

CITY OF OAKLAND  
COUNCIL AGENDA REPORT

2004 MAY 26 AM 10:15

TO: Office of the City Manager  
ATTN: Deborah Edgerly  
FROM: Community & Economic Development Agency  
DATE: June 1, 2004  
RE: SUPPLEMENTAL REPORT ON AN ORDINANCE ADOPTING NEW  
CONTROLS FOR BUSINESS, CIVIC, AND RESIDENTIAL SIGNS  
WITHIN ALL COMMERCIAL, INDUSTRIAL, S-1, S-2, S-3, S-8, AND S-  
15 ZONES.

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### BACKGROUND & KEY ISSUES

This ordinance proposes to amend the Oakland Planning Code with respect to business, civic, and residential signs in the City of Oakland. This project was discussed in detail by the Community and Economic Development Committee in detail on May 11, 2004. The Committee generally approved of the ordinance text changes but was concerned about requiring design review fees for temporary signs. The Committee felt that having even nominal fees would be burdensome on these groups. After review of the proposed ordinance, staff believes that the concerns of the Committee are addressed in the draft ordinance as the regulations on temporary signs are specifically written to affect only temporary **business** signs (Section 17.104.020J). Such signs would be used to advertise all manner of things, including but not limited to special sales, grand openings, and new products. Temporary civic signs (for events such as festivals and other community activities) are not proposed to be regulated by this section. Therefore, staff does not recommend further modifications to the proposed zoning ordinance as we believe it meets the concerns expressed by the committee.

Below is the proposed text of the draft ordinance dealing specifically with temporary Business Signs; the full text of the proposed ordinance changes are to be found in Attachment A:

#### Section 17. 104.020

##### "J. Temporary Business Signs.

1. Size Allowed. Temporary signs are allowed in addition to permanent signs. The size of the temporary signs may not exceed the allowed square footage for permanent signs.
2. Allowed time limits.
  - i. Grand Opening Signs. Temporary signs for the purpose of grand openings of a new business can be in place for a maximum of 30 days. The installation date of the sign shall be placed on the sign to verify compliance with this regulation.

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ii. Special Event Signs. Temporary signs for the purpose of special events may be placed on site a maximum of 4 times per calendar year and a maximum of 5 consecutive days per event.

3. Placement of Signs.

i. Signs are allowed on private property only. Signs shall not be placed in public rights-of-way or at off-site locations.

ii. Signs must be affixed to a permanent structure.

4. Temporary Signs shall not be illuminated.

5. Durable Materials Required. Signs shall be constructed of durable, rigid material suitable to their location and purpose. Only interior window signs may be made of nonrigid (e.g., paper) material.

6. Removal of Signs. Temporary signs and their components shall be promptly removed at the expiration of the time limits set forth above.”

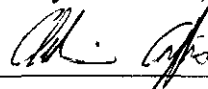
The City Attorney also recommended changes to the Committee to conform the proposed ordinance to a recent federal district court ruling. The first was clarification within the ordinance that all Design Review applications related to signs would be evaluated using Oakland’s Small Project Design Review guidelines. The second modification was to Section 17.104.040 which deals with signs visible from Rapid Transit routes and eliminated a section allowing the City to review signs based on their impact on the visual quality of the neighborhood (this latter change was made due to a court ruling involving the City of Oakland on this issue). These changes are highlighted in the revised ordinance and were reviewed and accepted by the CED Committee.

Staff believes that the new regulations represent a major improvement in the way the City of Oakland approaches business signs and will greatly improve the visual quality of the City of Oakland. Staff recommends that the City Council adopt the of the proposed text amendment to the Oakland Planning Code.

**ACTION REQUESTED OF THE CITY COUNCIL**

1. Affirm staff’s environmental determination.
2. Recommend adoption of the proposed text amendment to the Oakland Planning Code.

Respectfully submitted,



**CLAUDIA CAPPIO**

**Development Director**

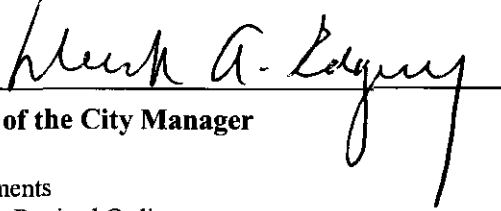
**Community & Economic Development Agency**

Prepared by:

Robert D. Merkamp, Planner III  
Planning & Zoning

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Approved and Forwarded to the City Council :



**Office of the City Manager**

Attachments

- A. Revised Ordinance
- B. Report to City Planning Commission dated March 17, 2004
- C. Copy of Original Staff Report to the City Council on December 17, 2002.
- D. Table of Existing Sign Standards of Neighboring Communities
- E. Copy of Emergency Ordinance 12566 dated December 4, 2003.

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FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

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REVISED AT CEDC

APPROVED AS TO FORM AND LEGALITY

*Mark A. Wald*  
CITY ATTORNEY

INTRODUCED BY COUNCILMEMBER \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_ C.M.S.

**AN ORDINANCE ADOPTING NEW CONTROLS FOR BUSINESS, CIVIC, AND RESIDENTIAL SIGNS WITHIN ALL COMMERCIAL, INDUSTRIAL, S-1, S-2, S-3, S-8, AND S-15 ZONES.**

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**WHEREAS**, the current Oakland Planning Code ("OPC") allows Business Signs in certain commercial, industrial, and special zones of up to 700 square feet of display surface on any one face, as a matter of right without regard to the size of the property on which they are situated, or proximity to residential facilities; and

**WHEREAS**, the current OPC allows freestanding Business Signs in certain commercial, industrial, and special zones of up to 35 feet in height as a matter of right without regard to the size of the property on which they are situated or proximity to residential facilities; and

**WHEREAS**, in certain commercial, industrial, and special zones, the current OPC has no limit on the aggregate area of display surface of all signs on a lot, or to the number of individual signs on a lot, without regard to the size of the property on which they are situated, or proximity to residential facilities; and

**WHEREAS**, in recent years, the City of Oakland has adopted stringent design review standards regulating the construction of commercial and residential structures especially in areas where such construction can have an impact on existing residential structures, and

**WHEREAS**, in recent years the City of Oakland has adopted increasingly stringent sign regulations because of the deleterious impact large unregulated signs can have in commercial and residential areas; and

**WHEREAS**, the intent of current zoning in districts where more stringent sign regulations have not yet been adopted is to allow businesses that occupy large lots or large buildings the flexibility to design an appropriately sized sign for their business; and

**WHEREAS**, current failure of the zoning ordinance to regulate the size of certain signs as described above can result in the construction of signs whose display area or height is incompatible with small lots and in certain circumstances would be detrimental to the neighborhood in which they are situated due to their inappropriate size and/or height; and

**WHEREAS**, the construction of an inappropriately large or tall sign on a small lot in an existing neighborhood without City review could adversely affect the health, safety, and welfare enjoyed by persons in the neighborhood by causing visual blight that would negatively affect the quality of life of the surrounding residents, and would disrupt the orderly development of the surrounding neighborhood; and

**WHEREAS**, the failure of the City to properly regulate signs in areas otherwise not subject to design review can undermine the City's efforts to improve the urban design of the areas at issue; and

**WHEREAS**, such large or tall signs are not currently effectively regulated by the Planning Code in all zones; and

**WHEREAS**, on December 17, 2002, the City Council adopted Ordinance No. 12461 C.M.S., on an emergency basis, which established interim controls on the issuance of building, zoning, and other permits for the construction of new business, civic and residential signs within all commercial, industrial, S-1, S-2, S-3, S-15, and S-16 zones; and

**WHEREAS**, at that time the City Council directed the Community and Economic Development Agency to initiate an analysis to examine appropriate land use controls and other strategies which address the land use compatibility issues and visual blight impact related to business signs; and

**WHEREAS**, on December 16, 2003 the City Council extended the emergency ordinance through adoption of Ordinance No. 12563 C.M.S.; and

**WHEREAS**, the interim controls will expire on June 16, 2004, and

**NOW, THEREFORE, the Council of the City of Oakland does ordain as follows:**

**SECTION 1.** The City Council finds and determines the foregoing recitals to be true and correct and hereby makes them a part of this ordinance.

**SECTION 2.** The City Council finds and determines, for the reasons stated in the recitals, the adoption of this ordinance is exempt from CEQA under Sections 15061(b)(3), 15305, and 15311 of the State CEQA Guidelines.

**SECTION 3.** The Oakland Planning Code is hereby amended to add, delete, or modify sections as set forth in Attachment A of this document, which is hereby incorporated by reference as if fully set forth herein.

**SECTION 4.** The interim controls adopted in Ordinance Nos. 12461 & 12563 C.M.S. shall no longer be in effect upon the effective date of this ordinance. This ordinance, pursuant to Charter section 216, shall be effective immediately if approved by

six members of the City Council; otherwise, it shall be effective upon the seventh day after final adoption.

**SECTION 5.** If any section, subsection, phrase, word or provision of this ordinance or the application thereof to any person or circumstances is held invalid, the remainder of this ordinance and the application of such provisions to other persons or circumstances shall not be affected thereby.

**SECTION 6.** The City of Oakland, consistent with current policy and practice, does not intend to and does not discriminate against non-commercial speech and does not favor commercial over non-commercial speech. All Oakland Municipal Codes, Oakland Planning Codes and other City codes, ordinances, resolutions or policies shall continue to be interpreted in such a manner.

**SECTION 7. That whenever the design review procedures in Chapter 17.136 are applied to signs, Oakland's Small Project Design Guidelines, as amended, shall be used in evaluating the design review applications.**

In Council, Oakland, California, \_\_\_\_\_ 2004, Passed By The Following

Vote:

AYES-                      BROOKS, BRUNNER, CHANG, NADEL, REID, QUAN, WAN,  
AND PRESIDENT DE LA FUENTE

NOTES-

ABSENT-

ABSTENTION-

ATTEST: \_\_\_\_\_

CEDA FLOYD

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

*MPW*

**AN ORDINANCE ADOPTING NEW CONTROLS FOR BUSINESS, CIVIC, AND RESIDENTIAL SIGNS WITHIN ALL COMMERCIAL, INDUSTRIAL, S-1, S-2, S-3, S-8, AND S-15 ZONES.**

**NOTICE AND DIGEST**

By this ordinance, the Oakland City Council adopts permanent controls to regulate the size and height of Business, Civic, and Residential Signs.

MPW

**ATTACHMENT A**

**AMENDMENTS TO OAKLAND PLANNING CODE RELATING TO BUSINESS, CIVIC AND RESIDENTIAL SIGNS**

The Oakland Planning Code is amended as follows. Section numbers and titles are indicated in **bold type**, additions are indicated by underlining, and deletions are indicated by ~~strike-out~~ type. Portion of the code not cited, or not shown in underlining or in strike-out type, are not changed.

