sign that was legally erected which later became nonconforming as a result of the adoption of an ordinance, the amortization period for the display provided by the ordinance rendering the display nonconforming has expired, and conformance has not been accomplished; a sign which is a danger to the public or is unsafe; a sign which is a traffic hazard not created by relocation of streets or highways or by acts of the City or County. Abandoned signs and prohibited signs are also illegal.

Illuminated Sign. A sign with an artificial light source, either internal or external, for the purpose of lighting the sign.

Institutional Sign. A sign identifying the premises of a church, school, hospital rest home, or similar institutional facility.

Kiosk. An off-premise sign of no more than four square feet in size, used for directing people to the sales office or models of a residential subdivision project.

Logo. An established identifying symbol or mark associated with a business or business entity.

Lot or Street frontage. The linear front footage of a parcel of property abutting a dedicated public street.

Logo Sign. An established trademark or symbol identifying the use of a building.

Monument Sign. An independent structure supported from grade to the bottom of the sign with the appearance of having a solid base.

Murals. Painted wall signs which have a majority of the sign area comprised of noncommercial content, which generally have artistic, historic or cultural themes, and which are designed and painted (or supervised) by an artist who possesses demonstrated knowledge and expertise in the design, materials, and execution of murals or other art. Commercial content of murals shall be subject to all applicable sign limitations of the underlying zone district.

Non-Commercial Sign. A sign which does not promote, identify or sell a business or product.

Nonconforming Sign. A legally established sign which fails to conform to the regulations of this chapter. Otherwise conforming signs whose height exceeds the provisions of this chapter only because a special topographical circumstance results in a material impairment of the visibility of the display or the owner's ability to adequately and effectively continue to communicate with the public through the use of the display if the sign were limited to the height allowed in this chapter shall not be considered nonconforming.

Occupancy Frontage. Each individual tenant space within a building or group of buildings which faces upon a dedicated street or public parking area between such space and street.

Off-Site Sign. Any sign which advertises or informs in any manner businesses, services, goods, persons, or events at some location other than that upon which the sign is located. Off-premise sign, billboard, and outdoor advertising structure are equivalent terms.

Open House Sign. A temporary on-site sign posted to indicate a salesperson is available to represent the property subject to sale, lease, or rent.

Painted Sign. Signs painted on the exterior surface of a building or structure; however, if such signs have raised borders, letters, characters, decorations or lighting appliances, they shall be considered wall signs.

Parcel or lot of real property. A parcel or lot of real property under separate ownership from any other parcel or lot and having street or highway frontage.

Political Sign. A sign other than an election sign directly associated with an ideological, political or similar noncommercial message on a sign.

Portable Sign. A sign that is not permanently attached to the ground or a building.

Projecting Sign. Any sign which is suspended from or supported by a building or wall, and which projects eighteen (18) inches or more outward therefrom.

Promotional Sign. A sign erected on a temporary basis to promote the sale of new products, new management, new hours of operation, a new service, or to promote a special sale.

Public Information Center. Any display which is characterized by changeable copy, letters or symbols.

Real Estate Sign. An on-site sign pertaining to the sale or lease of the premises.

Revolving Sign. Any sign that revolves, either by wind actuation or by electrical means.

Roof Sign. A sign erected, constructed, or placed upon or over a roof of a building, including a mansard roof and which is wholly or partly supported by such buildings.

Shopping Center. A group of four (4) or more businesses which function as an integral unit on a single parcel or group of parcels and utilize common off-street parking and access and is identified as a shopping center.

Sign. Any structure, housing, device, figure, statuary, painting, display, message placard, or other contrivance, or any part thereof, which is designed, constructed, created, engineered, intended, or used to advertise, or to provide data or information in the nature of advertising, for any of the following purpose: to designate, identify, or indicate the name of the business of the owner or occupant of the premises upon which the advertising display is located; or, to advertise the business conducted, services available or rendered, or the goods produced, sold, or available for sale, upon the property where the advertising display is erected. This definition shall include all parts, portions, units and materials composing same, together with illumination, frame, background, structure, support and anchorage therefor.

Sign Area. The entire face of a sign, including the surface and any framing, projections, or molding, but not including the support structure. Individual channel-type letters mounted on a building shall be measured by the area enclosed by four straight lines outlining each word or grouping of words.

Sign Program. A coordinated program of one or more signs for an individual building or building complexes with

multiple tenants.

Temporary Sign. A sign intended to be displayed for a limited period of time.

Time and temperature sign. A sign giving the time and or temperature.

Trademark. A word or name which, with a distinctive type or letter style, is associated with a business or business entity in the conduct of business.

Tract development sign. A sign indicating the location of a housing tract.

Tract directional sign. An off-premises sign indicating direction to a tract development.

Vehicle Sign. A sign which is attached to or painted on a vehicle which is parked on or adjacent to any property, the principal purpose of which is to attract attention to a product sold or an activity or business located on such property.

Wall Sign. A sign painted on or fastened to a wall and which does not project more than 12 inches from the building or structure.

Window Sign. Any sign that is applied or attached to a window or located in such a manner that it can be seen from the exterior of the structure, on a permanent or temporary basis.

(Zoning Ord. dated 1/31/06, § 9109.03; Ord. No. 1382, § 3 (part).)

(Ord. No. 1424, § 3.1, 7-13-10)

17.36.040 - Sign permit required.

A. General.

1. No sign, or temporary sign, unless exempted by this chapter, shall be constructed, displayed or altered without a sign permit or sign program approved by the City. The Community Development Department shall review all signs unless otherwise stated.
2. Sign permits shall be reviewed and either approved or denied by the Director within 30 days of submittal of a complete application. The determination of a complete application shall be in conformance with the California Permit Streamlining Act.
3. Determination on sign permit applications are to be guided by the standards and criteria set forth in this article. An application will be approved whenever the proposed sign conforms to all design, size, height and other standards for signs subject to a permit requirement, as such requirements are set forth in this chapter.
4. The Director's determination shall be provided in writing, and shall include an explanation of the reasons for approval or denial. Appeal of the Director's decision shall be in conformance with Chapter 17.68, Hearings and Appeals.

B. Sign Program. A permit for a sign program shall be required for all new commercial, office, and industrial centers consisting of three or more tenant spaces. The program shall be filed with the project application to construct the center, and shall be processed concurrently with the project application. The purpose of the program shall be to integrate signs with building and landscaping design to form a unified architectural statement. This may be achieved by:

1. The use of the same background color, and allowing signs to be of up to 3 different colors per multi-tenant center.
2. The use of the same type of cabinet supports, or method of mounting for signs, and the same type of construction material for components, such as sign copy, cabinets, returns, and supports.
3. The use of the same form of illumination of the signs, with internally lit signs generally being preferred by the City due to the lack of overspill from such lighting.
4. Uniform sign placement specifications, letter height, and logo height for both anchor tenants and minor tenants.
5. Logos may be permitted and are not subject to the color restrictions specified in the program. However, no logo should exceed 25% of the allowable sign area.

(Zoning Ord. dated 1/31/06, § 9109.04.)

17.36.050 - Exempt signs.

The following signs shall be exempt from the provisions of this chapter:

- A. Window signs not exceeding two (2) square foot [feet] and limited to business identification, hours of operation, address, and/or emergency information. (Neon signs of any size require a permit, if allowed.)
- B. Signs within a structure and not visible from the outside.
- C. Memorial signs and plaques installed by a civic organization recognized by the Council, when cut in masonry or bronze tablets.
- D. Official and legal notices issued by a court or governmental agency.
- E. Official flags of the United States, the State of California, County of Riverside, or the City of Banning.
- F. Identification signs on construction sites. Such signs shall be limited to one directory or pictorial display sign identifying all contractors and other parties (including lender, realtor, subcontractors, etc.). Each sign shall not exceed 20 square feet in area and 6 feet in height. Each sign shall be removed prior to issuance of a Certificate of Occupancy.
- G. Election Signs. Election signs must comply with the following requirements:
 - 1. Election signs shall be limited in size to the maximum allowed in the zones where located. Any freeway oriented freestanding sign shall be required to secure all applicable permits and comply with these sign regulations including section 17.36.110.
 - 2. No election signs shall be permitted on public property or in the public right-of-way.
 - 3. There are no pre-election restrictions limiting when elections signs may be erected, but the owner of the sign must remove the sign within seven days after the applicable election has ended.
 - 4. For all election signs, the campaign shall be deemed the owner of the sign unless it can establish that it is not the owner of the sign. In the event the campaign establishes it is not the owner of the sign, the owner of the property on which the sign is placed, shall be deemed the owner of the sign.
 - 5. In the event that any such sign violates the provisions of this chapter, or if it is not removed within the period provided hereunder, it shall be subject to abatement pursuant to the procedures prescribed in section 17.36.090.
 - 6. Except as provided in this subsection, no permit shall be required for election signs.
- H. Real estate signs for residential sales shall be one sign not exceeding four square feet in area and five feet in height, provided it is unlit and is removed within 7 days after the close of escrow or the rental or lease has been accomplished. Open House signs, for the purpose of selling a single house or condominium and not exceeding four square feet in area and five feet in height, are permitted for directing prospective buyers to property offered for sale.
- I. Real estate signs for the initial sale, rental, or lease of commercial and industrial premises: One sign not to exceed 20 square feet in area to advertise the sale, lease, or rent of the premises. No such sign shall exceed eight feet in overall height and shall be removed upon sale, lease or rental of the premises or 12 months, whichever comes first. Thereafter, one sign per premise not to exceed 12 square feet in size and five feet in height is permitted for the sale, lease or rent of the premise.
- J. Future tenant identification signs: One wall or freestanding sign may be placed on vacant or developing property to advertise the future use of an approved project on the property and where information may be obtained. Such sign shall be limited to one sign, a maximum of 20 square feet in area and eight feet in overall height. Any such signs shall be single faced and shall be removed prior to the granting of occupancy permit by the City.
- K. Incidental signs for automobile repair stores, gasoline service stations, automobile dealers with service repairs, motels and hotels, showing notices of services provided or required by law, trade affiliations, credit cards accepted, and the like, attached to the structure or building; provided that all of the following conditions exist:
 - 1. The signs number no more than three.
 - 2. No such sign projects beyond any property line.
 - 3. No such sign shall exceed an area per face of three square feet.
 - 4. Signs may be double-faced.
- L. Copy applied to fuel pumps or dispensers such as fuel identification, station logo, and other signs required by

law.

- M. Agricultural signs, either wall or freestanding types, non-illuminated, and not exceeding four square feet for lots two acres or less and 10 square feet for lots greater than two acres, identifying only the agricultural products grown on the premises. The number of such signs shall be one per street frontage or a maximum of two, with wall signs to be located below the roofline and freestanding signs to be no higher than six feet.
- N. Sign programs which have been approved prior to the adoption of this Zoning Ordinance.
- O. Municipal and traffic control signs: Directional signs to aid vehicle or pedestrian traffic provided that such signs are located on-site, have a maximum area which does not exceed three square feet, have a maximum overall height of four feet above grade, and are mounted on a monument or decorative pole. Such signs may be located in a required setback provided that a minimum distance of five feet from any property line is maintained. Directional signs to the railway, the airport or the highway are among the types of signs which fall in this category.
- P. Temporary window signs may be permitted on the inside of windows facing out which do not cover more than 25% of the individual window surface for a period not to exceed 30 days use during any 60 day period. Temporary painted signs may be on the outside of the window.
- Q. Historic site and historic landmark, and neighborhood signs, when designed in conformance with standards of the California Historic Commission or a similar entity.
- R. Professionally made restroom, telephone and walkway signs of under one square foot.
- S. Emblems or signs of a political, civic, philanthropic, educational or religious organizations, if those signs are on the premises occupied by such organizations, and do not exceed 24 square feet in area, or number more than one emblem or sign in total.
- T. Political Signs. Political signs must comply with the following requirements:
 - 1. Political signs shall be limited in size to the maximum allowed in the zones where located. Any freeway oriented freestanding sign shall be required to secure all applicable permits and comply with these sign regulations including section 17.36.110.
 - 2. No political signs shall be permitted on public property or in the public right-of-way.
 - 3. In the event that any such sign violates the provisions of this chapter, it shall be subject to abatement pursuant to the procedures prescribed in section 17.36.090.
 - 4. Except as provided in this subsection, no permit shall be required for political signs.

