



CITY COUNCIL AGENDA REPORT

MEETING DATE: NOVEMBER 3, 2009

ITEM NUMBER:

SUBJECT: ZONING CODE AMENDMENT CO-09-10 TO AMEND TITLE 13, CHAPTER VII, ARTICLE 3, SECTIONS 13-118.1 AND 13-118.2 RELATING TO TEMPORARY SIGN AND BANNER PERMITS ON CITY ATHLETIC FIELDS

DATE: OCTOBER 14, 2009

FROM: DEVELOPMENT SERVICES DEPT.

PRESENTATION BY: CLAIRE L. FLYNN, AICP, PLANNING ADMINISTRATOR
KIMBERLY BRANDT, AICP, ACTING DEVELOPMENT SVCS. DIRECTOR

FOR FURTHER INFORMATION CONTACT: CLAIRE FLYNN, 714-754-5278

RECOMMENDATION

Recommend that City Council introduce and give first reading to Ordinance.

BACKGROUND

Meeting History

On March 25, 2009, the Parks and Recreation Commission recommended that City Council direct Group 3 users to petition the Planning Commission for an amendment to the banner sign regulations on public property. The Zoning Code amendment would allow these users to be eligible to apply for temporary signs and banner permits on public property and playfields.

On April 21, 2009, City Council directed staff, on behalf of non-Group 1 user organizations, to initiate request of the Planning Commission to consider allowing Group 3 user organizations to post registration banners.

On August 10, 2009, Planning Commission directed staff to prepare a zoning ordinance to allow Group Users 1 and 3 to apply for sign/banner permits.

On October 12, 2009, Planning Commission recommended approval of the Ordinance on a 4-0 vote. Commission limited the eligible Group Users to Youth Program User Groups 1 and 3. (Group 1 Users are allowed to apply for signage per current Code regulations.)

These reports and meeting minutes can be viewed online at:
<http://www.ci.costa-mesa.ca.us/CMCalendar.htm>

ANALYSIS

Code Amendment

Zoning Code Amendment CO-09-10 is proposed to amend Title 13, Chapter VII, Article 3, Section 13-118.1, *Temporary Signs on Public Property*, and Section 13-118.2 *Banners on Public Baseball and Softball Fields*, of the Costa Mesa Municipal Code.

Current Code regulations indicate that **Group 1 Users** are eligible to apply for temporary signs/banners on public property.

The proposed Code amendment also allows **Group 2 Users** with youth players and excludes Group Users with adult members. Clarifications regarding City-sponsored and City-permitted events are also added. Proposed changes are shown in underlined and strike-out text in Attachment 1.

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 pursuant to Section 15061 (b) (3) (general rule) of the CEQA Guidelines, in that it can be seen with certainty that there is no possibility that the proposed amendment to the Zoning Code will have a significant effect on the environment.

LEGAL REVIEW:

The City Attorney's office approved this Ordinance as to form.

ALTERNATIVES:

1. Introduce and give first reading of Ordinance. This action will allow Group User 3 with youth programs to be eligible to apply for and receive banner permits on City athletic fields.
2. Receive and file. This action may be inconsistent with Council direction to clarify that Group 3 users may apply for permits to post registration banners. Because the Code is silent on this issue, it would remain open to interpretation.

CONCLUSION:

This Code amendment will allow Group 3 Users with youth programs as defined in the Athletic Field/Facility Use and Allocation Policy to apply for sign and banner permits on the City's athletic fields.

Claire L. Flynn

CLAIRE L. FLYNN, AICP
Planning Administrator

Jana Ransom

JANA RANSOM
Recreation Manager

Kimberly Brandt

KIMBERLY BRANDT, AICP
Acting Dev. Svcs. Director

Attachment: 1. Ordinance

Distribution: City Manager
Asst. City Manager
City Attorney
City Clerk (2)
Staff (4)
File (2)

ORDINANCE NO. 09-

AN ORDINANCE OF THE CITY COUNCIL OF COSTA MESA, CALIFORNIA ADOPTING ZONING CODE AMENDMENT CO-09-10 TO AMEND TITLE 13, CHAPTER VII, ARTICLE 3, SECTIONS 13-118.1 AND 13-118.2 OF THE COSTA MESA MUNICIPAL CODE TO ALLOW YOUTH PROGRAM GROUP USERS TO APPLY FOR TEMPORARY SIGN AND BANNER PERMITS ON CITY ATHLETIC FIELDS.

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

SECTION 1: TITLE 13. Title 13, Chapter VIII, Article 3, of the Costa Mesa Municipal Code is hereby amended as follows:

a. Amend Sections 13-118.1 and 13-118.2 as follows:

“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 or City-permitted events or activities. As used in this section, a City-sponsored these event includes, but are is not limited to, events or activities of Youth Program User Groups 1 and 3 Group 4 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 total signage shall not exceed 64 square feet, and individual signs shall not exceed 32 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.

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

- (a) **Applicability.** Only Youth Program User Groups 1 and 3 shall be able to request approval to install banners on a public baseball or softball field that has been ~~allocated to them~~permitted for their use by the City. ~~Group 1 users~~Youth Program User Groups 1 and 3 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 2: 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 pursuant to

Section 15061 (b) (3) (general rule) of the CEQA Guidelines, in that the City Council hereby finds that it can be seen with certainty that there is no possibility that the passage of this ordinance amending the Zoning Code will have a significant effect on the environment.

SECTION 3: 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 or further, is hereby repealed or modified to the extent necessary to affect the provisions of this ordinance.

SECTION 4: APPLICABILITY. The provisions of this ordinance shall be applicable to new and existing off-sale license establishments as applicable.

SECTION 5: SEVERABILITY. If any provision or clause of this ordinance or the application thereof to any person or circumstances is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other provisions or clauses or applications of this ordinance which can be implemented without the invalid provision, clause or application; and to this end, the provisions of this ordinance are declared to be severable.

SECTION 6: PUBLICATION. This Ordinance shall take effect and be in full force thirty (30) days from and after the passage thereof, and prior to the expiration of fifteen (15) days from its passage shall be published once in the ORANGE COAST DAILY 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 and member of the City Council voting for and against the same.

PASSED AND ADOPTED this _____ day of _____ 2009.

ALLAN R. MANSOOR
Mayor of the City of Costa Mesa

ATTEST:

APPROVED AS TO FORM:

City Clerk of the City of Costa Mesa

City Attorney

