

DRAFT 9/23/14



ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE AMENDING CHAPTER 1.04 (GENERAL PENALTY) OF TITLE 1 (GENERAL PROVISIONS), ADDING CHAPTER 9.58 (SIGNS ON CITY PROPERTY) TO TITLE 9 (PUBLIC PEACE, SAFETY OR WELFARE), AND AMENDING VARIOUS SECTIONS OF CHAPTER 19.44 (SIGN CODE); OF TITLE 19 (ZONING) OF THE SUNNYVALE MUNICIPAL CODE

THE CITY COUNCIL OF THE CITY OF SUNNYVALE DOES ORDAIN AS FOLLOWS:

SECTION 1. SECTION 1.04.010 AMENDED. Section 1.04.010 (Violation – Misdemeanor or Infraction) of Chapter 1.04 (General Penalty) of Title 1 (General Provisions) is hereby amended to include Chapter 9.58, as follows:

1.04.010. Violation—Misdemeanor or infraction.

- (a) [Text unchanged]
- (b) Violations of the following provisions are infractions:
 - (1)–(3) [Text unchanged]
 - (4) Title 9: Chapter 9.24, except Section 9.24.180; Chapters 9.26, 9.28, 9.42, 9.52, 9.54, 9.58, 9.60, 9.62, 9.64, 9.66, and 9.84;
 - (5)–(9) [Text unchanged]
- (c)-(d) [Text unchanged]

SECTION 2. CHAPTER 9.58 ADDED. Chapter 9.58 (Signs On City Property) of Title 9 (Public Peace, Safety or Welfare) of the Sunnyvale Municipal Code is hereby added to read as set forth in Exhibit “A” (Chapter 9.58 (Signs on City Property)) attached and incorporated by reference.

SECTION 3. SECTION 19.44.030 AMENDED. Section 19.44.030 (Scope, authority and basic principles) of Chapter 19.44 (Sign Code) of Title 19 (Zoning) is hereby amended to read as follows:

19.44.030 Scope, authority and basic principles.

(a) Scope. This chapter regulates signs, as defined herein, which are within the legal corporate limits of the city, but not on city property or in the public right-of-way, or on property owned and/or controlled by other city controlled entities. Signs on city property and the public right-of-way are regulated by Chapter 9.58. This chapter does not regulate signs used in conjunction with parades, demonstrations or public assemblies, which are covered by Chapter 9.45 (Special Event Permits).

(ba)-(h) [Renumbered; text unchanged]

SECTION 4. SECTION 19.44.040 AMENDED. Section 19.44.040 (Definitions) of Chapter 19.44 (Sign Code) of Title 19 (Zoning) is hereby amended by adding and modifying certain definitions, and by modifying the diagram in Figure 19.44.040 Tenant Frontage, to read as follows:

19.44.040 Definitions.

(1)-(7) [Text unchanged]

(8) Construction site sign. A sign that is displayed on the site of a construction project during ~~the period of time of~~ actual construction.

(9)-(12) [Text unchanged]

(13) Directional sign. A sign that serves to control traffic, parking or pedestrian movements on private property, and that is located entirely on the property to which it pertains.

(1413)-(1514) [Renumbered; text unchanged]

(16) Election Period. See Pre-election Period.