(Zoning Ord. dated 1/31/06, § 9109.05.)

(Ord. No. 1424, § 3.2, 3.3, 7-13-10; Ord. No. 1487 § 3.2, 4-18-15)

17.36.060 - Prohibited signs.

The following signs are inconsistent with the sign standards set forth in this chapter, and are therefore prohibited:

- A. Abandoned signs.
- B. Animated, moving, flashing, blinking, reflecting, revolving, or any other similar sign, except electronic message boards.
- C. All banners, flags, and pennants in the Downtown Commercial zoning district and located within 50 feet of a residential property.
- D. Billboards.
- E. [Reserved].
- F. Changeable copy signs and electronic message boards, except as allowed by a Conditional Use Permit for movie theaters, arenas, stadiums, or auto malls in the commercial land use districts.
- G. Reserved.
- H. Off site signs, except as permitted elsewhere in this ordinance.
- I. Permanent sale signs.
- J. Portable signs or A-frame signs, except in the Downtown Commercial zone and shall not pose a hazard to pedestrians; and, shall be stable under all-weather conditions or shall be removed.
- K. Roof signs.

- L. Signs on public property or the public rights-of-way, except for traffic regulation and signs permitted by a governmental agency.
- M. Signs painted on fences or roofs.
- N. Balloons and other inflated devices or signs designed to attract attention, except with Temporary Use Permit.
- O. Signs that are affixed to vehicles, excluding permanent signs on commercial vehicles which are driven on a daily or weekly basis.
- P. Signs which simulate in color or design a traffic sign or signal, or which make use of words, symbols or characters in such a manner to interfere with, mislead, or confuse pedestrian or vehicular traffic.
- Q. Signs which singly or in combination with other signs block more than 5% of the view from any window or door of any structure or dwelling used primarily as a residence.
- R. Signs which singly or in combination with other signs, for any portion of the day, block natural sunlight from falling upon any window or door of any structure or dwelling used primarily as a residence.
- S. Signs which singly or in combination with other signs block more than 33% for solid lettering (or up to 50% if perforated vinyl window signs) of the view from any window or door of any structure used or occupied by people for more than an hour of a typical day, in all zoning districts of the City.

(Zoning Ord. dated 1/31/06, § 9109.06; Ord. No. 1377, § 1.)

(Ord. No. 1424, § 3.4, 7-13-10; Ord. No. 1447, § 3, 2-14-12; Ord. No. 1487, § 3.2, 4-28-15)

17.36.070 - Temporary signs.

Special event signs and civic event signs may be approved by the Director for a limited period of time as a means of publicizing special events such as grand openings, carnivals, parades, charitable events and holiday sales. Such special event signs shall be limited to the following provisions:

- A. No special event sign shall be erected without a temporary use permit.
- B. Special event signs shall be limited to 90 days per event from the date of erection or date of permit, whichever occurs first.
- C. Special event signs shall not include promotional sales signs, and they must be taken down within a week after the conclusion of the special event.
- D. Special event signs may include balloons, inflated devices, search lights, beacons, pennants, and streamers.
- E. Such temporary signs may not be granted to the same business or location more than twice during any one year.

(Zoning Ord. dated 1/31/06, § 9109.07; Ord. No. 1448, § 9, 5-8-12)

17.36.080 - Off-site residential subdivision directional signs.

The following shall regulate and establish a standardized program of off-site residential subdivision directional kiosk signs for the City. For the purposes of this subsection, a residential subdivision is defined as a housing project within a recorded tract where five or more structures or dwelling units are concurrently undergoing construction.

- A. No kiosk sign structure shall be located less than 300 feet from an existing or previously approved kiosk site, except in the case of signs on different corners of an intersection.
- B. The placement of each kiosk sign structure shall be reviewed and approved by the Director.
- C. All kiosk signs shall be placed on private property with written consent of the property owner.
- D. A kiosk sign location plan shall be prepared, showing the site of each kiosk directional sign, and shall be approved by the Director prior to the issuance of a sign permit.
- E. There shall be no additions, tag signs, streamers, devices, display boards, or appurtenances, added to the kiosk signs as originally approved, no other non-permitted directional signs, such as posters or trailer signs, may be used.
- F. All non-conforming subdivision kiosk directional signs associated with the subdivision in question must be removed prior to the placement of directional kiosk sign(s).
- G. Kiosk signs, or attached project directional signage, shall be removed when the subdivision is sold out. The applicant (or his/her legal successors) will be responsible for removal of panels and structures no longer needed.

(Zoning Ord. dated 1/31/06, § 9109.08.)

(Ord. No. 1424, § 3.5, 7-13-10)

17.36.090 - Abatement of abandoned or illegal temporary signs.

- A. Every temporary sign not owned by the property owner of the property on which it is erected shall be marked to indicate on the sign the identity of the sign owner, provided that for any commercial sign where not otherwise indicated it shall be presumed that the business being advertised is the owner.
- B. Any abandoned or illegal temporary sign is hereby declared to be a danger to the health, safety, and welfare of the citizens of Banning. Any sign which is (i) in deteriorating condition and not maintained in the condition in which it was originally installed, (ii) violates conditions of the sign permit, or (iii) is partially or wholly obscured by the growth of dry vegetation or weeds or by the presence of debris or litter also presents a danger to the health, safety, and welfare of the Banning community. Such signs may be abated as provided in this chapter.
- C. Any such signs as set forth above are hereby deemed to be a public nuisance. Any such sign, including any and all structural supports, shall be removed by the property owner within ten days after notice from the director, which notice shall provide an opportunity to be heard before the director on the abandonment and nuisance decision and an appeal may be taken pursuant to chapter 17.68. Any sign not removed within ten days after such notice, may be abated by the director if no appeal has been taken from the director's decision, or, if the appeal has been denied or modified. If after a reasonable effort to determine the owner of the sign, the owner cannot be found, then the city may summarily remove the sign and the same shall be stored for a period of thirty days, during which time they may be recovered by the owner.
- D. Costs of an abatement conducted pursuant to this chapter shall be assessed against the owner of the sign, and to the extent permissible under law, against the owner of the property, using the procedures established in the Banning Municipal Code.

(Zoning Ord. dated 1/31/06, § 9109.09.)

(Ord. No. 1424, § 3.6, 7-13-10)

17.36.100 - Sign construction and maintenance.

- A. Every sign, and all parts, portions, and materials shall be manufactured, assembled, and erected in compliance with all applicable State, Federal, and City regulations and the Uniform Building Code.
- B. Every sign, including those specifically exempt from this Zoning Ordinance, in respect to permits and permit fees, and all parts, portions, and materials shall be maintained and kept in good repair. The display surface of all signs shall be kept clean, neatly painted, and free from rust and corrosion. Any cracked, broken surfaces, malfunctioning lights, missing sign copy or other unmaintained or damaged portion of a sign shall be repaired or replaced within 30 calendar days following notification by the City. Noncompliance with such a request shall constitute a nuisance and penalties may be assessed in accordance with the provisions of these zoning ordinances.

(Zoning Ord. dated 1/31/06, § 9109.10.)

17.36.110 - Sign regulations.

Signs permitted in each of the City's land use districts are identified below. In addition to the following regulations, all signs must be in compliance with all other provisions of this chapter pertaining to signs.

Signs may have commercial or non-commercial messages. A non-commercial message may be substituted for the copy of any commercial sign allowed by this chapter.

A. Signs in Residential Zones.

- 1. Up to one flagpole, displaying the flag of the US or the State of California, up to 35 feet in height, unless a permit is obtained from the City to have a flagpole in a private park or public park for up to 65 feet in height.
- 2. For single family homes, the following are allowed:
 - a. Up to one sign not to exceed one square foot in area, identifying the address;
 - b. Up to one unlit sign not to exceed four square feet in area, pertaining to the rental, sale or lease of the property on which the sign is located. Such signs must be temporary, and may contain no flashing, blinking or reflective objects.
- 3. For apartment complexes and multifamily developments, the following are allowed:

- a. Sign(s) containing the name and/or address of the development, providing that the combined area of such signs is not exceeded as established below:
 - i. Up to one wall sign
 - ii. Up to one freestanding sign per street frontage (which shall be in a landscaped area at least 15 feet from the curb face, and not closer than five feet to the property line. Freestanding signs shall have a maximum height of eight feet inclusive of supporting structures.
 - iii. The maximum combined area of the signs set forth above shall not exceed 20 square feet, for complexes with 125 feet of frontage or less, and shall not exceed 30 square feet for complexes with over 125 square feet of frontage.
- 4. For properties in the residential zones where farming takes place, lots may have one sign per street frontage (up to a maximum of two signs) advertising only the agricultural products grown on the premises. These signs may not be illuminated, and may be either free standing or wall signs. For lots of two acres or less, each sign may be a maximum of four square feet. For lots over two acres, each sign may be a maximum of ten square feet.
- 5. No neon signs are permitted in residential areas.
- B. Signs in Commercial and Industrial Zones.
 - 1. No sign attached to a structure shall be placed above the roof line.
 - 2. Wall signs. Each business in Downtown Commercial zoning district shall be permitted wall signs per occupancy footage. The area devoted to such signs shall not exceed one square foot of sign area per one foot of building frontage, and shall not exceed 50 square feet of sign area. An introductory sign of a maximum of 5 square feet shall be allowed for 25 percent of the sign fee to encourage business in the Downtown Commercial zoning district. Each business in all other commercial and industrial zoning districts shall be permitted wall signs per the area of the wall (length times height of the wall). The area devoted to such signs shall not exceed 20 percent of the wall area. The sign area maximum for wall signs shall not apply to a freeway-oriented wall sign proposed to be located and designed in such a manner as to be viewed primarily in a direct line of sight from a main traveled roadway of a freeway or a freeway on-ramp/off-ramp and advertising onsite retail or service-oriented businesses. Freeway-oriented wall signs shall be subject to all requirements of section 17.36.110(B)(6), including requiring the approval of a conditional use permit.
 - 3. Monument signs. Each parcel or property shall be permitted one monument sign subject to all of the following conditions being met:
 - a. One square foot of sign area for one foot of building frontage is permitted. Such sign shall not exceed 50 square feet.
 - b. The buildings must be set back at least 25 feet from the property line.
 - c. The monument sign shall be located in a landscaped planter area not less than 50 square feet, with one dimension being at least four feet.
 - d. The monument sign may be no more than 8 feet high.
 - e. Shopping centers may have one monument sign not to exceed one square foot of display face per one foot of building frontage, not to exceed 100 square feet, for center identification. Said sign may include reader panels, and or a bulletin or a changeable copy pane.
 - 4. Painted signs. Each business shall be permitted painted signs subject to the following conditions:
 - a. Said signs shall be in combination with or in lieu of wall signs.
 - b. The area of said painted sign shall be deducted from the total allowable wall sign.
 - 5. Accessory signs. Signs denoting credit cards, hours of operation, etc, shall be allowed but shall not exceed three square feet in total area.
 - 6. Freeway-Oriented Freestanding Sign. Freeway-oriented freestanding signs shall be allowed subject to the following requirements:
 - a.