**C-5 NEIGHBORHOOD COMMERCIAL ZONE REGULATIONS**

**17.34.020 DESIGN REVIEW FOR CONSTRUCTION OR ALTERATION.**

No building, Sign, or other facility, other than a Secondary Unit, shall be constructed or established, or altered or painted a new color in such a manner as to affect exterior appearance unless plans for such proposal shall have been approved pursuant to the design review procedure in Chapter 17.136, or for Signs pursuant to the sign regulations in Chapter 17.104 and the design review procedure in Chapter 17.136. or for Micro Telecommunications Facilities pursuant to the telecommunications regulations in Chapter 17.128 and the design review procedure in Chapter 17.136. However, design review approval is not required for Realty Signs, Development Signs, holiday decorations, and displays behind a display window; and it is not required, except as otherwise provided in Section 17.114.110C, for mere changes of copy, including cutouts, on signs the customary use of which involves ~~requent and periodic~~ changes of copy. (Ord. 12501 § 50, 2003; Ord. 11904 § 5.62 (part), 1996; prior planning code § 4202)

**17.34.120 LIMITATIONS ON SIGNS, MARQUEES, AND AWNINGS.**

A. General Limitations. All Signs shall be subject to the applicable limitations set forth in Section 17.104.020.

~~B. Restriction on Aggregate Sign Area. The maximum aggregate area of display surface of all Business, Civic, and Residential Signs on any one lot shall be one square foot for each one foot of abutting street line in the case of an interior lot, or 0.5 square feet for each one foot of abutting street line in the case of a corner lot. However, a larger area may be approved, pursuant to Section 17.34.020, upon determination that the signing will be of high quality and will make a definite positive contribution to the desired visual character of the surrounding area. The aggregate area shall include only one face of double faced Signs and shall exclude Signs behind display windows and Signs having a display surface with no face greater than one square foot. In no case shall the maximum aggregate area of display surface of all Signs along any one establishment front facade exceed ten percent of the facade or wall upon which the Sign is displayed.~~

~~C. Maximum Projection from Building.~~



1. ~~Shingle-type Signs may project horizontally as much as thirty (30) inches from the building to which they are attached if they meet all the following requirements:~~

a. ~~The Sign shall contain no more than five square feet of display surface area on any one face.~~

b. ~~The Sign shall not project above the roof line or parapet wall of the building to which it is attached or no higher than fourteen (14) feet above finished grade, whichever is lower.~~

c. ~~The bottom of the Sign shall be no lower than ten feet above the sidewalk.~~

d. ~~The illumination, if any, of the Sign shall be indirect.~~

e. ~~No establishment shall have more than one such Sign on each street upon which the establishment abuts.~~

f. ~~The premises upon which the Sign is located shall contain no freestanding Signs.~~

2. ~~No other Sign which is attached to a building shall project more than one foot beyond the building wall.~~

#### D. ~~Freestanding Signs.~~

1. ~~No Sign, other than a Special Sign, which is not attached to a building shall be permitted except upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134 and upon determination that the proposal conforms to all of the following criteria:~~

a. ~~That the Sign is the most feasible means by which the establishment on the premises can provide the same degree of identification as available to other activities on adjoining premises without freestanding Signs;~~

b. ~~That the Sign will not provide greater identification than available to establishments on adjoining premises;~~

c. ~~That the Sign will not adversely affect the preservation of property values in the vicinity.~~

2. ~~No Sign, other than a Special Sign, which is not attached to a building shall extend more than twenty (20) feet above finished grade or more than the height of the adjacent building, if any, on the same lot, whichever is lower.~~

E. ~~Maximum Height of Signs Attached to a Building. No Sign, other than a Special Sign, which is attached to a building may extend above the roof line or parapet wall of the building.~~

F. ~~Prohibition of Specific Signs. No Sign, other than a Special Sign, which is any of the following shall be located in the C-5 zone:~~

1. ~~Moving Signs;~~

2. ~~Signs with flashing illumination, except for time and temperature units;~~

3. ~~Pennants, streamers, propellers, or similar devices;~~

4. ~~Signs utilizing two or more light bulbs on a wire;~~

5. ~~Portable Signs and A-board freestanding Signs;~~

6. ~~Dilapidated or abandoned Signs, and Signs in disrepair or in dangerous condition;~~

7. ~~Signs bearing product or brand identification except for Signs behind a display window.~~

G. ~~Restrictions on Sale Signs Behind Display Windows. Each establishment may maintain a temporary Sign on a window of the premises for the purpose of calling attention to special sales or promotions on the premises, subject to the following requirements:~~

- ~~1. The Sign shall legibly display on its face the date the Sign was installed.~~
- ~~2. The Sign shall be removed at the end of the sale or promotion for which it was erected or within fourteen (14) days following installation, whichever is sooner.~~
- ~~3. No more than twenty (20) percent of the total window area shall be covered by the window Sign. (Prior planning code § 4212)~~

## **C-10 LOCAL RETAIL COMMERCIAL ZONE REGULATIONS**

### **17.36.035 DESIGN REVIEW FOR BUSINESS, CIVIC, AND RESIDENTIAL SIGNS.**

No sign shall be constructed or established, or altered in such a manner as to affect exterior appearance, unless plans for such proposal shall have been approved pursuant to the sign regulations in Chapter 17.104 and the design review procedure in Chapter 17.136. However, design review approval is not required for Realty Signs, Development Signs, holiday decorations, and displays behind a display window; and it is not required, except as otherwise provided in Section 17.114.110C, for mere changes of copy, including cutouts, on signs the customary use of which involves periodic changes of copy.

### **17.36.110 LIMITATIONS ON SIGNS.**

A. General Limitations. All Signs shall be subject to the applicable limitations set forth in Section 17.104.020.

~~B. Business, Civic, and Residential Signs. No single Business, Civic, or Residential Sign shall have a display surface greater than fifty (50) square feet on any one face, unless it is flat against the wall of a building and does not extend outward therefrom more than eighteen (18) inches nor at all above the roof or parapet wall of the building. All Business, Civic, and Residential Signs shall be nonmoving. Illumination, if any, of all such Signs shall be nonflashing. Such Signs shall not, except in the case of Signs behind a display window and except for Civic or Residential Signs with a display surface not greater than one square foot on any one face, include any pennants, streamers, propellers, or similar devices.~~

~~C. Development Signs. All Development Signs shall be located on the lot or tract referred to thereon and shall be permitted only for a one-year period, except that an off-site location or a longer time period may be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.~~

~~No Development Sign which is attached to a building shall extend above the roof or parapet wall thereof. No Development Sign which is not attached to a building shall extend more than twenty four (24) feet above finished grade. All Development Signs shall be nonmoving. Illumination, if any, of all such Signs shall be nonflashing. Such Signs shall not, except when attached to a building, include any pennants, streamers, propellers, or similar devices.~~

~~D. Realty Signs. All Realty Signs shall be located on the same lot as the facilities advertised thereon, and shall be removed within seven days after occupancy, or change of occupancy, of the facilities. No Realty Sign which is attached to a building shall extend above the roof or parapet wall thereof. No Realty Sign which is not attached to a building shall extend more than six feet above finished grade. All Realty Signs shall be nonmoving. Illumination, if any, of all such Signs shall be nonflashing. Such Signs shall not, except when attached to a building, include any pennants, streamers, propellers, or similar devices. (Prior planning code § 4263)~~

## **C-20 SHOPPING CENTER COMMERCIAL ZONE REGULATIONS**

### **17.38.020 DESIGN REVIEW FOR CONSTRUCTION OR ALTERATION.**

No building, Sign, or other facility, other than a Secondary Unit, shall be constructed or established, or altered or painted a new color in such a manner as to affect exterior appearance unless plans for such proposal shall have been approved pursuant to the design review procedure in Chapter 17.136, or for Signs pursuant to the sign regulations in Chapter 17.104 and the design review procedure in Chapter 17.136, or for Micro Telecommunications Facilities pursuant to the telecommunications regulations in Chapter 17.128 and the design review procedure in Chapter 17.136. However, design review approval is not required for Realty Signs, Development Signs, holiday decorations, and displays behind a display window; and it is not required, except as otherwise provided in Section 17.114.110C, for mere changes of copy, including cutouts, on signs the customary use of which involves periodic changes of copy. (Ord. 12501 § 55, 2003; Ord. 11904 § 5.63 (part), 1996; prior planning code § 4302)

### **17.38.090 LIMITATIONS ON SIGNS.**

A. General Limitation. All Signs shall be subject to the applicable limitations set forth in Section 17.104.020.

~~B. Business, Civic, and Residential Signs. No single Business, Civic, or Residential Sign shall have a display surface greater than fifty (50) square feet on any one face, unless it is flat against the wall of a building and does not extend outward therefrom more than eighteen (18) inches nor at all above the roof or parapet wall of the building. However, one Business Sign for each abutting street may, regardless of location with respect to a building, have a display surface of not more than three hundred (300) square feet on any one face if it serves to identify an integrated shopping center including at least five firms engaging in Commercial Activities. All Business, Civic, and Residential Signs shall be nonmoving. Illumination, if any, of all such Signs shall be nonflashing. Such Signs shall not, except in the case of Signs behind a display window and except for Civic or Residential Signs with a display surface not greater than one square foot on any one face, include any pennants, streamers, propellers, or similar devices.~~

~~C. Development Signs. All Development Signs shall be located on the lot or tract referred to thereon and shall be permitted only for a one year period, except that an off site location or a longer time period may be permitted upon the granting of a conditional use~~

permit pursuant to the conditional use permit procedure in Chapter 17.134. No Development Sign which is attached to a building shall extend above the roof or parapet wall thereof. No Development Sign which is not attached to a building shall extend more than twenty-four (24) feet above finished grade. All Development Signs shall be nonmoving. Illumination, if any, of all such Signs shall be nonflashing. Such Signs shall not, except when attached to a building, include any pennants, streamers, propellers, or similar devices.

~~D. Realty Signs. All Realty Signs shall be located on the same lot as the facilities advertised thereon, and shall be removed within seven days after occupancy, or change of occupancy, of the facilities. No Realty Sign which is attached to a building shall extend above the roof or parapet wall thereof. No Realty Sign which is not attached to a building shall extend more than six feet above finished grade. All Realty Signs shall be nonmoving. Illumination, if any, of all such Signs shall be nonflashing. Such Signs shall not, except when attached to a building, include any pennants, streamers, propellers, or similar devices. (Prior planning code § 4313)~~

## **C-25 OFFICE COMMERCIAL ZONE REGULATIONS**

### **17.40.030 DESIGN REVIEW FOR CONSTRUCTION OR ALTERATION.**

No building, Sign, or other facility shall be constructed or established, or altered or painted a new color in such a manner as to affect exterior appearance unless plans for such proposal shall have been approved pursuant to the design review procedure in Chapter 17.136, or for Signs pursuant to the sign regulations in Chapter 17.104 and the design review procedure in Chapter 17.136, or for Micro Telecommunications Facilities pursuant to the telecommunications regulations in Chapter 17.128 and the design review procedure in Chapter 17.136. However, design review approval is not required for Realty Signs, Development Signs, holiday decorations, and displays behind a display window; and it is not required, except as otherwise provided in Section 17.114.110C, for mere changes of copy, including cutouts, on signs the customary use of which involves frequent and periodic changes of copy. (Ord. 11904 § 5.62 (part), 1996: prior planning code § 4352)

### **17.40.120 LIMITATIONS ON SIGNS.**

A. General Limitations. All Signs shall be subject to the applicable limitations set forth in Section 17.104.020.

~~B. Business, Civic, and Residential Signs. The maximum aggregate area of display surface of all Business, Civic, and Residential Signs on any one lot shall be either fifty (50) square feet, or, in the case of an interior lot, one square foot for each one foot of street line abutting the lot, or, in the case of a corner lot, 0.5 square foot for each one foot of street line abutting the lot, whichever is applicable and results in the lesser aggregate area. In any of the foregoing cases, any such Sign located behind a display window and any such Sign with a display surface not greater than one square foot on any face shall be exempt from said maximum aggregate area. No single Business, Civic, or Residential~~

~~Sign which is attached to a building shall have a display surface greater than six square feet on any one face, unless it is flat against a wall of the building and does not extend outward therefrom more than eighteen (18) inches. No Business, Civic, or Residential Sign which is attached to a building shall extend above the roof or parapet wall thereof. No single Business or Residential Sign which is not attached to a building shall have a display surface greater than twelve (12) square feet on any one face, nor extend more than six feet above finished grade. No single Civic Sign which is not attached to a building shall have a display surface greater than thirty (30) square feet on any one face, nor extend more than twelve (12) feet above finished grade. All Business, Civic, and Residential Signs shall be nonmoving. Illumination, if any, of all such Signs shall be nonflashing. Such Signs shall not, except in the case of Signs behind a display window and except for Civic or Residential Signs with a display surface not greater than one square foot on any one face, include any pennants, streamers, propellers, or similar devices.~~

~~C. Development Signs. All Development Signs shall be located on the lot or tract referred to thereon and shall be permitted only for a one-year period, except that an off-site location or a longer time period may be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134. No Development Sign which is attached to a building shall extend above the roof or parapet wall thereof. No Development Sign which is not attached to a building shall extend more than twenty-four (24) feet above finished grade. All Development Signs shall be nonmoving. Illumination, if any, of all such Signs shall be nonflashing. Such Signs shall not, except when attached to a building, include any pennants, streamers, propellers, or similar devices.~~

~~D. Realty Signs. All Realty Signs shall be located on the same lot as the facilities advertised thereon, and shall be removed within seven days after occupancy, or change of occupancy, of the facilities. No Realty Sign which is attached to a building shall extend above the roof or parapet wall thereof. No Realty Sign which is not attached to a building shall extend more than six feet above finished grade. All Realty Signs shall be nonmoving. Illumination, if any, of all such Signs shall be nonflashing. Such Signs shall not, except when attached to a building, include any pennants, streamers, propellers, or similar devices. (Prior planning code § 4363)~~