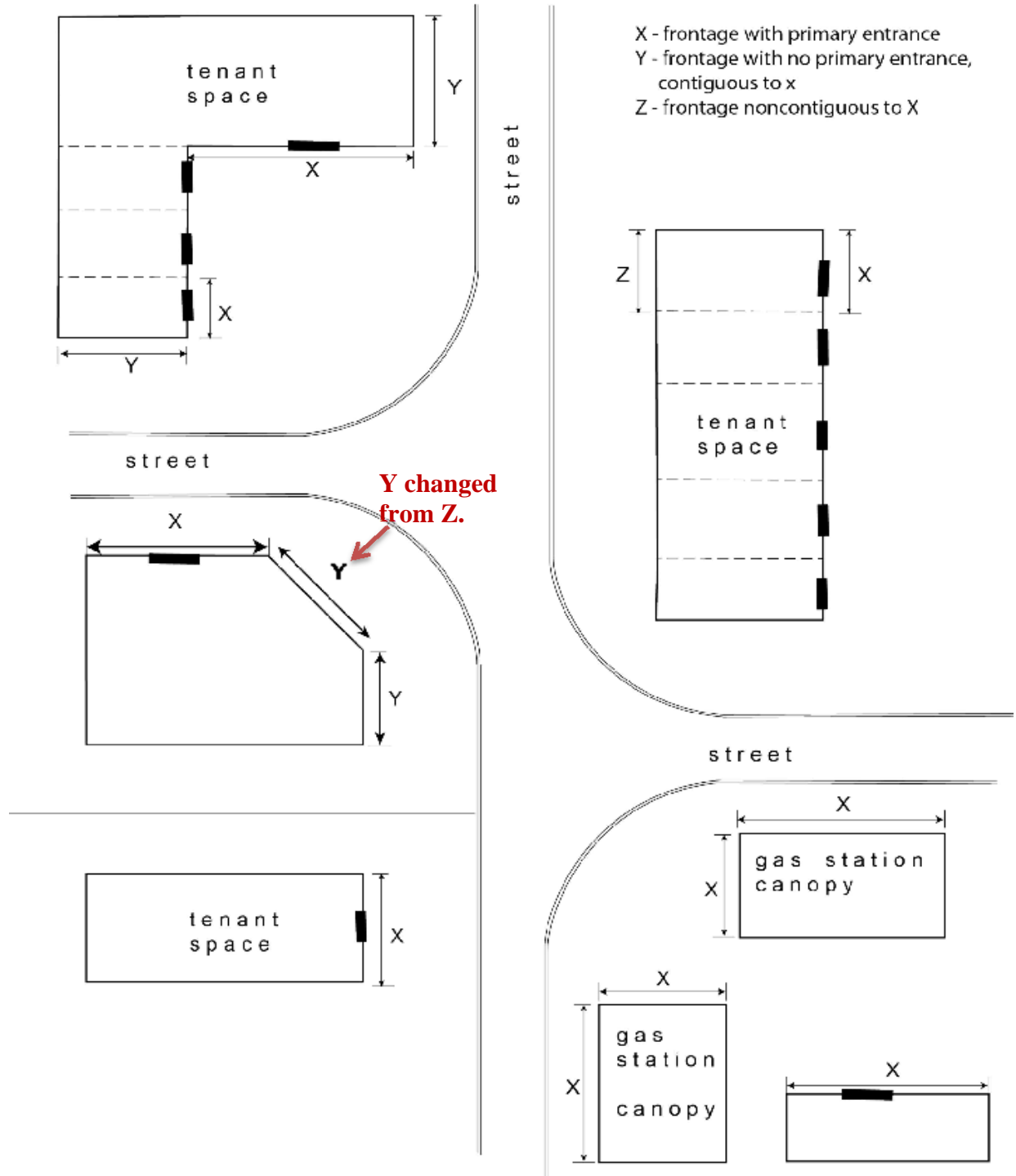
(1715)-(4543) [Renumbered; text unchanged]

(4644) Sign. Any structure, object, visual device or advertising artwork used for the purpose of communicating a message or identifying or attracting attention to a premises, product, service, person, organization, business or event. The above definition does not include the following:

(A) Holiday and cultural observance decorations displayed in season, including inflatable objects ~~, on private residential property which are on display for not more than 45 calendar days per event and per site and~~ which do not include commercial messages;

(B)-(E) [Text unchanged]

(4745)-(5553) [Renumbered; text unchanged]

Figure 19.44.040 Tenant Frontage

SECTION 5. SECTION 19.44.050 AMENDED. Section 19.44.050 (Signs exempt from permitting) of Chapter 19.44 (Sign Code) of Title 19 (Zoning) is hereby amended to read as follows:

19.44.050 Signs exempt from ~~sign permit requirement~~permitting.

The following signs are allowed without a sign permit and do not count toward the otherwise applicable limit on sign display area or size, so long as they meet the stated requirements:

- (a) Address numbers on a building.
- (b) Government signs.
- (c) Warning signs.

(d) Window signs. Window signs limited to twenty-five percent of the total window area per facade, per tenant space.

(d)(e) Residential Open House Signs. A residential open house directional sign may be placed on private property without a permit provided that sign is not placed on a traffic median, sidewalk, bicycle lane or other travel way or path. The sign is limited to three and one half feet in height as measured from the ground immediately adjacent to the sign, and four square feet in area. The sign may only be displayed between the hours of 9:00 a.m. and 7:00 p.m. on the same day of the open house. Open house directional signs may be placed in the public right-of-way only as authorized by Section 9.58.080.

(e)(f) Real Estate Signs on Private Property. A lease, sale or construction sign that consists of a banner or a temporary ground sign, and meets all of the following criteria:

- 1. One sign per street frontage;
- 2. A ground sign shall not exceed forty square feet per sign face, with eighty square feet total;

3. The maximum ground sign height is ten feet;

3.4. The sign is not located in the public right-of-way;

4.5. Any banner shall be limited to sixty square feet and must be stretched taut and secured against the building, fence or wall and not attached to landscaping; and

5.6. Sign must be removed within ten days after the property is no longer for lease or sale or within sixty days after the issuance of certificate of occupancy of the last building within a development.

~~(f) Residential Open House Signs. An open house directional sign may be placed on private property or the public right of way without a permit provided that sign is not placed on a traffic median, sidewalk, bicycle lane or other travel way or path. The sign is limited to 3.5 feet in height and 4 square feet in area. The sign may only be displayed between the hours of 9 a.m. and 7 p.m. on the same day of the open house.~~

(g) Directory Signs for Multifamily Uses. Directory signs within a multifamily residential use are not counted toward allowable sign area and may be installed without a permit provided the sign meets all of the following requirements ~~are met; namely, that the sign:~~

(1)-(4) [Text unchanged]

(h) Information signs. Information signs shall not exceed sixteen square feet sign area.