Said sign shall be located and designed in such a manner as to be viewed primarily in a direct line of sight from a main traveled roadway of a freeway or a freeway on-ramp/off-ramp. The phrase "viewed primarily in direct line of sight from" shall mean that the message may be seen with reasonable clarity for a greater distance by a person traveling on the main traveled roadway of a freeway or on-ramp/off-ramp than by a person traveling on the street adjacent to the sign.

- b. Said signs shall be limited to on-site retail or services businesses. Shopping centers may have one freeway-oriented sign and shall include city identification or city logo as approved by planning commission. Said city identification or logo shall be excluded from the display face area calculation. When the display area of the sign is used for commercial speech, the copy must qualify as onsite to the business or shopping center.
- c. Said sign shall not block another freeway-oriented freestanding sign. The applicant shall be responsible for providing the planning commission with evidence to assure satisfactory compliance with this requirement.
- d. Said sign shall be located in a planter area not less than fifty square feet with one dimension being at least six feet, unless from the evidence presented to the planning commission it can be determined that the area is not visible from public street or right-of-way, or the absence of the planter shall not be detrimental to the appearance of the area.
- e. Said sign shall not exceed an overall height of fifty-five feet.
- f. Said sign shall not exceed one hundred seventy-five square feet per display face.
- g. Said sign shall require approval of a conditional use permit. In addition to satisfying requirements set forth above in this section 17.36.110(B)(6) of the Banning Municipal Code, the following findings must be made prior to approval of a conditional use permit for a freeway-oriented freestanding sign, without consideration of message content of the proposed signs:
 - i. The elevation of the freeway in relation to the elevation of the abutting properties justifies the height requested, and is the minimum necessary.
 - ii. The number and spacing of freeway signs will not cause unnecessary confusion, clutter or other unsightliness in the general location.
 - iii. The use identified, as well as its type, size and intensity, justifies the size, design and location of the sign requested.
 - iv. The needs of the traveling public for identification and directional information justifies the sign requested.
7. One flag pole, displaying one or more flags of the state and nation, not to exceed 35 feet in height.
8. Any existing freestanding sign shall be considered legal and conforming, but shall not be altered or replaced except by approval of a conditional use permit.

(Zoning Ord. dated 1/31/06, § 9109.11; Ord. No. 1377, § 2)

(Ord. No. 1419, § 5, 1-26-10; Ord. No. 1424, § 3.7, 7-13-10; Ord. No. 1447, §§ 3—6, 2-14-12; Ord. No. 1487, § 3.2, 4-28-15)

17.36.120 - Sign design guidelines.

- A. General. The following design guidelines shall be consulted prior to developing signs for any project. Unless there is a compelling reason, these design guidelines shall be followed. If a guideline is waived, the Mayor and City Council shall be notified. An appeal, which does not require a fee, may be filed by the Mayor or any Council person within 15 days of the waiver approval.
 1. Use a brief message: The fewer the words, the more effective the sign. A sign with a brief, succinct message is simpler and faster to read, looks cleaner and is more attractive.
 2. Avoid hard-to-read, overly intricate typefaces: These typefaces are difficult to read and reduce the sign's ability to communicate.
 3. Avoid faddish and bizarre typefaces: Such typefaces may look good today, but soon go out of style. The image conveyed may quickly become that of a dated and unfashionable business.
 - 4.

Sign colors and materials: should be selected to contribute to legibility and design integrity. Even the most carefully thought out sign may be unattractive and a poor communicator because of poor color selection. Day-glo colors must be avoided.

5. Use significant contrast between the background and letter or symbol colors: If there is little contrast between the brightness or hue of the message of a sign and its background, it will be difficult to read.
6. Avoid too many different colors on a sign: Too many colors overwhelm the basic function of communication. The colors compete with content for the viewer's attention. Limited use of the accent colors can increase legibility, while large areas of competing colors tend to confuse and disturb.
7. Place signs to indicate the location of access to a business: Signs should be placed at or near the entrance to a building or site to indicate the most direct access to the business.
8. Place signs consistent with the proportions of scale of building elements within the facade: Within a building facade, the sign may be placed in different areas. A particular sign may fit well on a plain wall area, but would overpower the finer scale and proportion of the lower storefront. A sign which is appropriate near the building entry may look tiny and out of place above the ground level.
9. Place wall signs to establish rhythm across the facade, scale and proportion where such elements are weak. In many buildings that have a monolithic or plain facade, signs can establish or continue appropriate design rhythm, scale, and proportion.
10. Avoid signs with strange shapes: Signs that are unnecessarily narrow or oddly shaped can restrict the legibility of the message. If an unusual shape is not symbolic, it is probably confusing.
11. Carefully consider the proportion of letter area to overall sign background area: If letters take up too much sign, they may be harder to read. Large letters are not necessarily more legible than smaller ones. A general rule is that letters should not appear to occupy more than 75% of the sign panel area.
12. Make signs smaller if they are oriented to pedestrians: The pedestrian-oriented sign is usually read from a distance of 15 to 20 feet; the vehicle-oriented sign is viewed from a much greater distance. The closer a sign's viewing distance, the smaller that sign need be.

B. Wall or Fascia Signs.

1. Building wall and fascia signs should be compatible with the predominant visual elements of the building. Commercial centers, offices, and other similar facilities are required to be part of a sign program in accordance with the provisions of this chapter.
2. Where there is more than one sign, all signs should be complementary to each other in the following ways:
 - a. Type of construction materials (cabinet, sign copy, supports, etc.)
 - b. Letter size and style of copy
 - c. Method used for supporting sign (wall or ground base)
 - d. Configuration of sign area
 - e. Shape to total sign and related components
3. The use of graphics consistent with the nature of the product to be advertised is encouraged, i.e., hammer or saw symbol for a hardware store, mortar and pestle for a drug store.
4. Direct and indirect lighting methods are allowed provided that they are not harsh or unnecessarily bright. The use of can-type box signs with translucent backlit panels are less desirable. Panels should be opaque if a can-type sign is used and only the lettering should appear to be lighted. The overspill of light should be negligible.
5. The use of backlit individually cut letter signs is strongly encouraged.
6. The use of permanent sale or come-on signs is prohibited.
7. The identification of each building or store's address in 6 inch high numbers over the main entry doorway or within 10 feet of the main entry is encouraged.

C. Monument Signs.

1. Monument signs are intended to provide street addresses, and identification for the commercial center development as a whole and for up to three major tenants.
2. All tenant signs should be limited in size to the width of the architectural features of the sign and shall be uniform in size and color.
3. A minimum of 10% of the sign area of monument signs for center developments should be devoted to

Identification of the center or building by address or name.

4. Monument signs should be placed perpendicular to approaching vehicular traffic.
5. Each monument sign should be located within a planted landscaped area which is of a shape and design that will provide a compatible setting and ground definition to the sign, incorporating the following ratio of landscape area to total sign area:
 - a. Monument: 4 square feet of landscaped area for each square foot of sign area (1 side only).
 - b. Directory: 2 square feet of landscaped area for each square foot of sign area.

(Zoning Ord. dated 1/31/06, § 9109.12.)

17.36.130 - Nonconforming signs.

- A. A legally established sign which fails to conform to this chapter shall be allowed continued use, except that the sign shall not be:
 1. Structurally altered so as to extend its useful life.
 2. Expanded, moved, or relocated.
 3. Re-established after a change in use.
 4. Re-established after a business has been abandoned for 120 days or more.
 5. Re-established after damage or destruction of more than 50%.
- B. Sign copy and sign faces may be changed on nonconforming signs when there is no change in use of the site or when only a portion of a multiple tenant sign is being changed.
- C. Any non-conforming sign shall be required to be brought into conformance or abated.

(Zoning Ord. dated 1/31/06, § 9109.13.)

17.36.140 - Removal of illegal and nonconforming signs.

- A. The Director shall remove or cause the removal of any fixed, permanent sign constructed, placed or maintained in violation of this chapter, after 30 days following the date of mailing of registered or certified written notice to the owner of the sign, if known, at the last known address or to the owner of the property as shown on the latest assessment roll, or to the occupant of the property at the property address.
- B. The notice shall describe the sign and specify the violation involved, and indicate that the sign will be removed if the violation is not corrected within 30 days. If the owner disagrees with the opinion of the Director, the owner may, within the said 30 day period request a hearing before the Planning Commission to determine the existence of a violation.
- C. If salvageable in the opinion of the Director, signs removed by the Director pursuant to this chapter shall be stored for a period of 60 days, during which time they may be recovered by the owner upon payment to the City for costs of removal and storage. If not recovered prior to expiration of the 60 day period, the sign and supporting structures shall be declared abandoned and title thereto shall vest to the City, and the cost of removal shall be billed to the owner or lien placed on the property upon which said sign was erected.

(Zoning Ord. dated 1/31/06, § 9109.14.)

17.36.150 - Reserved.

Editor's note— Sec. 3 of Ord. No. 1447, adopted Feb. 14, 2012, repealed zoning section 9109.15 from which this section 17.36.150 derived. Former § 17.36.150 pertained to establishing compliance and was amended by Ord. 1377.

17.36.160 - Inventory and abatement—Variances—Penalties.

- A. Inventory And Abatement. Within 6 months from the date of adoption of this Zoning Ordinance, the City shall commence a program to inventory and identify illegal or abandoned signs within its jurisdiction. Within 60 days after this 6 month period, the City may commence abatement of identified illegal or abandoned signs. If a previously legal sign is merely nonconforming, however, the terms of Section 17.36.150 of this Zoning Ordinance titled "Establishing Compliance," shall apply.
- B. Variances. Variances from these sign ordinances are strongly discouraged. However, where results inconsistent with the general purposes of this ordinance would occur from its strict literal interpretation and enforcement, the Planning Commission may grant a variance therefrom upon such terms and conditions as it deems necessary.
- C.

Penalties. Each violation of this ordinance or any regulation, order or ruling promulgated or made hereunder, shall be punishable by a fine of not more than \$200 per day, with each calendar day in violation, constituting a separate offense.

(Zoning Ord. dated 1/31/06, § 9109.16.)

17.36.170 - Murals.

Murals shall be allowed by permit reviewed by the beautification and mural council of the Banning Chamber of Commerce and permitted by the city's community development department. Applications shall be on a form devised by the community development department. A permit for a mural will be granted when the following conditions have been satisfied:

- A. Completed application;
- B. Sign permit fee paid;
- C. Approved by the beautification and mural council of the Banning Chamber of Commerce;
- D. The mural shall not cause a pedestrian or vehicular safety hazard;
- E. The mural shall be applied to the wall of a building; and
- F. The mural shall be maintained.

(Ord. No. 1382, § 3 (part).)

Attachment 4

(Sample relocation agreement-City of Corona)

**BILLBOARD RELOCATION
AGREEMENT**

BETWEEN

**THE CITY OF CORONA
a California municipal corporation**

AND

**EMPIRE OUTDOOR ADVERTISING, LLC
a Delaware limited liability company**

(dated as of July 18, 2012, for reference purposes only)

1. PARTIES.

This Billboard Relocation Agreement ("Agreement") is made this 18th day of July, 2012, between Empire Outdoor Advertising, LLC ("Company"), a Delaware limited liability company, and the City of Corona ("City"), a California municipal corporation organized and existing under the laws of the State of California. City and Company are hereinafter sometimes referred to individually as "Party" and collectively as "Parties."

