

## ORDINANCE NO. 18-02

### AN ORDINANCE OF THE CITY COUNCIL OF COSTA MESA, CALIFORNIA, ADOPTING ZONING CODE AMENDMENT CO-16- 04 TO AMEND ARTICLES 2 (GENERAL PROVISIONS) AND 3 (SIGN REGULATIONS) OF CHAPTER VIII (SIGNS) OF TITLE 13 (PLANNING, ZONING AND DEVELOPMENT) OF THE COSTA MESA MUNICIPAL CODE

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

#### **SECTION 1: FINDINGS**

The City Council finds as follows:

WHEREAS, Code Amendment CO-16-04B would amend Chapter VIII of Title 13 to provide a distinction between banners and non-commercial banners.

WHEREAS, the Ordinance is intended to treat all banners and non-commercial banners in an equal manner, regardless of the content of such signs.

WHEREAS, the regulations established by this Ordinance do not impermissibly infringe upon speech as there are multiple alternate methods via which the public may communicate including via signs placed on private property in a manner consistent with applicable law.

**SECTION 2:** Title 13, Chapter VIII, Article 2, Section 13-111 (Definitions) is hereby amended to add the following:

*Non-commercial banner, flags, or pennants.* Any cloth, bunting, plastic, paper, or similar material which is not used for advertising purposes on private property and not within the public right-of-way. Examples of non-commercial banners generally include, but are not limited to, signs that espouse a political or religious viewpoint, and signs commenting on public official(s) or matter(s) of public discourse.

**SECTION 3:** Title 13, Chapter VIII, Article 3, Table 13-115 (Sign Regulations Permanent Signs) of the Costa Mesa Municipal Code is hereby amended to add the following:

	RESIDENTIAL ZONES	COMMERCIAL ZONES	INDUSTRIAL ZONES	INSTITUTIONAL ZONES
NON-COMMERCIAL BANNERS ON PRIVATE PROPERTY (Permit required.)				

MAXIMUM AREA	<p>The greater of 0.5 sq.ft. per dwelling unit or 20 sq.ft.</p> <p>Maximum area: 100 sq. ft. per site.</p>	<p>0.5 sq ft. per lineal foot of building frontage facing the street.</p> <p>Minimum entitlement: 25 sq. ft. per tenant.</p> <p>Maximum area: 75 sq. ft. per tenant.</p>
TIME LIMITS	<p>A maximum display time of 60 days per calendar year.</p> <p>Exception: For residential developments of 100 units or more, a maximum display time of 120 days per calendar year.</p>	
DEVELOPMENT STANDARDS	<ol style="list-style-type: none"> <li>1. The entire surface of the banner must be securely affixed to either a building wall of the residence or business (the building wall must abut a public street or on-site parking area serving the residence or business), or to the sign face of a freestanding sign.</li> <li>2. May not be attached to any staff, pole, line, framing, vehicle, or similar support.</li> <li>3. May not project above roof.</li> <li>4. Must be maintained in good condition; removed or replaced if torn, faded, or dirty.</li> <li>5. Limit one banner per tenant or building occupant on each street frontage maximum.</li> <li>6. A permit is required</li> </ol>	

**SECTION 4: 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 CEQA Guidelines Section 15061(b)(3) (General Rule), in that the City Council hereby finds that it can be seen with certainty that there is no possibility that this Ordinance will have a significant effect on the environment as this regulation affects only temporary signage, the revisions caused by the Ordinance are technical, rather than substantive in nature, and this Ordinance authorizes that which is, for practical purposes, nearly the baseline condition.

**SECTION 5: 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 no further, is hereby repealed or modified to the extent necessary to affect the provisions of this ordinance.

**SECTION 6: 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 7: EFFECTIVE DATE.** 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 \_\_\_\_\_ 2018.

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Sandra L. Genis, Mayor

ATTEST:

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Brenda Green, City Clerk

APPROVED AS TO FORM:

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Thomas Duarte, City Attorney

STATE OF CALIFORNIA      )  
COUNTY OF ORANGE      )      ss  
CITY OF COSTA MESA      )

I, BRENDA GREEN, City Clerk of the City of Costa Mesa, do hereby certify that the foregoing ordinance was duly passed and adopted by the City Council of the City of Costa Mesa at a regular meeting held on the \_\_\_\_ day of \_\_\_\_\_, 2018, by the following roll call vote, to wit:

AYES:      COUNCIL MEMBERS:

NOES:      COUNCIL MEMBERS:

ABSENT:      COUNCIL MEMBERS:

IN WITNESS WHEREOF, I have hereby set my hand and affixed the seal of the City of Costa Mesa this \_\_\_\_ day of \_\_\_\_\_, 2018.

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BRENDA GREEN, CITY CLERK