## **C-27 VILLAGE COMMERCIAL ZONE REGULATIONS**

### **17.42.030 DESIGN REVIEW FOR CONSTRUCTION OR ALTERATION.**

No building, Sign, or other facility shall be constructed or established, or altered or painted a new color in such a manner as to affect exterior appearance unless plans for such proposal shall have been approved pursuant to the design review procedure in Chapter 17.136, or for Signs pursuant to the sign regulations in Chapter 17.104 and the design review procedure in Chapter 17.136, or for Micro Telecommunications Facilities pursuant to the telecommunications regulations in Chapter 17.128 and the design review procedure in Chapter 17.136. However, design review approval is not required for Realty Signs, Development Signs, holiday decorations, and displays behind a display window; and it is not required, except as otherwise provided in Section 17.114.110C, for mere

changes of copy, including cutouts, on signs the customary use of which involves frequent and periodic changes of copy. (Ord. 11904 § 5.62 (part), 1996: prior planning code § 4402)

#### **17.42.120 LIMITATIONS ON SIGNS, MARQUEES, AND AWNINGS.**

A. General Limitations. All Signs shall be subject to the applicable limitations set forth in Section 17.104.020.

~~B. Restriction on Aggregate Sign Area. The maximum aggregate area of display surface of all Business, Civic, and Residential Signs on any one lot shall be one square foot for each one foot of abutting street line in the case of an interior lot, or 0.5 square feet for each one foot of abutting street line in the case of a corner lot. However, a larger area may be approved, pursuant to Section 17.42.030, upon determination that the signing will be of high quality and will make a definite positive contribution to the desired visual character of the surrounding area. The aggregate area shall include only one face of double faced Signs and shall exclude Signs behind display windows and Signs having a display surface with no face greater than one square foot. In no case shall the maximum aggregate area of display surface of all Signs along any one establishment front facade exceed ten percent of the facade or wall upon which the Sign is displayed.~~

~~C. Maximum Projection from Building.~~

~~1. Shingle type Signs may project horizontally as much as thirty (30) inches from the building to which they are attached if they meet all the following requirements:~~

~~a. The Sign shall contain no more than five square feet of display surface area on any one face.~~

~~b. The Sign shall not project above the roof line or parapet wall of the building to which it is attached or no higher than fourteen (14) feet above finished grade, whichever is lower.~~

~~c. The bottom of the Sign shall be no lower than ten feet above the sidewalk.~~

~~d. The illumination, if any, of the Sign shall be indirect.~~

~~e. No establishment shall have more than one such Sign on each street upon which the establishment abuts.~~

~~f. The premises upon which the Sign is located shall contain no freestanding Signs.~~

~~2. No other Sign which is attached to a building shall project more than one foot beyond the building wall.~~

~~D. Freestanding Signs.~~

~~1. No Sign, other than a Special Sign, which is not attached to a building shall be permitted except upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134 and upon determination that the proposal conforms to all of the following criteria:~~

~~a. That the Sign is the most feasible means by which the establishment on the premises can provide the same degree of identification as available to other activities on adjoining premises without freestanding Signs;~~

~~b. That the Sign will not provide greater identification than available to establishments on adjoining premises;~~

~~e. That the Sign will not adversely affect the preservation of property values in the vicinity.~~

~~2. No Sign, other than a Special Sign, which is not attached to a building shall extend more than~~

~~twenty (20) feet above finished grade or more than the height of the adjacent building, if any, on the same lot, whichever is lower.~~

~~E. Maximum Height of Signs Attached to a Building. No Sign, other than a Special Sign, which is attached to a building may extend above the roof line or parapet wall of the building.~~

~~F. Prohibition of Specific Signs. No Sign, other than a Special Sign, which is any of the following shall be located in the C-27 zone:~~

~~1. Moving Signs;~~

~~2. Signs with flashing illumination, except for time and temperature units;~~

~~3. Pennants, streamers, propellers, or similar devices;~~

~~4. Signs utilizing two or more light bulbs on a wire;~~

~~5. Portable Signs and A-board freestanding Signs;~~

~~6. Dilapidated or abandoned Signs, and Signs in disrepair or in dangerous condition;~~

~~7. Signs bearing product or brand identification except for Signs behind a display window.~~

~~G. Restrictions on Sale Signs Behind Display Windows. Each establishment may maintain a temporary Sign on a window of the premises for the purpose of calling attention to special sales or promotions on the premises, subject to the following requirements:~~

~~1. The Sign shall legibly display on its face the date the Sign was installed.~~

~~2. The Sign shall be removed at the end of the sale or promotion for which it was erected or within fourteen (14) days following installation, whichever is sooner.~~

~~3. No more than twenty (20) percent of the total window area shall be covered by the window Sign. (Prior planning code § 4413)~~

## **C-28 COMMERCIAL SHOPPING DISTRICT ZONE REGULATIONS**

### **17.44.020 DESIGN REVIEW FOR CONSTRUCTION OR ALTERATION.**

No building, Sign, or other facility shall be constructed or established, or altered or painted a new color in such a manner as to affect exterior appearance unless plans for such proposal shall have been approved pursuant to the design review procedure in Chapter 17.136, or for Signs pursuant to the sign regulations in Chapter 17.104 and the design review procedure in Chapter 17.136, or for Micro Telecommunications Facilities pursuant to the telecommunications regulations in Chapter 17.128 and the design review procedure in Chapter 17.136. However, design review approval is not required for Realty Signs, Development Signs, holiday decorations, and displays behind a display window; and it is not required, except as otherwise provided in Section 17.114.110C, for mere changes of copy, including cutouts, on signs the customary use of which involves frequent and periodic changes of copy. (Ord. 11904 § 5.62 (part), 1996: prior planning code § 4427)

17.44.120 LIMITATIONS ON SIGNS, MARQUEES, AND AWNINGS.

A. General Limitations. All Signs shall be subject to the applicable limitations set forth in Section 17.104.020.

B. Restriction on Aggregate Sign Area. The maximum aggregate area of display surface of all Business, Civic, and Residential Signs on any one lot shall be one square foot for each one foot of abutting street line in the case of an interior lot, or 0.5 square feet for each one foot of abutting street line in the case of a corner lot. However, a larger area may be approved, pursuant to Section 17.11.020, upon determination that the signage will be of a quality and character which harmonizes with the visual character of the surrounding area. The aggregate area shall include only one face of double-faced Signs and shall exclude Signs behind display windows and Signs having a display surface with no face greater than one square foot.

C. Maximum Size of Individual Free-standing Signs. No single Sign, other than a Special Sign, which is not attached to a building shall have a display surface greater than seventy-five (75) square feet on any one face.

D. Prohibition of Signs Above Roof Line. No sign, other than a Special Sign, which is attached to a building shall extend above the roof line or parapet wall thereof.

E. Maximum Projection Over Sidewalk.

F. No marquee, awning, or canopy, or Sign which is integrated in the design thereof, shall project horizontally more than seventy five (75) percent of the distance from the lot line to the curb.

2. No other Sign shall project more than four feet beyond any street line.

F. Maximum Height of Free-standing Signs. No Sign, other than a Special Sign, which is not attached to a building shall extend more than twenty (20) feet above finished grade or more than the height of the adjacent building, if any, on the same lot, whichever is lower.

G. Prohibition of Moving and Flashing Signs. All Signs shall be nonmoving. Illumination, if any, of all Signs shall be nonflashing, except for time and temperature units.

H. Prohibition of Pennants and Streamers. No Signs, other than Special Signs and Signs behind a display window, shall include any pennants, streamers, propellers, or similar devices.

I. Development Signs. All Development Signs shall be located on the lot or tract referred to thereon and shall be permitted only for a one-year period, except that an off-site location or a longer period may be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.

J. Realty Signs. All Realty Signs shall be located on the same lot as the facilities advertised thereon, and shall be removed within seven days after occupancy, or change of occupancy, of the facilities. (Prior planning code § 4138)

C-30 DISTRICT THOROUGHFARE COMMERCIAL ZONE REGULATIONS

17.46.045 DESIGN REVIEW FOR BUSINESS, CIVIC, AND RESIDENTIAL

SIGNS.



No sign shall be constructed or established, or altered in such a manner as to affect exterior appearance, unless plans for such proposal shall have been approved pursuant to the sign regulations in Chapter 17.104 and the design review procedure in Chapter 17.136. However, design review approval is not required for Realty Signs, Development Signs, holiday decorations, and displays behind a display window; and it is not required, except as otherwise provided in Section 17.114.110C, for mere changes of copy, including cutouts, on signs the customary use of which involves periodic changes of copy.

#### **17.46.110 LIMITATIONS ON SIGNS.**

A. General Limitations. All Signs shall be subject to the applicable limitations set forth in Section 17.104.020.

~~B. Restriction on Size of Individual Signs. No single Sign, other than a Special Sign, shall have a display surface greater than seven hundred (700) square feet on any one face.~~

~~C. Restriction on Signs Above Roof Line. No Sign, other than a Special Sign, which is attached to a building shall be located or otherwise extend above the roof line or parapet wall thereof, except as follows:~~

~~1. Up to one half the area of display surface of any Business, Civic, or Residential Sign which is supported by the street wall may extend above the roof line or parapet wall, but not to a height greater than ten feet above the roof line or parapet wall or thirty (30) feet above finished grade, whichever is lower.~~

~~2. A Business Sign serving Automotive Servicing Commercial Activities may extend above the canopy sheltering the gasoline pumps, but not to a height greater than thirty (30) feet above finished grade.~~

~~3. Any Business, Civic, or Residential Sign may be located or otherwise extend above the roof line or parapet wall, and may exceed the limitations in subsections (C)(1) and (2) of this section, upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134 and upon determination that the Sign will be architecturally harmonious with the building and the immediate surroundings. However, such permit shall not authorize the Sign to extend above the roof line or top of the parapet wall by more than twenty five (25) percent of the height thereof, unless the overall height of the Sign above finished grade is not more than thirty (30) feet.~~

~~D. Maximum Height of Freestanding Signs. No Sign, other than a Special Sign, which is not attached to a building shall extend more than thirty (30) feet above finished grade.~~

~~E. Prohibition of Pennants and Streamers. No Signs, other than Special Signs and Signs behind a display window, shall include any pennants, streamers, propellers, or similar devices. However, such devices may be displayed during openings and other special events, for not to exceed thirty (30) days in any one year period.~~

~~F. Special Limitations on Service Station Signs. The following limitations shall apply to all Business Signs serving Automotive Servicing Commercial Activities:~~

~~1. The maximum aggregate area of display surface of all such Signs on any one lot shall be one square foot for each one foot of street line abutting the lot. However, Signs located behind a display window and Signs having a display surface with no face greater than one square foot shall not be counted in said aggregate area.~~

~~2. No single Sign shall have a display surface greater than seventy five (75) square feet on any one face.~~

~~3. Illumination, if any, of all such Signs shall be nonflashing. (Prior planning code § 4463)~~

## **C-31 SPECIAL RETAIL COMMERCIAL ZONE REGULATIONS**

### **17.48.020 DESIGN REVIEW FOR CONSTRUCTION OR ALTERATION.**

No building, Sign, or other facility shall be constructed or established, or altered or painted a new color in such a manner as to affect exterior appearance unless plans for such proposal shall have been approved pursuant to the design review procedure in Chapter 17.136, or for Signs pursuant to the sign regulations in Chapter 17.104 and the design review procedure in Chapter 17.136, or for Micro Telecommunications Facilities pursuant to the telecommunications regulations in Chapter 17.128 and the design review procedure in Chapter 17.136. However, design review approval is not required for Realty Signs, Development Signs, holiday decorations, and displays behind a display window; and it is not required, except as otherwise provided in Section 17.114.110C, for mere changes of copy, including cutouts, on signs the customary use of which involves frequent and periodic changes of copy. (Ord. 11904 § 5.62 (part), 1996: prior planning code § 4477)

### **17.48.110 LIMITATIONS ON SIGNS, MARQUEES, AND AWNINGS.**

A. General Limitations. All Signs shall be subject to the applicable limitations set forth in Section 17.104.020.

~~B. Restriction on Aggregate Sign Area. The maximum aggregate area of display surface of all Business, Civic, and Residential Signs on any one lot shall be one square foot for each one foot of abutting street line in the case of an interior lot, or 0.5 square feet for each one foot of abutting street line in the case of a corner lot. However, a larger area may be approved, pursuant to Section 17.48.020, upon determination that the signing will be of high quality and will make a definite positive contribution to the desired visual character of the surrounding area. The aggregate area shall include only one face of double faced Signs and shall exclude Signs behind display windows and Signs having a display surface with no face greater than one square foot.~~

~~C. Maximum Size of Individual Freestanding Signs. No single Sign, other than a Special Sign, which is not attached to a building shall have a display surface greater than seventy five (75) square feet on any one face.~~

~~D. Prohibition of Signs Above Roof Line. No Sign, other than a Special Sign, which is attached to a building shall extend above the roof line or parapet wall thereof.~~

~~E. Maximum Projection Over Sidewalk.~~

~~1. No marquee, awning, or canopy, or Sign which is integrated in the design thereof, shall project horizontally more than seventy five (75) percent of the distance from the lot line to the curb.~~

~~2. No other Sign shall project more than four feet beyond any street line.~~

~~F. Maximum Height of Freestanding Signs. No Sign, other than a Special Sign, which is not attached to a building shall extend more than twenty (20) feet above finished grade or more than the height of the adjacent building, if any, on the same lot, whichever is lower.~~

~~G. Prohibition of Moving and Flashing Signs. All Signs shall be nonmoving.~~

~~Illumination, if any, of all Signs shall be nonflashing, except for time and temperature units.~~

~~H. Prohibition of Pennants and Streamers. No Signs, other than Special Signs and Signs behind a display window, shall include any pennants, streamers, propellers, or similar devices.~~

~~I. Development Signs. All Development Signs shall be located on the lot or tract referred to thereon and shall be permitted only for a one-year period, except that an off-site location or a longer period may be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.~~

~~J. Realty Signs. All Realty Signs shall be located on the same lot as the facilities advertised thereon, and shall be removed within seven days after occupancy, or change of occupancy, of the facilities.~~

~~K. Removal of Nonconforming Existing Signs. See Section 17.114.170. (Prior planning code § 4488)~~

## **C-35 DISTRICT SHOPPING COMMERCIAL ZONE REGULATIONS**

### **17.50.045 DESIGN REVIEW FOR BUSINESS, CIVIC, AND RESIDENTIAL SIGNS.**

No sign shall be constructed or established, or altered in such a manner as to affect exterior appearance, unless plans for such proposal shall have been approved pursuant to the sign regulations in Chapter 17.104 and the design review procedure in Chapter 17.136. However, design review approval is not required for Realty Signs, Development Signs, holiday decorations, and displays behind a display window; and it is not required, except as otherwise provided in Section 17.114.110C, for mere changes of copy, including cutouts, on signs the customary use of which involves periodic changes of copy.

