PLANNING COMMISSION AGENDA REPORT

VI.6

MEETING DATE: OCTOBER 12, 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: SEPTEMBER 24, 2009

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

DESCRIPTION

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 will allow Group Users with youth programs to apply for banner and sign permits on the City's athletic fields.

RECOMMENDATION

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

Claire L. Flynn

CLAIRE L. FLYNN, AICP
Planning Administrator

JANA RANSOM
Recreation Manager

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. 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/.

On August 10, 2009, Planning Commission directed staff to prepare a zoning ordinance to allow youth group users to apply for sign/banner permits.

Types of Group Users

According to the Athletic Field Use and Allocation Policy, priority use of fields/facilities are 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.

ANALYSIS

Existing Code Regulations

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 indicate that **Group 1 Users** are eligible to apply for temporary signs/banners on public property, as follows:

- 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.

Code Amendment CO-09-10 to include other Group Users

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.

The Zoning Code amendment clarifies these provisions by changing references to "Group 1 Users" to "Youth Program Group Users" as defined the Costa Mesa Athletic Field/Facility Use and Allocation Policy.

The proposed Code amendment gives priority to Group 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. *Recommend City Council introduce and give first reading of Ordinance*. This action will allow Groups with youth programs (such as Group 3 Users) to be eligible to apply for and receive banner permits on City athletic fields.

2. *Recommend City Council receive and file Ordinance*. 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 Users with youth programs (i.e. Groups 1, 2, 3, and 5 users) as defined in the Athletic Field/Facility Use and Allocation Policy to apply for sign and banner permits on the City's athletic fields.

Attachment: 1. Ordinance

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

File: 101209CO0910	Date: 092409	Time: 1:00 p.m.

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~~y~~. 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 ~~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.

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

(a) **Applicability.** Only Youth Program User Groups 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 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:

_____
City Clerk of the City of Costa Mesa

APPROVED AS TO FORM:

_____
City Attorney

STATE OF CALIFORNIA)
)ss
COUNTY OF ORANGE)

I, JULIE FOLCIK, City Clerk and ex-officio Clerk of the City Council of the City of Costa Mesa, hereby certify that the above foregoing Ordinance No. 09-___ as introduced and considered section by section at a regular meeting of said City Council held on the ____ day of _____, 2009, and thereafter passed and adopted as a whole at the regular meeting of said City Council held on the ____ day of _____, 2009, by the following roll call vote:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereby set my hand and affixed the Seal of the City of Costa Mesa this ___ day of _____, 2009.

_____
City Clerk
City Council of the City of Costa Mesa