(i) Flags displaying non-commercial images or messages. Limited to three per property. Examples of non-commercial flags include the American flag or State of California flag. The top of the flag must not exceed twenty feet in residential zoning districts, as measured from the ground. Flag height is limited to thirty feet in all other zoning districts. Flag poles are included in the total height restriction. The maximum lateral dimension of the flag is limited to twenty-five percent of the height of the pole or other structure to which it is affixed.

(j) Directional signs may be installed without a sign permit provided the sign meets all of the following requirements:

- (1) Is located on the property to which it pertains,
- (2) Does not in any way advertise a business,
- (3) Does not exceed four square feet in area, and
- (4) Does not exceed five feet in height as measured from the ground immediately adjacent to the sign.

(k) Residential name plate. Each separate residential dwelling unit, whether in attached multi-family, detached single family, town home, condominium, or apartment, is allowed a residential name plate placed at the home entrance or along the front wall of a residential use, limited to two square feet in area.

(l) Traffic signs. Shall be located on the property to which it pertains, shall not exceed four feet in area, and shall not exceed five feet in height as measured from the ground immediately adjacent to the sign.

SECTION 6. SECTION 19.44.070 AMENDED. Section 19.44.070 (Sign permit required) of Chapter 19.44 (Sign Code) of Title 19 (Zoning) is hereby amended to read as follows:

19.44.070 Sign permit required.

Unless exempted from the permit requirement, all signs regulated by this chapter may be installed, maintained, erected, or displayed only pursuant to a sign permit issued pursuant to chapter, using the design criteria identified in this chapter and other applicable regulations. The sign owner, ~~and~~ message sponsor, ~~and~~ the property owner must satisfy all other applicable permit and planning approval requirements, even if the sign is exempt from the ~~signage's~~ permit requirement.

SECTION 7. SECTION 19.44.080 AMENDED. Section 19.44.080 (Building permit required in certain instances) of Chapter 19.44 (Sign Code) of Title 19 (Zoning) is hereby amended to read as follows:

19.44.080 Building permit required in certain instances.

A building permit as required by ~~Title~~Chapter 16 may be required for freestanding signs and flag poles qualifying as structures under the building code, ~~and~~ any signs permanently mounted or fastened to a building, ~~or~~ ~~and~~ any sign that requires an electrical connection for illumination.

SECTION 8. SECTION 19.44.090 AMENDED. Section 19.44.090 (Changes to permitted signs - Requirement for amended or new permit) of Chapter 19.44 (Sign Code) of Title 19 (Zoning) is hereby amended to read as follows:

19.44.090 Changes to permitted signs - Requirement for amended or new permit.

A sign initially approved and for which a sign permit is issued shall not thereafter be modified, altered or replaced, nor shall any design elements of any building or lot upon which such sign is maintained be modified, altered or replaced if the physical design elements constituted a basis for the sign approval, without an amended or new permit first being obtained pursuant to this chapter. If the original permit did not contain physical design elements, and only the copy or graphic design on the display face is changed, a new or amended permit is not required. If the physical structure of a permitted sign is changed, whether by repair, alteration, expansion, change in electrical supply, change in physical method of image presentation, change in dimension or weight, or similar factors, then a new permit or amendment to the existing permit is required.

SECTION 9. SECTION 19.44.110 AMENDED. Section 19.44.110 (Application review, timeframes) of Chapter 19.44 (Sign Code) of Title 19 (Zoning) is hereby amended to read as follows:

19.44.110 Application review, timeframes.

- (a) [Text unchanged]
- (b) Conditional Approval. A sign permit application may be approved subject to conditions, so long as the purpose of the conditions is to satisfy requirements of this chapter or some other applicable law, rule, ~~or~~ regulation or policy.
- (c)-(e) [Text unchanged]

SECTION 10. SECTION 19.44.150 AMENDED. Section 19.44.150 (General sign requirements) of Chapter 19.44 (Sign Code) of Title 19 (Zoning) is hereby amended to read as follows:

19.44.150 General sign requirements.

The following requirements apply to all signs. Adjustments to specific requirements may be granted in accordance with Section 19.44.230 (Exceptions to sign standards).

- (a) Number of Signs. ~~In addition to signs exempt from the permit requirement,~~ The number and size of permanent and temporary signs allowed are described in Sections 19.44.160 (Permanent signs in nonresidential zoning districts), ~~and~~ Section 19.44.170 (Permanent signs in residential zoning districts), and Section 19.44.050 (Signs exempt from sign permit requirements). ~~When both residential and non-residential uses are allowed, then the residential portion of the development is subject to the requirements for residential uses, and the non-residential portion is subject to the requirements for the most restrictive abutting nonresidential zoning district.~~
- (b) [Text unchanged]

(c) Location. All signs are subject to the following location requirements. In addition to the general requirements listed below, details about allowable locations for individual permanent or temporary signs are described in their respective sections.

