

**COUNCIL POLICY
CITY OF CHULA VISTA**

SUBJECT: Signs on Public Property	POLICY NUMBER	EFFECTIVE DATE	PAGE
	465-02	08/19/03	1 of 9
ADOPTED BY: Resolution 2003-372		DATED: 08/19/03	
AMENDED BY: Resolution 2006-331		DATED: 11/07/06	

BACKGROUND

This Policy is part of the City’s overall program for regulating and controlling signs within the City limits. Regulation of the construction and placement of signs is an important duty of a governmental entity. Such regulations promote aesthetics, safety, and commerce while at the same time ensuring that the public can communicate their commercial and non-commercial messages. According to federal and state law, the legal framework and extent to which the City can regulate signs differs depending upon whether the sign is being placed on property owned or controlled by the City, or on private land. Therefore, signs on City-owned or City-controlled property are regulated by the provisions contained in this Policy. Signs on private property and public property that is not owned or controlled by the City, are regulated by Chapter 19.60 of the Municipal Code.

I. Proprietary Capacity; Changes to Policy

In adopting this policy, the City Council acts in its proprietary capacity as to Public Property within the City. This Policy Statement may be changed by resolution at a properly noticed meeting of the City Council.

II. “Sign” and “Public Property” Defined and Intent as to Public Forum

For purposes of this Policy, a “sign” is any device, fixture, placard or structure, including its component parts, which draws attention to an object, product, place, activity, opinion, person, institution, organization, or place of business, or which identifies or promotes the interests of any person and which is to be viewed from any public street, road, highway, right-of-way or parking area.

“Public Property” means that land or other property owned by the City, or in which the City holds the present right of possession or control, or land or other property which the City holds in trust, as well as all public rights of way.

As it relates to the placing of signage on Public Property, the City declares its intent that all Public Property in the City shall not function as a designated public forum, unless some specific portion of Public Property is designated herein as a public forum of one particular type; in such case, the declaration as to public forum type shall apply strictly and only to the specified area and the specified time period, if any.

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III. Signs Must Be Permitted or Exempted

No sign may be displayed on Public Property, unless a Public Property Sign Permit has first been issued, or the subject sign is expressly exempted from the Public Property Sign Permit requirement by this Policy or another applicable Policy/Resolution.

Only those signs expressly allowed by this Policy (or another law) shall be eligible for a Public Property Sign Permit.

Any sign posted on Public Property within the City, without a permit, without a decal showing evidence of a permit, and/or contrary to the policies stated herein, may be summarily removed as a trespass and a nuisance by the City. All issued Public Property sign permits must be consistent with the policies stated herein.

IV. Public Property Sign Permits; Application Forms and Procedures

The Director of Planning and Building Department shall prepare and make available to the public a form for Application for a Public Property Sign Permit (“Permit”), which shall, when fully approved, constitute a Permit and indicate the City’s consent, in its proprietary capacity, for placement of a sign. The applicant for the permit must be the same person or entity who is to be the owner of the sign. The processing fee for each application, which shall not be refundable even if the application is denied, shall be the same as the fee for a sign permit under the Sign Ordinance. To each application form shall be attached a copy of this Policy Statement.

Upon approval of an application, the applicant shall be issued a decal by the City, which shall be affixed to the sign by the applicant, thereby signifying that use of the sign on Public Property has been approved. Signs exempt from the permitting requirements of this Policy do not need such decal. If the decal is lost, damaged, or otherwise illegible, the sign owner shall provide to the Director the sign’s approved application and ask for a new decal. After receiving the new decal, the owner shall attach it to the permitted sign immediately.

Any Public Property Sign Permit issued in error may be summarily revoked by any officer of the City by simply informing the applicant of the nature of the error in issuance. Any applicant whose permit is revoked as issued in error may, at any time thereafter, submit a new permit application.

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The City retains its full discretion as to the issuance of the new permit, however applications which fully comply with the terms and conditions of this Policy Statement shall be duly issued. Applications which are denied, or permits which are revoked or suspended, may be appealed in the same manner as denials of sign permits, as described in the Sign Ordinance.

V. Exemptions from Permit Requirement

The following signs are exempted from the Permit requirement: Traffic control and traffic directional signs erected by the City or another governmental agency; official notices required by law; signs placed by the City in furtherance of its governmental functions; other signs approved pursuant to City Council action; and signs allowable under Paragraph VI of this Policy.

In addition, sign programs or specific plans approved by the City Council prior to adoption of this Policy, which allow commercial signs to be placed on Public Property, are exempted from the Permit requirement and may be continued pursuant to the previously adopted program or plan.