### **17.50.120 LIMITATIONS ON SIGNS.**

A. General Limitations. All Signs shall be subject to the applicable limitations set forth in Section 17.104.020.

~~B. Restriction on Size of Individual Signs. No single Sign, other than a Special Sign, shall have a display surface greater than seven hundred (700) square feet on any one face.~~

~~C. Restriction on Signs Above Roof Line. No Sign, other than a Special Sign, which is attached to a building shall be located or otherwise extend above the roof line or parapet wall thereof, except as follows:~~

~~1. Up to one-half the area of display surface of any Business, Civic, or Residential Sign which is supported by the street wall may extend above the roof line or parapet wall, but not to a height greater than ten feet above the roof line or parapet wall or thirty-five (35) feet above finished grade, whichever is lower.~~

~~2. A Business Sign serving Automotive Servicing Commercial Activities may extend above the canopy sheltering the gasoline pumps, but not to a height greater than thirty-five (35) feet above finished grade.~~

~~3. Any Business, Civic, or Residential Sign may be located or otherwise extend above the roof line or parapet wall, and may exceed the limitations in subsections (C)(1) and (2) of this section, upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134 and upon determination that the Sign will be architecturally harmonious with the building and the immediate surroundings. However, such permit shall not authorize the Sign to extend above the roof line or top of the parapet wall by more than twenty-five (25) percent of the height thereof, unless the overall height of the Sign above finished grade is not more than that allowed by subsection D of this section for freestanding Signs.~~

~~D. Maximum Height of Freestanding Signs. No Sign, other than a Special Sign, which is not attached to a building shall extend more than thirty-five (35) feet above finished grade. However, said height may be increased to not to exceed forty-five (45) feet for a Sign which identifies an integrated shopping center including at least five firms engaging in Commercial Activities, upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134 and upon determination that the Sign will be architecturally harmonious with the on-site and nearby facilities.~~

~~E. Prohibition of Pennants and Streamers. No Signs, other than Special Signs and Signs behind a display window, shall include any pennants, streamers, propellers, or similar devices. However, such devices may be displayed during openings and other special events, for not to exceed thirty (30) days in any one year period. (Prior planning code § 4513)~~

## **C-36 GATEWAY BOULEVARD SERVICE COMMERCIAL ZONE REGULATIONS**

### **17.52.040 DESIGN REVIEW FOR CONSTRUCTION OR ALTERATION.**

A. No building or other Facility shall be constructed or established, or altered or painted a new color in such a manner as to affect exterior appearance unless plans for such proposal shall have been approved to the design review procedure in Chapter 17.136, or for Signs pursuant to the sign regulations in Chapter 17.104 and the design review procedure in Chapter 17.136, or for Micro Telecommunications Facilities pursuant to the telecommunications regulations in Chapter 17.128 and the design review procedure in Chapter 17.136. Findings for design review approval shall be consistent with the Hegenberger Design Guidelines.

B. Design review is not required for realty signs, development signs, holiday decorations, and displays behind a display window; and it is not required, except as otherwise provided in Section 17.114.110C, for mere changes of copy, including cutouts, on signs the customary use of which involves frequent and periodic changes of copy. (Ord. 12076 § 3 (part), 1998: Ord. 11904 § 5.60 (part), 1996: prior planning code § 4527.1)

### **17.52.110 LIMITATIONS ON SIGNS.**

A. General Limitations. All Signs shall be subject to the applicable limitations set forth in Section 17.104.020.

B. Maximum Aggregate Sign Area. The maximum aggregate area of display surface of all Business, Civic, and Residential Signs on any one lot shall be one square foot for each one foot of abutting street line in the case of an interior lot, or 0.5 square feet for each one foot of abutting street line in the case of a corner lot. The aggregate area shall include Signs on marquees, awnings, and canopies, but shall include only one face of double-faced Signs and shall exclude Signs behind display windows and Signs having a display surface with no face greater than one square foot. The requirements of this paragraph shall not apply to signs on property owned by Alameda County City of Oakland adjacent to Interstate Highway 880 and utilized by Alameda County Coliseum Complex. This property, however, shall be subject to the design review requirements of Section 17.80.030 and Chapter 17.136 of the Oakland Planning Code.

C. Maximum Size of Individual Freestanding Signs. No single Sign, other than a Special Sign, which is not attached to a building shall have a display surface greater than one hundred twenty-five (125) square feet on any one face. The requirements of this paragraph shall not apply to signs on property owned by Alameda County City of Oakland adjacent to Interstate Highway 880 and utilized by Alameda County Coliseum Complex. This property, however, shall be subject to the design review requirements of Section 17.80.030 and Chapter 17.136 of the Oakland Planning Code.

D. Maximum Size of Individual Signs Above Roof Line. No single Sign, other than a Special Sign, which is attached to a building and is located or otherwise extends above the roof line or parapet wall thereof shall have a display surface with any face larger than one hundred twenty-five (125) square feet or ten percent of the building wall, whichever is greater.

E. Maximum Height of Freestanding Signs and Signs Above Roof Line. No Sign, other than a Special Sign, which is not attached to a building, or which is attached to a building and is located or otherwise extends above the roof line or parapet wall thereof, shall extend more than twenty-four

(24) feet above finished grade. However, such height may be increased to not to exceed thirty-five (35) feet above finished grade upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134 and upon determination that the proposal conforms to both of the following criteria:

1. That, considering the location, nature, and surroundings of the activity referred to by the Sign and the travel patterns of potential customers or patrons, the additional height is necessary to reasonably identify the activity to said customers or patrons;
2. That the Sign will be in good scale with on-site and nearby facilities. The requirements of this paragraph shall not apply to signs on property owned by Alameda County City of Oakland adjacent to Interstate Highway 880 and utilized by Alameda County Coliseum Complex. This property, however, shall be subject to the design review requirements of Section 17.80.030 and Chapter 17.136 of the Oakland Planning Code.

F. Prohibition of Moving and Flashing Signs. All Signs shall be nonmoving. Illumination, if any, of all Signs shall be nonflashing, except for time and temperature units. The requirements of this paragraph shall not apply to signs on property owned by

~~Alameda County City of Oakland adjacent to Interstate Highway 880 and utilized by Oakland Alameda County Coliseum Complex. This property, however, shall be subject to the design review requirements of Section 17.80.030 and Chapter 17.136 of the Oakland Planning Code.~~

~~G. Prohibition of Pennants and Streamers. No Signs, other than Special Signs and Signs behind a display window, shall include any pennants, streamers, propellers, or similar devices.~~

~~H. Development Signs. All Development Signs shall be located on the lot or tract referred to thereon and shall be permitted only for a one year period, except that an off-site location or a longer period may be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.~~

~~I. Realty Signs. All Realty Signs shall be located on the same lot as the facilities advertised thereon, and shall be removed within seven days after occupancy, or change of occupancy, of the facilities.~~

~~J. Removal of Nonconforming Existing Signs. See Section 17.114.180. (Ord. 12076 § 3 (part), 1998; prior planning code § 4538)~~

## **C-40 COMMUNITY THOROUGHFARE COMMERCIAL ZONE REGULATIONS**

### **17.54.045 DESIGN REVIEW FOR BUSINESS, CIVIC, AND RESIDENTIAL SIGNS.**

No sign shall be constructed or established, or altered in such a manner as to affect exterior appearance, unless plans for such proposal shall have been approved pursuant to the sign regulations in Chapter 17.104 and the design review procedure in Chapter 17.136. However, design review approval is not required for Realty Signs, Development Signs, holiday decorations, and displays behind a display window; and it is not required, except as otherwise provided in Section 17.114.110C, for mere changes of copy, including cutouts, on signs the customary use of which involves periodic changes of copy.

### **17.54.110 LIMITATIONS ON SIGNS.**

A. General Limitations. All Signs shall be subject to the applicable limitations set forth in Section 17.104.020.

~~B. Restriction on Size of Individual Signs. No Sign, other than a Special Sign, shall have a display surface greater than seven hundred (700) square feet on any one face.~~

~~C. Restriction on Signs Above Roof Line. No Sign, other than a Special Sign, which is attached to a building shall be located or otherwise extend above the roof line or parapet wall thereof, except as follows:~~

~~1. Up to one half the area of display surface of any Business, Civic, or Residential Sign which is supported by the street wall may extend above the roof line or parapet wall, but not to a height greater than ten feet above the roof line or parapet wall or thirty five (35) feet above finished grade, whichever is lower.~~

2. A Business Sign serving Automotive Servicing Commercial Activities may extend above the canopy sheltering the gasoline pumps, but not to a height greater than thirty-five (35) feet above finished grade.

3. Any Business, Civic, or Residential Sign may be located or otherwise extend above the roof line or parapet wall, and may exceed the limitations in subsections (C)(1) and (2) of this section, upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134 and upon determination that the Sign will be architecturally harmonious with the building and the immediate surroundings. However, such permit shall not authorize the Sign to extend above the roof line or top of the parapet wall by more than twenty five (25) percent of the height thereof, unless the overall height of the Sign above finished grade is not more than that allowed by subsection D of this section for freestanding Signs.

D. Maximum Height of Freestanding Signs. No Sign, other than a Special Sign, which is not attached to a building shall extend more than thirty five (35) feet above finished grade. However, said height may be increased to not to exceed forty five (45) feet for a Sign which identifies an integrated shopping center including at least five firms engaging in Commercial Activities, upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134 and upon determination that the Sign will be architecturally harmonious with the on-site and nearby facilities.

E. Prohibition of Pennants and Streamers. No Signs, other than Special Signs and Signs behind a display window, shall include any pennants, streamers, propellers, or similar devices. However, such devices may be displayed during openings and other special events, for not to exceed thirty (30) days in any one-year period.

F. Special Limitations on Service Station Signs. The following limitations shall apply to all Business Signs serving Automotive Servicing Commercial Activities:

1. No single Sign shall have a display surface greater than one hundred twenty five (125) square feet on any one face.

2. Illumination, if any, of all such Signs shall be nonflashing. (Prior planning code § 4563)

## **C-45 COMMUNITY SHOPPING COMMERCIAL REGULATIONS**

### **17.56.045 DESIGN REVIEW FOR BUSINESS, CIVIC, AND RESIDENTIAL SIGNS.**

No sign shall be constructed or established, or altered in such a manner as to affect exterior appearance, unless plans for such proposal shall have been approved pursuant to the sign regulations in Chapter 17.104 and the design review procedure in Chapter 17.136. However, design review approval is not required for Realty Signs, Development Signs, holiday decorations, and displays behind a display window; and it is not required, except as otherwise provided in Section 17.114.110C, for mere changes of copy, including cutouts, on signs the customary use of which involves periodic changes of copy.

