



CITY COUNCIL AGENDA REPORT

MEETING DATE: SEPTEMBER 20, 2004

ITEM NUMBER:

SUBJECT: DRAFT ORDINANCE AMENDING TITLE 13 OF THE COSTA MESA MUNICIPAL CODE REGARDING THE USE OF TEMPORARY SIGNS FOR CITY-SPONSORED EVENTS ON PUBLIC PROPERTY AND BANNERS ON PUBLIC BASEBALL AND SOFTBALL FIELDS

DATE: SEPTEMBER 8, 2004

FROM: DEVELOPMENT SERVICES DEPARTMENT/PLANNING DIVISION

PRESENTATION BY: KIMBERLY BRANDT, SENIOR PLANNER

FOR FURTHER INFORMATION CONTACT: KIMBERLY BRANDT (714) 754-5604

RECOMMENDATION:

Planning Commission recommends that City Council give first reading to the attached ordinance, which amends the Zoning Code to include provisions for City-sponsored events on public property and banners on public baseball and softball fields.

BACKGROUND:

At the July 14, 2003 study session, City Council reviewed issues relating to youth athletic field use at California/TeWinkle Schools, including banners displayed by youth sports groups on fences and backstops. Council requested that staff research the banner issue and return with revised language to the Municipal Code, if appropriate.

On March 22, 2004, Planning Commission recommended to Council that first reading be given to a draft ordinance regarding the use of banners on athletic fields, on a 4-1 vote (Bever voting no).

On April 5, 2004, Council directed staff to work with Council Member Cowan to refine the draft ordinance to include more specific information and to codify the regulations in the City's Zoning Code.

On August 9, 2004, Commission recommended that Council give first reading to the draft ordinance, on a 3-2 vote (Perkins and Bever voting no). The draft ordinance addresses two types of temporary signs:

- 1) Temporary signs on public property and buildings (excluding the public right-of-way) that advertise City-sponsored events; and
- 2) Temporary sponsor banners on the City's baseball and softball fields.

The draft ordinance is contained in Attachment 1, and the Commission meeting minutes and staff report are contained in Attachment 2.

ANALYSIS:

Temporary Signs on Public Property: These regulations address temporary signs placed on public property (excluding public right-of-way) for the purpose of advertising City-sponsored events and activities. Examples of City-sponsored events include the Summer Concerts in the Park series and Park-o-Rama. Additionally, Group 1 users (such as AYSO and Little League) could use temporary signs for announcing league registration dates. The proposed standards address placement, size, illumination, number, installation, maintenance, and sign removal.

Banners on Public Baseball and Softball Fields: This is a very specific type of banner that may only be displayed on the outfield fence of a City baseball or softball field. Additionally, only Group 1 users will be able to apply for this type of banner. The City's Athletic Field/Facility Use and Allocation Policy defines a Group 1 user as a non-profit organization who partners with the City, has at least 90% residents and open registration, regardless of skill level, and provides an "everyone plays" philosophy.

There are numerous baseball/softball fields located throughout the City that are used by six Group 1 organizations. Attachment 2 contains a complete listing of the Group 1 users and the respective baseball and/or softball fields that are assigned to them. It can be noted, only the fields at Tewinkle Park, Lions Park, and Estancia and Costa Mesa High Schools are used all year long. The remainder of the baseball and/or softball fields are used from March through June.

The proposed standards address placement, size, illumination, number, installation, maintenance, and sign removal.

Both types of temporary signs will require a permit that will be issued by the Recreation Manager.

ALTERNATIVES:

City Council may make specific changes or modifications to the draft ordinance. Currently, the City's temporary sign regulations do not address temporary signs on public buildings or banners on baseball/softball outfield fences.

FISCAL REVIEW:

This ordinance does not require fiscal review.

LEGAL REVIEW:

The City Attorney's Office has reviewed the draft ordinance and approved it as to form.

ENVIRONMENTAL DETERMINATION:

These code amendments have been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City's environmental procedures, and have been found to be exempt.

CONCLUSION

The proposed ordinance will regulate temporary signs and banners that are currently not addressed in the Zoning Code. Standards have been included that address location, size, illumination, number, maintenance, and length of installation. Staff believes the limited use of temporary signs on public property and banners on public baseball and softball fields serves a reasonable purpose, and such use would not cause a visual blight in the City so long as such signs and banners are properly maintained.


KIMBERLY BRANDT
Senior Planner


DONALD D. LAMM
Deputy City Mgr.-Dev. Svs. Director


for TOM WOOD
Acting City Attorney

DISTRIBUTION: City Manager
Acting City Attorney
Acting Administrative Services
Director
Public Services Director
Recreation Manager
City Clerk (2)
Staff (4)
File

ATTACHMENTS: 1 Draft ordinance
2 Planning Commission staff report and
meeting minutes

File Name: 092004CCTempsigns

Date: 090104

Time: 12 p.m..

ATTACHMENT 1
DRAFT ORDINANCE

ORDINANCE NO. 04-__

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA AMENDING TITLE 13 OF THE COSTA MESA MUNICIPAL CODE REGARDING THE USE OF TEMPORARY SIGNS FOR CITY-SPONSORED EVENTS ON PUBLIC PROPERTY AND BANNERS ON PUBLIC BASEBALL AND SOFTBALL FIELDS.

WHEREAS, the City of Costa Mesa's Municipal Code does not currently address temporary signs for City-sponsored events on public property or the use of banners on public baseball and softball fields.

WHEREAS, the limited use of temporary signs on public property and banners on public baseball and softball fields serves a reasonable purpose, and such use would not cause a visual blight in the City so long as such signs and banners are properly maintained; and

WHEREAS, the City Council of the City of Costa Mesa has determined that the limited use of temporary signs for City-sponsored events on public property and banners on public baseball and softball fields serves the greater health, safety, and concern of the citizens of the City.

THEREFORE, THE CITY COUNCIL OF THE CITY OF COSTA MESA DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. The following definition is hereby added to Section 13-111 of Article 2, Title 13 of the Costa Mesa Municipal Code to read as follows:

"Public Baseball/Softball Field. Any baseball and/or softball field owned, rented, or leased by the City or used by the City under a joint use agreement.

Section 2. The following definition in Section 13-111 of Article 2, Title 13 of the Costa Mesa Municipal Code is hereby amended to read as follows:

"Public Property. Any building, park, grounds, structures, or other real property (collectively referred to as "property" for the purpose of this definition) owned, rented, or leased by the City not within the public right-of-way or any such property used by the City under a joint use agreement. For the purposes of this definition, public property does not include public baseball and softball fields."

Section 3. Table 13-115 of Article 3 of Title 13 of the Costa Mesa Municipal Code is hereby amended to include the following:

TABLE 13-115 SIGN REGULATIONS (CONTINUED)				
TEMPORARY SIGNS				
	RESIDENTIAL ZONES	COMMERCIAL ZONES	INDUSTRIAL ZONES	INSTITUTIONAL ZONES
TEMPORARY SIGNS ON PUBLIC PROPERTY PERMIT REQUIRED	Subject to Section 13-118.1			
BANNERS ON PUBLIC BASEBALL AND/OR SOFTBALL FIELDS PERMIT REQUIRED	Subject to Section 13-118.2			

Section 4. The following section is hereby added to Title 13 of the Costa Mesa Municipal Code:

“Sec. 13-118.1 TEMPORARY SIGNS ON PUBLIC PROPERTY

- (a) **Applicability.** The placement of temporary signs on public property shall be limited to only those signs that advertise a City-sponsored event or activity. As used in this section, a City-sponsored event includes, but is not limited to, events or activities of Group 1 users, as that term is defined in the Athletic Field/Facility Use and Allocation Policy.
- (b) **Permit Required.** Temporary signs for City-sponsored events may be placed on public property after obtaining the necessary permit from the Recreation Manager.
- (c) **Standards.**
 - (1) **Acceptable Temporary Sign Location:** Signs may be placed only on a building wall or perimeter wall or fence of the public property. The sign shall not project above the building parapet or the highest point of the roof or above the perimeter wall and/or fence. The sign shall not be attached to any staff, pole, line, framing, vehicle, or similar support.
 - (2) **Illumination:** The sign shall not be illuminated.
 - (3) **Maximum Size:** The sign shall not exceed 64 square feet.
 - (4) **Number of Signs:** Limit one temporary sign per street frontage at any given time.
 - (5) **Installation:** The entire surface of the sign must be securely fastened to the building or perimeter wall and/or fence.