2. RECITALS.

2.1 WHEREAS, City has, consistent with the California Outdoor Advertising Act (California Business & Professions Code, Section 5200 et seq.) and regulations adopted by the California Department of Transportation that are applicable to billboards (herein collectively referred to as the "Act"), adopted certain regulations concerning outdoor advertising displays, including a complete prohibition on new billboards;

2.2 WHEREAS, Company owns two bulletin billboards in and around the city and county limits of City;

2.3 WHEREAS, Company is willing to enter into this Agreement and accept the performance by City of the terms and conditions of this Agreement;

2.4 WHEREAS, City and Company intend for this Agreement to constitute a "relocation agreement" for purposes of the Act and the Corona Municipal Code.

NOW, THEREFORE, In consideration of the mutual covenants and promises in this Agreement, the Parties agree as follows:

3. EFFECTIVE DATE AND TERM.

3.1 Effective Date. This Agreement shall be effective upon execution by both Parties ("Effective Date").

3.2 Caltrans Approval Condition Precedent. The validity and effectiveness of this Agreement shall be conditioned upon approval by Caltrans of the reconstruction of the Relocated Billboard (as hereafter defined). In the event that this condition precedent does not occur, this Agreement shall be null and void and of no further force and effect.

4. TERMS.

4.1 Incorporation of Recitals and Exhibits. All recitals and the exhibits attached hereto and referred to in this Agreement are incorporated as though fully set forth in this Agreement.

4.2 Relocation of Existing Billboards. Company shall be permitted to relocate and/or reconstruct the two (2) existing billboards owned by it, as defined below ("Existing Billboards"), by replacing them with one (1) new V-type billboard with two (2) sign faces at the location defined below ("Relocated Billboard"). The Relocated Billboard may contain two (2) digital

sign faces with changeable message boards and with dimensions not exceeding 14' x 48' ("Changeable Message Boards"), which final dimensions shall be determined by Company in its sole discretion.

The locations and addresses of the Existing Billboards and the location and address of where the Relocated Billboard shall be constructed are as follows:

Existing Billboards

1. City Billboard
Permit # 8457
1435 W. 6th Street
Corona, CA 92882
APN # 118-130-027-7
2. County Billboard
State Permit # 36568
13833 Magnolia Avenue
Corona, CA 92879
APN # 115-242-031

Relocated Billboard

ProDent Site - Adjacent to the 91 Freeway
3125 Palisades Drive
Corona, CA 92880
APN # 101-430-005
(With 2 Changeable Message Boards)

4.2.1 Operating Standards. The Relocated Billboard and the new Changeable Message Boards shall comply with all provisions of the Act (California Outdoor Advertising Act, Business & Professions Code Section 5200 et seq.; and Regulations adopted by the California Department of Transportation applicable to billboards), as such may be duly amended from time to time, including but not limited to the provisions of Sections 5400-5443.5. In addition, Company agrees to abide by the City's Conditions of Relocation, attached hereto as Exhibit "A" and incorporated herein by this reference. In the event of any inconsistencies between the Act, including the California Department of Transportation regulations, and the City's Conditions of Relocation, the more stringent shall apply.

4.2.2 Enforcement of Operating Standards. For purposes of enforcing the requirements for the Relocated Billboard and the Changeable Message Boards, as provided for in this Agreement, Company and City shall apply the provisions provided for in Exhibit "B" attached hereto and incorporated herein by reference. Company understands, acknowledges and agrees that its right to maintain the Relocated Billboard and the Changeable Message Boards is expressly contingent upon its compliance with the provisions of this Agreement, and that any such right may be revoked by the City as provided for in Exhibit "B" attached hereto. In the

event that the right to maintain the Relocated Billboard and the Changeable Message Boards is revoked or modified in any manner or to any extent due to a material breach by Company of this Agreement, Company shall not be entitled to compensation, consideration, damages or reimbursement of any kind or amount from the City on account of such revocation or modification.

4.3 Changeable Message Boards. City hereby agrees that Company shall have the right to construct two (2) Changeable Message Boards on the Relocated Billboard with dimensions not to exceed 14' x 48', which final dimensions shall be determined by Company in its sole discretion. In connection with the approved construction of a Changeable Message Board, Company shall have the right to rebuild or reconstruct the existing billboard structure, if necessary, in order to support the added weight of the new Changeable Message Board.

4.3.1 Public Service Announcements; Annual Monetary Value. So long as Company is operating any Changeable Message Board within the City, City shall have the right to place public service announcements on any such Changeable Message Board; provided, however, that such public service announcements shall be limited to one (1) showing every minute (not to exceed 43,200 showings in any given year) on each Changeable Message Board ("City Announcements"). Company and City hereby agree that the monetary value ("Annual Monetary Value") of the City's right to use each such Changeable Message Board for City Announcements shall be equal to:

(a) Years 1 through 3: A fixed sum of Fifty Thousand and No/100 Dollars (\$50,000) per year, per Changeable Message Board for the first three (3) years (thirty-six months) following Company's construction of such Changeable Message Board.

(b) Years 4 and Thereafter; CPI Adjustments: On July 1st following the end of the thirty-sixth (36th) month following Company's construction of such Changeable Message Board, the Annual Monetary Value shall be adjusted by an amount equal to the change in the consumer price index (U.S. Department of Labor, All Urban Consumers Index for the Los Angeles-Anaheim-Riverside area) published for the prior May to May period; provided, however, that in no event shall the percentage change be less than two and one-half percent (2.5%) or more than four and one-half percent (4.5%).

4.3.2 Payment for First Three Years. City hereby elects not to exercise its right to place City Announcements on any of Company's Changeable Message Boards during the first three (3) years (thirty-sixth months) of their operation. Accordingly, Company shall pay City, within thirty (30) days of the completion of construction of the Relocated Billboard and Changeable Message Boards, the first three (3) years of the Annual Monetary Value for the two (2) Changeable Message Boards to be placed on the Relocated Billboard described in Sections 4.2 and 4.3 above, which amount is equal to Three Hundred Thousand and No/100 Dollars (\$300,000.00). For purposes of this Agreement, "completion of construction" shall mean the first day of the month following the point in time when the Relocated Billboard and Changeable Message Boards are in place and the City is ready and willing to final the building permit and release the electrical service for use by Company. City shall provide to Company a written indication of such willingness (either via letter or email), and the Parties agree that the first day

of the month following such written indication shall mark the commencement of the first year following Company's construction of such Changeable Message Board

4.3.3 Pro-Rata Exercise of Public Service Announcements; City Election. From and after the fourth (4th) year following construction of the Changeable Message Board(s), the City shall have the right to a pro-rata share of the City Announcements on any such Changeable Message Board (e.g all or some of the maximum 43,200 showings in any given year on each Changeable Message Board), and the Annual Monetary Value shall be reduced for that Changeable Message Board the following fiscal year (July 1st to June 30th) by the percentage amount used by the City. For example, if the City elected to use 4,320 of its maximum 43,200 minutes for a particular Changeable Message Board during a given fiscal year, the Annual Monetary Value for that Changeable Message Board for the next fiscal year would be reduced by ten percent (10%). Beginning in fourth (4th) year as described in section 4.3.4 below, City shall, on or before June 15th of each year, inform Company in writing whether City intends to exercise at least some of its rights to place City Announcements on any of Company's Changeable Message Boards during the upcoming fiscal year (July 1st to June 30th). In the event the City elects to exercise at least some of its rights to place City Announcements that year, City shall be permitted to do so in accordance with section 4.3.1 above and this section 4.3.3.

4.3.4 Payment After First Three Years. On June 30th following the end of the third (3rd) year following construction of the Changeable Message Board(s), Company shall pay City a pro-rata share of the Annual Monetary Value, which pro-rata share shall equal one-twelfth (1/12th) the Annual Monetary Value multiplied by the number of months from the end of the third (3rd) year to June 30th. Beginning on July 1st and each fiscal year thereafter, Company shall pay City, on the first (1st) day of each month, one-twelfth (1/12th) of the Annual Monetary Value, minus the percentage amount of City Announcements used by the City during the prior fiscal year, as discussed in section 4.3.3 above.

4.3.5 Records; Audit. Company shall accurately maintain, for a period not less than five (5) years following the close of a fiscal year, all records relating to the City Announcements placed by City, including, but not limited to, minutes used for each Changeable Message Board. The City shall have the right, upon ten (10) days advance notice, to inspect, audit and copy all such records and other like materials of Company that reasonably relate to the City Announcements. Such records shall be made available to City for inspection, audit and copying at Company's regular place of business, but in no event outside the Counties of Riverside or San Bernardino, California. All such records shall be subject to audit and inspection, for the primary purpose of assuring compliance with the terms of this Agreement, by the City, its auditors or other agents.

4.4 Permits and Inspections for Relocated Billboard and Changeable Message Board. Prior to construction of the Relocated Billboard or a Changeable Message Board, Company shall submit proposed plans and obtain all building and safety-related permits that are typically required by City for similar construction, except that City shall not have any discretionary review and approval of any such Relocated Billboard or Changeable Message Board. During and following construction of any such Relocated Billboard or Changeable Message Board, City shall perform all inspections typically required by City for similar construction. City shall waive

all plan check, permit, inspection, and other building fees that would otherwise be required in connection with construction of the Relocated Billboard or Changeable Message Board.

4.5 Indemnification of City. Company shall defend, indemnify and hold, City, its officials, officers, and agents free and harmless from any and all claims, liabilities, losses, costs, expenses, damages, injuries to property or persons, including wrongful death, in any manner arising out of or incident to any negligent acts, omissions or willful misconduct of Company, its officers and employees, agents, consultants and contractor(s) arising out of or in connection with this Agreement or the removal, construction and installation of the Existing Billboards, the Relocated Billboard or a Changeable Message Board. This indemnity provision and any such warranties or guarantees shall not limit any liability under law of such contractor(s).

4.6 Assignment Without Consent Prohibited. This Agreement may not be assigned by any party without the express written consent of the other parties, which consent shall not be unreasonably withheld. Any attempted assignment of this Agreement not in compliance with the terms of this Agreement shall be null and void and shall confer no rights or benefits upon the assignee. Notwithstanding the foregoing, City shall not withhold its consent to any assignment by Company to a related or affiliated entity or any entity which is controlled, controlled by, or under common control with Company.

4.7 Construction of Relocated Billboard and Changeable Message Board. Sixty (60) days prior to Company commencing construction of the Relocated Billboard or a Changeable Message Board, Company shall submit plans for such Relocated Billboard or Changeable Message Board to City. City will endeavor to review and process the plans and all necessary permits as quickly as possible, pursuant to the terms and conditions of this Agreement. Any such Relocated Billboard or Changeable Message Board shall be complete and ready for City's final inspection no later than the date that is one hundred eighty (180) days following both of the following events occurring: (1) issuance by City of all permits and approvals necessary for construction of such Relocated Billboard or a Changeable Message Board; and (2) completion by Caltrans and the Riverside County Transportation Commission (RCTC) of the phase of the SR-91 Corridor Improvement Project in which the Relocated Billboard and Changeable Message Boards will be located.

