



# CITY COUNCIL AGENDA REPORT

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MEETING DATE: JULY 5, 2016

ITEM NUMBER: PH-1

**SUBJECT:** CODE AMENDMENT CO-16-01 – AMENDMENT TO TITLE 13, CHAPTER VIII, ARTICLES 2, 6 & 6.5, POLITICAL CAMPAIGN SIGNS AND PORTABLE SIGNS WITHIN PUBLIC RIGHT-OF-WAY AND TABLE 13-115 OF THE COSTA MESA MUNICIPAL CODE

**DATE:** JUNE 23, 2016

**FROM:** PLANNING DIVISION/DEVELOPMENT SERVICES DEPARTMENT

**PRESENTATION BY:** WILLA BOUWENS-KILLEEN/ZONING ADMINISTRATOR

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## **RECOMMENDATION**

The Planning Commission recommends that City Council give first reading to Ordinance 16-04 to adopt Code Amendment CO-16-01 amending Costa Mesa Municipal Code Title 13 Chapter VIII, Signs.

## **BACKGROUND**

On June 13, 2016, Planning Commission held a public hearing and recommended first reading of the ordinance to modify provisions related to portable signs. The proposed code amendment relates to the following:

- Create new definitions to distinguish between commercial and non-commercial portable signs due to a recent United States Supreme Court ruling.
- Establish sign regulations specifying allowable time periods and installations for commercial and non-commercial signs in the public right-of-ways.

At the City Council meeting of January 5, 2016, City Council gave direction to Staff to proceed with modifications to Code, including specific parameters, regarding portable signs. Additionally, since that time, the United States Supreme Court has made a ruling in the *Reed vs. Town of Gilbert*, which impacts most cities' sign ordinances. The Court held that the Town of Gilbert's sign ordinance was a content based restriction on speech due to its categorization of temporary, non-commercial signs into different types.

Links to the staff report prepared for the June 13, 2016 Planning Commission as well as the action report of the meeting (minutes will not be available until after the June 27, 2016 Planning Commission meeting) are provided below:

Staff report: <http://www.costamesaca.gov/ftp/planningcommission/agenda/2016/2016-06-13/PH-1.pdf>

Action minutes:  
<http://www.costamesaca.gov/modules/showdocument.aspx?documentid=22144>

## **ANALYSIS**

The proposed code amendment includes the following changes:

### *New Definitions for Commercial and Non-commercial Portable Signs*

Three sections are proposed to be amended, as well as the related definitions. First, as contained under Costa Mesa Municipal Code Section 13-111, *Portable Signs* and *Political Campaign Signs* will now be classified as *Commercial Portable Signs* and *Non-Commercial Portable Signs*, respectively. This distinction is in response to the *Reed vs. Town of Gilbert*, which also reflects the need for content neutrality.

### *Allowable Time Frames for Non-Commercial Portable Signs*

The primary changes involve when and how long political campaign signs – now non-commercial portable signs – can be placed. Based on City Council's direction in January, non-commercial portable signs will still continue to be allowed to be placed in public right-of-ways like commercial portable signs, but will also be allowed to remain in place for a 4-week period (staff now recommends a 6-week window) before any municipal, community, state or federal elections; basically, any election that directly serves the residents of the City of Costa Mesa. Additionally, there is now a deadline for removal of the non-commercial portable signs after an election; placement parameters are also included for safety purposes.

### *Maximum Number of Non-Commercial Portable Signs*

Also in response to City Council direction, the maximum number of non-commercial portable signs has been removed. The limitation of 10 commercial portable signs throughout the City at any one time has been retained.

### *Modifications to the Sign Regulations and Design Standards Table*

Lastly, the table under Section 13-115 will need to be modified to replace references to political campaign signs with the non-commercial portable sign terminology. Additionally, a maximum height is proposed for portable signs proposed on private, residential properties.

These new requirements should reduce the amount of staff time involved in the enforcement of the political campaign signs as well as allowing the City's Sign Code to comply with the Supreme Court's ruling.