- (6) **Maintenance Required:** The applicant shall maintain all signs in good condition, and the applicant shall remove or replace any sign that is torn, faded, dirty, or defaced, including by graffiti.
- (7) **Installation Period:** Temporary signs may be displayed a maximum of 30 days. Specific dates and time for the signs' installation and removal may be subject to change by the City in order to minimize impacts to the public.
- (8) **Sign Removal:** All signs that are not removed by the applicant by the approved removal date shall constitute a public nuisance subject to summary removal by the City."

Section 5. The following section is hereby added to Title 13 of the Costa Mesa Municipal Code:

"Sec. 13-118.2 BANNERS ON PUBLIC BASEBALL AND SOFTBALL FIELDS

- (a) **Applicability.** Only a Group 1 user shall be able to request approval to install banners on a public baseball or softball field that has been allocated to them by the City. Group 1 users are defined in the City of Costa Mesa Athletic Field/Facility Use and Allocation Policy.
- (b) **Permit Required.** Banners may be placed on public baseball and/or softball fields after obtaining the necessary permit from the Recreation Manager.
- (c) **Standards.**
 - (1) **Acceptable Banner Location:** Banners shall only be displayed on the field's outfield fence and shall only face the field's interior.
 - (2) **Banner Composition:** Banner copy and/or logos shall be limited to one side of the banner, and the banner shall be made of durable white cloth, bunting, plastic, or similar material.
 - (3) **Maximum Size:** Individual banners shall not exceed 32 square feet.
 - (4) **Installation:** The banner's surface must be tautly and securely fastened to the outfield fence of the field by a minimum of four contact points.
 - (5) **Maintenance Required:** The applicant shall maintain all banners in good condition, and the applicant shall remove or replace any banner that is torn, faded, dirty or defaced, including by graffiti.
 - (6) **Installation Period:** Banners shall be installed no sooner than seven days prior to the baseball and/or softball season's commencement and shall be removed within seven days of the season's close. Specific dates and time for the banners' installation and removal may be subject to change by the City in order to minimize impacts to the public.
 - (7) **Banner Removal:** All banners that are not removed by the applicant by the approved removal date shall constitute a public nuisance subject to summary removal by the City."

Section 6. Environmental Determination. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City's environmental procedures, and has been found to be exempt.

Section 7. Inconsistencies. Any provision of the Costa Mesa Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to that extent necessary to affect the provisions of this Ordinance.

Section 8. Severability. If any chapter, article, section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance, or the application thereof to any person, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this Ordinance or its application to other persons. The City Council hereby declares that it would have adopted this Ordinance and each chapter, article, section, subsection, subdivision, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more subsections, subdivisions, sentences, clauses, phrases, or portions of the application thereof to any person, be declared invalid or unconstitutional. No portion of this Ordinance shall supersede any local, State, or Federal law, regulation, or codes dealing with life safety factors.

Section 9. Publication. This Ordinance shall take effect and be in full force and effect thirty (30) days from and after its passage and, before the expiration of fifteen (15) days after its passage, shall be published once in the NEWPORT BEACH-COSTA MESA PILOT, a newspaper of general circulation printed and published in the City of Costa Mesa, or, in the alternative, the City Clerk may cause to be published a summary of this Ordinance and a certified copy of the text of this Ordinance shall be posted in the office of the City Clerk five (5) days prior to the date of adoption of this Ordinance, and within fifteen (15) days after adoption, the City Clerk shall cause to be published the aforementioned summary and shall post in the office of the City Clerk a certified copy of this Ordinance together with the names of the members of the City Council voting for and against the same.

PASSED AND ADOPTED this ____ day of _____, 2004

Mayor

ATTEST:

APPROVED AS TO FORM:

Deputy City Clerk of the
City of Costa Mesa

City Attorney

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF COSTA MESA)

I, JULIE FOLCIK, Deputy City Clerk and ex-officio clerk of the City Council of the City of Costa Mesa, hereby certify that the above and foregoing Ordinance No. 04-___ was introduced and considered section by section at a regular meeting of said City Council held on the ___ day of _____, 2004, and thereafter passed and adopted as a whole at a regular meeting of said City Council held on the ___ day of _____, 2004, by the following roll call vote:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the City of Costa Mesa this ___ day of _____, 2004.

Deputy City Clerk and ex-officio
Clerk of the City Council of the
City of Costa Mesa

ATTACHMENT 2

PLANNING COMMISSION MEETING MINUTES AND STAFF REPORT

Commissioner Foley requested that Mr. Valantine provide an update at a future study session on the status of the sale of the Fairgrounds and what has been done to express the City's objection to that other than what was in the newspapers.

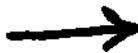
Vice Chair Perkins echoed Commissioner DeMato's comments regarding the successful implementation of the 2004 Costa Mesa Fair. He announced the "Leukemia Society Light the Night Walk" on the 22nd of August at Anaheim Stadium, and another to be held on October 17th at the Newport Dunes Resort from 4 p.m. to 8 p.m. with music, entertainment, and food. He said everyone is welcome to attend and the funds raised are used to fight against blood cancers, as well as patient services programs.

Chairman Garlich thanked and commended the Costa Mesa Police Department on their success of the "National Night Out" event last week. He said it was well attended with many volunteer organizations represented, several programs, and a lot of helpful information.

None.

CONSENT CALENDAR:

PUBLIC HEARINGS:



DRAFT ORDINANCE AMENDING TEMPORARY SIGNS FOR CITY-SPONSORED EVENTS ON PUBLIC PROPERTY AND BANNERS ON PUBLIC BASEBALL AND SOFTBALL FIELDS

The Chair opened the public hearing for consideration of a draft ordinance of the City Council for the City of Costa Mesa amending the regulations contained in Title 13 of the Costa Mesa Municipal Code relating to the use of temporary signs for City-sponsored events on public property, and banners on public baseball and softball fields. Environmental determination: exempt.

City

Senior Planner Kimberly Brandt reviewed the information in the staff report and gave a presentation. She pointed out that both types of these temporary signs are not currently addressed in the City's sign regulations. She said staff is recommending Planning Commission recommend to the City Council, that they give first reading to the ordinance.

Vice Chair Perkins confirmed with Ms. Brandt, time periods (seasonal) for permits, including installation and banners. Ms. Brandt stated that it's important to remember temporary signs for sponsorship are for "Group I Users" only, as defined in the staff report.

The Chair inquired about the maximum 64 square-foot size under "Temporary Signs on Public Property", page 8 of the staff report, item (3). Ms. Brandt explained that code currently has a provision for construction of temporary signage when a project is being built. Staff felt it was a reasonable square footage because it is temporary in nature and is limited to one per street frontage. The Chair confirmed with Ms. Brandt that some discretion could be used in an instance where someone wanted a sign to be that big, just because it could be that big.

In response to a question from Vice Chair Perkins regarding regulation of sign content, Sr. Deputy City Attorney Marianne Milligan stated that both ordinances are "content neutral" in that the City does not regulate the content because of first amendment rights, etc.

In response to a request from Commissioner Foley, Ms. Brandt explained the permit process and what steps would be taken for the user groups to obtain permits. She added that once the ordinance is adopted, they would put together a handout outlining administrative procedures.