### **17.56.120 LIMITATIONS ON SIGNS.**

A. General Limitations. All Signs shall be subject to the applicable limitations set forth in Section 17.104.020.

~~B. Restriction on Size of Individual Signs. No Sign, other than a Special Sign, shall have a display surface greater than fifty (50) square feet on any one face.~~

~~C. Restriction on Signs Above Roof Line. No Sign, other than a Special Sign, which is attached to a building shall be located or otherwise extend above the roof line or parapet wall thereof, except as follows:~~

~~1. Up to one-half the area of display surface of any Business, Civic, or Residential Sign which is supported by the street wall may extend above the roof line or parapet wall, but not to a height greater than ten feet above the roof line or parapet wall or thirty-five (35) feet above finished grade, whichever is lower.~~

~~2. A Business Sign serving Automotive Servicing Commercial Activities may extend above the canopy sheltering the gasoline pumps, but not to a height greater than thirty-five (35) feet above finished grade.~~

~~3. Any Business, Civic, or Residential Sign may be located or otherwise extend above the roof line or parapet wall, and may exceed the limitations in subsections (C)(1) and (2) of this section, upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134 and upon determination that the Sign will be architecturally harmonious with the building and the immediate surroundings. However, such permit shall not authorize the Sign to extend above the roof line or top of the parapet wall by more than twenty-five~~

~~(25) percent of the height thereof, unless the overall height of the Sign above finished grade is not more than that allowed by subsection D of this section for freestanding Signs.~~

~~D. Maximum Height of Freestanding Signs. No Sign, other than a Special Sign, which is not attached to a building shall extend more than thirty-five (35) feet above finished grade. However, said height may be increased to not to exceed forty-five (45) feet for a Sign which identifies an integrated shopping center including at least five firms engaging in Commercial Activities, upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134 and upon determination that the Sign will be architecturally harmonious with the on-site and nearby facilities.~~

~~E. Prohibition of Pennants and Streamers. No Signs, other than Special Signs and Signs behind a display window, shall include any pennants, streamers, propellers, or similar devices. However, such devices may be displayed during openings and other special events, for not to exceed thirty (30) days in any one year period. (Prior planning code § 4613)~~

## **C-51 CENTRAL BUSINESS SERVICE COMMERCIAL ZONE REGULATIONS**

### **17.58.045 DESIGN REVIEW FOR BUSINESS, CIVIC, AND RESIDENTIAL SIGNS.**

No sign shall be constructed or established, or altered in such a manner as to affect exterior appearance, unless plans for such proposal shall have been approved pursuant to the sign regulations in Chapter 17.104 and the design review procedure in Chapter 17.136. However, design review approval is not required for Realty Signs, Development



Signs, holiday decorations, and displays behind a display window; and it is not required, except as otherwise provided in Section 17.114.110C, for mere changes of copy, including cutouts, on signs the customary use of which involves periodic changes of copy.

#### **17.58.120 LIMITATIONS ON SIGNS.**

A. General Limitations. All Signs shall be subject to the applicable limitations set forth in Section 17.104.020.

~~B. Prohibition of Signs Above Roof Line. No Sign, other than a Special Sign, which is attached to a building shall extend above the roof or parapet wall thereof.~~

~~C. Maximum Height of Freestanding Signs. No Sign, other than a Special Sign, which is not attached to a building shall extend more than twenty four (24) feet above finished grade.~~

~~(Prior planning code § 4838)~~

#### **C-52 OLD OAKLAND COMMERCIAL ZONE REGULATIONS**

##### **17.60.045 DESIGN REVIEW FOR BUSINESS, CIVIC, AND RESIDENTIAL SIGNS.**

No sign shall be constructed or established, or altered in such a manner as to affect exterior appearance, unless plans for such proposal shall have been approved pursuant to the sign regulations in Chapter 17.104 and the design review procedure in Chapter 17.136. However, design review approval is not required for Realty Signs, Development Signs, holiday decorations, and displays behind a display window; and it is not required, except as otherwise provided in Section 17.114.110C, for mere changes of copy, including cutouts, on signs the customary use of which involves periodic changes of copy.

#### **17.60.120 LIMITATIONS ON SIGNS, MARQUEES, AND AWNINGS.**

A. General Limitations. All Signs shall be subject to the applicable limitations set forth in Section 17.104.020.

~~B. Restriction on Aggregate Sign Area. The maximum aggregate area of display surface of all Business, Civic, and Residential Signs on any one lot shall be one square foot for each one foot of abutting street line in the case of an interior lot, or 0.5 square feet for each one foot of abutting street line in the case of a corner lot. However, a larger area may be approved, upon determination that the signing will be of high quality and will make a definite positive contribution to the desired visual character of the surrounding area. The aggregate area shall include only one face of doublefaced Signs and shall exclude Signs behind display windows and Signs having a display surface with no face greater than one square foot.~~

~~C. Maximum Size of Individual Freestanding Signs. No single Sign, other than a Special Sign, which is not attached to a building shall have a display surface greater than sixteen (16) square feet on any one face.~~

~~D. Maximum Projection Over Sidewalk.~~

~~1. No marquee, awning, or canopy, or Sign which is integrated in the design thereof, shall project horizontally more than seventy five (75) percent of the distance from the lot line to the curb.~~

~~2. No other Sign shall project more than four feet beyond any street line.~~

~~E. Maximum Height of Signs on Buildings.~~

~~1. No Sign which is attached to a building shall be located or otherwise extend above the roof line or parapet wall of the building.~~

~~2. No Sign which is attached to a building and projects beyond the street line shall extend more than one half story above the actual space being advertised. Such Signs shall be restricted to establishments which at least partly occupy ground floor, basement, or second-story space.~~

~~3. No Sign which is flat against a building wall shall extend above the lower edge of the second-story windows, if any. However, flat Signs of individually constructed or painted letters may be approved, pursuant to the design review procedure in Chapter 17.136, at any height on any large blank portion of the wall.~~

~~F. Maximum Height of Freestanding Signs. No Sign, other than a Special Sign, which is not attached to a building shall extend more than twenty (20) feet above finished grade or more than the height of the adjacent building, if any, on the same lot, whichever is lower.~~

~~G. Prohibition of Moving and Flashing Signs. All Signs shall be nonmoving.~~

~~Illumination, if any, of all Signs shall be nonflashing, except for time and temperature units.~~

~~H. Prohibition of Pennants and Streamers. No Signs, other than Special Signs and Signs behind a display window, shall include any pennants, streamers, propellers, or similar devices.~~

~~I. Development Signs. All Development Signs shall be located on the lot or tract referred to thereon and shall be permitted only for a one-year period, except that an off-site location or a longer period may be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.~~

~~J. Realty Signs. All Realty Signs shall be located on the same lot as the facilities advertised thereon, and shall be removed within seven days after occupancy, or change of occupancy, of the facilities. (Prior planning code § 4863)~~

## **C-55 CENTRAL CORE COMMERCIAL ZONE REGULATIONS**

### **17.62.045 DESIGN REVIEW FOR BUSINESS, CIVIC, AND RESIDENTIAL SIGNS.**

No sign shall be constructed or established, or altered in such a manner as to affect exterior appearance, unless plans for such proposal shall have been approved pursuant to the sign regulations in Chapter 17.104 and the design review procedure in Chapter 17.136. However, design review approval is not required for Realty Signs, Development Signs, holiday decorations, and displays behind a display window; and it is not required, except as otherwise provided in Section 17.114.110C, for mere changes of copy.

including cutouts, on signs the customary use of which involves periodic changes of copy.

#### **17.62.120 LIMITATIONS ON SIGNS.**

A. General Limitations. All Signs shall be subject to the applicable limitations set forth in Section 17.104.020.

~~B. Prohibition of Signs Above Roof Line. No Sign, other than a Special Sign, which is attached to a building shall extend above the roof or parapet wall thereof.~~

~~C. Maximum Height of Freestanding Signs. No Sign, other than a Special Sign, which is not attached to a building shall extend more than twenty-four (24) feet above finished grade.~~

~~(Prior planning code § 4888)~~

### **C-60 CITY SERVICE COMMERCIAL ZONE REGULATIONS**

#### **17.64.027 DESIGN REVIEW FOR BUSINESS, CIVIC, AND RESIDENTIAL SIGNS.**

No sign shall be constructed or established, or altered in such a manner as to affect exterior appearance, unless plans for such proposal shall have been approved pursuant to the sign regulations in Chapter 17.104 and the design review procedure in Chapter 17.136. However, design review approval is not required for Realty Signs, Development Signs, holiday decorations, and displays behind a display window; and it is not required, except as otherwise provided in Section 17.114.110C, for mere changes of copy, including cutouts, on signs the customary use of which involves periodic changes of copy.

#### **17.64.090 LIMITATIONS ON SIGNS.**

A. General Limitations. All Signs shall be subject to the applicable limitations set forth in Section 17.104.020.

~~B. Restriction on Size of Individual Signs. No single Sign, other than a Special Sign, shall have a display surface greater than seven hundred (700) square feet on any one face, except that a larger area may be approved upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.~~

~~C. Restrictions on Signs Above Roof Line.~~

~~1. No Advertising Sign which is attached to a building shall be located or otherwise extend above the roof line or parapet wall thereof.~~

~~2. No Business, Civic, Residential, Realty, or Development Sign which is attached to a building shall extend more than fifteen (15) feet above the roof line or parapet wall thereof.~~

~~D. Minimum Height of Freestanding Signs. No Sign, other than a Special Sign, which is not attached to a building shall extend more than thirty-five (35) feet above finished grade. (Prior planning code § 4913)~~

## M-10 SPECIAL INDUSTRIAL ZONE REGULATIONS

### 17.66.025 DESIGN REVIEW FOR BUSINESS, CIVIC, AND RESIDENTIAL SIGNS.

No sign shall be constructed or established, or altered in such a manner as to affect exterior appearance, unless plans for such proposal shall have been approved pursuant to the sign regulations in Chapter 17.104 and the design review procedure in Chapter 17.136. However, design review approval is not required for Realty Signs, Development Signs, holiday decorations, and displays behind a display window; and it is not required, except as otherwise provided in Section 17.114.110C, for mere changes of copy, including cutouts, on signs the customary use of which involves periodic changes of copy.

### **17.66.100 LIMITATIONS ON SIGNS.**

A. General Limitations. All Signs shall be subject to the applicable limitations set forth in Section 17.104.020.

B. Business and Civic Signs. ~~The maximum aggregate area of display surface of all Business and Civic Signs on any one lot shall be 0.6 square foot for each one foot of abutting street line in the case of an interior lot, or 0.3 square foot for each one foot of abutting street line in the case of a corner lot. However, in either of the foregoing cases any such Sign located behind a display window and any such Sign with a display surface not greater than one square foot on any one face shall be exempt from said maximum aggregate area. No Business or Civic Sign which is attached to a building shall project outward from any wall thereof more than eight feet. No single Business or Civic Sign which is not attached to a building shall have a display surface greater than sixty (60) square feet on any one face. All Business and Civic Signs shall be nonmoving. Illumination, if any, of all such Signs shall be nonflashing. Such Signs shall not, except in the case of Signs behind a display window and except for Civic Signs with a display surface not greater than one square foot on any one face, include any pennants, streamers, propellers, or similar devices.~~

C. Development Signs. ~~All Development Signs shall be located on the lot or tract referred to thereon and shall be permitted only for a one year period, except that an off-site location or a longer time period may be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134. No Development Sign which is attached to a building shall extend above the roof or parapet wall thereof. No Development Sign which is not attached to a building shall extend more than twenty four (24) feet above finished grade. All Development Signs shall be nonmoving. Illumination, if any, of all such Signs shall be nonflashing. Such Signs shall not, except when attached to a building, include any pennants, streamers, propellers, or similar devices.~~

D. Realty Signs. ~~All Realty Signs shall be located on the same lot as the facilities advertised thereon, and shall be removed within seven days after occupancy, or change of occupancy, of the facilities. No Realty Sign which is attached to a building shall extend above the roof or parapet wall thereof. No Realty Sign which is not attached to a building~~

~~shall extend more than six feet above finished grade. All Realty Signs shall be nonmoving. Illumination, if any, of all such Signs shall be nonflashing. Such Signs shall not, except when attached to a building, include any pennants, streamers, propellers, or similar devices. (Prior planning code § 5413)~~

## **M-20 LIGHT INDUSTRIAL ZONE REGULATIONS**

### **17.868.025 DESIGN REVIEW FOR BUSINESS, CIVIC, AND RESIDENTIAL SIGNS.**

No sign shall be constructed or established, or altered in such a manner as to affect exterior appearance, unless plans for such proposal shall have been approved pursuant to the sign regulations in Chapter 17.104 and the design review procedure in Chapter 17.136. However, design review approval is not required for Realty Signs, Development Signs, holiday decorations, and displays behind a display window; and it is not required, except as otherwise provided in Section 17.114.110C, for mere changes of copy, including cutouts, on signs the customary use of which involves periodic changes of copy.

