



CITY COUNCIL AGENDA REPORT

MEETING DATE: OCTOBER 4, 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 23, 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.

On September 20, 2004, Council continued this item for two weeks, so that Council Member Cowan would have the opportunity to have input on this ordinance and staff could provide responses to Council Member Mansoor's questions.

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:

At the April 5th Council meeting, Council Member Mansoor asked the following questions:

1. What is Fountain Valley's policy regarding the removal of banners on the outfield fences?
2. How does Fountain Valley facilitate it in respect to the hooks and fundraising issues?
3. Has Fountain Valley had any problems with banners flapping in the wind?
4. How do other cities regulate these types of banners?
5. What would be the specifics on the daily sign installation/removal option?

In response to Questions #1 and #3 – Fountain Valley requires the banners to be taken down on a daily basis, and Fountain Valley has not experienced any problems with the banners flapping in the wind. The language contained in the draft ordinance requires the banners to be securely fastened to the fence with a minimum of four contact points.

In response to Question #2 – The banners are attached to the fences with plastic ties, which according to the Fountain Valley Little League representative, cost slightly more than if they were able to leave the banners up all season long. The league representative also indicated that there have been instances when the banners were forgotten to be removed at the end of the day, which then required a late night visit to the baseball fields to remove them. The representative did indicate that the requirement to take down the banners each day did not affect their ability to get sponsorships.

In response to Question #4 – Staff surveyed other cities as to their policies for banners on outfield fences. The results are as follows:

| CITY | REGULATIONS |
|-----------------------|---|
| Fountain Valley | Banners allowed; must be removed on a daily basis |
| Huntington Beach | Banners not allowed. |
| Downey | No Policy/regulations |
| Cypress | Banners not allowed, and that this has not been a problem with the leagues. |
| Orange and Long Beach | Banners allowed during season play and play-offs, no formal approval required; must face inward and be family oriented. |
| Newport Beach | Banners allowed up all season; regulations address size and how they are affixed to the fence. |
| Irvine | Banners allowed up all season; regulations address size, method of attachment, and location. |

In response to Question #5- Fountain Valley is the only city surveyed that requires the banners to be removed on a daily basis. As indicated above, this requirement has not impacted the Fountain Valley Little League’s ability to secure sponsorships. The most apparent downside of this requirement is the time needed to put up and take down the banners on game days. If Council desires this requirement, staff suggests that the following language replace Sections 13-118.2(6) and (7) of the draft ordinance:

“(6) Installation Period: Banners shall be installed no earlier than 7 a.m. and be taken down no later than 1 hour after the conclusion of the day’s last game.”

In summary of the cities surveyed, some cities have no policy, some prohibit the banners, and some allow the banners. City Council may make specific changes or modifications to any of the proposed regulations contained in the draft ordinance as recommended by the Planning Commission. 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.

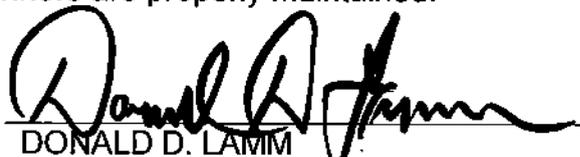
ENVIRONMENTAL DETERMINATION:

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. LAMIM
Deputy City Mgr.-Dev. Svs. Director


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: 100404CCTempsigns

Date: 092204

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. Valentine 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.

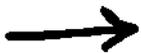
Vice Chair Perkins echoed Commissioner DeMato's comments regarding the successful implementation of the 2004 Costa Mesa Fair. He announced the "Leukemia Society Light the Night Walk" on the 22nd of August at Anaheim Stadium, and another to be held on October 17th at the Newport Dunes Resort from 4 p.m. 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.

CONSENT CALENDAR:

None.

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 its 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 CI 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.



CITY OF COSTA MESA

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DEVELOPMENT SERVICES DEPARTMENT

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