Mike Berry, 2064 Meadow View Lane, Costa Mesa, felt there was over regulation without enforcement and that the City has become a giant billboard of advertising.

There was discussion between Vice Chair Perkins, Mike Berry, and

Commissioner Foley regarding current regulations, and responsibility for enforcement of those regulations.

In response to a question from Commissioner Foley, Ms. Brandt stated there is no adopted fee for this type of permit and therefore, no City revenues would be generated; when the City Council next reviews it's fee schedule, it could be included.

Commissioner Foley confirmed with Ms. Brandt that if the sponsorship money obtained by the Little League (a nonprofit organization for which the City has no jurisdiction over) is in question, those concerns would have to be taken up with the little league board.

Mr. Berry stated that the softball players and little leagues don't need the sponsorship banners, citing the low costs of participation in softball and baseball, because the taxpayers heavily support that now.

In response to a question from Vice Chair Perkins regarding whether the City can look at how those funds are spent in reference to "Group I Users", Recreation Manager Jana Ransom stated that when the Recreation Division asks leagues for a copy of their by-laws, they are merely checking to see that they have an "everyone plays" philosophy. They are accountable to their parent organizations. She pointed out that many of the banners that are put up, are not dollar collections, i.e., in kind materials, and there is a value established either in kind or monetary, that goes to support the leagues to help defray the costs.

Gregg Pearce, 2953 Baker Street, Costa Mesa, is President of the Costa Mesa National Little League, stated that the City basically allows them to use the fields at no cost. He said accountability for the money raised is through Williamsport National Little League. He said they are also required to file with the IRS every year in a non-profit status. Their records are open to anyone who requests to see them. They submit their by-laws and constitution to the City for review every year, while obtaining their permits. He said they follow the code as written and have been doing it for years, and further, staff has done a great job of persuading the league to apply the codes. He believed the enforcement issue was not an issue because it is being watched closely.

In response to questions from Vice Chair Perkins, Mr. Pearce explained that they have approximately 30 banners among 3 fields each year. He said about 50% of the banners are for donations, equipment, dirt, the fields, etc., and the money raised from the banners is put back into the league, with most of it going back into the fields. They are constantly upgrading fields they do not own, and this past year, they spent \$10,000 on fencing. There was also discussion between Vice Chair Perkins, Commissioner Foley, and Mr. Pearce concerning owners who have businesses that may be inappropriate for advertising on a banner, such as a strip bar, and how it could be worked out. Mr. Pearce offered to add a policy to their by-laws on this subject, if the Commission felt it was necessary.

In response to a question from Vice Chair Perkins concerning the number of banners that have a white background, Mr. Pearce stated that 100% of the banners this past year were white.

Beth Refakas, 320 Magnolia Street, Costa Mesa, believes the banners are offensive, and that the City does not enforce the banner ordinance already on the books. She said City Council approved investigating a corporate sponsorship program for the skate park, and as a result the City is on "advertising overload."

In response to a comment from the Chair regarding enforcement, Ms. Brandt stated that to clarify an earlier comment, that these regulations are to be incorporated into the City's zoning code, and Code Enforcement is the enforcement arm of the City in relation to com-

pliance with these new regulations.

In response to a request from the Chair, Ms. Milligan described the process and events that would transpire if a violation occurs.

In response to a question from Vice Chair Perkins concerning other cities that offer free little league fields, Recreation Manager Jana Ransom stated that fee waivers in whole, or in part to user groups, is becoming less frequent. Santa Ana, Huntington Beach, Costa Mesa, Long Beach, and Garden Grove, gave fee waivers entirely to whatever the "Group I User" definition was to those types of groups. She said Council Member Schaeffer suggested looking at a nominal fee this year. She said they are now finding that many cities are going to a small nominal fee, but not one that covers the full cost.

Martin Millard, 2973 Harbor Boulevard, Costa Mesa, asked for the definition of a utility. In response, Ms. Ransom explained it is generally a soccer field that can also be used as a football field or a Lacrosse field, and is named so because it is used for more than one purpose. He did not feel that the field at Paularino School directly across the street from residential on Paularino Avenue was appropriate for banners.

In response to Mr. Millard's comments, Ms. Ransom stated that on page 9 of the staff report, under (a) Applicability, it states that, "only a "Group I User" shall be able to request approval to install banners on a public baseball or softball field that has been allocated to them by the City." She said the user groups that have banners, put them on their game fields only; it makes no sense to put them up where they only hold practices and Paularino is one of the schools where they only hold practices. She said "out-of-city" users would not be a "Group I User."

Tim Lewis, 2750 Harbor Boulevard, Costa Mesa, felt that those who acquire a permit and don't offend anyone don't usually have any issues. He said this is really all about those kids that were born and raised here in Costa Mesa that need a place to play baseball; those signs are part of baseball. He said they need a place to play and its not right to charge them for the fields because that's what this City's here for and that's what those fields are there for—the kids.

No one else wished to speak and the Chair closed the public hearing.

MOTION:
Draft Ordinance amending temporary signs on public property and banners on public baseball and softball fields.

Recommended to City Council

A motion was made by Commissioner Foley, seconded by Chairman Garlich, and carried 3-2 (Bever and Perkins voted no), to recommend to City Council, that they give first reading to the draft ordinance, with the following recommendation: Under Sec. 13-118.2 **BANNERS ON PUBLIC BASEBALL AND SOFTBALL FIELDS (c) Standards. (2) Banner Composition:** Banner copy and/or logos shall be limited to one side of the banner, and the banner shall be made of white durable cloth, bunting, plastic, or similar material. The motion was called later (see below).

During discussion of the motion, Commissioner Foley stated that she agrees with Mr. Lewis that the fields are there for the kids and that's why we live in this community. She said as a taxpayer, she expects there to be places for her kids to play with athletic and recreation opportunities for them. The volunteers are the parents who live and pay their taxes here and expect that the City will provide these resources. There will be the same number of banners that have always been there—it is not about the banners on the fields. She said that some people in our community believe the fields are overused, and she believes, that's what they are there for.

Chairman Garlich said this is true; the issue came about because of a loophole in the ordinance so it is now being addressed and has been an ongoing "situation" for approximately 8 to 10 years in many places around the City. He said the money goes to a good use and by

comparison in some surrounding cities, it costs about \$100 per child to play and in Costa Mesa it costs approximately \$35; that's a good place for the money to go. The Chair also discussed code enforcement and how it would work.

Vice Chair Perkins thanked everyone who participated in this ordinance for their hard work and efforts. He agreed with Mr. Lewis that this is a program for the kids. He felt it was not appropriate to dictate the color of the banners. Vice Chair Perkins also discussed code enforcement.

Commissioner DeMaio stated that he would also support the ordinance but did not believe we ever needed one. He said he did not believe there was a problem and everything is working out well for the children of this community.

Commissioner Bever stated that this is about serving the children. However, as Planning Commissioners, it is also the Commissioners' job to make sure this legislation is appropriate and effective. He asked Commissioner Foley if she was willing to change her motion for "Temporary Signs on Public Property", page 8, section (c), subsection 3, "64 square feet" to "32 square feet" for "Group I Users", and on page 9, section (c), section 2, adding the word "white" for the banner material. He said the letters could be any color. He also suggested that in section 7, page 9, at the top of the page, "not to exceed 5 per year per site" for the temporary banners, not baseball field banners.

The Chair questioned Commissioner Bever's new language "not to exceed 5 per year per site" and stated he was uncomfortable supporting that change.

In response to a question from Commissioner Foley for previous speaker Gregg Pearce (returned to the podium), he stated that all banners displayed during the past year, were on a white background and it would not be a problem to add it to the ordinance.