### **17.68.100 LIMITATIONS ON SIGNS.**

A. General Limitations. All Signs shall be subject to the applicable limitations set forth in Section 17.104.020.

B. Restriction on Size of Individual Signs. ~~No Sign, other than a Special Sign, shall have a display surface greater than seven hundred (700) square feet on any one face.~~

C. Restriction on Signs above Roof Line. ~~No Sign, other than a Special Sign, which is attached to a building shall be located or otherwise extend above the roof line or parapet wall thereof, except as follows:~~

~~1. Up to one half the area of display surface of any Business, Civic, or Residential Sign which is supported by the street wall may extend above the roof line or parapet wall, but not to a height greater than ten feet above the roof line or parapet wall or thirty (30) feet above finished grade, whichever is lower.~~

~~2. A Business Sign serving Automotive Servicing Commercial Activities may extend above the canopy sheltering the gasoline pumps, but not to a height greater than thirty (30) feet above finished grade.~~

~~3. Any Business, Civic, or Residential Sign may be located or otherwise extend above the roof line or parapet wall, and may exceed the limitations in subsections (C)(1) and (2) of this section, upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134 and upon determination that the Sign will be architecturally harmonious with the building and the immediate surroundings. However, such permit shall not authorize the Sign to extend above the roof line or top of the parapet wall by more than twenty-five (25) percent of the height thereof, unless the overall height of the Sign above finished grade is not more than thirty (30) feet.~~

~~D. Maximum Height of Freestanding Signs. No Sign, other than a Special Sign, which is not attached to a building shall extend more than thirty (30) feet above finished grade.~~

~~E. Prohibition of Pennants and Streamers. No Signs, other than Special Signs and Signs behind a display window, shall include any pennants, streamers, propellers, or similar devices. However, such devices may be displayed during openings and other special events, for not to exceed thirty (30) days in any one-year period.~~

~~F. Development Signs. All Development Signs shall be located on the lot or tract referred to thereon and shall be permitted only for a one-year period, except that an off-site location or a longer period may be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134. All Development Signs shall be nonmoving. Illumination, if any, of all such Signs shall be nonflashing.~~

~~G. Realty Signs. All Realty Signs shall be located on the same lot as the facilities advertised thereon, and shall be removed within seven days after occupancy, or change of occupancy, of the facilities. All Realty Signs shall be nonmoving. Illumination, if any, of all such Signs shall be nonflashing. (Prior planning code § 5613)~~

## **M-30 GENERAL INDUSTRIAL ZONE REGULATIONS**

### **17.70.025 DESIGN REVIEW FOR BUSINESS, CIVIC, AND RESIDENTIAL SIGNS.**

No sign shall be constructed or established, or altered in such a manner as to affect exterior appearance, unless plans for such proposal shall have been approved pursuant to the sign regulations in Chapter 17.104 and the design review procedure in Chapter 17.136. However, design review approval is not required for Realty Signs, Development Signs, holiday decorations, and displays behind a display window; and it is not required, except as otherwise provided in Section 17.114.110C, for mere changes of copy, including cutouts, on signs the customary use of which involves periodic changes of copy.

### **17.70.100 LIMITATIONS ON SIGNS.**

A. General Limitations. All Signs shall be subject to the applicable limitations set forth in Section 17.104.020.

~~B. Restriction on Size of Individual Signs. No single Sign, other than a Special Sign, shall have a display surface greater than seven hundred (700) square feet on any one face, except that a larger area may be approved upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.~~

C. Restrictions on Signs Above Roof Line.

~~1. No Advertising Sign which is attached to a building shall be located or otherwise extend above the roof line or parapet wall thereof.~~

~~2. No Business, Civic, Residential, Realty, or Development Sign which is attached to a building shall extend more than fifteen (15) feet above the roof line or parapet wall thereof.~~

~~D. Maximum Height of Freestanding Signs. No Sign, other than a Special Sign, which is not attached to a building shall extend more than thirty-five (35) feet above finished grade. (Prior planning code § 5713)~~

## **M-40 HEAVY INDUSTRIAL ZONE REGULATIONS**

### **17.72.025 DESIGN REVIEW FOR BUSINESS, CIVIC, AND RESIDENTIAL SIGNS.**

No sign shall be constructed or established, or altered in such a manner as to affect exterior appearance, unless plans for such proposal shall have been approved pursuant to the sign regulations in Chapter 17.104 and the design review procedure in Chapter 17.136. However, design review approval is not required for Realty Signs, Development Signs, holiday decorations, and displays behind a display window; and it is not required, except as otherwise provided in Section 17.114.110C, for mere changes of copy, including cutouts, on signs the customary use of which involves periodic changes of copy.

### **17.72.090 LIMITATIONS ON SIGNS.**

A. General Limitations. All Signs shall be subject to the applicable limitations set forth in Sections 17.104.020 and 17.104.060.

~~B. Restriction on Size of Individual Signs. No single Sign, other than a Special Sign, shall have a display surface greater than seven hundred (700) square feet on any one face, except that a larger area may be approved upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.~~

~~C. Restrictions on Signs Above Roof Line.~~

~~1. No Advertising Sign which is attached to a building shall be located or otherwise extend above the roof line or parapet wall thereof.~~

~~2. No Business, Civic, Residential, Realty, or Development Sign which is attached to a building shall extend more than fifteen (15) feet above the roof line or parapet wall thereof.~~

~~D. Maximum Height of Freestanding Signs. No Sign, other than a Special Sign, which is not attached to a building shall extend more than thirty-five feet (35') above grade, except that advertising signs as provided in subsection F of this section shall not exceed eighty feet (80') above grade.~~

~~F. Special Limitation of Advertising Signs in the M-40 Zone. New or wholly reconstructed Advertising signs may be permitted in the M-40 Zone, adjacent to freeways, and only 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. (Ord. 12425 § 2 (part), 2002; Ord. 12234 § 3, 2000; prior planning code § 5813)~~

## **S-1 MEDICAL CENTER ZONE REGULATIONS**

### **17.74.020 DESIGN REVIEW FOR CONSTRUCTION OR ALTERATION.**

No building, Sign, or other facility shall be constructed or established, or altered or painted a new color in such a manner as to affect exterior appearance unless plans for such proposal shall have been approved pursuant to the design review procedure in Chapter 17.136, or for Signs pursuant to the sign regulations in Chapter 17.104 and the design review procedure in Chapter 17.136, or for Micro Telecommunications Facilities pursuant to the telecommunications regulations in Chapter 17.128 and the design review procedure in Chapter 17.136. However, design review approval is not required for Realty Signs, Development Signs, holiday decorations, and displays behind a display window; and it is not required, except as otherwise provided in Section 17.114.110C, for mere changes of copy, including cutouts, on signs the customary use of which involves periodic changes of copy.

(Ord. 11904 § 5.63 (part), 1996: prior planning code § 6102)

## **S-2 CIVIC CENTER ZONE REGULATIONS**

### **17.76.045 DESIGN REVIEW FOR BUSINESS, CIVIC, AND RESIDENTIAL SIGNS.**

No sign shall be constructed or established, or altered in such a manner as to affect exterior appearance, unless plans for such proposal shall have been approved pursuant to the sign regulations in Chapter 17.104 and the design review procedure in Chapter 17.136. However, design review approval is not required for Realty Signs, Development Signs, holiday decorations, and displays behind a display window; and it is not required, except as otherwise provided in Section 17.114.110C, for mere changes of copy, including cutouts, on signs the customary use of which involves periodic changes of copy.

## **S-3 RESEARCH CENTER ZONE REGULATIONS**

### **17.78.020 DESIGN REVIEW FOR CONSTRUCTION OR ALTERATION.**

No building, Sign, or other facility shall be constructed or established, or altered or painted a new color in such a manner as to affect exterior appearance unless plans for such proposal shall have been approved pursuant to the design review procedure in Chapter 17.136, or for Signs pursuant to the sign regulations in Chapter 17.104 and the design review procedure in Chapter 17.136, or for Micro Telecommunications Facilities



pursuant to the telecommunications regulations in Chapter 17.128 and the design review procedure in Chapter 17.136. However, design review approval is not required for Realty Signs, Development Signs, holiday decorations, and displays behind a display window; and it is not required, except as otherwise provided in Section 17.114.110C, for mere changes of copy, including cutouts, on signs the customary use of which involves periodic changes of copy. (Ord. 11904 § 5.63 (part), 1996: prior planning code § 6202)

## **S-8 URBAN STREET COMBINING ZONE REGULATIONS**

### **17.86.030 DESIGN REVIEW FOR CONSTRUCTION OR ALTERATION.**

In the S-8 zone, no building, Sign, or other facility shall be constructed or established, or altered or painted a new color in such a manner as to affect exterior appearance, unless plans for such proposal shall have been approved pursuant to the design review procedure in Chapter 17.136 and the provisions of Section 17.86.110 or for Business Signs pursuant to the sign regulations in Chapter 17.104 and the design review procedure in Chapter 17.136. However, design review approval is not required for Realty Signs, Development Signs, holiday decorations, and displays behind a display window; and it is not required, except as otherwise provided in Section 17.114.110C, for mere changes of copy, including cutouts, on Signs the customary use of which involves frequent and periodic changes of copy. (Prior planning code § 6452)

### **~~17.86.120 LIMITATIONS ON SIGNS, MARQUEES, AND AWNINGS.~~**

~~A. Maximum Aggregate Sign Area. The maximum aggregate area of display surface of all Signs, other than Realty and Development Signs, along any one building facade or other wall shall be ten percent of the facade or wall. However, a larger area may be approved, pursuant to Section 17.86.030, south of 11th Street. The aggregate area shall include Signs on marquees, awnings, and canopies, but shall include only one face of double-edged projecting Signs and shall exclude Signs behind display windows.~~

~~B. Maximum Projection Over Sidewalk:~~

~~1. No marquee, awning, or canopy, or Sign which is integrated in the design thereof, shall project horizontally more than seventy five (75) percent of the distance from the lot line to the curb.~~

~~2. No other Sign shall project more than six feet beyond any street line.~~

~~C. Maximum Number of Projecting Signs. No establishment shall have more than one Sign which is attached to a building and projects beyond the street line on each street which the establishment abuts, in addition to any Signs which are integrated in the design of marquees, canopies, or awnings.~~

~~D. Maximum Height of Signs on Buildings:~~

~~1. No Sign which is attached to a building shall be located or otherwise extend above the roof line or parapet wall of the building.~~

~~2. No Sign which is attached to a building and projects beyond the street line shall extend more than one half story above the actual space being advertised. Such Signs shall be~~

~~restricted to establishments which at least partly occupy ground floor, basement, or second-story space.~~

~~3. No Sign which is flat against a building wall shall extend above the lower edge of the second-story windows, if any. However, flat Signs of individually constructed or painted letters may be approved, pursuant to Section 17.86.030, at any height on any large blank portion of the wall.~~

~~E. Maximum Height and Size of Freestanding Signs. No Sign which is not attached to a building shall extend more than twenty-four (24) feet above finished grade, nor have a display surface greater than fifty (50) square feet on any one face.~~

~~F. Prohibition of Moving and Flashing Signs. All Signs shall be nonmoving; and illumination, if any, of all Signs shall be nonflashing, except for time and temperature units. However, well designed moving or flashing Signs may be approved, pursuant to Section 17.86.030, south of 11th Street.~~

~~G. Removal of Nonconforming Existing Signs. See Section 17.114.160. (Prior planning code § 6463)~~

## **S-15 TRANSIT ORIENTED DEVELOPMENT ZONE REGULATIONS**

### **17.100.020 DESIGN REVIEW FOR CONSTRUCTION OR ALTERATION.**

No building, Sign, or other facility shall be constructed or established, or altered or painted a new color in such a manner as to affect exterior appearance unless plans for such proposal shall have been approved pursuant to the design review procedure in Chapter 17.136, or for Business Signs pursuant to the sign regulations in Chapter 17.104 and the design review procedure in Chapter 17.136, or for Micro Telecommunications Facilities pursuant to the telecommunications regulations in Chapter 17.128 and the design review procedure in Chapter 17.136. However, design review approval is not required for Realty Signs, Development Signs, holiday decorations, and displays behind a display window; and it is not required, except as otherwise provided in Section 17.114.110C, for mere changes of copy, including cutouts, on signs the customary use of which involves frequent and periodic changes of copy. (Ord. 11904 § 5.62 (part), 1996; Ord. 11892 § 4 (part), 1996; prior planning code § 6851)

### **17.100.110 LIMITATIONS ON SIGNS, MARQUEES, AND AWNINGS.**

A. General Limitations. All Signs shall be subject to the applicable limitations set forth in Section 17.104.020030.

~~B. Restriction on Aggregate Sign Area. The maximum aggregate area of display surface of all Business, Civic, and Residential Signs on any one lot shall be one square foot for each one foot of abutting street line in the case of an interior lot, or 0.5 square feet for each one foot of abutting street line in the case of a corner lot. However, a larger area may be approved, pursuant to Section 17.100.020, upon determination that the signage will be of a quality and character which harmonizes with the visual character of the surrounding area. The aggregate area shall include only one face of double-faced signs~~

and shall exclude Signs behind display windows and Signs having a display surface with no face greater than one square foot.

