

City Council Request to the Planning Commission to Consider Amendments to the Oakland Advertising Signs Ordinance and Oakland Sign Code

On December 15, 2020, the Oakland City Council passed a resolution requesting:

1. The Planning Commission to (a) initiate a process to consider amendments to the Oakland Advertising Signs Ordinance (Oakland Planning Code Section 17.104.060) and Oakland Sign Code Section 14.04.270 to amend the mechanisms by which the city may approve the installation and operation of new advertising signs via Development Agreements in very limited geographic areas in the city, to the extent legally permissible, and (b) upon the conclusion of such process, recommend specific text amendments to the Oakland Advertising Sign Ordinance for the City Administrator to incorporate into a future ordinance; and
2. The City Administrator, upon the recommendations of the Planning Commission, present to the City Council for review and consideration an ordinance amending the Oakland Advertising Signs Ordinance, the Oakland Sign Code, and such other sections of the Oakland Municipal Code necessary to effectuate the amendment of the mechanisms by which the city may approve the installation and operation of new advertising signs via Development Agreements in limited geographic areas in the city.

The full resolution is included as **Attachment A** to this Report.

The existing Oakland Planning and Municipal Code sections mentioned above by the Council for potential amendment are the following (other related code sections may also need to be evaluated):

17.104.060 - General Limitations on Advertising Signs.

Notwithstanding any provisions to the contrary contained within the Planning Code, Advertising Signs are not permitted in Oakland except: (1) as otherwise provided for in this Code, or (2) pursuant to a franchise agreement or relocation agreement authorized by the Oakland City Council, which expressly allows Advertising Signs and then only under the terms and conditions of such agreements.

14.04.270 - Signs Adjacent to Freeways

Sec. 1501. Signs Prohibited Adjacent to Freeways. No sign shall be erected, constructed, relocated or maintained in the City of Oakland if such sign is designed to have or has the advertising thereon maintained primarily to be viewed from a freeway, provided that the provisions of this section shall not apply to any sign constructed, painted or maintained on which the advertising is limited to one or all of the following:

1. *The name of the person, firm or corporation occupying the premises and the type of business conducted by such person, firm or corporation.*
2. *The name of the product manufactured on the premises.*
3. *A sign not exceeding six square feet in area appertaining only to the lease, hire, sale, or display of the building or premises.*
4. *Time and temperature units.*

5. *New, relocated or wholly reconstructed advertising signs in the M-40 Heavy Industrial Zone as part of a billboard relocation agreement authorized by the City of Oakland or Oakland Redevelopment Agency prior to November 18, 1997 provided further that the restrictions contained in Ordinance No. 12025 C.M.S., as amended by Ordinance No. 12085 C.M.S., shall apply so that there shall be no increase in the number of billboard faces allowed to promote the sale of Tobacco Products or Alcoholic Beverages, regardless of the location of said billboard faces.*

6. *Relocated or wholly reconstructed advertising signs pursuant to a franchise agreement or relocation agreement authorized by the City Council, which expressly allows advertising signs and then only under the terms and conditions of such agreements.*

Planning staff have not yet analyzed any specific policy options, but the following are some of the significant questions and issues that will need to be resolved in any amendment process:

- What type of permit would an advertising sign applicant apply for to allow consideration of a type of sign that is otherwise prohibited? The Council resolution suggests that such signs could be considered as part of a development agreement, but that procedure would need to be accompanied by some type of authorizing city Planning permit. Planning Code Section 17.138.015(B) states clearly that: *“The development agreement shall not be approved unless the project has received, or simultaneously receives, whatever design review, conditional use permit, preliminary Planned Unit Development plan approval, and/or variance it may otherwise require...”*
- What would be the geographic limits for the area that advertising signs could be considered?
- What are the equity considerations that should be taken into account in determining both the city review process and the applicable geographic area that any amendments would apply to?

RECOMMENDATION

Staff requests that the Zoning Update Committee review and comment on the Council Resolution, and provide the Planning Bureau with their feedback on how they would prefer to move forward on this Council request.

Approved for forwarding to the
Planning Commission:



Ed Manasse
Deputy Director, Bureau of Planning
Department of Planning and Building

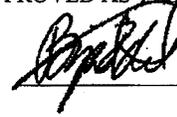
Attachments:

- A) Oakland City Council Resolution No. 88463
- B) Council Memo dated November 30, 2020 - Subject: Resolution to Consider Amendments to the Oakland Advertising Sign Ordinance

ATTACHMENT

A

APPROVED AS TO FORM AND LEGALITY:



Special Counsel

OAKLAND CITY COUNCIL

RESOLUTION No. 88463 C.M.S.

