



PLANNING COMMISSION AGENDA REPORT

VI.1

MEETING DATE: AUGUST 10, 2009

ITEM NUMBER:

SUBJECT: TEMPORARY SIGNS AND BANNERS ON PUBLIC PROPERTY FOR "GROUP 3" USERS

DATE: JULY 24, 2009

FOR FURTHER INFORMATION CONTACT: CLAIRE L. FLYNN, PLANNING ADMINISTRATOR
(714) 754-5278

DESCRIPTION

This report provides discussion of Title 13, 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.

RECOMMENDATION

1. Direct staff to prepare a Zoning Code amendment to clearly allow Group 3 Users to apply for temporary sign or banner permits on public property and/or public baseball/softball/soccer fields.
2. Make a finding that Group 3 users may apply for temporary sign(s) or banners on public property pursuant to Title 13, Sections 13.118.1 and 13.118.2, of the Costa Mesa Municipal Code, pending the consideration of a Zoning Code amendment.

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CLAIRE L. FLYNN, AICP
Planning Administrator

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KIMBERLY BRANDT, AICP
Dev. Svs. Director

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JANA RANSOM
Recreation Manager

BACKGROUND

Title 13, Section 13-118.1, *Temporary Signs on Public Property*, and Section 13-118.2 *Banners on Public Baseball and Softball Fields*, of the Zoning Code sets forth the sign regulations and permit process for temporary signs/banners on public property. (Zoning Code Excerpt, Attachment 1).

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. This report and the meeting minutes can be viewed on line at: <http://www.ci.costa-mesa.ca.us/council/parkagen.htm>.

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. This report and the meeting minutes can be viewed on line at: <http://www.ci.costa-mesa.ca.us/council/>.

ANALYSIS

Types of Group Users

According to the Athletic Field Use and Allocation Policy, priority use of fields/facilities will be allocated as follows:

- **Group 1:** Recreation Division programs, youth or adult athletic programs or leagues. City sponsored or cosponsored events. Nonprofit or not for profit organizations who meet all the following requirements: Partner with the City; have at least 90% residents, or groups with less than 90% residents that were "grand fathered" in by City Council; have open registration regardless of skill level; and provide an "everyone plays" philosophy.
- **Group 2:** Newport Mesa Unified School District related programs. NMUSD has priority at NMUSD sites prior to 4:00 p.m. on weekdays when school is in session.
- **Group 3:** Youth programs, organizations or events with at least 51% Costa Mesa residents.
- **Group 4:** Adult programs, organizations or events with at least 90% Costa Mesa residents.
- **Group 5:** Youth programs, organizations or events with less than 51% Costa Mesa residents.
- **Group 6:** Adult programs, organizations or events with less than 90% Costa Mesa residents.

Code Regulations

Zoning Code Sections 13-118.1 and 13-118.2 set forth regulations regarding temporary signs on public property and banners on Public Baseball and Softball Fields. Code indicates the following:

- 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.
- 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.

In consult with the City Attorney's office, staff reviewed the applicable Code provisions. The notation that a "*City-sponsored event includes, **but is not limited to**, events or activities of Group 1 users*" implies that there may be other types of Groups who may qualify for a sign or banner permit. The implication is that the intent of the Code may be to give priority to Group 1 users, but other Groups may also be considered for signage subject to the discretion of the Recreation Manager. A Zoning Code amendment would be necessary to clarify these provisions.

Staff Recommendations

Staff recommends the following:

1. Direct staff to initiate Zoning Code amendment. Pursuant to City Council direction, staff is requesting formal direction from the Planning Commission to initiate a Zoning Code amendment to allow other groups (such as Group 3 Users) to be eligible to apply for and receive banner permits.

The Code amendment will also clarify that permitted banners/signs may be also placed on soccer fields and not solely baseball and softball fields, especially given that Tewinkle Park and Lions Park have soccer field overlays on their playfields.

The public hearing process will allow all these different Group Users to express their position on the draft amendment which is ultimately subject to the approval of the City Council.

2. Make a finding that Group 3 users may apply for temporary sign(s) or banners pursuant to existing provisions of the Zoning Code. Planning Commission make a finding by minute order that the Zoning Code allows Group 3 users to be considered for temporary signage or banner permits.

CONCLUSION

This request will allow Group 3 users to apply for banner permits on the City's playfields while a Zoning Code amendment to clarify the sign regulations is pending.

Attachment: 1. Zoning Code Excerpt

Distribution: Acting Dev. Svcs. Director
Deputy City Attorney
Public Services Director
Administrative Services Director
Recreation Manager
City Engineer
Staff (4) File (2)

File:	Date:	Time:
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Sec. 13-116. SIGNS ADJACENT TO RESIDENTIAL ZONES

In commercial and industrial zones, all signs located within 200 feet of residentially-zoned property shall conform to the following restrictions:

- (a) Freestanding signs shall be limited to 7 feet in height unless non-illuminated or placed in such a location that visibility from residentially-zoned property within 200 feet is completely obscured by permanent structures on the commercially- or industrially-zoned property.
- (b) Building signs shall be placed no higher than the first story level unless non-illuminated or located so as not to be visible from residentially-zoned property within 200 feet.
- (c) Signs that do not comply with the requirements of paragraphs (a) and (b) above may be authorized as part of a Planned Signing Program, if the Zoning Administrator finds that the proposed sign(s) will not have adverse visual impacts on residentially-zoned property within 200 feet.

Sec. 13-117. MAINTENANCE OF PERMANENT SIGNS

All signs shall be maintained in a safe, structurally sound condition and in good repair at all times. Exposed surfaces shall be clean and painted if paint is required. Defective parts shall be replaced. Defective, damaged or substantially deteriorated signs may be ordered to be repaired or abated as provided for in applicable codes and ordinances.

Sec. 13-118. STREET BANNERS

Special event banners and holiday banners may be placed in the public right-of-way after obtaining the necessary approval as required by the applicable City Council Policy.

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

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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 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.

Sec. 13-119. BILLBOARDS

The area of any billboard that was legally erected before October 6, 1984, shall not be included in the calculation of sign area for the site on which it is located until any new building is placed or constructed on that site, after which the calculation of sign area shall include the area of all billboards on the site, regardless of time of construction.