C. ~~Maximum Size of Individual Freestanding Signs. No single Sign, other than a Special Sign, which is not attached to a building shall have a display surface greater than seventy five (75) square feet on any one face.~~

D. ~~Prohibition of Signs Above Roof Line. No sign, other than a Special Sign, which is attached to a building shall extend above the roof line or parapet wall thereof.~~

E. ~~Maximum Projection Over Sidewalk.~~

1. ~~No marquee, awning, or canopy, or Sign which is integrated in the design thereof, shall project horizontally more than seventy five (75) percent of the distance from the lot line to the curb.~~

2. ~~No other Sign shall project more than four feet beyond any street line.~~

F. ~~Maximum Height of Freestanding Signs. No Sign, other than a Special Sign, which is not attached to a building shall extend more than thirty (30) feet above finished grade.~~

G. ~~Prohibition of Pennants and Streamers. No Signs, other than Special Signs and Signs behind a display window, shall include any pennants, streamers, propellers, or similar devices.~~

H. ~~Development Signs. All Development Signs shall be located on the lot or tract referred to thereon and shall be permitted only for a one-year period, except that an off-site location or a longer period may be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedures in Chapter 17.134.~~

I. ~~Realty Signs. All Realty signs shall be located on the same lot as the facilities advertised thereon, and shall be removed within seven days after occupancy, or change of occupancy, of the facilities. (Ord. 11892 § 4 (part), 1996; prior planning code § 6863)~~

## **GENERAL LIMITATIONS ON SIGNS**

### **17.104.020 GENERAL LIMITATIONS ON SIGNS—COMMERCIAL AND INDUSTRIAL ZONES.**

The following limitations shall apply to the specified Signs in all commercial and industrial zones, except as otherwise provided herein, and are in addition to the limitations, if any, prescribed for Signs in the applicable individual zone regulations and development control maps:

A. Design Review. No Business, Civic, or Residential sign shall be constructed or established, or altered in such a manner as to affect exterior appearance unless plans for such proposal shall have been approved to the Design Review procedure in Chapter 17.136.

B. Permitted Aggregate Sign Area.

1. C-5, C-10, C-20, C-25, C-27, C-28, C-30, C-31, C-35, C-40, C-45, C-51, C-52, C-55, & C-60 Zones. The maximum aggregate area of display surface of all Business, Civic, and Residential Signs on any one lot shall be one square foot for each one foot of building frontage in the case of an interior lot, or 0.5 square feet for each one foot of building frontage in the case of a corner lot. The aggregate shall include only one face of a double-faced

sign. In no cases can the total amount of aggregate sign area exceed 200 square feet on any one property.

2. M-10, M-20, M-30, & M-40 Zones. The maximum aggregate area of display surface of all Business, Civic, and Residential Signs on any one lot shall be one square foot for each one foot of lot frontage in the case of an interior lot, or 0.5 square feet for each one foot of lot frontage in the case of a corner lot. The aggregate shall include only one face of a double-faced sign. In no cases can the total amount of aggregate sign area exceed 300 square feet on any one property.

AC. Maximum Height. No Sign shall exceed the maximum height, if any, applicable to facilities in general where it is located, except as otherwise provided in Sections 17.108.020A and 17.108.030; and no Sign shall exceed such applicable maximum heights as are prescribed hereafter in this section.

1. Attached Signs. The maximum height of any sign that is attached to a building may not exceed the height of the building wall that it is attached to.

2. Freestanding Signs. The maximum height of any freestanding sign in the C-5, C-10, C-20, C-25, C-27, C-28, C-31, C-36, C-45, C-51, C-52, C-55, C-60, & M-10 Zones is 10 feet. The maximum height of any freestanding sign in the C-30, C-35, C-40, M-20, M-30, & M-40 zones is 20 feet.

BD. Limitations on Signs Within Required Minimum Yards. (See illustration I-9.) The following limitations shall apply to the indicated Signs within the specified minimum yards, and to Signs which project over a street, alley, or path but which are supported by a facility located in such a yard:

1. Within that portion of any required minimum yard located within five feet from an abutting zone boundary, no single Business, Civic, or Residential Sign shall have a display surface greater than one square foot on any one face, unless it is behind a display window. Within that portion of any required minimum yard located within not less than five but not more than seventy five (75) feet from an abutting zone boundary, no single Business, Civic, or Residential Sign shall have a display surface greater than twelve (12) square feet on any one face nor extend more than twenty four (24) feet above finished grade, unless it is behind a display window or is flat against the wall of a building and does not project outward more than eighteen (18) inches from such wall nor any distance above the roof or parapet wall of the building. Within that portion of any required minimum yard located more than seventy five (75) feet from an abutting zone boundary, no single Business, Civic, or Residential Sign shall have a display surface greater than seventy five (75) square feet on any one face nor extend more than twenty-four (24) feet above finished grade, unless it is behind a display window or is flat against the wall of a building and does not project outward more than eighteen (18) inches from such wall nor any distance above the roof or parapet wall of the building. Within any portion of a required minimum yard, all Business, Civic, and Residential Signs shall be nonmoving; illumination, if any, of all such Signs shall be nonflashing; and such Signs shall not, except in the case of Signs behind a display window and except for Civic or

Residential Signs with a display surface not greater than one square foot on any one face, include any pennants, streamers, propellers, or similar devices.

~~21.~~ No Business, Realty, or Development Sign shall be located within that portion of a required minimum yard, which is within five feet from an abutting zone boundary.

~~3.~~ No Advertising Sign shall be located within any required minimum yard.

CE. Special Limitations Near Boundaries of Residential Zones. (See illustration I-10.) The following special limitations shall apply to the indicated Signs within the specified distances from any boundary of a residential zone. For the purposes of this subsection, a Sign shall be deemed to face a zone boundary if the angle between the face of its display surface and said boundary is less than ninety (90) degrees; and a Sign shall be considered visible from a zone boundary if it may be seen from any point located along such boundary within the following indicated distances from the Sign and at a height equal to or less than that of the Sign.

1. Within twenty-five (25) feet from any boundary of a residential zone, no Business Sign shall face said boundary if it is visible therefrom. ~~No Sign, other than a Special Sign, which is moving or has flashing illumination and no Advertising Sign shall be located within such distance regardless of whether it faces or is visible from said boundary.~~

~~2. Within one hundred fifty (150) feet from any boundary of a residential zone, no Sign, other than a Special Sign, which has flashing illumination and no Advertising Sign shall face said boundary if it is visible therefrom.~~

DF. Development Signs. In all commercial and industrial zones except the C-60, M-30, and M-40 zones, the maximum aggregate area of display surface of all Development Signs on any one lot shall be either seventy-five (75) square feet or one square foot for each two feet of street line abutting the lot, whichever is greater. However, a greater area of display surface may be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.

EG. Realty Signs. In all commercial and industrial zones except the C-60, M-30, and M-40 zones, the maximum aggregate area of display surface of all Realty Signs on any one lot shall be one square foot for each two feet of street line abutting the lot; provided that such area shall not exceed twenty-five (25) square feet along any consecutive fifty (50) feet of street line; and further provided that a Sign with a display surface of twelve (12) square feet or less shall be permitted for each lot, or for each building or other rentable unit thereon.

~~F. Restriction on Advertising Signs Within Two Hundred (200) Feet of C-36 and S-8 Zones. Within two hundred (200) feet from any boundary of the C-36 or S-8 zone, no Advertising Sign shall be so located, designed, or oriented that its display surface is visible from any point in the C-36 or S-8 zone.~~

~~The requirements of this subsection shall not apply to signs on property owned by Alameda County City of Oakland adjacent to Interstate Highway 880 and utilized by Oakland Alameda County Coliseum Complex. This property, however, shall be subject to the design review requirements of Section 17.80.030 and Chapter 17.136 of the Oakland Planning Code.~~

GH. Signs Within One thousand (1,000) Feet of Rapid Transit Routes. Signs within one thousand (1,000) feet of the centerline of rapid transit routes shall be subject to the applicable limitations set forth in Sections 17.104.040 and 17.114.150.

I. Permitted Projection over Sidewalk. An awning, canopy, marquee, or single sign that is attached perpendicularly to the face of a building may project up to seventy-five (75) percent of the distance from the lot line to the curb but cannot be closer than 2 feet to the curb in any case. All portions of any awning, canopy, marquee, or single sign that are attached perpendicularly to the face of a building shall be a minimum of 10 feet above the sidewalk.

J. Temporary Business Signs.

1. Size Allowed. Temporary signs are allowed in addition to permanent signs. The size of the temporary signs may not exceed the allowed square footage for permanent signs.

2. Allowed time limits.

i. Grand Opening Signs. Temporary signs for the purpose of grand openings of a new business can be in place for a maximum of 30 days. The installation date of the sign shall be placed on the sign to verify compliance with this regulation.

ii. Special Event Signs. Temporary signs for the purpose of special events may be placed on site a maximum of 4 times per calendar year and a maximum of 5 consecutive days per event.

3. Placement of Signs.

i. Signs are allowed on private property only. Signs shall not be placed in public rights-of-way or at off-site locations.

ii. Signs must be affixed to a permanent structure.

4. Temporary Signs shall not be illuminated.

5. Durable Materials Required. Signs shall be constructed of durable, rigid material suitable to their location and purpose. Only interior window signs may be made of nonrigid (e.g., paper) material.

6. Removal of Signs. Temporary signs and their components shall be promptly removed at the expiration of the time limits set forth above.

K. Window Signs. Window signs shall not take up more than twenty-five (25) percent of any one window. Window signs shall count against the total allowable aggregate sign area for the property as measured in Section 17.104.020B. Interior signs which are located 18 inches or more from behind the window face shall be exempt from these regulations.

L. Clear Sight Restrictions. A triangular area measuring 15' from the intersection along each street line shall be kept free of all freestanding signs. A triangular area measuring 10' from the intersection of a driveway and a street line shall be kept free of all freestanding signs.

(Prior planning code § 7041)

**17.104.030 GENERAL LIMITATIONS ON SIGNS—S-1, S-2, and S-3, and S-15 zones.**

The following limitations shall apply to the specified Signs in the S-1, S-2, and S-3, and S-15 zones, and are in addition to the limitations, if any, prescribed for Signs in the applicable individual zone regulations or development control maps:

A. Design Review. No Business, Civic, or Residential sign shall be constructed or established, or altered in such a manner as to affect exterior appearance unless plans for such proposal shall have been approved to the Design Review procedure in Chapter 17.136.

B. Permitted Aggregate Sign Area. S-1, S-2, S-3, & S-15 Zones. The maximum aggregate area of display surface of all Business, Civic, and Residential Signs on any one lot shall be one square foot for each one foot of building frontage in the case of an interior lot, or 0.5 square feet for each one foot of building frontage in the case of a corner lot. The aggregate shall include only one face of a double-faced sign. In no cases can the total amount of aggregate sign area exceed 200 square feet on any one property.

AC. Maximum Height. No Sign shall exceed the maximum height, if any, applicable to facilities in general where it is located, except as otherwise provided in Section 17.108.030; and no Sign shall exceed such applicable maximum heights as are prescribed hereafter in this section.

1. Attached Signs. The maximum height of any sign that is attached to a building may not exceed the height of the building wall that it is attached to.

2. Freestanding Signs. The maximum height of any freestanding sign in the S-1, S-2, S-3, & S-15 Zones is 10 feet.

BD. Special Limitations Near Boundaries of Residential Zones. Signs shall be subject to the same special limitations along or near boundaries of residential zones as are set forth in Section 17.104.020C020E.

CE. Special, Development, and Realty Signs. All Special, Development, and Realty Signs shall be subject to the same limitations as are set forth in subsections C, D and E of Section 17.104.010 for such Signs in residential zones.

