



STAFF REPORT SAN CLEMENTE PLANNING COMMISSION

Date: April 22, 2015

PLANNER: Brent Panas, Code Compliance Supervisor

Handwritten initials in blue ink, possibly "BP", located to the right of the planner's name.

SUBJECT: Zoning Amendment 15-086, Prohibition of Commercial Mascots A request to amend the Zoning Code to prohibit the use of commercial mascots as advertising.

BACKGROUND

On March 3, 2015 City Council initiated a Zoning Amendment to prohibit commercial mascots. The attached ordinance is proposed to achieve this directive (See Attachment 1). Staff Request the Planning Commission review the proposed amendment and forward a recommendation to the City Council.

Why are code changes proposed?

The Zoning Ordinance does not address commercial mascots. Commercial mascots are a form of advertising in which a person or animal often stands in a visible location, dressed in a costume or distinctive colors that are closely associated with a business or organization. Commercial mascots often direct traffic to businesses by pointing or waving.

Commercial mascots are inconsistent with the City's goals for signage because: 1) mascots can distract traffic which is a safety concern and may cause traffic delays; and 2) mascots can cause "sign clutter" and focus attention away from building signage, which is encouraged and commonly relied upon to identify businesses.

DISCUSSION

The proposed ordinance updates the sign matrix and amends definitions as follows.

Table 17.84.030A "Matrix of Sign Types"

"Commercial Mascot Signs" is added to clarify that the sign type is prohibited.

Definitions, Section 17.88.030

Two definition changes are proposed:

1. A definition of "*Commercial Mascot Sign*" is added:

“Commercial Mascot Sign” means a human or animal, live or simulated, dressed as, decorated as, functioning as, or holding a commercial message or advertising device that attracts the attention of motorists or pedestrians traveling in the public right of way. This definition includes “sign twirlers,” “sign clowns,” and similar devices.

2. The definition of “Sign” is amended to clarify that signs can be on people and animals.

“Sign” means any card, cloth, paper, metal, painted, wooden or other medium affixed or **placed applied** on or to the ground, tree, wall, fence, building, structure, **person, animal,** or **similar object** which is used or intended to be used to attract attention to the subject matter for advertising, directional or informational purposes

RECOMMENDATION

STAFF RECOMMENDS THAT the Planning Commission recommend the City Council adopt Zoning Amendment 15-086.

Attachments:

1. Draft Resolution
2. Draft Ordinance
Exhibit A – Proposed amendments in track changes format
3. Other Cities examples of regulations for commercial mascots

ATTACHMENT 1

RESOLUTION NO. PC 15-016

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, RECOMMENDING THE CITY COUNCIL ADOPT ZONING AMENDMENT 15-086, FOR THE PURPOSES OF PROHIBITING COMMERCIAL MASCOT SIGNS

WHEREAS, the City of San Clemente ("City") is empowered by California Constitution Article XI, Section 7 to make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws; and

WHEREAS, the City has received numerous complaints from residents regarding commercial mascot signs and other similar human signs used to sell goods and/or products; and

WHEREAS, the majority of complaints involve human signs distracting motorists and impeding traffic; and

WHEREAS, commercial mascots are a form of commercial speech or advertising in which a person or animal often stands in a visible location, dressed in a costume or distinctive colors that are closely associated with a business or organization; and

WHEREAS, commercial mascot signs distract motorists and pedestrians from their primary duty to avoid potential hazards, observe all traffic control signals and warnings, and to move safely through streets and intersections; and

WHEREAS, commercial mascot signs often impede the flow of vehicular traffic on streets, and result in the delay and obstruction of the free flow of travel, and creates congestion and blockage of streets and driveways; and

WHEREAS, distracted motorists are more prone to automobile accidents, and accidents on the public streets constitute a substantial traffic safety problem, which further impedes and prevents the orderly flow of traffic and is unsafe for pedestrians and traffic generally; and

WHEREAS, commercial mascot signs often force pedestrians to enter City streets to avoid sidewalk obstructions, which increases the risk of vehicle/pedestrian collisions; and

WHEREAS, the cumulative impact of commercial mascot signs on streets, highways and sidewalks on a daily basis within the City has created a potential safety hazard and poses a significant and substantial risk to the interest of the public; and

WHEREAS, the potential hazards created by commercial mascot signs used to sell goods and/or products poses a threat to the public peace, health and safety; and

WHEREAS, commercial mascot signs are inconsistent with the City's goals for signage because mascots can cause "sign clutter" and focus attention away from building signage, which is encouraged and commonly relied upon to identify businesses in a manner that is consistent with the City's visual and aesthetic character specified in the General Plan, including the Urban Design Element, which seeks to ensure that urban features are harmonious with and unify public places, gateways, architecture, landscaping, public views, and the City's urban forest; and

