

ATTACHMENT 1

ORDINANCE NO. 1599

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 pose 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 mascot 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 June 16, 2015, 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 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 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