(1) [Text unchanged]

(2) If both residential and nonresidential uses are allowed or in place, then the residential portion of the development is subject to the requirements for residential uses, and the nonresidential portion is subject to the requirements for the most restrictive abutting nonresidential zoning district.

(32) No Encroachment. Signs must be placed on private property and must not overhang the public right-of-way or sidewalk, except ~~with an encroachment permit~~ as authorized by Section 9.58.100.

~~Signs on heritage landmark properties may cross a property line with approval of a landmark alteration permit.~~

(43) Clearance from Sidewalk and Property Line. The minimum horizontal clearance between any part of the sign structure and the property line shall be one foot. For ground and fin signs over sidewalks and driveways, the minimum clearance between the lowest point of the sign and grade immediately below must be eight feet for pedestrian areas and fifteen feet for vehicular clearance.~~The minimum clearance between the lowest point of a ground sign and fin sign and the grade immediately below must be eight feet minimum for pedestrian areas and fifteen feet for vehicular clearance. The minimum horizontal clearance between any part of the sign structure and the property line shall be one feet.~~

(54) [Renumbered; text unchanged]

(d) [Text unchanged]

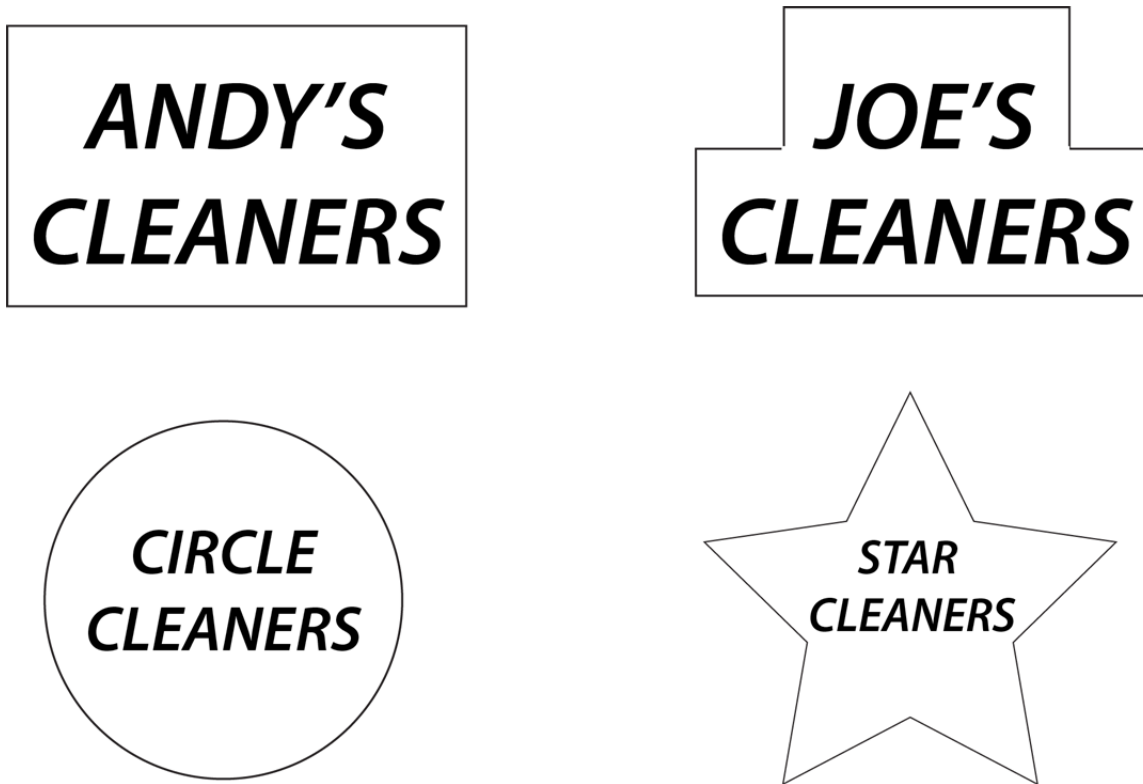


Figure 19.44.150 Sign Area.

(e) Logos. Logos may be detached from other sign copy and are counted towards sign area but shall not be included in calculations of copy height.

(f) Sign Type Requirements.

(1) [Text unchanged]

(A)-(C) [Text unchanged]

(2) Awning and canopy signs. Awning and canopy signs may be attached to or painted on the vertical edges of awnings, canopies, arcades, or similar features or structures in non-residential and multi-family residential zones in accordance with the following standards:

(A) Height. Maximum twelve feet.

(B) Clearance between sidewalk and bottom of awning or canopy. Minimum eight feet.

(C) Clearance between canopy and curb. Minimum two feet.

(D) Illumination. None allowed.