WHEREAS, the Zoning Ordinance currently does not address commercial mascot signs; and

WHEREAS, on March 3, 2015, the City Council initiated Zoning Amendment 15-086 for the purposes of prohibiting commercial mascot signs; and

WHEREAS, the Planning Division completed an environmental assessment of the proposed zoning amendments for compliance with the California Environmental Quality Act (CEQA). Pursuant to CEQA Guidelines Section 21065, and determined the proposed Zoning Ordinance amendments do not meet the definition of a "project", as the code amendments do not have the potential to cause either a direct physical change or a reasonably foreseeable indirect physical change in the environment. The amendments prohibit a type of signage that is inconsistent with City's signage goals and a commercial mascots can distract traffic, which is a safety concern and can cause traffic delays. Because the request is not a "project" per CEQA, it is not subject to further environmental review; and

WHEREAS, on April 22, 2015, the Planning Commission of the City of San Clemente held a duly noticed public hearing on the subject application and considered evidence presented by City staff and other interested parties.

NOW, THEREFORE, the Planning Commission of the City of San Clemente, California, hereby ordains as follows:

Section 1: The proposed ordinance amendments are not a "project" as defined in California Environmental Quality Act (CEQA) Guidelines Section 21065; therefore, they are not subject to CEQA and no further environmental review is required.

Section 2: The recitals included above are incorporated herein by this reference and made an operative part of the Planning Commission's determination.

Section 3: With respect to Zoning Amendment 15-086, the Planning Commission hereby finds:

- A. The proposed amendments are internally consistent with those portions of the General Plan which are not being amended, such as:
 1. Land Use Element Policy LU2.07 states that *"we require commercial districts and uses to be compatible with their environmental setting, promote City*

environmental goals and be designed and operated to avoid or mitigate environmental impacts.” The amendments prohibit a type of signage can distract traffic, which is a safety concern and can cause traffic delays.

2. UD-1.09. Signs. *“We require quality, balance, consistency, and the use of high quality materials in the design of public and private signs, including commercial signs, municipal signs, and street and traffic signs. Signs should be compatible with the architectural character of buildings on which they are placed, prevailing streetscape character and surrounding community character, and should be not be visually obtrusive.”* Commercial mascot signs can cause “sign clutter” and focus attention away from building signage, which is encouraged and commonly relied upon to identify businesses.

B. The proposed amendments will not adversely affect the public health, safety, and welfare in that the proposed amendments do not have a potential to direct physical change or a reasonably foreseeable indirect physical change in the environment. The amendments prohibit a type of signage that is inconsistent with City’s signage goals. Moreover, as noted above in the recitals, commercial mascot signs can distract and disrupt traffic, which is a safety concern and can cause traffic delays.

Section 4: The Planning Commission recommends the City Council adopt Zoning Amendment 15-086.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of San Clemente on April 22, 2015.

Chair

TO WIT:

I HEREBY CERTIFY that the foregoing resolution was duly adopted at a regular meeting of the Planning Commission of the City of San Clemente on April 22, 2015, and carried by the following roll call vote:

AYES: COMMISSIONERS:
NOES: COMMISSIONERS:
ABSTAIN: COMMISSIONERS:
ABSENT: COMMISSIONERS:

Secretary of the Planning Commission

ATTACHMENT 2

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING ZONING AMENDMENT 15-086, FOR THE PURPOSES OF PROHIBITING COMMERCIAL MASCOT SIGNS

WHEREAS, the City of San Clemente ("City") is empowered by California Constitution Article XI, Section 7 to make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws; and

WHEREAS, the City has received numerous complaints from residents regarding commercial mascot signs and other similar human signs used to sell goods and/or products; and

WHEREAS, the majority of complaints involve human signs distracting motorists and impeding traffic; and

WHEREAS, commercial mascots are a form of commercial speech or advertising in which a person or animal often stands in a visible location, dressed in a costume or distinctive colors that are closely associated with a business or organization; and

WHEREAS, commercial mascot signs distract motorists and pedestrians from their primary duty to avoid potential hazards, observe all traffic control signals and warnings, and to move safely through streets and intersections; and

WHEREAS, commercial mascot signs often impede the flow of vehicular traffic on streets, and result in the delay and obstruction of the free flow of travel, and creates congestion and blockage of streets and driveways; and

WHEREAS, distracted motorists are more prone to automobile accidents, and accidents on the public streets constitute a substantial traffic safety problem, which further impedes and prevents the orderly flow of traffic and is unsafe for pedestrians and traffic generally; and