4.8 Attorney's Fees. In the event of any action or proceeding, including arbitration, by any of the Parties to this Agreement against another Party for recovery of any sum due under this Agreement, or to enforce any of the terms, covenants or conditions contained herein, the prevailing Party in any such action or proceeding shall be entitled to reasonable attorney's fees and costs of litigation, including, without limitation, filing fees, service fees, deposition costs and arbitration costs, in addition to all other legal and equitable remedies available to it. Each Party shall give prompt notice to the other of any claim or suit instituted against it that may affect the other Party.

4.9 Waiver. The waiver by any Party of any breach of any term, covenant, or condition herein contained shall not be deemed to be a waiver of any other term, covenant, or condition, or of any subsequent breach of the same term, covenant, or condition. However, nothing contained in this Agreement shall be deemed to be an acknowledgment or acceptance by

the City that compensation is owed as to any billboards, either in whole or in part, or to any Party having an interest in any of the billboards mentioned herein.

4.10 Notices. All notices shall be in writing and addressed as follows:

4.10.1 Notices to Company shall, until City's receipt of written notice otherwise, be addressed to EMPIRE OUTDOOR ADVERTISING, LLC, Attn: Glenn Emanuel, 1827 Capital Street, Suite 103, Corona, CA 92880, with a copy to Jackson, DeMarco, Tidus & Peckenpough, Attn: Michael L. Tidus, 2030 Main Street, 12th Floor, Irvine, CA 92614. All such notices may be either delivered personally, or may be deposited in the United States mail, properly addressed as aforesaid with postage fully prepaid for delivery by certified or registered mail, and shall be effective upon receipt.

4.10.2 Notices to City shall be addressed to City of Corona, Attn: Bradley L. Robbins, City Manager, 400 South Vicentia Avenue, Corona, California 92882, with a copy to Best Best & Krieger LLP, Attn: Dean Derleth, Esq., 3500 Porsche Way, Suite 200, Ontario, California 91764.

4.10.3 All notices shall be deemed made when personally delivered or when mailed forty-eight (48) hours after each deposit in the U.S. Mail, first class postage prepaid and addressed to Party at its applicable address.

4.11 Authority to Enter Agreement. All parties have all requisite power and authority to execute, deliver, and perform the Agreement. All Parties warrant that the individuals who have signed this Agreement have the legal power, right, and authority to make this Agreement and bind each respective Party.

4.12 Construction; References; Captions. Since the Parties or their agents have participated fully in the preparation of this Agreement, the language shall be construed simply, according to its fair meaning, and not strictly for or against any Party. Any term referencing time, days or period for performance shall be deemed calendar days or calendar weeks, and not work days. All references to City or Company shall include their respective directors, elected officials, officers, employees, agents and volunteers except as otherwise specified in this Agreement. The captions of the various articles and paragraphs are for convenience and ease of reference only, and do not define, limit, augment, or describe the scope, content, or intent of this Agreement.

4.13 Amendment/Modification. No supplement, modification, or amendment of this Agreement shall be binding unless executed in writing and signed by all Parties.

4.14 No Third-Party Beneficiaries. There are no intended third party beneficiaries of any right or obligation assumed by the Parties.

4.15 Invalidity/Severability. If any portion of this Agreement is declared invalid, illegal, or otherwise unenforceable by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect.

4.16 Governing Law and Venue. This Agreement shall be governed by the laws of the State of California. Venue shall be in Riverside County.

4.17 Time is of the Essence. Time is of the essence of each and every provision of this Agreement.

4.18 Entire Agreement. This Agreement contains the entire Agreement of the Parties with respect to the subject matter hereof, and supersedes all prior negotiations, understandings or agreements. This Agreement may only be modified by a writing signed by both Parties.

4.19 Counterparts. This Agreement may be signed in counterparts, each of which shall constitute an original.

4.20 Binding Agreement. Subject to any limitation on assignment elsewhere set forth herein, all terms of this Agreement shall be binding upon, inure to the benefit of, and be enforceable by the Parties hereto and their respective legal representatives, successors and assigns.

[SIGNATURES ON NEXT PAGE]

**SIGNATURE PAGE TO THE
BILLBOARD RELOCATION AGREEMENT
BETWEEN
THE CITY OF CORONA AND EMPIRE MEDIA**

IN WITNESS WHEREOF, the Parties have entered into this Agreement as of the 18th day of July, 2012.

CITY OF CORONA

By: _____

Eugene Montanez
Mayor

Attest: _____

Lisa Mobley
Chief Deputy City Clerk

EMPIRE OUTDOOR ADVERTISING, LLC
a Delaware limited liability company

By: _____

Glenn N. Emanuel
CEO & President

By: _____

John Ferraro
General Manager

EXHIBIT "A"
CITY OF CORONA'S CONDITIONS OF RELOCATION

1. Sign Face Overhang. The Relocated Billboard or any Changeable Message Boards shall not overhang onto State Route 91, State Route 15, other public rights-of-way or property lines.
2. Light and Glare. The static display side of Relocated Billboard shall be shielded to prevent light or glare intrusion onto the adjoining properties that are located within five hundred feet (500') of such Relocated Billboard.
3. Timing of Message Changes. The message changes on any Changeable Message Board shall be limited to the greater of the following time limitations: (a) that allowed by the California Department of Transportation; or (b) one message every six (6) seconds.
4. No Animation or Motion. No Changeable Message Board shall simulate motion or be considered as "animated" in any way. No Changeable Message Board shall contain any flashing, intermittent or moving lights. There shall be no flashing or scrolling of messages.
5. Automatic Dimmers. Each Changeable Message Board shall contain automatic dimmers that maintain a maximum luminance of 4,000 nits during the daylight hours, and 2,000 nits from dusk (official sunset) to sunrise and during times of fog. (One nit equals one candle per square meter). Each Changeable Message Board shall be equipped with a mechanism to monitor its brightness.
6. Residential Property. The Relocated Billboard shall not be illuminated between the hours of 11 pm to 5 am when located within five hundred feet (500') of residentially zoned or used property, as determined by the City in its sole but reasonable discretion, regardless of whether the residentially zoned or used property came to be later in time than the placement of the Relocated Billboard.
7. Emergency Service Announcements. So long as Company is operating a Changeable Message Board, City shall have the right to place emergency service announcements on the Changeable Message Board (as opposed to City Announcements); provided, however that such emergency service announcements shall be limited to the lesser of: (a) one (1) showing per Changeable Message Board every minute; or (b) forty-three thousand two hundred (43,200) showings per Changeable Message Board per calendar year.
8. Voluntary Advertising Restrictions. Company hereby voluntarily agrees and covenants for itself, and its successors and assigns, that any advertising or display on the Relocated Billboard and Changeable Message Boards shall comply with the following:
 - 8.1 The advertising or display shall not contain any of the following: advertising for adult entertainment, including, but not limited to, topless bars, nightclubs, or establishments that feature nude dancing, or mud wrestling; advertisement for any adult business featuring sales of adult novelty items, books, magazines, videos or tapes; advertising with any material, image, or content that could reasonably be considered sexually explicit or pornographic (collectively, the "Objectionable Advertising").

8.2 The advertising or display shall not contain any advertising for alcohol (except beer and wine) or tobacco products of any type.

8.3 Company shall include in its advertising lease agreements and any other agreements related to the Relocated Billboard or Changeable Message Boards, provisions that require compliance with this section and prohibiting Objectionable Advertising. Such provisions will allow Company to cancel such agreements and allow Company to immediately remove illegal or Objectionable Advertising upon receipt of notice from the City. Without waiving or limiting any right Company may have to enforce the terms of this Agreement, and in consideration of the rights and privileges afforded to Company under this Agreement, Company on behalf of itself, and its successors, heirs and assigns, desires to release, waive and discharge any claim, demand, cause of action, objection, or protest related to the City's enforcement of this Section of the Agreement.

9. Graffiti. Any graffiti found on the Relocated Billboard, Changeable Message Boards or any sign structures shall be removed within seventy-two (72) hours of notification by the City. Appropriate equipment shall be installed to prevent access for graffiti and vandalism.

10. Applicable Laws and Rules. The Relocated Billboard and Changeable Message Boards shall comply with all applicable requirements of state and local law, including, but not limited to, the Act, the City's Municipal Code, and any relevant Specific Plans, if any. As referenced in the Agreement, in the event of any inconsistencies, the most stringent requirement shall apply.

11. Other Sign Modifications. This Agreement applies only to the Relocated Billboard and Changeable Message Boards contemplated by this Agreement. Any additional changes, alterations, or modifications of any kind to the Existing Billboards and shall adhere to state law and the City's municipal code, and may warrant a modification to an existing conditional use permit.

EXHIBIT "B"
ENFORCEMENT OF CONDITIONS

1. Failure to Cure; Hearing. In the event that Company fails to cure (or commence and diligently prosecute a cure to completion) within five (5) calendar days of receipt of notice from City of a violation under this Agreement, the City's Planning Commission, on its own motion may, and upon the direction of the Council, shall hold a public hearing upon the question of the revocation of the right to maintain one or more of the Relocated Billboard and/or Changeable Message Boards pursuant to this Agreement.

2. Hearing Notice. Written notice of the public hearing shall be served on the Owner and the underlying owner of the real property on which the affected Relocated Billboard or Changeable Message Boards sits, at least thirty (30) days before such public hearing. The notice may be served either personally or by registered mail, postage prepaid, return receipt requested.

3. Planning Commission Findings. The Company's right to maintain each Relocated Billboard or Changeable Message Board may be revoked if the Commission and Council find:

A. That the use to which the Relocated Billboard or Changeable Message Board is put is detrimental to the public health or safety, or is a "nuisance" (as defined in the California Civil Code);

B. That this Agreement was obtained by fraud;

C. That the use for which this Agreement was approved is not being exercised;

D. That the use for which this Agreement was approved has ceased or been suspended for one year or more; or

E. That a status of noncompliance exists with regard to any of the conditions provided for in this Agreement or applicable law, including, but not limited to, the Act (including the regulations of the California Department of Transportation applicable to billboards), or the City's Municipal Code.

4. City Council Action. After a hearing upon the revocation of the right to maintain one or more of the Relocated Billboard and/or Changeable Message Boards pursuant to this Agreement, the Planning Commission shall report its findings of fact and recommendations to the City Council. The City Council shall determine the facts and may revoke, modify or allow to remain unchanged the right to maintain one or more of the Relocated Billboard and/or Changeable Message Boards in accordance with the Council's final determination in such matters.