Commissioner Foley said she was agreeable to adding the word "white" as described by Commissioner Bever. She said she was not agreeable to the change under "Installation Period" because she did not really feel there is a problem right now with respect to those temporary signs. She said she would also be concerned about reducing the banner size for "Group I Users" (soccer and baseball registration typically 4' x 8' and hung around school yards on chain link fences), because she did not believe it was an abuse at this time.

Chairman Garlich agreed with Commissioner Foley. He advised that he had asked staff early on in this meeting about "staff discretion" regarding the 64 square-foot maximum. He believed that was enough and most of the signs are smaller anyway, even though from time-to-time, there will be exceptions.

Vice Chair Perkins said he agreed with Commissioner Bever's suggestions except for the word "white" being added to the "Banner Composition."

SUBSTITUTE MOTION:
Draft Ordinance amending temporary signs on public property and banners on public baseball and softball fields.

Failed for lack of a second.

A substitute motion was made by Vice Chair Perkins, and failed for lack of a second, to recommend to City Council, that they give first reading to the draft ordinance, with the following recommendation: (1) Under Sec. 13-118.2 **BANNERS ON PUBLIC BASEBALL AND SOFTBALL FIELDS (c) Standards.** (3) **Maximum size:** change from 64 square feet to 34 square feet. (7) **Installation Period:** Add a sentence, "not to exceed 5 times a year, total."

There was discussion between the Chair, Vice Chair, Ms. Milligan and Commissioner Bever regarding the addition to the "Installation Period."

The Chair called the original motion, which carried 3-2 (Bever and

Perkins voted no) as shown above.

Commissioner Bever commented that he was okay with the baseball banners part of the motion, but the area he had a problem with was with the temporary signs, and therefore, could not support the motion.

REVIEW, REVOCATION
AND/OR MODIFICATION OF
CONDITIONAL USE PERMIT
PA-03-26

City

The Chair opened the public hearing for consideration of the Review/Revocation and/or Modification of Conditional Use Permit PA-03-26 for C&D Properties, for noncompliance with the conditions of approval, for an expansion of a motor vehicle rental/leasing business, located at 1192 Bristol Street in a C1 zone. Environmental Determination: exempt.

Associate Planner Mel Lee reviewed the information in the staff report and gave a presentation. He said it is staff's opinion that the applicant has been provided adequate time (10 months) to provide the landscaping as required by the CUP, and based upon the applicant's lack of cooperation with City staff, staff is recommending revocation of the conditional use permit, and that the applicant be directed to remove all vehicles from the 1192 Bristol Street property no later than 30 days after Commission action.

Kent Crawford, representing the owner, 1192 Bristol Street, Costa Mesa, said he never received a letter regarding this information because the letter was sent to the property and his office is elsewhere. He said he found out approximately 8 to 10 days ago about this situation. He said they are a small business and received their CUP in October of last year, and they had anticipated \$5,000 to \$8,000 for implementation of the landscape improvements. He said the bids were \$25,000 to \$30,000 and they are now financing an SBA loan to cover those costs. They anticipate funding in mid to late September (between the 10th-25th). Mr. Crawford said it is their goal to comply. He said they have done a bad job of communicating with staff; they are not professional developers; and he has not been involved in a project like this. He asked the Commission for an extension of time to receive the proper funding and then they will implement the landscape plan. In response to the Chair, Mr. Crawford said they would need a 4-month extension.

In response to a question from Commissioner Bever, Mr. Crawford said he had not received City approval for a landscape plan, but has not been involved in the project. He said Mr. Pointer is in Spokane Washington and could not attend the meeting. In response to further questions from Commissioner Bever concerning the landscaping, Mr. Crawford said he understood there is no landscaping, but said he never received a copy of the letter until today.

There was discussion between the Chair and Mr. Lee regarding Commissioner Foley's inquiry about the trucks and van she asked to be removed from the property. Mr. Lee confirmed that they are renting out space to park landscaping vehicles, which is not allowed, and was made clear to the property owner.

Vice Chair Perkins requested documentation that would substantiate the loans. The representative did not have documentation with him this evening.

Commissioner DeMaio confirmed with Mr. Crawford that he did not receive the letter, and that he has already had 10 months and now needs 4 additional months to complete the landscaping on site.

Commissioner DeMaio asked Mr. Crawford if he could accomplish the funding and implementation of the landscaping sooner than 120 days. He said he was not sure but they were going to try to do that and have it completed by early October.



PLANNING COMMISSION AGENDA REPORT

V.I.
ITEM NUMBER:

MEETING DATE: AUGUST 9, 2004

SUBJECT: DRAFT ORDINANCE AMENDING TITLE 13 OF THE COSTA MESA MUNICIPAL CODE REGARDING THE USE OF TEMPORARY SIGNS FOR CITY-SPONSORED EVENTS ON PUBLIC PROPERTY AND BANNERS ON PUBLIC BASEBALL AND SOFTBALL FIELDS.

DATE: JULY 29, 2004

FOR FURTHER INFORMATION CONTACT: KIMBERLY BRANDT, SENIOR PLANNER
(714) 754-5604

DESCRIPTION

A draft ordinance amending the City's temporary signs regulations to include provisions for city-sponsored events on public property and banners on public baseball and softball fields.

RECOMMENDATION

Recommend City Council give first reading to the draft ordinance.


KIMBERLY BRANDT
Senior Planner


R. MICHAEL ROBINSON
Planning & Redevelopment Mgr.


PERRY L. VALANTINE
Asst. Development Services Director

BACKGROUND

At the July 14, 2003 study session, City Council reviewed issues relating to youth athletic field use at California/TeWinkle Schools, including banners displayed by youth sports groups on fences and backstops. Nearby residents questioned whether or not the banners were in compliance with the City's sign ordinance. Council requested that staff research the banner issue and return to Council with revised language to the Municipal Code, if appropriate.

On March 22, 2004, Planning Commission recommended to Council that first reading be given to a draft ordinance regarding the use of banners on athletic fields, on a 4-1 vote (Bever voting no).

On April 5, 2004, Council directed staff to work with Council Member Cowan to refine the draft ordinance to include more specific information and to codify the regulations in the City's Zoning Code.

In May 2004, staff met with Council Member Cowan. Based on the various issues that have been discussed to date, it was determined there are two types of temporary signs that need to be addressed in the draft ordinance:

- 1) Temporary signs on public property and buildings (excluding the public right-of-way) that advertise City-sponsored events; and
- 2) Temporary sponsor banners on the City's baseball and softball fields.

Attachment 3 contains the Commission and Council minutes.

ANALYSIS

Temporary Signs on Public Property: These regulations address temporary signs placed on public property (excluding public right-of-way) for the purpose of advertising City-sponsored events and activities. Examples of City-sponsored events include the Summer Concerts in the Park series and Park-o-Rama. Additionally, Group 1 users (such as AYSO and Little League) could use temporary signs for announcing league registration dates. The proposed standards for placement, size, etc. are as follows:

- (1) **Acceptable Temporary Sign Location:** Signs may be placed only on a building wall or perimeter wall or fence of the public property. The sign shall not project above the building parapet or the highest point of the roof or above the perimeter wall and/or fence. The sign shall not be attached to any staff, pole, line, framing, vehicle, or similar support.
- (2) **Illumination:** The sign shall not be illuminated.

APPL. AMEND TITLE 13 BANNERS AND TEMPORARY SIGNS

- (3) **Maximum Size:** The sign shall not exceed 64 square feet.
- (4) **Number of Signs:** Limit one temporary sign per street frontage at any given time.
- (5) **Installation:** The entire surface of the sign must be securely fastened to the building or perimeter wall and/or fence.
- (6) **Maintenance Required:** The applicant shall maintain all signs in good condition, and the applicant shall remove or replace any sign that is torn, faded, dirty, or defaced, including by graffiti.
- (7) **Installation Period:** Temporary signs may be displayed a maximum of 30 days. Specific dates and time for the signs' installation and removal may be subject to change by the City in order to minimize impacts to the public.
- (8) **Sign Removal:** All signs that are not removed by the applicant by the approved removal date shall constitute a public nuisance subject to summary removal by the City.