WHEREAS, commercial mascot signs often force pedestrians to enter City streets to avoid sidewalk obstructions, which increases the risk of vehicle/pedestrian collisions; and

WHEREAS, the cumulative impact of commercial mascot signs on streets, highways and sidewalks on a daily basis within the City has created a potential safety hazard and poses a significant and substantial risk to the interest of the public; and

WHEREAS, the potential hazards created by commercial mascot signs used to sell goods and/or products poses a threat to the public peace, health and safety; and

WHEREAS, commercial mascot signs are inconsistent with the City's goals for signage because mascots can cause "sign clutter" and focus attention away from building signage, which is encouraged and commonly relied upon to identify businesses in a manner that is consistent with the City's visual and aesthetic character specified in the General Plan, including the Urban Design Element, which seeks to ensure that urban features are harmonious with and unify public places, gateways, architecture, landscaping, public views, and the City's urban forest; and

WHEREAS, the Zoning Ordinance currently does not address commercial mascot signs; and

WHEREAS, on March 3, 2015, the City Council initiated Zoning Amendment 15-086 for the purposes of prohibiting commercial mascot signs; and

WHEREAS, the Planning Division completed an environmental assessment of the proposed zoning amendments for compliance with the California Environmental Quality Act (CEQA). Pursuant to CEQA Guidelines Section 21065, and determined the proposed Zoning Ordinance amendments do not meet the definition of a "project", as the code amendments do not have the potential to cause either a direct physical change or a reasonably foreseeable indirect physical change in the environment. The amendments prohibit a type of signage that is inconsistent with City's signage goals and a commercial mascots can distract traffic, which is a safety concern and can cause traffic delays. Because the request is not a "project" per CEQA, it is not subject to further environmental review; and

WHEREAS, on April 22, 2015, the Planning Commission of the City of San Clemente held a duly noticed public hearing on the subject application and considered evidence presented by City staff and other interested parties, and recommended the City Council adopt Zoning Amendment 15-086; and

WHEREAS, on [date], the City Council of the City of San Clemente held a duly noticed public hearing on the subject application and considered evidence presented by City staff and other interested parties.

NOW, THEREFORE, the City Council of the City of San Clemente, California, hereby ordains as follows:

Section 1: The proposed ordinance amendments are not a "project" as defined in California Environmental Quality Act (CEQA) Guidelines Section 21065; therefore, they are not subject to CEQA and no further environmental review is required.

Section 2: The recitals included above are incorporated herein by this reference and made an operative part of the City Council's determination.

Section 3: With respect to Zoning Amendment 15-086, the City Council hereby finds:

A. The proposed amendments are internally consistent with those portions of the General Plan which are not being amended, such as:

- 1. Land Use Element Policy LU2.07 states that *“we require commercial districts and uses to be compatible with their environmental setting, promote City environmental goals and be designed and operated to avoid or mitigate environmental impacts.”* The amendments prohibit a type of signage can distract traffic, which is a safety concern and can cause traffic delays.
- 2. UD-1.09. Signs. *“We require quality, balance, consistency, and the use of high quality materials in the design of public and private signs, including commercial signs, municipal signs, and street and traffic signs. Signs should be compatible with the architectural character of buildings on which they are placed, prevailing streetscape character and surrounding community character, and should be not be visually obtrusive.”* Commercial mascot signs can cause “sign clutter” and focus attention away from building signage, which is encouraged and commonly relied upon to identify businesses.

B. The proposed amendments will not adversely affect the public health, safety, and welfare in that the proposed amendments do not have a potential to direct physical change or a reasonably foreseeable indirect physical change in the environment. The amendments prohibit a type of signage that is inconsistent with City’s signage goals. Moreover, as noted above in the recitals, commercial mascot signs can distract and disrupt traffic, which is a safety concern and can cause traffic delays.

Section 4: Zoning Amendments: The City Council hereby adopts Zoning Amendment 15-086, amending the Zoning Ordinance as shown on Exhibit A.

Section 5: The City Clerk shall certify to the passage of this ordinance and cause the same to be published as required by law, and the same shall take effect as provided by law.

APPROVED AND ADOPTED this _____ day of _____, _____.

ATTEST:

City Clerk of the City of
San Clemente, California

Mayor of the City of San
Clemente, California

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.
CITY OF SAN CLEMENTE)

I, JOANNE BAADE, City Clerk of the City of San Clemente, California, hereby certify that Ordinance No. _____ having been regularly introduced at the meeting of _____, was again introduced, the reading in full thereof unanimously waived, and duly passed and adopted at a regular meeting of the City Council held on the _____ day of _____, _____, and said ordinance was adopted by the following vote:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Clemente, California, this _____ day of _____, _____.