Attachment 5

(Photograph of existing digital billboard in San Bernardino)



Attachment 6

(Designated as a “landscaped freeway”)

Dist	County	Route	Post Mile Limits		Preliminary Determination Date
7	LA	210	R	46.57 / R 49.37	8/29/2005
7	LA	210	R	49.37 / R 52.11	8/29/2005
7	LA	405		0.00 / 1.32	
7	LA	405		1.50 / 7.41	
7	LA	405		7.52 / 8.76	
7	LA	405		8.91 / 9.78	
7	LA	405		9.87 / 28.60	
7	LA	405		28.65 / 34.41	
7	LA	405		37.01 / 40.03	
7	LA	605	R	0.00 / R 8.24	
7	LA	605	R	8.28 / R 8.47	
7	LA	605	R	8.94 / R 16.52	
7	LA	605	R	16.57 / R 17.69	
7	LA	605	R	17.75 / R 19.45	
7	LA	605	R	19.49 / R 19.85	
7	LA	605	R	20.00 / 20.29	10/11/2002
7	LA	605		20.29 / 21.05	
7	LA	605		21.05 / 21.26	10/11/2002
7	LA	605		25.61 / 26.00	
7	LA	710		6.80 / 9.82	
7	LA	710		11.86 / 12.55	
7	LA	710		12.80 / 17.34	
7	LA	710		17.66 / 21.01	
7	LA	710		21.76 / 22.17	
7	LA	710		22.37 / 22.67	
7	LA	710		22.91 / 25.44	
7	LA	710		26.40 / 26.53	
7	LA	710	R	26.53 / R 27.19	
7	LA	710	R	32.34 / R 32.72	

District 8: San Bernardino, Riverside & Desert

8	SBD	10		0.00 / 5.44	
8	SBD	10		5.63 / 6.30	
8	SBD	10		11.74 / 19.73	
8	SBD	10		19.81 / 20.41	
8	SBD	10		20.48 / R 21.39	
8	SBD	10	R	21.46 / R 22.40	
8	SBD	10	R	22.44 / R 22.85	
8	SBD	10	R	22.89 / R 23.56	
8	SBD	10	R	23.97 / 30.06	
8	SBD	10		30.15 / 32.72	
8	RIV	10		6.98 / 8.21	
8	RIV	10		8.90 / 9.12	
8	RIV	10		9.60 / 9.83	
8	RIV	10		10.18 / 10.46	
8	RIV	10		10.75 / 12.98	
8	RIV	10		13.05 / R 14.81	
8	RIV	10	R	151.88 / R 162.42	
8	RIV	10	R	162.52 / R 163.50	
8	RIV	10	R	163.93 / R 154.50	
8	RIV	10	R	155.93 / R 156.35	
8	RIV	15		3.02 / 5.40	
8	RIV	15		5.65 / 7.77	
8	RIV	15		7.82 / 8.18	

Attachment 7

(Telephone survey of digital billboard regulations)

Telephone Survey of Digital Billboard Regulations 2011

Summary of Digital Billboard Regulations: New Billboards

Riverside County

City	Prohibited: Yes or No
City of Riverside	Yes
Moreno Valley	Yes
Corona	No, has relocation agreement
Beaumont	Yes

San Bernardino County

City	Prohibited: Yes or No
City of San Bernardino	Yes
Fontana	Yes
Rancho Cucamonga	No, has relocation agreement
Ontario	Yes
Rialto	No, only allowed in certain commercial/industrial zones (M-1 and M-2)
Chino	Yes, only directional signs are allowed
Hesperia	Yes

Los Angeles/Orange Counties

City of Los Angeles	No, but does require a permit
South Gate	No, only permitted in certain C or I zones
Anaheim	Yes, has billboard exchange program

South Gate- digital billboards are permitted in certain commercial and industrial zones, must be adjacent to the freeway, billboards are required to be 300 ft. apart – 42 ft. high from grade

- Liquor advertisements shall not be permitted within 500 feet of a school, church or park
- Examples of digital billboards are along the I-710 Long Beach Freeway

Beaumont-due to the large number of regular billboards, the city prohibits construction, erection or use of any billboards other than those that exist in the City for which a valid permit has been issued and has NOT expired

- Prohibition shall also apply to alterations, enlargements, or conversions to digital displays (including changeable image displays that use light emitting diodes or functionally equivalent technologies) of legally existing billboards

- Ordinance was adopted in April 2010

Hesperia- new billboards are prohibited and the erection, alteration, construction, replacement, use, installation or conversion of any billboard within the city is prohibited. No permit shall be issued for any billboard which violates this policy.

- No part of any existing billboard shall be located less than 1,000 feet from any part of another billboard
- Billboards shall not be permitted in any historic, residential or agricultural district
Should be relocated in regional commercial, office park or commercial industrial business park districts
- Billboards shall not be permitted within 750 feet of any residential district, historic district, park, school, church, hospital, retirement home, cemetery, convention center or government building
- No billboard or digital advertising display shall depict or simulate any motion or video (ex. Video clips, flashing, etc.), billboard require a photometric sensor
- Generators shall not be used to power any billboards

Ontario- regular/digital billboards are prohibited as well, key purpose of billboard relocation agreements is to reduce the overall number of legal nonconforming billboards within the city by allowing relocated billboards in more suitable locations and provide more attractive, pleasing billboard designs through a billboard relocation agreement

- Existing legal nonconforming billboards may be relocated only as part of a Billboard Relocation Agreement
- Every billboard relocation agreement shall provide that for every billboard relocated and constructed at a relocation site, a minimum of two existing, legal nonconforming billboards shall be removed
- Any relocation agreement shall be reviewed and approved by the City Council

Rialto- has 1 LED digital billboard (LAMAR) along Interstate 10 west of Riverside Ave.

- LAMAR is required to remove 5 or 6 billboards in order to remove several non-conforming billboards
- Permitted with Conditional Use Permit
- Digital billboards are only allowed in specific commercial zones (C-3 and C-M) and manufacturing zones (M-1 and M-2 zones)
- existing billboard has a height of 35 feet, applicant wanted to increase the digital billboard by 10 ft. (45 ft.)

Rancho Cucamonga- city does NOT permit billboards, uses billboard relocation agreement

- City of RC has a billboard relocation agreement with Lamar Central Outdoor and San Diego Outdoor Advertising, Inc.
- Lamar Central Outdoor desires to relocate one existing billboard and reconstruct two existing billboards with new billboards incorporating changeable message digital displays
- California Outdoor Advertising Act, Business and Professions Code (Section 5200) encourages local entities and display owners to enter into relocation agreements with allow local entities to continue development in a planned manner without expenditure of

public funds while allowing the continued maintenance of private investment and a medium of public communications

Corona- also has billboard relocation agreement with Lamar Center Outdoor and San Diego Outdoor Advertising (General Outdoor Advertising)

- City required Lamar to relocate billboard with 2 faces that was on land needed for improvements and the negotiations resulted in the attached agreement, which will allow Lamar to relocate several billboards and construct electronic changeable message boards

Moreno Valley- has 12 existing billboards which are non-digital (1 applicant applied for a digital billboard and was denied), digital/regular billboards are NOT allowed in M.V. (including existing billboards)

- 1 billboard in the city moved because of street improvements

Chino- digital/public electronic billboards are prohibited; offsite signs/billboards are prohibited

- Currently working on code update
- Directional signs are allowed (ex.- new sub-divisions)

Riverside County:

Riverside Co. is currently updating zoning ordinance (will be complete in 1 ½ - 2 years), no exchange billboard program (2 regular billboards for 1 digital billboard)

San Bernardino County:

According to 83.13.040 (Prohibited Signs) in the county's municipal code: The following signs shall be prohibited in all land use zoning districts

- a) Signs having animated, moving or rotating parts, including signs that have alternating messages the change more than once every five seconds

Orange County:

Orange Co. does NOT allow digital billboards in unincorporated areas, would have to contact OC cities for more information, no exchange billboard program

- City of Anaheim: construction of any type of billboard is prohibited
 - Can NOT exchange two regular billboards for a digital billboard
 - Had negotiations with one company, but was not approved

Los Angeles County: no billboard exchange program

Attachment 8

(Lamar letter dated May 4, 2015))



May 4, 2015

City Council
City of Banning
99 E. Ramsey Street
Banning, CA 92220

RE: Lamar Billboards / Banning City Codes

Dear City Council:

Lamar is proud to be a progressive and socially responsible City business partner and business in the City of Banning, and as such, Lamar is respectfully requesting the City Council's consideration of changes to its City Codes relative to billboards.

1. Currently under *Section 17.36.060 – Prohibited Signs*, all billboards are considered *non-conforming*. We are requesting that the City consider including language relative to billboards that allows the ability to alter, move, relocate and/or rebuild current structures.

The change would allow:

- a. Safer access for our installers,
- b. Ability to convert selected wood or I-beam support structures to safer single column steel structures,
- c. Compliance with current building codes.
Engineering and safety requirements do not recommend rebuilding a structure upon the exact same spot. Therefore, a reasonable distance or relocation is essential.
- d. New business development. Lamar owns two separate properties (7 parcels) in Banning between I-10 and Ramsey Street. In order to be able to sell these properties to a developer to build a business in the City we must be able to relocate our structures.

Upgraded structures with a single column are much more aesthetically pleasing.

2. Addition of language to allow Changeable Message Display billboards.

This would allow Lamar and the City to keep up with 21st century technology and the demands of advertisers.

This technology would also allow Lamar to further support the community by allowing the City of Banning to display promotions for City sponsored events, as well as, utilization of our Emergency Alert System (EAS) program for emergency notification information, i.e., earthquake, road hazards, Amber Alerts, Crime Stoppers and Most Wanted in conjunction with law enforcement.



Lamar would consider reasonable reduction of inventory upon approvals of Electric Message Board displays.

3. We are also seeking an opportunity to partner with the City to build a structure with Changeable Message Display capability on City owned property. This opportunity would allow for rental revenue sharing with the City.

A new build Changeable Message Display can be designed with facades that are appealing and supportive of the City's aesthetic vision.

Please see the enclosed documentation in support of our request as follows:

- A. Lamar Digital Display brochure Technically Speaking,
- B. Photos of current Lamar Changeable Message Displays.

Riverside County

Hwy 111 @ S/O Frank Sinatra Drive, Rancho Mirage – 1 face
Ramon Road N/L W/O Bob Hope Drive, Rancho Mirage – 1 face
I-15 WL @ Ontario Avenue – 2 faces
I-15 WL .2 mi N/O Ontario Avenue – 2 faces
91 Fwy. SL .4 mi. E/O Green River – 2 faces

- C. Copy of the U. S. Department of Transportation Memorandum of September 25, 2007 in support of changeable message displays, and suggested standards relative to duration of message, transition time, brightness, spacing and location.

We wish to thank you for your time in reviewing the enclosures and your consideration. We look forward to the opportunity to work with the City and it staff.

Please do not hesitate to contact me or Betsy Hayes, Real Estate Lease Manager with any questions or for additional information 760-327-4500.

Respectfully,

A handwritten signature in black ink, appearing to read "William B. Houck", written in a cursive style.

William B. Houck
Vice President / General Manager

:bh
enc.



Map data ©2015 Google

Advertising Strengths: EF) This location is the gateway between the Mid-Valley and the West Valley and is one of our most popular metro local commuter and tourist arteries in the Palm Springs Market. This is a great location that is a highly requested local internal artery. This location is also a freeway exit for local traffic.

Market:	PALM SPRINGS
Panel:	94811
TAB Unique ID:	30635208
Location:	RAMON ROAD NL .8 MI W/O BOB HOPE
Lat/Long:	33.81632 / -116.42395
Media/Style:	Permanent Bulletin / Digital
*Weekly Impressions:	51306 per spot
Panel Size:	10' 6" x 36' 0" Spec Sheet
Facing/Read:	East / Right
# of slots:	6
Dwell Time:	7
Guar. spots per day:	1903

*Impression values based on: 18+ yrs



Palm Springs, CA

866-885-2627

Physical Address: 77-583 El Duna Court, Suite J, Palm Desert, CA 92211
Mailing Address: 77-583 El Duna Court, Suite J, Palm Desert, CA 92211

My Lamar

Home Applications Directories Professional Development

My Digital Displays

Now Playing

Help



Now Playing

Search by using the boxes or by clicking the map below. To start over click [HERE](#).