INTRODUCED BY COUNCILMEMBER NOEL GALLO

RESOLUTION REQUESTING THE (1) PLANNING COMMISSION (A) TO INITIATE A PROCESS TO CONSIDER AMENDMENTS TO THE OAKLAND ADVERTISING SIGNS ORDINANCE (OAKLAND MUNICIPAL CODE SECTION 17.104.060) AND OAKLAND SIGN CODE SECTION 14.04.270 TO AMEND THE MECHANISMS BY WHICH THE CITY MAY APPROVE THE INSTALLATION AND OPERATION OF NEW ADVERTISING SIGNS VIA DEVELOPMENT AGREEMENTS IN VERY LIMITED GEOGRAPHIC AREAS IN THE CITY, TO THE EXTENT LEGALLY PERMISSIBLE, AND (B) UPON THE CONCLUSION OF SUCH PROCESS, RECOMMEND SPECIFIC TEXT AMENDMENTS TO THE OAKLAND ADVERTISING SIGN ORDINANCE FOR THE CITY ADMINISTRATOR TO INCORPORATE INTO A FUTURE ORDINANCE; AND (2) CITY ADMINISTRATOR, UPON THE RECOMMENDATIONS OF THE PLANNING COMMISSION, PRESENT TO THE CITY COUNCIL FOR REVIEW AND CONSIDERATION AN ORDINANCE AMENDING THE OAKLAND ADVERTISING SIGNS ORDINANCE, THE OAKLAND SIGN CODE, AND SUCH OTHER SECTIONS OF THE OAKLAND MUNICIPAL CODE NECESSARY TO EFFECTUATE THE AMENDMENT OF THE MECHANISMS BY WHICH THE CITY MAY APPROVE THE INSTALLATION AND OPERATION OF NEW ADVERTISING SIGNS VIA DEVELOPMENT AGREEMENTS IN LIMITED GEOGRAPHIC AREAS IN THE CITY.

WHEREAS, billboards are regulated, as "Advertising Signs," pursuant to the Oakland Planning Code (OMC Title 17) and the Oakland Sign Code (OMC Section 14.04.270); and

WHEREAS, due to graffiti on unmaintained Advertising Signs and to enhance the appearance of City streets and property values, the City Council adopted Ordinance No 12021 on November 18, 1997, which deleted Advertising Signs as a permitted facility in many zones; and

WHEREAS, pursuant to Ordinance No. 12425 adopted on June 11, 2002, the City Council added Section 17.104.060 to the Planning Code in its current form and modified Section 14.04.270 of the Oakland Sign Code in order to give the City Council more power to allow for Advertising Signs where appropriate; and

WHEREAS, under the current OMC, Advertising Signs adjacent to the freeway are allowed anywhere in the city subject to a relocation agreement or franchise agreement authorized by the City Council; and

ATTACHMENT A - 2/17/21 Director's Report

WHEREAS, the limitations of Advertising Signs being approved by franchise agreement has been determined to only apply to publicly owned property; and

WHEREAS, the current OMC restricts the City's ability to approve the installation of new Advertising Signs on private property, and the City Council wishes to be able to enter into development agreements to approve the installation of new Advertising Signs on private property where appropriate; and

WHEREAS, the City Council wishes to prevent a proliferation of Advertising Signs and seeks to restrict the placement of new Advertising Signs to only upon private property adjacent to any segment of the Interstate 880 that is not deemed to be a landscaped freeway by California Department of Transportation and is south of 22nd Avenue; and

WHEREAS, the City Council wishes to create new mechanisms to allow Advertising Signs in limited areas in order to incentivize greater economic investment in local non-profit organizations, and health facilities, while providing local property owners new economic opportunities; and

WHEREAS, given the current economic state related to the COVID-19 pandemic, the City Council wishes to create new economic activity in the flatland areas of the city along freeway corridors, and to use new Advertising Signs to display public service messages, provide advertising for hard-hit small businesses, and to advertise City services related to public health; and

WHEREAS, Section 17.144.020 of the OMC provides that "[t]he City Council shall not rezone any property, change the text of any provision of the zoning regulations, or establish, amend, or delete any development control map or designated landmark or landmark site until after it has received, pursuant to this procedure, a recommendation and/or findings from the City Planning Commission"; and

WHEREAS, Section 17.144.030B of the OMC further provides that "[t]he City Planning Commission may, and upon request of the City Council shall, initiate action to rezone any property, to change the text of the zoning regulations, or to establish, amend, or delete any development control map or designated landmark or landmark site. Such initiation shall be for the purpose of reviewing the merits of the proposal and shall not imply advocacy by the Commission for the rezoning or other change"; now, therefore, be it

RESOLVED: That the City Council hereby finds that and findings to initiate the process to amend; and be it

FURTHER RESOLVED: That pursuant to Section 17.144.030B of the OMC, the City Council hereby requests that the Planning Commission initiate a process to consider amendments to the Oakland Advertising Signs Ordinance to effectuate the amendment of mechanisms by which the City may approve the installation and operation of new Advertising Signs via development agreements, only upon private property adjacent to any segment of the Interstate 880 that is not deemed to be a landscaped freeway by California Department of Transportation and is south of 22nd Avenue; and be it

