



CITY COUNCIL AGENDA REPORT

MEETING DATE: OCTOBER 18, 2004

ITEM NUMBER:

SUBJECT: ORDINANCE 04-11 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: OCTOBER 6, 2004

FROM: DEVELOPMENT SERVICES DEPARTMENT/PLANNING DIVISION

PRESENTATION BY: KIMBERLY BRANDT, SENIOR PLANNER

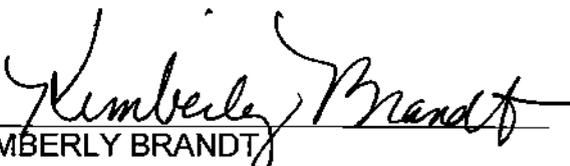
FOR FURTHER INFORMATION CONTACT: KIMBERLY BRANDT (714) 754-5604

RECOMMENDATION:

Give second reading to Ordinance 04-11, which amends the Zoning Code to include provisions for City-sponsored events on public property and banners on public baseball and softball fields.

BACKGROUND/ANALYSIS:

On October 4, 2004 City Council gave first reading to the attached ordinance on a 3-2 vote (Mansoor and Steel voted No). Staff has no further information regarding this item.


KIMBERLY BRANDT
Senior Planner


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

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

ATTACHMENTS: 1 Ordinance 04-11

ATTACHMENT 1
ORDINANCE 04-11

ORDINANCE NO. 04-11

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 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