California

San Bernardino/Riverside

RIVERSIDE COUNTY

89002 - 91 FWY SL 4MI E/O GREEN

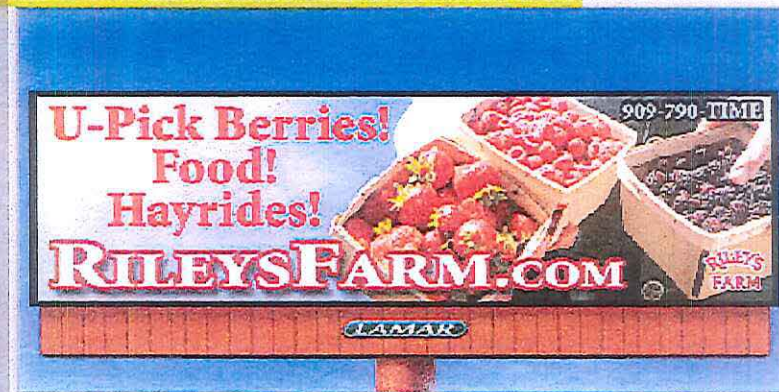
Now Playing

Lamar Advertising of San Bernardino Office

Contact

Market: RIVERSIDE COUNTY

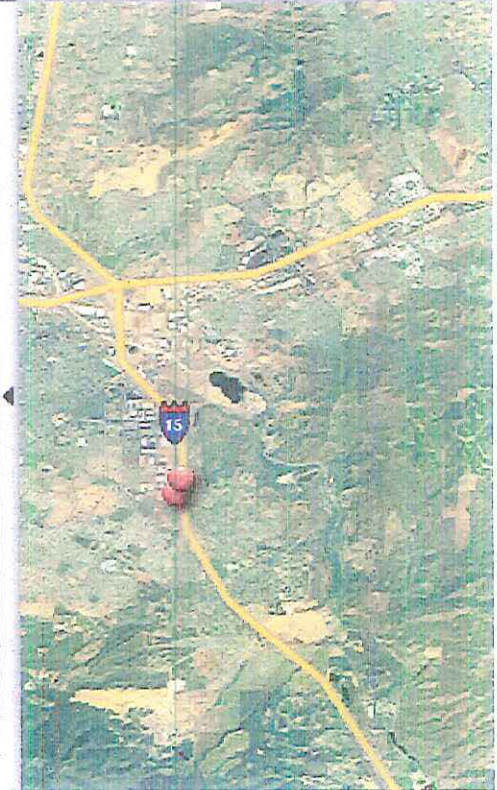
- 89002 - 91 FWY SL 4MI E/O GREEN RIVER



Rileys Farm

Location Information

Current Creative



C - Riverside County

My Lamar

[Home](#) [Applications](#) [Directories](#) [Professional Development](#)

My Digital Displays

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Now Playing

Search by using the boxes or by clicking the map below. To start over click [HERE](#).

Now Playing

Lamar Advertising of San Bernardino Office

[Contact](#)

Market: RIVERSIDE COUNTY

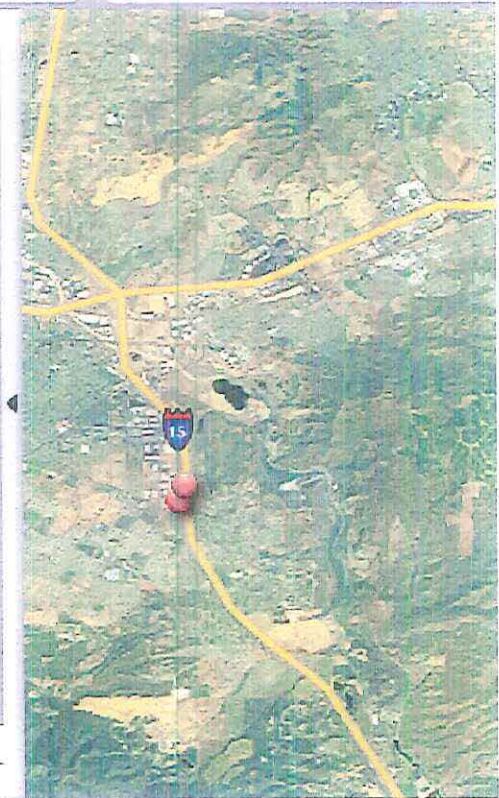
- 85011 - I-15 WL .2 MI N/O ONTARIO AVENUE



LLUMC

[Location Information](#)

[Current Creative](#)



C - Riverside County

My Lamar

Home Applications Directories Professional Development

My Digital Displays

Now Playing

Help



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Search by using the boxes or by clicking the map below. To start over click [HERE](#).

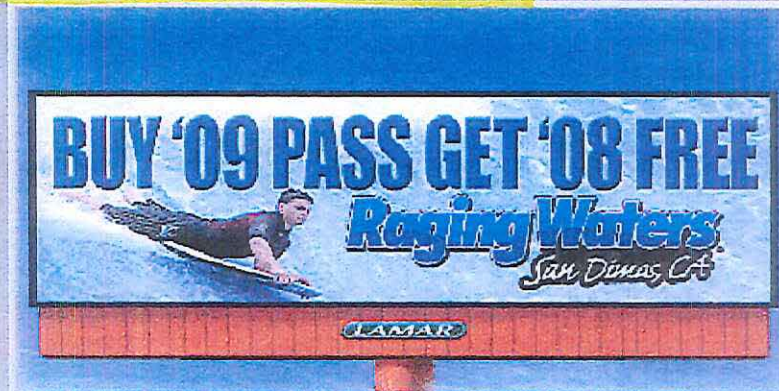
Now Playing

Lamar Advertising of San Bernardino Office

Contact

Market: RIVERSIDE COUNTY

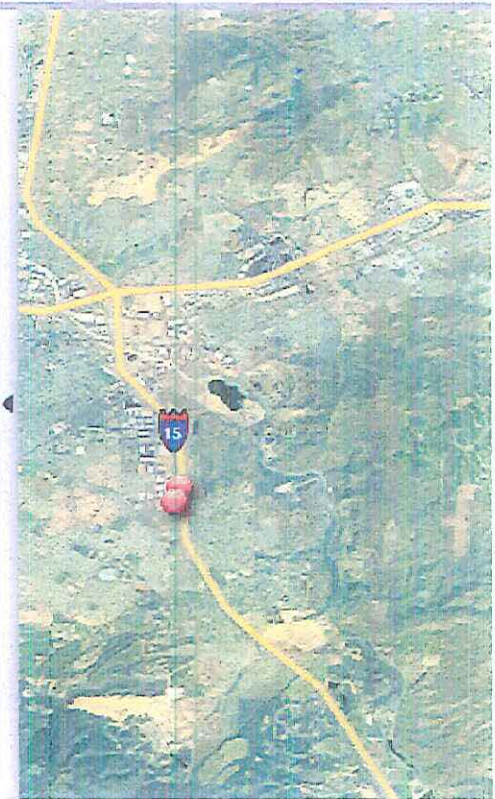
- 85002 - I-15 WL @ ONTARIO AVENUE



Castle Park

Location Information

Current Creative



C - Riverside County



U.S. Department
of Transportation
Federal Highway
Administration

Memorandum

Subject: **INFORMATION:** Guidance on
Off-Premise Changeable Message Signs

Date: September 25, 2007

From: Original signed by:
Gloria M. Shepherd
Associate Administrator for
Planning, Environment, and Realty

In Reply Refer To:
HEPR -20

To: Division Administrators
Attn: Division Realty Professionals

Purpose

The purpose of this memorandum is to provide guidance to Division offices concerning off-premises changeable message signs adjacent to routes subject to requirements for effective control under the Highway Beautification Act (HBA) codified at 23 U.S.C. 131. It clarifies the application of the Federal Highway Administration (FHWA) July 17, 1996 memorandum on this subject. This office may provide further guidance in the future as a result of additional information received through safety research, stakeholder input, and other sources.

Pursuant to 23 CFR 750.705, a State DOT is required to obtain FHWA Division approval of any changes to its laws, regulations, and procedures to implement the requirements of its outdoor advertising control program. A State DOT should request and Division offices should provide a determination as to whether the State should allow off-premises changeable electronic variable message signs (CEVMS) adjacent to controlled routes, as required by our delegation of responsibilities under 23 CFR 750.705(j). Those Divisions that already have formally approved CEVMS use on HBA controlled routes, as well as those that have not yet issued a decision, should re-evaluate their position in light of the following considerations. The decision of the Division should be based upon a review and approval of a State's affirmation and policy that: (1) is consistent with the existing Federal/State Agreement (FSA) for the particular State, and (2) includes but is not limited to consideration of requirements associated with the duration of message, transition time, brightness, spacing, and location, submitted for FHWA approval, that evidence reasonable and safe standards to regulate such signs are in place for the protection of the motoring public. Proposed laws, regulations, and procedures that would allow permitting CEVMS subject to acceptable criteria (as described below) do not violate a prohibition against "intermittent" or "flashing" or "moving" lights as those terms are used in the various FSAs that have been entered into during the 1960s and 1970s.

This Guidance is applicable to conforming signs, as applying updated technology to nonconforming signs would be considered a substantial change and inconsistent with the requirements of 23 CFR 750.707(d)(5). As noted below, all of the requirements in the HBA and its implementing regulations, and the specific provisions of the FSAs, continue to apply.

Background

The HBA requires States to maintain effective control of outdoor advertising adjacent to certain controlled routes. The reasonable, orderly and effective display of outdoor advertising is permitted in zoned or unzoned commercial or industrial areas. Signs displays and devices whose size, lighting and spacing are consistent with customary use determined by agreement between the several States and the Secretary, may be erected and maintained in these areas (23 U.S.C. § 131(d)). Most of these agreements between the States and the Secretary that determined the size, lighting and spacing of conforming signs were signed in the late 1960's and the early 1970's.

On July 17, 1996, this Office issued a Memorandum to Regional Administrators to provide guidance on off-premise changeable message signs and confirmed that FHWA has "always applied the Federal law 23 U.S.C. 131 as it is interpreted and implemented under the Federal regulations and individual Federal/State agreements." It was expressly noted that "in the twenty-odd years since the agreements have been signed, there have been many technological changes in signs, including changes that were unforeseen at the time the agreements were executed. While most of the agreements have not changed, the changes in technology require the State and FHWA to interpret the agreements with those changes in mind". The 1996 Memorandum primarily addressed tri-vision signs, which were the leading technology at the time, but it specifically noted that changeable message signs "regardless of the type of technology used" are permitted if the interpretation of the FSA allowed them. Further advances in technology and affordability of LED and other complex electronic message signs, unanticipated at the time the FSAs were entered into, require the FHWA to confirm and expand on the principles set forth in the 1996 Memorandum.

The policy espoused in the 1996 Memorandum was premised upon the concept that changeable messages that were fixed for a reasonable time period do not constitute a moving sign. If the State set a reasonable time period, the agreed-upon prohibition against moving signs is not violated. Electronic signs that have stationary messages for a reasonably fixed time merit the same considerations.

Discussion

Changeable message signs, including Digital/LED Display CEVMS, are acceptable for conforming off-premise signs, if found to be consistent with the FSA and with acceptable and approved State regulations, policies and procedures.

This Guidance does not prohibit States from adopting more restrictive requirements for permitting CEVMS to the extent those requirements are not inconsistent with the HBA, Federal regulations, and existing FSAs. Similarly, Divisions are not required to concur with State proposed regulations, policies, and procedures if the Division review determines, based upon all relevant information, that the proposed regulations, policies and procedures are not consistent with the FSA or do not include adequate standards to address the safety of the motoring public. If the Division Office has any question that the FSA is being fully complied with, this should be discussed with the State and a process to change the FSA may be considered and completed before such CEVMS may be allowed on HBA controlled routes. The Office of Real Estate Services is available to discuss this process with the Division, if requested.