(2)(3) [Renumbered; text unchanged]

(3)(4) [Renumbered; text unchanged]

(A) [Text unchanged]

(B) Address Numbers. All new ground signs must have address numbers of a minimum of six inches and maximum of two feet in height. Address numbers on a ground sign must be located between two~~four~~ to fifteen feet from the ground.

(4)(5) [Renumbered; text unchanged]

(g) Materials. All signs must be constructed of wood, rigid plastic, ~~and~~ metal, or other permanent material, with the exception of flags, banners, pennants, balloons, and large inflatable objects.

(h) [Text unchanged]

(i) Illumination. Permanent Signs may be illuminated with continuous lighting, and can include neon tube lighting, external and internal lighting. No sign shall be illuminated so that the ~~bulb or other~~ primary source of the light is visible beyond the property line or in any way will cause excessive glare or brightness. Wall signs on side or rear elevations within one hundred fifty feet from any residential zoning district may be illuminated only from 7:00 a.m. to 10:00 pm. The city reserves the right to require and/or complete a post-installation inspection of the sign illumination. If, as a result of this inspection, it is determined that the illumination is so bright as to adversely impact adjacent properties ~~and-or~~ uses, the city may require shielding or a reduction and/or adjustment in the intensity of the sign illumination, so that it is in keeping with the general level of illumination on surrounding properties. Such intensity restriction may vary by time of day and ambient light conditions. Illuminated signs located adjacent to any residential area shall be shielded to direct light downward and away from adjacent properties such that there is no spillover light and shall be controlled by a rheostat or functional equivalent to avoid excessive glare to residential properties.

SECTION 11. SECTION 19.44.160 AMENDED. Section 19.44.160 (Permanent signs in nonresidential zoning districts) of Chapter 19.44 (Sign Code) of Title 19 (Zoning) is hereby amended to read as follows:

19.44.160 Permanent signs in nonresidential zoning districts.

(a)-(c) [Text unchanged]

(1)-(3) [Text unchanged]

(4) Readerboard Signs. Readerboard signs are allowed only in conjunction with places of assembly and theater uses and shall be included in calculations of the area and height of signs, and shall conform to those regulations.

Table 19.44.160(a)**Sign Requirements for Commercial, Office and Public-Facility Zoning Districts.**

Type	Number	Maximum Area	Copy Height	Sign Height	Special Requirements
Wall	No limit	0.66 sq. ft. of sign for every one lineal foot of building frontage. 200 sq. ft. maximum sign area.	6 in. minimum 48 in. maximum	Cannot extend above the top of the building.	Multiple wall signs cannot exceed maximum wall sign area. Fin signs are calculated towards overall wall sign area. <u>Buildings over 100 feet tall may have a maximum copy height of 60 in.</u>
Ground	One per street frontage, two if lot is wider than 300 ft.	60 sq. ft. per side 120 sq. ft. on both sides.	6 in. minimum 48 in. maximum	10 ft. high maximum as measured from top of nearest curb.	None
Under-Canopy	One per entrance	5 sq. ft. per side, 10 sq. ft. on both sides.	No limit	Lower edge must be at least 8 ft. above walkway	None

Table 19.44.160(b)**Sign Requirements for Regional Retail Business and Industrial Zoning Districts.**

[Table unchanged]

SECTION 12. SECTION 19.44.170 AMENDED. Section 19.44.170 (Permanent Signs in Residential Zoning Districts) of Chapter 19.44 (Sign Code) of Title 19 (Zoning) is hereby amended to read as follows:

19.44.170 Permanent Signs in Residential Zoning Districts.

The requirements of this section apply to all uses in residential zoning districts and all legal residential uses in other districts.

(a)-(c) [Text unchanged]

(c) Residential Project Identification Signs. Signs identifying a residential project shall follow ground sign regulations shown in Table 19.44.170, and are limited to one per street frontage.

TABLE 19.44.170**Signs for Non-Residential Uses and Multi-Family Residential Uses in Residential Zoning Districts.**

[Table unchanged]

SECTION 13. SECTION 19.44.180 AMENDED. Section 19.44.180 (Temporary Signs – Nonresidential zoning districts) of Chapter 19.44 (Sign Code) of Title 19 (Zoning) is hereby amended to read as follows:

19.44.180 Temporary Signs – Nonresidential zoning districts.

The following regulations apply to temporary signs in nonresidential zoning districts, except as qualified by Section 19.44.150(b). Display time for temporary signs is limited to a total of one hundred twenty days in a calendar year, unless otherwise specified in this code.

(a) [Text unchanged]

(1) Banners, Pennants and Ribbons. ~~All banners, pennants and ribbons~~ One banner or a collection of pennants or ribbons are each considered one temporary sign. Two such signs per tenant are allowed at one time, except for shopping centers with two or more tenants may have up to four signs on a property at one time. ~~Display time for temporary signs is limited to a total of one hundred twenty days in a calendar year.~~

(A)-(B) [Text unchanged]

(2) Large inflatable objects. No more than one large inflatable object is allowed on site at a time. If ground mounted, large inflatable objects shall not exceed ten feet in height. If roof mounted, such signs shall not exceed ten feet above building height. May not be located within required parking areas, landscaping or walkway areas. Display time: a maximum of ten days in a calendar year.