Banners on Public Baseball and Softball Fields: This is a very specific type of banner that only may be displayed on the outfield fence of a City baseball or softball field. Additionally, only Group 1 users will be able to apply for this type of banner. The City's Athletic Field/Facility Use and Allocation Policy defines a Group 1 user as a non-profit organization who partners with the City, has at least 90% residents and open registration, regardless of skill level, and provides an "everyone plays" philosophy.

There are numerous baseball/softball fields located throughout the City that are used by six Group 1 organizations. Attachment 2 provides a complete listing of the Group 1 users and the respective baseball and/or softball fields that are assigned to them. It can be noted that only the fields at Tewinkle Park, Lions Park, and Estancia and Costa Mesa High Schools are used all year long. The remainder of the baseball and/or softball fields are used from March through June.

The proposed standards for placement, size, etc. are listed below.

- (1) **Acceptable Banner Location:** Banners shall only be displayed on the field's outfield fence and shall only face the field's interior.
- (2) **Banner Composition:** Banner copy and/or logos shall be limited to one side of the banner, and the banner shall be made of durable cloth, bunting, plastic, or similar material.
- (3) **Maximum Size:** Individual banners shall not exceed 32 square feet.
- (4) **Installation:** The banner's surface must be tautly and securely fastened to the outfield fence of the field by a minimum of four contact points.

APPL. AMEND TITLE 13 BANNERS AND TEMPORARY SIGNS

City Engineer
Fire Protection Analyst
Staff (4)
File (2)

File: 080904TEMPSIGNS

Date: 072704

Time: 10:45 a.m.

APPL. AMEND TITLE 13 BANNERS AND TEMPORARY SIGNS

- (5) **Maintenance Required:** The applicant shall maintain all banners in good condition, and the applicant shall remove or replace any banner that is torn, faded, dirty or defaced, including by graffiti.
- (6) **Installation Period:** Banners shall be installed no sooner than seven days prior to the baseball and/or softball season's commencement and shall be removed within seven days of the season's close. Specific dates and time for the banners' installation and removal may be subject to change by the City in order to minimize impacts to the public.
- (7) **Banner Removal:** All banners that are not removed by the applicant by the approved removal date shall constitute a public nuisance subject to summary removal by the City.

Both types of temporary signs will require a permit that will be issued by the Recreation Manager.

ALTERNATIVES

Planning Commission may recommend to Council modifications to the draft ordinance or recommend that Council not adopt the draft ordinance. The City's temporary sign regulations do not address temporary signs on public buildings or banners on baseball/softball outfield fences.

ENVIRONMENTAL DETERMINATION

These code amendments have been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City's environmental procedures, and have been found to be exempt.

CONCLUSION

The proposed ordinance will regulate temporary signs and banners currently not addressed in the Zoning Code. Standards have been included that address location, size, illumination, number, maintenance, and length of installation. Staff believes the limited use of temporary signs on public property and banners on public baseball and softball fields serves a reasonable purpose, and such use would not cause a visual blight in the City so long as such signs and banners are properly maintained.

- Attachments:
- ~~1. Draft Ordinance~~
 - 2. Baseball and Softball Field Inventory
 - 3. Meeting Minutes

cc: Deputy City Manager - Dev. Svcs. Director
Senior Deputy City Attorney
Acting Administrative Director
Recreation Manager

ATTACHMENT 2

BASEBALL AND SOFTBALL FIELD INVENTORY

City of Costa Mesa Softball and Baseball Athletic Fields

Centers

Adams School
 California School
 College Park School
 Costa Mesa High School

 Davis School
 Estancia High School

 Harper School
 Kaiser School

 Killybrooke School
 Lindbergh Park
 Lions Park
 Paularino School

 Rea School
 Smallwood Park
 Sonora School
 TeWinkle Park

 TeWinkle School

 Victoria School
 Wilson School
 Woodland

Facilities

Adams – Utility or BB
 California – NW BB/T-Ball
 College Park – Utility or BB
 CMHS – Little League Major/Minor
 CMHS – Utility Southeast /JV BB
 CMHS – Utility NW/Softball
 CMHS – Utility NE/T-Ball
 CMHS – SE/Farm
 CMHS – Utility SW/Varsity BB

 Davis – Utility or BB

 EHS - BB Varsity
 EHS – BB JV

 Harper
 Kaiser – Baseball East
 Kaiser – Baseball West

 Killybrooke – Utility
 Lindbergh – Utility
 Davis Field – Softball Lighted Field
 Paularino – Utility East or BB
 Paularino – Utility West or BB

 Rea – Utility or BB
 Smallwood – Baseball
 Sonora – Utility or BB
 TeWinkle Park – Baseball Lighted Field
 TeWinkle Park – Softball #1 Lighted Field
 TeWinkle Park – Softball #2 Lighted Field

 TeWinkle - BB NE / Major Field
 TeWinkle – BB NW/ Farm Field Lighted Combination
 TeWinkle – BB SE / Minor A
 TeWinkle – BB SW /Softball Lighted Combination
 TeWinkle – BB West / Minor B

 Victoria – Utility East or BB
 Wilson – Utility or BB
 Woodland – Utility or BB

City of Costa Mesa Athletic Field User Information as of 5-6-04

Costa Mesa American Little League	280	March-June	5-12	Costa Mesa High School (4 fields) Tewinkle Middle School (back-up) Davis Sonora Paularino College Park
Costa Mesa National Little League	389	March-June	5-12	Tewinkle School (3 baseball fields) Tewinkle School (3 softball fields) California School T-Ball Field Smallwood Park Estancia HS (baseball) and Wilson. Victoria Killybrooke Sonora
Newport Harbor Baseball Association	717/124	Spring/Fall	5-14	Harper Woodland Kaiser
Costa Mesa High School	389	Sept. - June	15-18	TeWinkle Park Baseball field Costa Mesa HS Baseball fields Farm Sports Complex
Estancia High School		Sept. - June	15-18	Estancia HS
Costa Mesa Pony Baseball		Spring/Fall	5-14	TeWinkle Park Baseball Field Costa Mesa HS JV Baseball Field
				TeWinkle Park Baseball Vanguard University

SOFTBALL **Play** **Season** **Ages** **Practice and Game Fields Used**

Recreation Division Adult Softball Leagues	2,500	Year Round	18-55+	TeWinkle Park and Lion's Park
City Sponsored Senior Softball	25	Year Round	50+	TeWinkle Park and Lion's Park
				Davis School

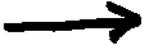
ATTACHMENT 3
MEETING MINUTES

APRIL 5, 2004 COUNCIL MINUTES

it is not defined at this time. The Acting City Attorney volunteered to work with the Planning Division to prepare a report with recommendations. Mayor Monahan was not confident that he was willing to expend additional staff time on this issue.

RECESS

The Mayor declared a recess at 8:30 p.m., and reconvened the meeting at 8:45 p.m.



PUBLIC HEARING
Banners on Athletic
Fields

The Deputy City Clerk announced that this is the time and place set for the public hearing to consider an ordinance amending the Costa Mesa Municipal Code by amending Title 13, Zoning Code, regarding the use of banners on athletic fields. Environmental Determination: Exempt. The Affidavit of Publication is on file in the City Clerk's office. A communication was received from Tim Cromwell, Costa Mesa, supporting the use of banners at fields for Costa Mesa National Little League teams. The Recreation Manager reviewed the Agenda Report dated March 25, 2004, and responded to questions from Council. She clarified for Mayor Monahan that the ordinance did not require that the sponsors be identified, only that the number of banners, size, colors, material, and the time period they will be displayed.