VI. Temporary Political, Religious, Labor Protest and Other Noncommercial Signs in Traditional Public Forum Areas

In areas qualifying as traditional public forums, such as streets, parks and sidewalks, persons may display noncommercial message signs thereon without first obtaining a Public Property sign permit, provided that their sign displayed on Public Property conforms to all of the following:

- A. The signs must be personally 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 of sunrise to sunset.
- C. The maximum aggregate size of all signs held by a single person is 10 square feet.
- D. The maximum size of any one sign which is personally attended by two or more persons is 50 square feet.
- E. The displayed signs may not be inflatable or air-activated.

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F. In order to serve the City’s interests in traffic flow and safety, persons displaying signs under this section may not stand in any vehicular traffic lane when a roadway is open for use by vehicles, and persons displaying signs on public sidewalks must give at least five feet width clearance for pedestrians to pass by.

If a person’s noncommercial sign does not conform to A.-F. of this paragraph, the sign shall not be allowed anywhere on Public Property.

VII. Community Directional “Kiosk” Signs in Particular Locations

A. Intent as to Public Forum

The City’s intent as to this section is to designate a strictly limited public forum, which allows only the posting in convenient places of directional information regarding tract housing developments which are currently selling homes located within the City.

B. Purpose and Intent - Generally

This section is intended to permit off-site directional signs on Public Property necessary to serve the people of Chula Vista by providing directional information so that residents and visitors can easily locate residential subdivisions and master plan communities in an attractive and safe manner consistent with the City's prohibition against off-site advertising signs or displays. A community directional kiosk sign is a sign installed and maintained according to the provisions of this Policy.

C. Kiosk Signs for New Tract Housing Developments

Kiosk signs are permanent freestanding structures, not exceeding 10 feet in height, 5 feet in width, which contain modular information strips, not exceeding 10 inches in height, 5 feet in width, providing information about master plan communities and residential subdivisions (of more than 20 units) which are currently selling new homes located within the City. Such signs may display only the following information: the name of the development, developer and/or marketer thereof, and the direction to the development from the sign.

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D. Kiosk Sign Plan

An integral component of the overall kiosk sign program is the adoption of a sign plan specifying the details of the design of the kiosk structure and associated sign panels. The location, number of signs, number of panels, design, color, copy, lettering, spacing, area and dimension of the signs and panels shall be specified within the Kiosk Sign Plan. The Director of Planning and Building shall develop and approve said sign plan.

E. Administration

The Community Directional Kiosk Sign Plan shall be administered by the Director of Planning and Building for the City, or at the Director's option, the Director may designate another entity (public or private) to administer the construction, installation, maintenance, management or removal of kiosk structures and signs and leasing of sign space on the kiosks in accordance with the following sign approval provisions and the Kiosk Sign Plan. When management of the kiosks is assigned to another party by contract, such contract shall include provisions requiring that party to be responsible for enforcement of this Policy.

The Director of Planning and Building shall establish any permit processing costs of signs mounted on kiosk structures.

F. Sign Approval – Kiosks Structures and Directional Signs on Kiosk Structures

1. Kiosks Structures. One kiosk design as specified in the Kiosk Sign Plan shall be utilized throughout the City. Prior to construction or installation of kiosk structures, the sign program administrator shall receive Planning and Building Director approval to ensure compliance with the following provisions:
 - a. Locations. Kiosk structures shall be located on Public Property at various points throughout the City as specified in the Kiosk Sign Plan.
 - b. Construction. All kiosks shall be constructed or cause to be constructed by the designated sign program administrator in accordance with the design in the Kiosk Sign Plan. There shall be no additions, tag signs, streamers, devices, display boards, or appurtenances added to the approved kiosk structure.