(3) Ground Sign Sleeve. Ground sign sleeves must be made of durable fabric, and not increase the size of the ground sign or obscure the address numbers. Ground sign sleeves are allowed for up to ninety days or until the permanent sign is installed, whichever is shorter ~~less~~.

(4) Building Wrap. Building wrap signs are allowed only in commercial buildings of five stories or greater in Block 18 of the Downtown Specific Plan District. The building wrap sign is limited to three floors of the building and cannot include any movement or animation. Display time for building wrap signs is limited to a total maximum of days in a calendar year.

(5) [Text unchanged]

(b) [Text unchanged]

(1)-(2) [Text unchanged]

~~(3) **Window signs.** Window signs are limited to 25 percent of the total window area per façade, per tenant space.~~

~~(4)~~ (3) Portable Signs. Portable signs of up to eight square feet in area are allowed with the following restrictions:

(A) The sSign is oriented to on-site vehicles and pedestrians;

(B)-(D) [Text unchanged]

(E) Portable signs are prohibited in landscaping or parking areas;

~~(EF)-FG~~ [Renumbered; text unchanged]

(H) Portable signs are not permitted in the public right-of-way unless authorized by Chapter 9.58.

SECTION 14. SECTION 19.44.190 AMENDED. Section 19.44.190 (Temporary Signs – Residential zoning districts) of Chapter 19.44 (Sign Code) of Title 19 (Zoning) is hereby amended to read as follows:

19.44.190 Temporary Signs – Residential zoning districts.

The following requirements apply to temporary signs in residential zoning districts, except as qualified by Section 19.44.150(b). No permit is required for temporary signs that meet all of the following standards:

- (a) [Text unchanged]
- (b) Sign Area. The total of all temporary signs on a single premises shall not exceed sixteen square feet in total sign area, except that during the pre-election period (ninety days prior to an election and ten days after an election), the total area of all signs shall not exceed thirty-two feet in area. These limitations on total sign area do not apply to window signs.
- (c) [Text unchanged]
- (d) Location. Signs shall not be placed on trees or in walkways, driveways, or other areas of the property used for vehicular or pedestrian travel. Temporary ground signs and portable signs may not be placed in the public right-of-way except as authorized by Section 9.58.100. ~~be placed in the public right-of-way subject to the following requirements:~~
 - (1) ~~Signs are allowed only in that portion of the public right-of-way that is immediately adjacent to and contiguous with the private property and not separated from the adjacent private property by a sidewalk, curb or other public improvement.~~
 - (2) ~~Signs shall not be placed on any parkway strip, traffic median, sidewalk, bicycle lane or other travel way or path, or attached to any utility pole, light pole, fire hydrant, utility box, or traffic control device.~~
- (e) Permission of Owner. Signs shall not be placed in any location without the permission of the owner or occupant of the property. In the case of signs that are allowed in the public right-of-way pursuant to ~~this section~~Chapter 9.58, signs shall not be placed without the permission of the owner or occupant of the contiguous and adjacent private parcel.
- (f) Flags displaying non-commercial messages do not count toward the total sign area for temporary signs as long the total area of each flag does not exceed sixteen square feet.
- (g) Flags displaying commercial messages are prohibited in residential zones except for multifamily uses. For multifamily uses, up to four flags with commercial messages are allowed. The maximum flag size is fifteen square feet and the maximum height is twenty feet, as measured from the ground and including the pole. Maximum lateral dimension is twenty-five percent of the total height of the pole or structure.
- (h) Places of Assembly. Churches, community centers, and other places of assembly located on residentially-zoned property are not subject to this section. Places of assembly are subject to the regulations applicable to signs in commercial zoning districts.

SECTION 15. SECTION 19.44.230 AMENDED. Section 19.44.230 (Exceptions to Sign Standards.) of Chapter 19.44 (Sign Code) of Title 19 (Zoning) is hereby amended to read as follows:

19.44.230 Exceptions to Sign Standards.

- (a) [Text unchanged]
- (b) [Text unchanged]
- (1)-(4) [Text unchanged]
- (c) [Text unchanged]
 - (1) [Text unchanged]
 - (A)-(B) [Text unchanged]
 - (C) Unusual building location or use on-site; or
 - (D) [Text unchanged]
 - (2)-(3) [Text unchanged]

SECTION 16. CEQA - EXEMPTION. The City Council finds, pursuant to Title 14 of the California Code of Regulations, Section 15061(b)(3), that this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a project which has the potential for causing a significant effect on the environment.

SECTION 17. CONSTITUTIONALITY; SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision or decisions shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

SECTION 18. EFFECTIVE DATE. This ordinance shall be in full force and effect thirty (30) days from and after the date of its adoption.