If the Division accepts the State's assertions that their FSA permits CEVMS, in reviewing State-proposed regulations, policy and procedures for acceptability, Divisions should consider all relevant information, including but not limited to duration of message, transition time, brightness, spacing, and location, to ensure that they are consistent with their FSA and that there are adequate standards to address safety for the motoring public. Divisions should also confirm that the State provided for appropriate public input, consistent with applicable State law and requirements, in its interpretation of the terms of their FSA as allowing CEVMS in accordance with their proposed regulations, policies, and procedures.

Based upon contacts with all Divisions, we have identified certain ranges of acceptability that have been adopted in those States that do allow CEVMS that will be useful in reviewing State proposals on this topic. Available information indicates that State regulations, policy and procedures that have been approved by Divisions to date, contain some or all of the following standards:

- **Duration of Message**
 - Duration of each display is generally between 4 and 10 seconds – 8 seconds is recommended.
- **Transition Time**
 - Transition between messages is generally between 1 and 4 seconds – 1-2 seconds is recommended.
- **Brightness**
 - Adjust brightness in response to changes in light levels so that the signs are not unreasonably bright for the safety of the motoring public.
- **Spacing**
 - Spacing between such signs not less than minimum spacing requirements for signs under the FSA, or greater if determined appropriate to ensure the safety of the motoring public.
- **Locations**
 - Locations where allowed for signs under the FSA except such locations where determined inappropriate to ensure safety of the motoring public.

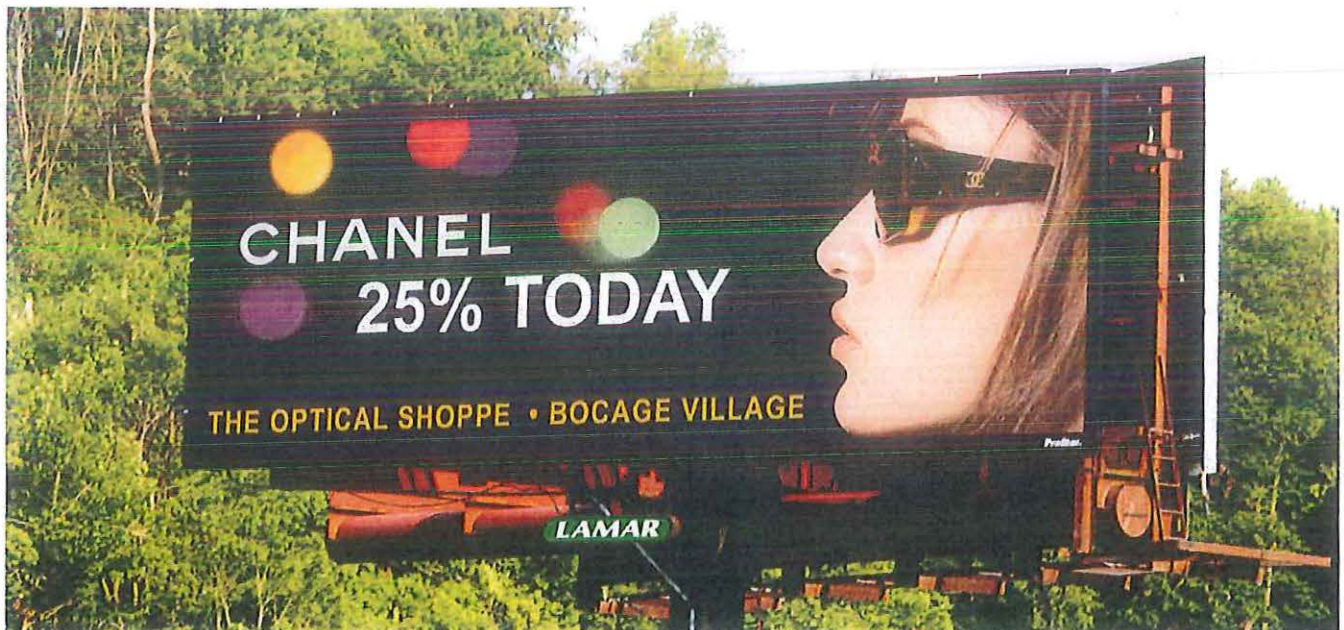
Other standards that States have found helpful to ensure driver safety include a default designed to freeze a display in one still position if a malfunction occurs; a process for modifying displays and lighting levels where directed by the State DOT to assure safety of the motoring public; and requirements that a display contain static messages without movement such as animation, flashing, scrolling, intermittent or full-motion video.

Conclusion

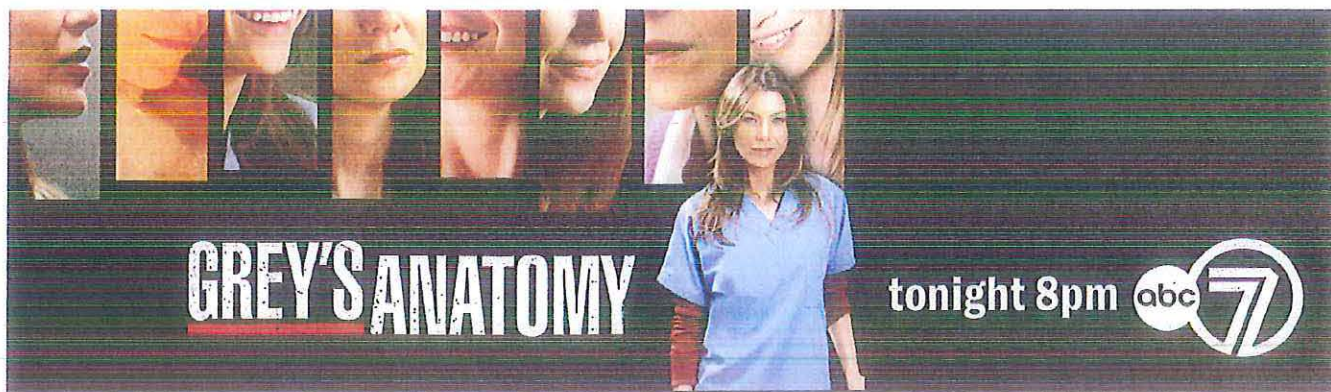
This Memorandum is intended to provide information to assist the Divisions in evaluating proposals and to achieve national consistency given the variations in FSAs, State law, and State regulations, policies and procedures. It is not intended to amend applicable legal requirements. Divisions are strongly encouraged to work with their State in its review of their existing FSAs and, if appropriate, assist in pursuing amendments to address proposed changes relating to CEVMS or other matters. In this regard, our Office is currently reviewing the process for amending FSAs, as established in 1980, to determine appropriate revisions to streamline requirements while continuing to ensure there is adequate opportunity for public involvement.

For further information, please contact your Office of Real Estate Point of Contact or Catherine O'Hara (Catherine.O'Hara@dot.gov).

TECHNICALLY SPEAKING...



DigitalDisplay



WHAT EXACTLY IS A DIGITAL DISPLAY?

A Digital Display is a new form of outdoor advertising that can be used by two or more advertisers.

It uses L.E.D. technology to carry one advertiser's message for about 10 seconds before flowing into a different message from another advertiser.

IS A DIGITAL DISPLAY AN OUTDOOR VIDEO SCREEN?

No. Many people commonly confuse the term "Digital Displays" with the term "outdoor video screens," but in reality, the two are as different as night and day. In fact, the only thing they have in common is that they're both located outdoors.

DOES A DIGITAL DISPLAY SHOW COMMERCIALS?

No. A Digital Display can't show commercials or film clips. It also doesn't use animation, flash, blink or scroll. It actually looks much like a traditional billboard, only better.

SO WHAT DOES A DIGITAL DISPLAY DO?

Think of a Digital Display as a series of static (still) displays. Each image is individually displayed and changed electronically after about 10 seconds.

HOW MANY ADVERTISEMENTS CAN A DIGITAL DISPLAY HOLD?

A Digital Display only shows one advertisement at a time. However, it can display several advertisements over the course of an hour or day.

HOW BRIGHT ARE THE DIGITAL DISPLAYS?

Lamar can control and customize the brightness levels of these displays for the needs of any city and specific location. Lamar Digital Displays automatically dim during darker day parts due to weather, dusk and night time.

WHAT DOES A DIGITAL DISPLAY LOOK LIKE?

The best two words to describe it are clear and clean because the technology utilized by the Digital Display allows for better and higher-quality graphic design. Anything that's posted on a Digital Display is always very crisp, and because it's electronic, it's more attractive and engaging.

HOW BIG ARE DIGITAL DISPLAYS?

Digital Displays are available in a variety of sizes. Most are about the size of standard billboards, and all conform to state and local regulations.

WHAT ARE THE ADVANTAGES OF THESE DISPLAYS?

Advertisers like Digital Displays because of the flexibility, both in terms of timing and messaging. The digital nature of the signs means that a message can be posted quickly — in less than a day if necessary — and that it can be removed just as rapidly. As a result, advertisers can more readily promote special events or one-day sales.

Digital Displays also act as community bulletin boards because information on everything from voting to emergency evacuation routes can be posted almost instantaneously. Whether you use them to post warnings, alerts or traffic advisories, Digital Displays can literally reach those who are on the road within seconds if necessary.

WHAT'S IN IT FOR THE COMMUNITY?

Digital Displays are clean, clear and current — all of which makes them more aesthetically pleasing. Additionally, many communities like the state-of-the-art look and feel of the Digital Displays. Digital Displays also inform people traveling on the road in times of community need.

Your community's advertisers also benefit because companies that use Digital Displays find them to be very helpful in attracting more business. More business for them means more economic health for your community.

AMBER ALERT

Jane Smith

Female | Age 13 | Brown Hair | Braces

2002 Green Jeep-Lic. # ABL368

Any Info Call: 389-4000



BY SAYING "YES" TO DIGITAL DISPLAYS, ARE WE SAYING "YES" TO MORE OUTDOOR SIGNS?

No. These Digital Displays are being proposed as replacements for or upgrades to some of the traditional billboards that already exist in your community.

WILL THE DIGITAL DISPLAYS BE BIGGER THAN THE BILLBOARDS WE ALREADY HAVE?

No Digital Display will be any larger than the outdoor sign that already exists in that location; in fact some will actually be on those existing signs. Our Digital Display initiative is an upgrade, not an addition or expansion.

WILL YOU BE TURNING ALL OF OUR COMMUNITY'S OUTDOOR SIGNS INTO DIGITAL DISPLAYS?

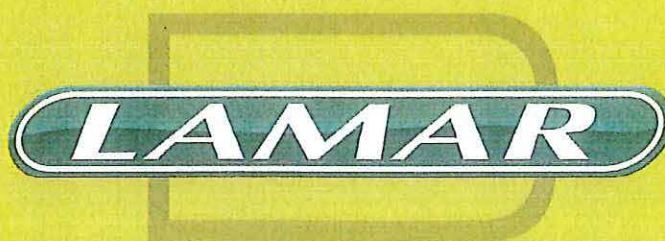
Right now, we're only looking to upgrade a small number of your signs to the Digital Display format – or to replace a few older signs with the new Digital Displays. The technology is simply too costly for us to do more than that at this time.

DO COMMUNITIES ALREADY HAVE DIGITAL DISPLAYS?

Yes. We introduced our first Digital Display in Baton Rouge, Louisiana in 2001, and since then, hundreds of other communities have embraced this innovation.

HOW CAN I OBTAIN MORE INFORMATION?

We encourage you to contact us with your questions at any time. Contact your local Lamar Advertising representative or call our corporate office at 1.800.23.LAMAR.



Digital Display