

Informational Report to the Planning Commission, as a Follow Up to Council Resolution No. 88463, Regarding Staff Process in Developing Amendments to the Oakland Advertising Signs Ordinance and Oakland Sign Code, Creating a New Framework under which the City May Consider the Approval of New Advertising Signs

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 (Oakland Municipal 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 and Oakland Sign Code 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.

An informational report regarding this item was presented to the Planning Commission on February 17, 2021 and to the Commission's Zoning Update Committee on March 10, 2021. Both bodies requested the Bureau of Planning to research the legal and statutory considerations related to the Council's direction and return to the Planning Commission with an update.

In consultation with the City Administrator's Office, Department of Transportation and City Attorney's Office, the Bureau of Planning has developed a potential framework that would allow new billboards to be considered for approval in the City, subject to the satisfaction of various criteria and the final discretionary approval of the City Council. Such a framework would involve amending two chapters of the Oakland Municipal Code (OMC) to update and clarify the manner in which new Advertising Signs may be considered in the City. These two amendments are summarized below:

1. *Amend Chapter 17 - Oakland Planning Code*

Should the Planning Commission and City Council choose to proceed, Planning staff proposes the City amend the Zoning Map and pertinent sections of the Oakland Planning Code (OMC Title 17) to establish an Advertising Sign Combining Zone that designates the geographic areas where new Advertising Signs may be considered. Also, as a part of this amendment, within the Planning Code, staff would consider creating a new Major Sign Permit as the regulatory mechanism by which entitlement for an Advertising Sign would be granted to an applicant. Procedurally, under the new framework, the Major Sign Permit would go to Planning Commission, and upon making required findings, the Planning Commission would make a recommendation to City Council for their approval.

2. *Amend OMC Chapter 14 – Signs*

The Major Sign Permit would be required to be accompanied by an Agreement whose requirements would be within OMC Title 14, and in the new framework, Title 14 would be amended to require an applicant to pursue one or more of the following concurrently with a Major Sign Permit:

- Development Agreement; if requested by the applicant, at the applicant's sole discretion
- Real Estate Agreement; in the event the proposed location is on City-owned or controlled property
- Relocation Agreement: applicable only if there is a public project causing displacement to existing Advertising Signs
- Franchise Agreement; applicable whenever the City grants a franchise right for a public good or service that also includes advertising rights

Both the Master Sign Permit and the Agreement would go together for final approval by the City Council.

Establish the Advertising Sign Combining Zone

In addition to establishing a new Major Sign Permit under Title 17, the new framework would establish an Advertising Sign Combining Zone. Such a zone would apply to publicly and privately owned land with a Commercial or Industrial Zone designation within a certain distance from the edge of the Caltrans freeway right-of-way in the City. Staff is still evaluating the optimal maximum distance from the edges of designated Caltrans freeway corridors, including but not limited to certain sections along Interstates 80, 880 and 980. The Advertising Sign Combining Zone would not be applied to Residential Zones (this includes HBX and the similar DCE-3 Zones), nor along any section Caltrans has designated as adjacent to Scenic Highways and Classified Landscaped Freeways. Finally, Advertising Signs would be prohibited along the MacArthur Freeway (I-580) due to the prohibition on Advertising Signs as described in the City's 1974 Scenic Highways Element of the Oakland General Plan.

All Advertising Signs would be required to be located within the Advertising Sign Combining Zone. The criteria for the Advertising Sign Combining Zone can be characterized as criteria that are required

by Caltrans through the Outdoor Advertising Act and Regulations, and additional criteria that the City may consider for the Combining Zone:

Currently Required (Caltrans)	Additional Requirements Under Consideration (City)
Outside of and up to 660' from the freeway right of way	Blocks that are directly adjacent to the freeway right-of-way
Outside any stream, creek, or drainage channel	A certain distance from the boundaries of a Residential Zone
Located in areas zoned Industrial or Commercial	Avoiding locations in designated historic neighborhoods, local landmarks, and buildings with an A or B historic rating
An existing business activity within 1,000 feet of a proposed billboard on either side of the freeway	Specific locations where static Advertising Signs are appropriate
Not adjacent to a classified landscaped freeway	Specific locations where electronic Advertising Signs are appropriate
Not adjacent to a scenic highway	

Caltrans also has Advertising Sign standards established through the Outdoor Advertising Act and Regulations and are described in the following table. City staff is characterizing these Caltrans standards as the minimum baseline requirements to be part of the regulatory process. The Planning Bureau will be proposing additional Advertising Sign standards; and would also impose specific Conditions of Approval on each approved project, similar to those of a Conditional Use Permit. Additional Advertising Sign standards might include criteria that ensures that the location of the Advertising Sign does not limit the redevelopment of the site, or that the Advertising Sign is of a quality and scale appropriate to the Commercial or Industrial zone in which it is located.

Currently Required (Caltrans)	Additional Requirements Under Consideration (City)
Billboards maintain a minimum 500' separation from another permitted billboard on the same side of freeway	Applicant applies for and obtains a Major Sign Permit with Conditions of Approval
Electronic billboards are at least 1,000' from another permitted electronic billboard	Proposal goes before the Planning Commission for recommendation to City Council
Maximum height of the advertising display area is 25' and maximum length of 60' and does not exceed an overall maximum of 1,200 square feet	City Council reviews proposals, approves Major Sign Permit with Conditions of Approval, and approves accompanying Agreement

Further Considerations

Staff is continuing to analyze distances between existing billboards to identify the total number of Advertising Signs that could be accommodated in the Combining Zone and meet Caltrans requirements and the additional criteria the City is considering. Once staff has a draft map of the Advertising Sign Combining Zone, a series of targeted stakeholder meetings will take place to gather feedback on both the map and sign criteria. Finally, staff must also take into consideration the trade-offs of potentially permitting Advertising Signs in neighborhoods that have experienced historic and contemporary racial and economic inequities with the potential benefits that the billboards may bring.

Schedule

Staff anticipates that a proposed ordinance could be presented to the Planning Commission in early 2022.