SECTION 19. POSTING AND PUBLICATION. The City Clerk is directed to cause copies of this ordinance to be posted in three (3) prominent places in the City of Sunnyvale and to cause publication once in The Sun, the official publication of legal notices of the City of Sunnyvale, of a notice setting forth the date of adoption, the title of this ordinance, and a list of places where copies of this ordinance are posted, within fifteen (15) days after adoption of this ordinance.

Introduced at a regular meeting of the City Council held on September 8, 2014, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on _____, 2014, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

RECUSAL:

ATTEST:

APPROVED:

City Clerk
Date of Attestation: _____

Mayor

SEAL

APPROVED AS TO FORM:

City Attorney

Chapter 9.58

SIGNS ON CITY PROPERTY

9.58.010 Title and purpose.

This chapter may be known as the “signs on city property ordinance.” The purpose of this chapter is to regulate signs placed by private parties on properties and facilities owned by the city. By adopting this chapter, the city council intends to balance the rights of free speech, protected by the First Amendment to the U.S. Constitution and corollary provisions of the California Constitution, against the city’s own speech rights, its own property rights, and the public interests in reducing the visual clutter and safety risks that can result from excessive or inappropriate signage.

9.58.020 Proprietary capacity of city; scope.

In adopting this chapter, the city acts in its proprietary capacity as to city property, as defined herein. Private parties may post or display signs on city property only in accordance with this chapter or some other authorization duly adopted by the city council, including but not limited to signs on city property that are displayed at city-sponsored events or pursuant to a miscellaneous plan permit (Chapter 19.82), special event permit (Chapter 9.62), or permit for exclusive use of a park (Chapter 9.62). Nothing in this chapter limits the city’s ability to use its property or facilities to convey its own messages to the public, whether by way of signs or any other communication device. This chapter is adopted pursuant to the city's general and police powers, California Constitution Article XI, section 7; the city's ownership rights, California Government Code sections 38774, 38775, 65000 et seq., 65850(b), 38774; Business and Professions Code sections 5200 et seq., 5230, and 5490 et seq.; Penal Code section 556, and other applicable state laws.

9.58.030 Public forum designation.

No city property shall function as a designated or limited public forum for purposes of sign display, unless specifically designated in this chapter or by an act of the city council. The declaration as to public forum type shall apply strictly and only to the specified area and the specified time period.

9.58.040 Definitions.

Definitions from Chapter 19.44, “Signs on Private Property,” are incorporated herein, as supplemented with the following definitions, which apply specifically to this chapter.

(a) **City property.** Land or other property or facilities in which the city of Sunnyvale is the legal owner or holds a present right of possession and control, as well as areas which are either designated as public rights-of-way within the city of Sunnyvale or which have long been used as such.

(b) **Traditional Public Forum.** Public streets and parks that are open to the public, city-owned plazas, public sidewalks, and pedestrian areas immediately surrounding city-owned civic buildings (i.e., City Hall, community centers).

9.58.050 General prohibition.

Private persons and governmental agencies other than the city may not display signs on city property unless such display is specifically authorized by this chapter or other applicable city law, or by state or federal law or court order.

9.58.060 Personal carrying of signs in traditional public forum areas.

In Traditional Public Forum areas, the personal carrying of signs displaying constitutionally protected noncommercial speech messages (i.e., picketing) is allowed subject to all of the following requirements:

- (a) The sign must be personally worn or held by a person, or personally attended by one or more persons. "Personally attended" means that a person is physically present within five feet of the sign at all times.
- (b) The signs may be displayed only during the time period 7:00 a.m. to 10:00 p.m., except on occasions when the city council or other public body of the city is holding a public hearing or meeting which is open to the public; on such occasions, the display period is extended to thirty minutes after such meeting is officially adjourned.
- (c) The maximum aggregate size of all signs held by a single person is six square feet, ~~measured one side only~~. Visible images which are displayed as part of personal apparel do not count toward this maximum. For purposes of this rule, apparel and other aspects of personal appearance do not count towards the maximum aggregate sign area.
- (d) To serve the city's interests in traffic flow and safety, persons displaying signs under this section shall not stand in any vehicular traffic lane when a public roadway is open for use by moving vehicles, and shall not interfere with public ingress or egress or free use of sidewalks or public right-of-way.
- (e) This section does not authorize the display of commercial messages on city property, nor does it authorize the posting of inanimate signs on city property, regardless of message type.
- (f) This section does not apply to personally held signs displayed inside city buildings.

9.58.070 Government speech on signs; legally authorized signs.

The following signs may be erected and displayed on city property, subject to the rules set forth herein:

- (a) Traffic control and traffic directional signs erected by the city or other governmental agencies acting in scope of their authority, including temporary traffic and traffic direction signs.
- (b) Official notices required or authorized by law or valid court order.
- (c) Signs placed by the city in furtherance of its governmental functions.
- (d) Signs placed by the city on city property which express the city's own message.