Council Member Scheafer explained the sponsorship process, advising that the league accepts a donation from a sponsor, and a sponsorship director for the league will purchase banners, usually with a white background because they are less expensive. Addressing the difficulty in mounting and unmounting the banners, Council Member Steel proposed using hooks. He wondered if in the future a game program listing sponsors, including coupons, would suffice. Council Member Scheafer replied that printing a program would be quite expensive.

Mayor Pro Tem Mansoor remarked that of all the issues regarding the ballfields such as trash and parking problems, the banner issue is of the least importance. Regarding issues within the City that are contentious, he suggested that staff provide their suggestions in the form of alternatives. He thought that the banners could be solidly hung with a hook on each corner and one in the center, top and bottom, delegating responsibility for mounting and un-mounting the banners to the parents.

Mike Berry, Costa Mesa, stated that these sports activities are supposed to be about kids, not advertising. He opined that there are members of the Council who should abstain from voting on this issue.

William Bonham, Costa Mesa, felt that regarding the advertising, the kids and the sponsors are the winners and the residents and schools lose.

A player representative for the Costa Mesa National League reported that the teams need sponsors because they do not receive any money for support from the City. He reported that they have beautified the fields, spending over \$10,000.00 of sponsor money in the last year, and that they have made a concentrated effort to be a good neighbor. Since researching safety hooks for hanging banners, he indicated that a "zip tie" is the safest on the market.

Martin Millard, Costa Mesa, asked Council to support the homeowners by directing that the banners be hung and removed every day. He objected to the definition of an athletic field as

contained in the ordinance, calling it "too broad".

Amy Stephens, President of the Costa Mesa American Little League, supported the ordinance as written, and reminded Council that sponsors are an important source of income for the league. She reported that the league fees have not been raised in the last five years due to the support. She stated that they have attempted to be a good neighbor but felt that some of the residents requests, such as mounting and unmounting banners every day, are unreasonable.

Dave Salcido, Costa Mesa, thought that the league is obligated to remove the banners after each game. He cited the residents concerns that the little league activity renders the neighborhood less desirable and lowers property values.

Terry Shaw, Costa Mesa, recommended revising the ordinance to delete the restriction that banners will not contain more than 3 colors, and thought that the banners should be taken down every day.

A Costa Mesa resident stated that he understood the need for sponsorship but thought that the banners should only be in view during the hours that the athletic field is in use. He asked Council to think of the residents when making their decision.

Charles Graham, Costa Mesa, a District 62 certified umpire and Assistant Umpire and Chief for Costa Mesa National Little League, thought the issue trivial since the banners are the same ones that have hung for eight years uncontested. He mentioned that the fields are used every day except for Sunday, and thought it a hardship to take the banners down every night. Mr. Graham asked that the children receive the opportunity for safe and fair play.

Lori McDonald, Costa Mesa, complained that the Mayor advertised his restaurant on the premises of St. Joachim's Catholic Church and advertises in the church newsletter, yet as a Council Member voted on expansion of the church. She cited a conflict of interest. For the record, Mayor Monahan reported that the church expansion never reached the City Council level and he, therefore, could not participated in voting on the matter.

John Stephens, Costa Mesa, member of the Costa Mesa American Little League Board of Directors and the American Little League Umpire and Chief, reported that since 1998 when he first joined the Board, there has not been a banner problem. He added that the banners defray the costs of equipment and uniforms.

Sandra Genis, Costa Mesa, objected to the sections of the ordinance which reference uncodified material, and thought that the ordinance should be inclusive of those regulations and should be administered through the Planning Division, not the Recreation Division. She supported removing the banners daily.

John Feeney, Costa Mesa, observed that the ordinance allows anyone to put up signs, and noted several instances of content regulation in the document.

Judi Berry, Costa Mesa, suggested that sponsors put their names on the uniforms, hats, ball, gloves, etc., instead of banners.

Joseph Moody, Costa Mesa, thought that California TeWinkle

School was an unsuitable facility for an athletic field. He observed that a main purpose of the code is to prevent a residential area from being exposed to commercial-type signage, and noted the impact on property values.

A Costa Mesa resident complained about a Costa Mesa Sanitary District banner which is visible from his home on Iowa Street, the outhouses 180 feet from his front door, the bleachers which are 80 feet from his back patio, and a decibel level during games of between 87 to 98. He recommended that a sports arena be constructed for little league use.

Greg Pierce, Costa Mesa, President of Costa Mesa National Little League, explained that a picture shown earlier of an outfield fence covered with banners was taken at the closing game the previous season, and added that all the banners had been moved to one field for the All-Star Game. He advised that this year the banners have been scattered and that there are only 4 or 5 on each major field. Mr. Pierce argued that having the banners hung during practice is of value to the sponsors who are mostly family-owned businesses.

Heather Somers, Costa Mesa, was saddened by the commercialization of youth sports activities, believing that the City should not provide the platform for advertising on City and school property. She proposed the use of a design sponsor thank you board which could be transported from field to field and taken down when the game is over. Ms. Somers commented that banners are everywhere in the City, on walls, buildings, houses, etc., advertising everything from roofing to fumigation, and opposed the proposed ordinance.

An Iowa Street resident supported the location of a sports complex in an area other than the one in which he resides, citing the need for a more space.

There being no other speakers, the Mayor closed the public hearing.

Council Member Cowan indicated that there is a question regarding the regulations for banner usage being consistent with the sign ordinance, and reiterated her inquiry asking if the banner rules apply only to little league. She suggested refining the ordinance to meet the requirements of the sign ordinance, allowing banners only on baseball and softball fields with outfield fences, allowing them to be hung only on those fences, and defining a time frame in which they may be hung. She supported sponsor banners. Council Member Cowan acknowledged that she would like the hanging and removal of banners to have the least amount of impact on little league volunteers as possible.

Council Member Steel supported hanging and removing the banners daily, and complimented speaker Greg Pierce for his attempt to effect a compromise. Mayor Pro Tem Mansoor endorsed the comments made by Council Member Cowan, clarifying that the intent is to abolish the need for an administrative regulation. He proposed that both sides of the issue regarding banner installation should be investigated.

A motion was made by Mayor Monahan, seconded by Council Member Scheafer, and carried 4-1, Council Member Steel voting no, directing staff to work with Council Member Cowan to refine the

MOTION/Gave
Direction to Staff

ordinance addressing such suggestions to include banner size, manner of hanging, the securing of the banner, that banners only hang on the outfield fences in the baseball and softball fields, define a time frame in which banners may be hung, that the regulations regarding the display of banners comply and are included in the existing codified sign ordinance, and that the banners currently displayed shall be allowed to remain during the current season ending June 16, 2004.

Based on the length of time the banners have been hung, Mayor Pro Tem Mansoor supported the motion, stating that it is a good start in order to refocus on something more specific. In light of Council's determination that staff continue reviewing this matter and prepare a modified ordinance, the Acting City Attorney indicated that it is reasonable to direct staff not to pursue enforcement against existing banners in light of the pending change.

Council Member Steel opposed the motion because the banners will be allowed to remain until mid-June, 2004. Council Member Scheafer asked that staff include in their report the field usage times, as well as anticipated times for hanging and removing the banners. Mayor Monahan was not happy that this matter had become so involved.

RECESS

The Mayor declared a recess at 10:30 p.m., and reconvened the meeting at 10:45 p.m.

OLD BUSINESS
DA-00-02, Segerstrom
Town Center

The Deputy City Clerk presented from the meeting of March 15, 2004, second reading and adoption of Ordinance 04-3, approving an amendment to Development Agreement No. DA-00-02, located east of Bristol Street, south of Sunflower avenue, west of Avenue of the Arts, and north of Anton Boulevard, excluding the Segerstrom Center for the Arts.