FURTHER RESOLVED: That, upon the conclusion of its process, the Planning Commission recommend specific text amendments to the Oakland Advertising Signs Ordinance for the City Administrator to incorporate into a future ordinance; and be it

FURTHER RESOLVED; That, the City Administrator, upon the recommendations of the Planning Commission, present to the City Council for review and consideration an ordinance amending the Oakland Advertising Signs Ordinance, the Oakland Sign Code, and such other sections of the OMC necessary to effectuate the amendment of mechanisms by which the City may approve the installation and operation of new advertising Signs via development agreements along limited geographic areas in the City; and be it

FURTHER RESOLVED: That this Resolution only initiates a process, and to effectuate any changes to the OMC, the City Council shall be required to take further discretionary actions; as such, nothing in this Resolution shall be deemed to constitute a "project" under the California Environmental Quality Act.

IN COUNCIL, OAKLAND, CALIFORNIA, DEC 15, 2020

PASSED BY THE FOLLOWING VOTE:

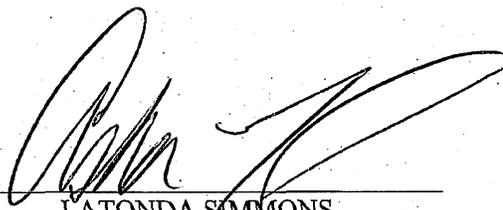
AYES- FORTUNATO BAS, GALLO, GIBSON McELHANEY, KALB, REID, TAYLOR, THAO, and CHAIRPERSON KAPLAN — 8

NOES- 0

ABSENT- 0

ABSTENTION- 0

ATTEST:


LATONDA SIMMONS
City Clerk and Clerk of the Council
of the City of Oakland, California

ATTACHMENT

B

CITY OF OAKLAND



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Noel Gallo
City Council Member, District 5

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TTY/TDD:(510) 839-6451

DATE: November 30, 2020

TO: City Councilmembers and Members of the Rules and Legislation Committee

FROM: Councilmember Noel Gallo, Council District 5

SUBJECT: Resolution To Consider Amendments To The Oakland Advertising Sign Ordinance

RECOMMENDATION

Councilmember Noel Gallo recommends that the City Council adopt:

RESOLUTION REQUESTING THE (1) PLANNING COMMISSION (A) TO INITIATE A PROCESS TO CONSIDER AMENDMENTS TO THE OAKLAND ADVERTISING SIGNS ORDINANCE (OAKLAND MUNICIPAL CODE SECTION 17.104.060) AND OAKLAND SIGN CODE SECTION 14.04.270 TO AMEND THE MECHANISMS BY WHICH THE CITY MAY APPROVE THE INSTALLATION AND OPERATION OF NEW ADVERTISING SIGNS VIA DEVELOPMENT AGREEMENTS IN VERY LIMITED GEOGRAPHIC AREAS IN THE CITY, TO THE EXTENT LEGALLY PERMISSIBLE, AND (B) UPON THE CONCLUSION OF SUCH PROCESS, RECOMMEND SPECIFIC TEXT AMENDMENTS TO THE OAKLAND ADVERTISING SIGN ORDINANCE FOR THE CITY ADMINISTRATOR TO INCORPORATE INTO A FUTURE ORDINANCE; AND (2) CITY ADMINISTRATOR, UPON THE RECOMMENDATIONS OF THE PLANNING COMMISSION, PRESENT TO THE CITY COUNCIL FOR REVIEW AND CONSIDERATION AN ORDINANCE AMENDING THE OAKLAND ADVERTISING SIGNS ORDINANCE, THE OAKLAND SIGN CODE, AND SUCH OTHER SECTIONS OF THE OAKLAND MUNICIPAL CODE NECESSARY TO EFFECTUATE THE AMENDMENT OF THE MECHANISMS BY WHICH THE CITY MAY APPROVE THE INSTALLATION AND OPERATION OF NEW ADVERTISING SIGNS VIA DEVELOPMENT AGREEMENTS IN LIMITED GEOGRAPHIC AREAS IN THE CITY.

SUMMARY

The existing regulations in the Planning Code and Sign Code prevent the Oakland City Council from entering into development agreements to allow for the construction of advertising signs on private property. The proposed resolution requests that planning commission considers initiating amendments to the Oakland advertising

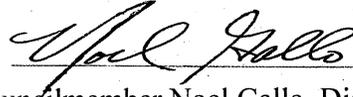
Item: _____
Rules and Legislation Committee
October 14, 2014

ATTACHMENT B - 2/17/21 Director's Rpt.

sign ordinance to amend the mechanisms by which the city may approve the installation and operation of new advertising signs via development agreements.

For questions regarding this report, please contact Office of Councilmember Noel Gallo at (510) 238-7051

Respectfully submitted,



Councilmember Noel Gallo, District 5

Item: _____
Rules and Legislation Committee
October 14, 2014