9.58.080 Residential Open House Signs.

A portable open house directional sign may be placed on the public right-of-way provided that the sign is not placed on a traffic median, sidewalk, bicycle lane or other travel way or path. The sign is limited to three and one-half feet in height measured from the ground immediately adjacent to the sign and four square feet in area. The sign may be displayed only between the hours of 9:00 a.m. and 7:00 p.m. on the same day of the open house.

9.58.090 Temporary Non-Commercial Signs in Residential Zoning Districts.

Temporary non-commercial signs may be placed in the public right-of-way in residential zoning districts without a permit subject to the following requirements:

(a) The signs comply with the requirements in Section 19.44.190 (Temporary Signs – Residential Zoning Districts).

(b) Signs are allowed only in that portion of the public right-of-way that is immediately adjacent to and contiguous with the private property and not separated from the adjacent private property by a sidewalk, curb or other public improvement.

(c) Signs shall not be placed on any parkway strip, traffic median, sidewalk, bicycle lane or other travel way or path, or attached to any utility pole, light pole, fire hydrant, utility box, or traffic control device.

(d) Signs shall not be placed in the public right-of-way without the consent of the owner or occupant of the contiguous and adjacent private parcel.

9.58.100 Encroachments.

Signs mounted on private property may not project into or over city property or the public right-of-way without an encroachment permit and/or, in the case of heritage landmark properties, a landmark alteration permit. Projecting signs in the Downtown Specific Plan District are subject to the requirements in Chapter 19.28. Sign encroachment permits must satisfy all requirements of Chapter 19.44, plus all requirements applicable to encroachments generally, plus all applicable safety codes (building, plumbing, electrical, etc.) and all city rules, regulations and policies regarding encroachments.

9.58.110. Freestanding signs on the 100 block of South Murphy Avenue

Freestanding signs such as A-frame and sandwich-board signs may be placed in the public right-of-way in the 100 block of South Murphy Avenue without a permit subject to the following requirements:

(a) Signs may only be placed in the frontage zone of the public sidewalk. The frontage zone is defined as that portion of the sidewalk closest to the building facades and measuring approximately two feet from the right-of-way line.

(b) The signs must be related to the legal business operation of the adjacent business.

(c) The signs may only be displayed during business hours by business owners or operators of the adjacent business.

(d) One freestanding sign is allowed per business

(e) The signs shall not exceed four feet in height and two feet wide in any direction.

(f) The pedestrian zone of the sidewalk outside of the frontage zone shall remain clear without any obstructions to allow for the movement of pedestrians.

(g) The signs shall comply with the design guidelines contained in the “City of Sunnyvale South Murphy Avenue Sidewalk Use Regulations.”

9.58.120 Enforcement.

Any violation of this chapter is declared to be a public nuisance that may be abated by the city by any means provided by law, including but not limited to any remedy for illegal signs as set forth in the sign code, other city laws, or any remedy available under state law, including but not

limited to Penal Code section 556. Legal remedies under this section are cumulative and discretionary with the city attorney, and are not exclusive.

9.58.130 Abatement.

(a) Removal. Any sign, flag or banner (collectively, “sign”) placed on city property in violation of the provisions of this chapter, or any sign which constitutes an immediate peril to persons or property, may be summarily removed as a trespass and a nuisance by the city.

(b) Notification. The sign-owner, if known, will be notified that the sign(s) have been removed and will be given thirty days to retrieve the sign(s). Any charge for the cost of removal, as provided for in subsection (c) below, must be paid prior to retrieval of the sign. The city may destroy or dispose of the sign(s) after thirty days if there is no response to the notification.

(c) Charge for cost of removal. The city may recover the cost of removing signs as authorized by this section. When the city has incurred any expense in removing the sign or other matter or in repairing city property damaged because of the posting or removal of the sign or other matter, any such expense incurred shall constitute a debt owed to the city.

(d) Post-removal hearing regarding signs summarily removed. The owner or person in charge of any sign which has been summarily removed by the city pursuant to this chapter is entitled to an informal hearing to be conducted by the city manager or designee. The request for hearing shall be made in writing to the city manager no later than fifteen calendar days from the date of mailing of the notification specified in subsection (b), or within thirty calendar days of the date of the removal, whichever occurs first. The hearing shall be limited to determining whether the sign was located upon city property in violation of the provisions of this chapter or constituted an immediate peril to persons or property, and the accuracy of any amount billed. Upon receiving a written request for the hearing, the city manager shall set a hearing, which shall be held within thirty calendar days from the date of receipt of the request. The city manager shall provide written notification of the hearing to the applicant. The notification shall include the date, time and place of the hearing. Following the hearing, the city manager shall within ten calendar days after the date of the hearing notify the person of his or her determination, and whether any adjustment to the any billed amount will be made. This notification shall specify the date by which such bill shall be paid, which date shall in no event be less than thirty calendar days after the date of the hearing. Any person who fails to pay the amount billed to such person within the period specified therein shall also be liable for expenses incurred by the city in collecting the debt, including, but not limited to, the cost of paying city employees or other persons engaged in debt collection. The city manager’s decision shall be final.