MOTION/Adopted
Ordinance 04-3

On motion by Mayor Pro Tem Mansoor, seconded by Council Member Steel, and carried 5-0, Ordinance 04-3 was given second reading and adopted: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING AN AMENDMENT TO DEVELOPMENT AGREEMENT NO. DA-00-02 FOR SEGERSTROM TOWN CENTER.

OLD BUSINESS
Minimum Lot Size in
Residential Projects

The Deputy City Clerk presented from the meeting of March 15, 2004, second reading and adoption of Ordinance 04-4, regarding minimum lot size and common lot requirements in small-lot residential projects located in residential and planned development zoning districts.

Heather Somers, Costa Mesa, pointed out that minimizing small-lot development to 3,000 square feet brings greater closeness in proximity to fill-in projects, specifically on the east side. She asked Council to reconsider lowering the square footage, suggesting retention of the current standard.

Mayor Pro Tem Mansoor noted his understanding that the ordinance clarifies language and does not make major changes.

MOTION/Adopted
Ordinance 04-4

On motion by Mayor Pro Tem Mansoor, seconded by Council Member Cowan, and carried 5-0, Ordinance 04-4 was given second reading and adopted: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING TITLE 13 OF THE COSTA MESA MUNICIPAL CODE

PLANNING COMMISSION

March 22, 2004

the presentation was the underlying fact that property values have risen to the point now, where developers can offer prices for land conversion to residential use without the City getting involved in eminent domain. He agreed with Commissioner Bever that it was a very positive direction. The Chair also added, with respect to the closing class for the Citizens Emergency Response Team Training, that this was the second Fire Academy of 17. He said these programs are usually conducted once or twice a year and are open to residents of Costa Mesa.

CONSENT CALENDAR:

On a motion made by Chairman Garlich, seconded by Commissioner Foley and carried 5-0, the items on the Consent Calendar received the action below.

DEVELOPMENT AGREEMENT DA-03-07

Madden/City

Development Agreement DA-03-07 for Kerry Madden, authorized agent for the Orange County Performing Arts Center and South Coast Repertory Theatre, for the annual review of the Segerstrom Center for the Arts Development Agreement (DA-00-03), generally located east of Park Center Drive and west of the Avenue of the Arts between Sunflower Avenue and Anton Boulevard. Environmental determination: exempt.

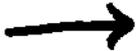
Based on evidence in the record, the Planning Commission recommended to City Council: (a) that it determine and find that Orange County Performing Arts Center and South Coast Repertory Theater have demonstrated good faith compliance with the terms and conditions of Development Agreement DA-00-03; (b) that future annual reviews of this development agreement be delegated to the Planning Commission.

VACATION OF RIGHT-OF-WAY

City

General Plan Consistency Finding for the City of Costa Mesa to allow vacation of excess right-of-way for a portion of Sea Bluff Drive east of Canyon Drive. Environmental determination: exempt.

Adopted Planning Commission Resolution PC-04-27, finding consistency with the City's General Plan, based on information and analysis contained in the Planning Division staff report.



PUBLIC HEARINGS:

ORDINANCE/SIGNS & BANNERS ON ATHLETIC FIELDS

City

The Chair opened the public hearing for consideration of an ordinance for the City Council of the City of Costa Mesa amending the Zoning Code of the Costa Mesa Municipal Code regarding the use of banners on athletic fields. Environmental determination: exempt.

Recreation Manager Jana Ransom reviewed the information in the staff report and presented photographs of current banners. She said staff recommends that Planning Commission recommend to City Council, first reading of the draft ordinance.

She also read a statement from the school district as to their concerns relating to this amendment. They indicated the following: (a) specific language be inserted into the Administrative Regulation requesting that the banners not exceed 2 feet by 10 feet and not contain more than 3 colors; (b) that they not be placed on school fences at anytime except during the season or for the duration of the sports season; and (c) the banners shall not be placed within 50 feet of homes.

She stated that the Recreation Division was considering limiting the banner requests to Group 1 users (AYSO, American and National Little League, Newport/Harbor Baseball Association, Costa Mesa United Soccer, etc., approximately 13 total) which are youth sports organizations that are nonprofit, must be residents of Costa Mesa, and have all of their fees paid. In response to a question from Commissioner Foley, she said groups that do not have the "every-one plays" philosophy, and have fewer than 90% residents, are considered a "for profit", or, do not nonprofit status. In response to a

question from Vice Chair Perkins, she said currently the banners are allowed to be put up on game days and must be taken down on game days.

Vice Chair Perkins questioned the possibility of streamlining the ordinance. The Chair confirmed with Deputy City Attorney Linda Nguyen that to process the ordinance, it would first have to get first and second readings, with a 30-day period elapsing after the second reading before it becomes law. Commissioner Foley asked if the Planning Commission has the authority to allow the banners to stay up for the duration of the season pending the outcome of the council decision. Ms. Nguyen said she would have to get back to Commission on that question. The Chair said it was his understanding it was inconsistent with the code and he didn't think the Commission would have the authority to do anything until the ordinance is changed. Commissioner Foley asked Mr. Valentine the same question but asked if their authority could be an exception to the ordinance for purposes of leaving the banners up for the duration of the season. Mr. Valentine said that the banners had been used in previous years in the manner they are now being proposed to be allowed, and until there were objections made, and it was determined that they were not in compliance with the zoning code. The City Council directed that they be taken down and used only intermittently until the code is actually amended. He believed if anyone has the authority to grant an exception, it would be City Council. Another possibility is that they might be able to adopt it as an urgency ordinance, but he was not sure it could meet the requirements.

In response to Vice Chair Perkins, Ms. Ransom explained that the Commission's action on this ordinance is to recommend positively, or negatively. It does not have anything to do with giving permission for the amendment to be passed. Commissioner Foley asked if City Council, at the time they gave this direction, specifically said that they wanted the banners to come down and be put up at each game. Management Analyst Mark Taylor stated that at the July 14th study session, staff brought to City Council, comments and concerns regarding the use of athletic fields at the California/TeWinkle Schools. One of the issues brought up was the use of banners, and they suggested that staff research the issue and if appropriate, return with revisions to the municipal code to allow banners on athletic fields. In response to Commissioner DeMaio regarding banners and direction, or permission to put them up and take them down, Ms. Ransom stated that the ordinance as it is now written, precludes the banners from being left up for the duration of the season.

The following persons, along with Commission and staff input, discussed their views regarding banners on athletic fields in conjunction with the draft ordinance amendment: Martin Millard, 2973 Harbor Boulevard; Robert Knapp, 2705 Sparrow Circle; Amy Stevens, 2004 N. Capella Court; Gregg Paerce; 2953 Baker Street; Vicky Moore, 1639 Iowa Street; B.J. Mazer, 2761 Bunting Circle; John Stevens, 2004 No. Capella Court; Matt West 1628 Corsica Place; Kirk Bari-miester, 3901 Jefferson Avenue; Jose Liguerez, Coach at Costa Mesa High School; Lowell Swit, 1616-A Iowa Street; Joe Moody, 1643-D Iowa Street; Jesus Duarte; Dirk Petual, attorney representing the Mesa Verde Villas Homeowners Association (140 residential units adjacent to the California and TeWinkle Schools); William Graham, 2792 Red Wing Circle; Pam DeSaca, 1618 Iowa Street; Sandra Genis, 1586 Myrtlewood Street; Beth Refakas, 320 Magnolia Street; Cheryl DeFrenza, 2833 Clubhouse Road, Costa Mesa.

The discussions included: (1) the appearance of, the banners, how and why they are sponsored, parental involvement, and what the proceeds are used for, (2) the content and application of commercial

and team banners and their installation, (3) the intention to place the banners on the fence in an enclosed playing field [not the park]; (4) the obtrusive appearance of banners left on the fences throughout the year; (5) the issues of increased noise, portable chemical toilets, heavily congested traffic, and inadequate parking problems have been, and continue to be on the increase in the surrounding nearby neighborhood(s) [140 homeowners at Mesa Verde Villas, and Iowa Street residents], when games are going on; (6) the degree to which the leagues and City have worked together with residents to resolve these issues; (7) an ongoing debate regarding the question of putting up banners during games and then taking them down at the conclusion of the game, or leaving them up throughout the sports season—including discussion of the problems associated with each of the these options; and (8), because this facility was never suited to the needs of little league, it is time for the City to consider finding alternative locations in less densely populated areas.