CITY CLERK of the City of
San Clemente, California

APPROVED AS TO FORM:

CITY ATTORNEY

Section 1: Sign type “Commercial Mascot Signs” is hereby added to Table 17.84.030A, “Matrix of Sign Types” in the San Clemente Municipal Code, as follows:

Sign Type	Maximum Number of Signs Permitted	Maximum Size per Sign	Maximum Height per Sign	Sign Permits Required	Other Special Considerations
<u>Commercial Mascot Signs</u>	<u>Prohibited</u>				

Section 2: A definition “Commercial Mascot Sign” is hereby added to Section 17.88.030 of the San Clemente Municipal Code as follows:

“Commercial Mascot Sign” means a human or animal, live or simulated, dressed as, decorated as, functioning as, or holding a commercial message or advertising device that attracts the attention of motorists or pedestrians traveling in the public right of way. This definition includes “sign twirlers,” “sign clowns,” “human signs,” and similar devices.

Section 3: The definition “Sign” under heading “Signs” of Section 17.88.030 of the San Clemente Municipal Code is hereby amended as follows:

“Sign” means any card, cloth, paper, metal, painted, wooden or other medium affixed or ~~placed~~ applied on or to the ground, tree, wall, fence, building, structure, figure, person, animal, or similar object which is used or intended to be used to attract attention to the subject matter for advertising, directional or informational purposes.

Newport Beach

20.42.050 Prohibited Signs.

The following signs and sign types shall be prohibited throughout all zoning districts of the City.

- A. Painted Signs. Painted signs on fences or roofs except addresses.
- B. Hazardous Location. Signs located in a manner that the sign or a portion of the sign or sign supports interfere with the free use of a fire escape, exit or standpipe, or obstruct a required door, stairway, ventilator, window, or public way or are otherwise hazardous.
- C. Signs with Off-Site Commercial Messages. Signs shall not advertise a business, accommodation, service or activity not provided on the premises on which the sign is located. The off-site/on-site distinction shall only apply to commercial messages.
- D. Beams of Light. No person shall erect or maintain any device that directs a beam of light, including klieg lights and searchlights, in a flashing sequence toward any street or highway, nor shall any person erect or maintain any illuminated sign or similar device that interferes with the visibility of any official traffic control device or warning signal.
- E. Luminous Tube Lighting (e.g., Neon, Rope Lighting). Luminous tube lighting shall not be used to outline or frame doors and/or windows.
- F. Prohibited sign types:
 - 1. A-frame signs (except as permitted in commercial districts in Corona del Mar);
 - 2. Animated signs;
 - 3. Changeable copy signs, except as a component of another type sign allowed through the comprehensive sign program;
 - 4. Commercial mascots;

ATTACHMENT 3

5. Inflated display signs;
6. Pole signs;
7. Roof signs, unless a variance is granted; and
8. Vehicle signs, subject to the definition of vehicle signs in Section [20.42.040](#) (Definitions). (Ord. 2014-17 § 1, 2014; Ord. 2010-21 § 1 (Exh. A)(part), 2010)

Huntington Beach

233.10 Prohibited Signs

- A. Canvas signs, banners, pennants, streamers, balloons or other temporary signs except as provided in Sections 233.08 (Exempt Signs), 233.16 (Subdivision Directional Signs) or 233.18 (Promotional Activity Signs).
- B. Mobile, A-frame, and portable signs and those of a similar nature which are not permanently attached to the ground or building except as provided in Section 233.18 or 233.20.
- C. Roof signs except those permitted under Section 233.18(D).
- D. Signs which resemble any official marker erected by the City, state, or any governmental agency, or which, by reason of position, shape, color or illumination would conflict with the proper functioning of any traffic sign or signal or would be a hazard to vehicular or pedestrian traffic.
- E. Signs which produce odor, sound, smoke, fire or other such emissions.
- F. Flashing, moving, pulsating, or intermittently lighted signs, mechanical movement signs, including searchlights, except electronic readerboards and public service signs such as those for time and temperature.
- G. Animals or human beings, live or simulated, utilized as signs.

ATTACHMENT 3

Lake Forest

9.164.030 Definitions.

“Commercial sign” means any structure, housing, device, figure, statuary, painting, display, message placard, or other contrivance, or any part thereof, which is designed, constructed, created, engineered, intended, or used to advertise, or to provide data or information in the nature of advertising, for any of the following purposes: to designate, identify or indicate the name of the business of the owner or occupant of the premises upon which the advertising display is located; or, to advertise the business conducted, services available or rendered, or the goods produced, sold, or available for sale, upon the property where the advertising display is erected.

Anaheim

18.44.040. Prohibited Signs

Statuary or representative figures, real or simulated, utilized for advertising purposes.