



# ***CITY COUNCIL AGENDA REPORT***

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MEETING DATE: NOVEMBER 17, 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:** NOVEMBER 4, 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

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## **RECOMMENDATION**

Give second reading to Ordinance No. 09-14.

## **BACKGROUND**

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. The amendment allows Group 2 Users to apply for temporary sign and banner permits, in addition to Group 1 Users which are already allowed to apply per Code.

On October 12, 2009, Planning Commission recommended approval of the Ordinance on a 4-0 vote.

On November 3, 2009, City Council gave first reading to the Ordinance. However, Council directed staff to determine the size of the existing banners posted at the City's athletic fields.

The existing Code regulations limit individual banner size to 32 square feet. Council directed staff to survey existing banners permitted by the City to verify compliance with this size limitation.

Recreation staff surveyed the existing banners currently on display on the City's athletic fields. Banners from the American Youth Soccer Organization (AYSO) are approximately 3-feet high by 10-feet long (30 square feet). Existing signs/banners permitted by the City have not exceeded 32 square feet in size and are considered Code compliant.

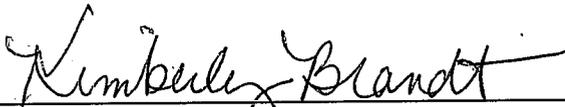
The Newport Mesa Unified School District may allow signs/banners to be posted on school property. These banners are not subject to the City's Zoning Code requirements. For example, a Pop Warner banner on the fields at Parson's School measures 4-feet high by 40 feet long (160 square feet). NMWSD allows the storage container all year round to be on school property, and the banner is posted on top of the container (See Attachment 2). Since this banner is not affixed to a City fence nor located on City property, it is not regulated by the Zoning Code.



CLAIRE L. FLYNN, AICP  
Planning Administrator



JANA RANSOM  
Recreation Manager



KIMBERLY BRANDT, AICP  
Acting Dev. Svcs. Director

Attachment: 1. Ordinance  
2. Banner Photo

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 City-sponsored or City-permitted events or activities. As used in this section, these include, but are not limited to, events or activities of Youth Program User Groups 1 and 3, as 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 permitted for their use by the City. 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





Sign-ups

## Costa Mesa National Little League

All In Person Sign-ups 9:00am - 12:00pm  
September 26 @ CMHS (AYSO Pancake Breakfast)  
October 10 @ TeWinkle School  
October 24 @ TeWinkle School  
November 7 @ TeWinkle School  
November 21 @ TeWinkle School  
December 5 @ TeWinkle School

Or On-Line Registration at [www.cmnl.org](http://www.cmnl.org)

**NEWPORT-MESA NJB**



NATIONAL JUNIOR BASKETBALL®

**NATIONAL JUNIOR BASKETBALL**

**BOYS & GIRLS GRADES 1 - 8**

**SIGN UP NOW!**

**ONLINE REGISTRATION ONLY!**

**[WWW.NEWPORTMESANJB.D4SPORTSCLUB.COM](http://WWW.NEWPORTMESANJB.D4SPORTSCLUB.COM)**

**OR USE [WWW.NJBL.ORG](http://WWW.NJBL.ORG)**

**SIGN UP NOW!**  
**COSTA MESA AMERICAN**  
**LITTLE LEAGUE**

Early registration \$95.00 until Nov. 30th

Online Registration

**[eteamz.com/cmail](http://eteamz.com/cmail)**

Phone (949) 262-7864

9:00 a.m. to 2:00 p.m.

@Costa Mesa H.S. Oct. 10, 24, Nov. 7, 21, Dec. 5

**Sign-ups**  
**Costa Mesa National**  
**Little League**

All in person sign-ups 9:00am - 12:00pm  
 September 26 @ MHS (AYSO/Panhandle/Bear/Cash)  
 October 10 @ Tevinkle School  
 October 24 @ Tevinkle School  
 November 7 @ Tevinkle School  
 November 21 @ Tevinkle School  
 December 5 @ Tevinkle School

Online Registration: [www.sammhoro.com](http://www.sammhoro.com)

**Sign Up Now!**  
**COSTA MESA AMERICAN**  
**LITTLE LEAGUE**

Early registration: 9:50am - until Nov 30th  
 Online Registration  
**eteamz.com/cmail**  
 Phone: (949) 262-7864  
 3:00am to 2:00pm  
 @costameamlittleleague

Banner Not Regulated by City

**STRENGTH HONOR DISCIPLINE**