No one else wished to speak and the Chair closed the public hearing.

Commissioner Foley said she was reviewing the ordinance and that it states, "banners on private property", and she was wondering if this even applies to banners on publicly owned properties. Mr. Valentine explained that there is an earlier section in the code under "Prohibited Signs" that prohibits flags, banners and pennants, except as provided in the table. The table does provide for banners on private property, so the implication is that they are prohibited on public property and with this amendment, the banners would be allowed on athletic fields.

There was discussion between Ms. Ransom and Vice Chair Perkins about presenting this item to City Council as early as possible.

MOTION:
Signs/Banners on Athletic Fields
Recommended first reading

A motion was made by Commissioner Foley, seconded by Chairman Garlich and carried 4-1 (Eric Bever voted no), to recommend to City Council they give first reading to the draft ordinance based on analyses and information contained in the staff report with the following recommendations:

1. This ordinance is limited to Group 1 users.
2. Delete the requirement for a description of banner content in the draft Administrative Regulation.
3. Add to the Installation Standards, Section III 3.b. of the draft Administrative Regulation, "all banners must be maintained in good condition and removed or replaced if torn, faded, or dirty, or otherwise tarnished, to include graffiti."
4. Direct staff specify in the draft Administrative Regulation that a one-time request for the season is sufficient, as opposed to individual permission for each banner.

The second concurred with the recommendations.

Commissioner Foley said she has appreciation for the residents who have expressed concerns about outhouses, and about visible and overflowing trash bins, but she believed those issues cause more blight than the banners. She said she saw the banners displayed uniformly, and that they display pride in the youth and community, and show a willingness of the community to support youth and recreation. She felt the ordinance prevents businesses from using banners instead of having permanent signage. While the banners are currently prohibited under code, she believed it's important to the community and athletics, to support sponsorship of the banners.

Chairman Garlich said he seconded and supported the motion for most of those same reasons. He believed with regard to the visual blight issue, the orderly presentation of the banners is consistent with that aspect of the intent of the sign code. With regard to the use of the administrative regulation, it's a good way to handle a lot of the "what if" questions that just this evening have come up from the dais and the audience. He did not believe the City was vesting too much authority in the Recreation Division.

Vice Chair Perkins supported the motion and agreed with Commissioner Foley that banners, if hung properly, don't look bad. He indicated that the residents in the Iowa Street neighborhood do not have an issue with the baseball field, but rather with traffic and other issues. He spoke in favor of little league baseball as being a great opportunity for children.

Commissioner Bever said it seemed to him, the neighbors on Iowa Street did propose a compromise situation and it troubled him that no one on the Commission, except himself, feels that would be a potential vehicle for resolving the contention regarding this issue. Putting the banners up and taking them down, doesn't seem like a lot to ask. He said he also has one serious reservation; little league uses this as a device for fund raising and he supports youth sports, but he felt that the Commission is taking this from the venue of "little league" which is three Group 1 users into the realm of 13 Group 1 users. He said he could see a backlash in the community if this is allowed to go forward the way it is; we may end up with citizen groups in here telling us "no banners." He said he believes this needs to be tightened up and regulated in way that is not impactful to the neighborhood and in a way that does not increase the burden upon the community. For those reasons, unless the maker of the motion is willing to change: under (1) Installation Requests, (d.) date of installation and date of removal to: daily, on game days, and unless this is limited to little league use, he could not support the motion.

Commissioner Foley said she was not willing to make that change because she believed that Commissioner Bever's request would be a burden. She didn't feel the problem was really with banners, but more about trash, outhouses, and increased use of the fields. She didn't expect a backlash because all of these groups have been operating under the assumption that they could have banners and we haven't any complaints except related to TeWinkle at this time.

Chairman Garlich said he would like to comment on the issues Commissioner Bever just spoke about. He thanked him for bringing up the issue of putting up and taking down the banners. He said he also believes that it's an unnecessary and uncalled for burden, and a lot of people who have suggested that it isn't, aren't the ones that are doing it right now. He felt that consistently removing them contributes to their deterioration. He said, although it had been speculated, he hasn't heard evidence of the sport field financially impacting anybody. He said league play hadn't just started there, it may have moved around somewhere on the property, but it's been going on there a long time.

Commissioner DeMaio said he would support the motion because he believed that sponsorship is extremely important in all sports, and that sponsorship for the disadvantaged child, provides an opportunity to play. It may not, or may be an impact to the neighborhood, but he believed if we don't put up the sponsorships (installation of banners), it would cut down on some of the contributions.

Commissioner Bever said he would like to point out that he is not suggesting that we abandon banners or sponsorships, but is simply suggesting finding a compromise that makes both parties happy.

ORDINANCE/MOTOR VEHICLE
RETAIL SALES BUSINESSES

City

In response to the Chair, Ms. Ransom stated that they would try to get this on the City Council agenda of April 5th.

The Chair opened the public hearing for consideration of an ordinance for City Council of the City of Costa Mesa, amending the Zoning Code to establish special zoning regulations for Motor Vehicle Retail Sales Businesses. Environmental determination: exempt.

Senior Planner Kimberly Brandt reviewed the information in the staff report and gave a visual presentation of the existing setbacks on Harbor Boulevard. She said staff recommends Planning Commission recommend to City Council, first reading be given to the draft ordinance.

In response to a question from Commissioner Foley regarding communications on this item, Ms. Brandt said she received one phone call and one email, which is attached to the Commission's staff report. She said the email was supportive of the change in the regulations; however, the author wanted the regulations to be applied only to franchised vehicle dealers. Deputy City Attorney Linda Nguyen stated that the letter indicates the author is a franchise dealer.

Commissioner Foley commented that she asked staff to bring this item forward because she saw that each time there was a variance request, the variance would be granted as to the setback request. She pointed out that most of the establishments have been there for many years and are legal nonconforming. The compromise would be the 10-foot setback, which seems to be the average setback. This means the Commission does not have to go through the variance process.

Commissioner Bever asked if there was some way the legal nonconforming lots such as the Harbor Auto Center with pavement to the curb and several others very similar, could be conditioned or forced into compliance, when upgrading the dealership or any other changes they might be making to the dealership. Ms. Brandt stated if they were to expand their business, they would need to go through a conditional use permit process. Through that process, staff would require the landscape setback if possible. Commissioner Bever surmised that a number of the small dealers may have put off expansions or any significant improvements of their lot because they don't want to give up a 20-foot landscape setback. In that regard, it's possible that a 10-foot setback might open up more improvement on the block.

In response to a question from Vice Chair Perkins, Ms. Brandt said she did not distinguish between "new" or "used" vehicles; they are considered the same for zoning purposes.

Sandra Genis, 1586 Myrtlewood, Costa Mesa advised the Commission of what happens in her neighborhood regarding auto dealerships. Mr. Valentine stated that the issues Ms. Genis described, are regulated by conditional use permits. Some of the older dealerships do not have conditional use permits, or had them issued many years ago, may not have those conditions on them. If they are code requirements, it might be questionable as to whether they are retroactively applied.

No one else wished to speak and the Chair closed the public hearing.

MOTION:
Motor Vehicle Retail Sales Businesses
Recommended first reading

A motion was made by Commissioner Foley, seconded by Chairman Garlich and carried 5-0 to recommend first reading be given to the draft ordinance based on analysis and information contained in the Planning Division staff report.

Ms. Brandt stated that this item would go forward to the City Council.