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- c. Installation. All structures shall be installed consistent with the Kiosk Sign Plan so no hazard to pedestrian or vehicular traffic will result.
 - d. The location and number of directional signs approved for each eligible user shall be determined by the size and location of the subdivision or master plan community, and the demand for and availability of space on each kiosk.
 - e. Each kiosk will have the "City of Chula Vista" displayed in a prominent location on the sign.
2. Directional Signs on Kiosk Structures. Prior to construction and installation of directional signs on kiosk structures, the designated sign program administrator shall receive Planning and Building Director approval of directional signs to ensure compliance with the Kiosk Sign Plan and the following provisions:
- a. Users eligible to display community directional signage on approved kiosk structures shall be limited to master plan communities and residential subdivisions exceeding 20 lots.
 - b. Directional signs shall not be approved on kiosk structures, which have no available space on the date the sign is requested.
 - c. A neighborhood shall not be allowed any directional kiosk signs if there are any other offsite signs advertising the housing development anywhere in the City. If any un-permitted or illegal advertising signs are erected and not promptly removed upon demand by the city, all kiosk signs for that subdivision shall be removed, the lease cancelled and no refund given.
 - d. No approval shall be given for directional panels on any kiosk structure if the applicant has any prohibited off site signs advertising the subdivision or master plan community anywhere within the City. If any advertising signs are erected and not promptly removed upon demand by the City, the City shall direct the administrator to remove all kiosk panels for that subdivision and shall require that any agreement between the administrator and developer be canceled. Any developer whose community or subdivision panels are removed due to failure to comply with the terms of this section shall be prohibited from utilizing the community directional kiosk program for a minimum of six months.
 - e. Approved directional signs for residential subdivisions shall be permitted until all lots or units within the subdivision or master plan community are

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sold or two years from the date of installation of the panel, whichever occurs first, unless otherwise extended by the Director.

VIII. Signage Associated with use of Public Property for Special Events

When the City allows a special event on Public Property, sponsored by a private entity, the City shall state only the time, place, manner and quantity of signage allowed, and leave decisions as to which signs may be displayed as part of the event to the private party sponsor.

When the City itself sponsors a special event, Public Property may be used to promote and identify the special event, but co-sponsors, if any, shall be limited to commercial entities and commercial sign messages only. A Public Property Sign Permit is not required for entities participating in a City-sponsored special event (including the City or Redevelopment Agency).

IX. Temporary Regional Center Directional Signs

A. Intent as to Public Forum

The City’s intent as to this section is to designate a strictly limited public forum, which allows only the posting in convenient places of directional information regarding commercial centers near the State Route 125 (SR-125) Corridor during the period leading up to the opening of SR-125 and extending one year thereafter.

B. Propose and Intent – Generally

This section is intended to permit off-site directional signs on Public Property necessary to serve the people of Chula Vista by providing directional information so that residents and visitors can easily locate regional-serving commercial centers within the SR-125 Corridor from access points at Interstate 805 (I-805), in an attractive and safe manner. A temporary regional center directional sign is a sign installed and maintained according to the provisions of the Policy.

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C. Temporary Regional Center Directional Signs

Temporary regional center directional signs are freestanding structures not exceeding eight (8) feet in height and five (5) feet in width, containing the name, distance and direction to a regional commercial center within the SR-125 Corridor of the City of Chula Vista. All temporary regional center directional signs shall be removed not later than one year after the opening of SR-125 to through traffic. Each sign shall have the “City of Chula Vista” displayed in a prominent location on the sign.

D. Temporary Regional Center Directional Sign Plan

Temporary regional center directional signs must be accompanied by a sign plan specifying the details of the design of the sign structure and the location, number of signs, design, color, copy, lettering, spacing, and dimensions of the signs. The Director of Planning and Building and the Director of Engineering shall be the approving authority for temporary regional center directional sign plans.

Prior to approving the construction or installation of temporary regional center directional signs, the Planning and Building Director and the Director of Engineering shall affirm that the following conditions have been met:

1. Location. The temporary regional center directional signs shall be located on Public Property within the rights-of-way of Olympic Parkway or Telegraph Canyon Road / Otay Lakes Road, easterly of I-805, as specified on an approved sign plan.
2. Construction. All temporary regional center directional signs shall be constructed in accordance with specifications on an approved sign plan, subject to the review and approval of the Building Official and, where applicable, subject to the issuance of a building permit.
3. Installation. All temporary regional center directional signs shall be installed in accordance with specifications on an approved sign plan, subject to an encroachment permit issued by the Director of Engineering. In addition to criteria, standards and conditions applied to encroachment permits in general, encroachment permits for temporary regional center directional signs shall include the following conditions:

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- a. That the signs shall be removed not later than one year after the opening of SR-125 to through traffic; and
- b. That, in addition to general encroachment permit requirements regarding removal, the signs shall be removed upon 30 days notice at the discretion of the City of Chula Vista; and
- c. That, in addition to general encroachment permit requirements regarding indemnification, the applicant agrees to, at the discretion of the City of Chula Vista, defend the City in any legal challenge to the adoption of this policy; and
- d. That, in addition to general encroachment permit requirements, the sign installer shall provide proof of contractor insurance of a type, amount and nature satisfactory to the Director of Engineering.