DF. Signs Within One Thousand (1,000) Feet of Rapid Transit Routes. Signs within one thousand (1,000) feet of the centerline of rapid transit routes shall be subject to the applicable limitations set forth in Sections 17.104.040 and 17.114.150. (Prior planning code § 7042)

#### **17.104.040 LIMITATIONS ON SIGNS WITHIN ONE THOUSAND FEET OF RAPID TANSIT ROUTES.**

The following limitations shall apply in all zones, within one thousand (1,000) feet of the centerline of every rapid transit route, after the date of official determination thereof and except where the route is underground. The distance shall be measured perpendicularly from said centerline, i.e., at right angles to said centerline. These provisions shall not prohibit a Sign identifying an on-premises business or naming the product manufactured thereon, except to the extent of requiring design review approval.

A. Design Review for Certain New or Altered Signs the Advertising Material of Which Is Primarily Viewable from the Transit Route.

1. ~~Except as otherwise provided in subsection (A)(3) of this section, n~~No Sign the advertising material of which is or has become primarily viewable by the passengers on the transit route shall be constructed, established, reoriented, changed as to illumination, or otherwise altered or painted a new color unless plans for such Sign shall have been approved pursuant to the design review procedure in Chapter 17.136. ~~and upon~~

determination that it is of such location, orientation, size, and design that it will not substantially detract from the existing or potential character and visual quality of the area along the route, as viewable by the passengers thereon, and from views and impressions of Oakland derived by the passengers.

2. The Director of City Planning shall determine which Signs are or have become primarily viewable by the passengers on the transit route, subject to appeal pursuant to the administrative appeal procedure in Chapter 17.132.

~~3. Design review approval is not required for any such Sign which:~~

~~a. Has a display surface with no face greater than two hundred (200) square feet; and~~

~~b. Is nonmoving and has no flashing illumination; and~~

~~c. If attached to a building, extends no more than two feet above the roof line or parapet wall thereof; and~~

~~d. If not attached to a building, extends no more than twenty four (24) feet above finished grade. Also, approval is not required, except as otherwise provided in Section 17.114.110D, for changes of copy, including cutouts, on Signs the customary use of which involves frequent changes of copy.~~

B. Removal of Nonconforming Existing Signs. See Section 17.14.150. (Prior planning code § 7046)



<b>Location:</b>	<b>Citywide</b>
<b>Proposal:</b>	To amend the Oakland Planning Code to establish new standard for business signs.
<b>Applicant:</b>	City of Oakland
<b>Planning Permits Required:</b>	Zoning Text Amendment
<b>General Plan:</b>	Various
<b>Zoning:</b>	Various: C-5 Neighborhood Commercial Zone, C-10 Local Retail Commercial Zone, C-20 Shopping Center Commercial Zone, C-25 Office Commercial Zone, C-27 Village Commercial Zone, C-28 Commercial Shopping District Zone, C-30 District Thoroughfare Commercial Zone, C-31 Special Retail Commercial Zone, C-35 District Shopping Commercial Zone, C-36 Gateway Boulevard Service Commercial Zone, C-40 Community Thoroughfare Commercial Zone, C-45 Community Shopping Commercial Zone, C-51 Central Business Service Commercial Zone, C-52 Old Oakland Commercial Zone, C-55 Central Core Commercial Zone, C-60 City Service Commercial Zone, M-10 Special Industrial Zone, M-20 Light Industrial Zone, M-30 General Industrial Zone, M-40 Heavy Industrial Zone, S-1 Medical Center Zone, S-2 Civic Center Zone, S-3 Research Center Zone, S-8 Urban Street Combining Zone, S-15 Transit Oriented Development Zone.
<b>Environmental Determination:</b>	Exempt: Section 15061(b)(3), State CEQA Guidelines, general rule. Section 15305, State CEQA Guidelines, minor alterations in land use limitations. Section 15311, State CEQA Guidelines, on premises signs.
<b>Service Delivery District:</b>	All
<b>City Council District:</b>	All
<b>Staff recommendation:</b>	Recommend Approval to the City Council.
<b>For further information:</b>	Contact case planner <b>Robert D. Merkamp</b> at 510-238-6283.

**SUMMARY**

In late 2002, the City Council adopted an emergency ordinance governing the size of business signs within the City of Oakland. New regulations were considered necessary due to the permissiveness of certain zoning districts with regards to business signs in terms of both size and height. Many of the zoning districts allowed business signs the size of billboards and were viewed as contributing to visual blight of certain parts of the City of Oakland. This was exacerbated by the fact that the most permissive sign regulations tended to be located along our major boulevards (including major sections of Broadway, Grand Ave, Macarthur Blvd, Bancroft

Ave, International Blvd, San Leandro St, Foothill Blvd, and Martin Luther King Jr. Way) throughout the City. The council noted that the City of Oakland has been making major efforts recently to improve the visual quality of these highly traveled corridors and the presence of such large business signs detracted from this effort. The council adopted an emergency ordinance on December 17, 2002 imposing certain standards and directed staff to return with revised permanent sign regulations. The City Council renewed this ordinance in December of 2003 for a further 6 months to allow for completion of the ordinance.

The permanent Ordinance being proposed resembles the emergency ordinance approved by the City Council in many respects (this is discussed more fully in "key issues & impacts"). Staff recommends that the Planning Commission consider the proposed text amendment and forward a supporting recommendation to the City Council.

### **PROJECT DESCRIPTION**

The proposed project is an amendment to the Oakland Planning Code (zoning ordinance) to modify Chapter 17.104 with respect to the business signs within all commercial and manufacturing zones as well as several of the "S" zoning districts.

The proposed regulations are designed to limit the size of business signs within the City of Oakland by reducing allowed heights and allowable square footage per property. Under previous regulations, many areas of the city allowed business signs of 700 square feet or more, which is about the size of a billboard. The City of Oakland has been making strides to improve the visual quality of the city, particularly along its major corridors where the majority of these types of signs are located. As these large signs often have a negative visual impact and contribute to blight in some areas, the City Council has directed staff to develop new sign regulations to better minimize the impact of business signs in Oakland.

### **GENERAL PLAN ANALYSIS**

The 1998 Land Use & Transportation Element (LUTE) of the Oakland General Plan guides future land use and development in the city. The Estuary Policy Plan, adopted in 1999, is a component of the LUTE that establishes land use policy for the area between I-880 and the Estuary. The LUTE and Estuary Policy Plan both contain objectives and policies that promote the improvement of business sign regulations in the City of Oakland:

*Policy I/C4.2: The potential for new or existing industrial or commercial uses, including seaport and airport activities, to create nuisance impacts on surrounding residential land uses should be minimized through appropriate siting and efficient implementation and enforcement of environmental and development controls.*

In their adoption of the emergency ordinance in December 2002, the City Council found the ability of large business signs to have a significant negative visual impact on adjacent residential neighborhoods and adopted stricter development controls to minimize this impact. The proposed ordinance should help meet the intentions of this policy through the establishment of development controls designed to minimize the potential nuisance impacts of business signs.

*Policy T6.2: The city should make major efforts to improve the visual quality of streetscapes.*

*Policy D2.1: Downtown development should be visually interesting, harmonize with its surroundings, respect and enhance important views in and of the downtown, respect the character, history, and pedestrian-orientation of the downtown, and contribute to an attractive skyline.*

The new limitations proposed for signs, including caps on the amount of square footage, new height limits, and the requirement for design review on all new signage should have major impacts on the visual quality of our streetscapes. More restrictive regulations should benefit both the downtown and outlying neighborhoods in the City of Oakland and allow for signage that is both visually interesting yet and harmonious with the neighborhoods.

*Policy W3.2: The function, design and appearance, and supplementary characteristics of all uses, activities, and facilities should enhance, and should not detract from or damage the quality of, the overall natural and built environment along the waterfront.*

The waterfront of the City of Oakland is a dynamic mixture of uses, including heavy manufacturing uses near high density residential zones. It is also a highly visible regional node, containing the seaport and airport as well as the bay trail, which follows the Bay Shore throughout the region. This mixture of uses can create points of friction if not mitigated. Our current sign regulations for our heavy manufacturing zones are among our most permissive, creating the potential to have a negative visual impact for the nearby residential uses. By developing stricter controls on the signage in the City of Oakland, it will help mitigate these impacts and contribute to the overall General Plan policy of enhancing the quality of the natural and built environment along the waterfront.

*Policy N1.5: Commercial development should be designed in a manner that is sensitive to surrounding residential uses.*

*Policy N5.2: Residential areas should be buffered and reinforced from conflicting uses through the establishment of performance-based regulations, the removal on non-conforming uses, and other tools.*

*Policy N9.7 Diversity in Oakland's built environment should be as valued as the diversity in population. Regulations and permit processes should be geared toward creating compatible and attractive development, rather than "cookie cutter" development.*

The proposed regulations would support the above General Plan policies as they would strive to develop new regulations to protect the visual character of the City of Oakland and allow signage that is more compatible with adjacent residential neighborhoods. One of the main findings by the City Council in the emergency ordinance in December of 2002 was that the current regulations allowed signs that were excessive in size and had severe visual impacts on adjacent

residences. They directed city staff to develop new regulations that would make business signs more compatible with and more sensitive to surrounding residential uses.

**ZONING ANALYSIS**

Chapter 17.44 of the Oakland Planning Code provides for zoning text amendments. Pursuant to Section 17.144.020, the Oakland City Council cannot change the text of the zoning regulations until it has received a recommendation or findings from the City Planning Commission on the proposed action. Staff is requesting that the Planning Commission consider the proposed text amendment and make a recommendation supporting the amendment to the Oakland City Council.

The existing Planning Code contains specific business sign regulations for each of its commercial and manufacturing zoning districts as well as several of its "S" zones. These regulations allowed a wide range of different development styles based on the particular district. In December 2002, the City Council adopted an emergency ordinance restricting the size and height of the business signs in all of these districts pending the rewriting of the zoning regulations for business signs. The City Council was concerned that the existing regulations were too permissive regarding the size, location, and height of business signs and that such signs were having a negative impact on the visual quality of the City of Oakland.

The proposed text amendment will modify both the structure of the way sign regulations are presented within the zoning code as well as making substantive changes to the regulations themselves (please see the "Key Issues and Impacts" section of the report for discussion).

**ENVIRONMENTAL DETERMINATION**

The proposed text amendment will place stricter controls on the establishment of business signs. The regulations will change the allowable amount of square footage, height and other standards in the City of Oakland. However, the proposed text amendment will not itself generate environmental impacts or trigger environmental review. It is exempt under the "General Rule" in Section 15061(b)(3) of the State CEQA Guidelines, which states that CEQA applies only to projects which have the potential for causing a significant effect on the environment. It is further exempt under Section 15305 of the State CEQA Guidelines, which governs alterations in Land Use limitations as well as Section 15311 of the State CEQA Guidelines, which deals with accessory buildings including business signs.

**KEY ISSUES & IMPACTS**

The zoning text amendment would modify the regulations related to business signs in several ways. Essentially it would require or change the following:

- **Design Review.** The new regulations would make design review mandatory for all new business signs in all Commercial, Industrial, and those Special zones that have sign regulations. Pursuant to state law, existing business signs that are legal, non-conforming

signs would be allowed to remain and their customary maintenance, use or repair shall not be limited. This change is being enacted to improve the overall appearance of these zones and allow the City of Oakland greater review over various aspects of the signage such as colors, lighting, location, and size. Given the higher level of review, staff proposes to remove the previous restrictions on flashing and animated signs, as well as on pennants, banners, and streamers. Staff believes such signs are appropriate for certain areas of the city and notes that the previous regulations forbade these types of signs mainly because many zones did not allow design review at all.

While making all business signs subject to Design Review will add to staff workload, this is not anticipated to be greatly significant. The Design Review procedure in Section 17.136 of the Zoning regulations allows signs to be processed through the Small Project Design Review procedure (and subject to the Small Project Design Review Guidelines). This review can be done over the zoning counter if time permits or can be taken in as an application and assigned to staff with these applications usually being processed and acted upon within one week of submittal.

- **Aggregate Square Footage.** The new regulations impose specific methods for calculating the allowable amount of square footage per property. For the most part, the proposed regulations are similar to both the interim regulations that were adopted by the City Council as well as several of the pre-existing zoning districts. In those areas (please refer to the Table in Attachment B) there should be little significant change to what has previously been allowed. The major changes will tend to be found in our higher density commercial corridors, the downtown, and the manufacturing districts which originally had quite liberal sign allowances, many allowing signs up to 700 square feet or having no maximum limit. Indeed, such districts were the main focus of the interim ordinance adopted by the City Council as it was viewed that such large, billboard-sized signs were contradictory to improving the visual quality of the City of Oakland (please see Attachment C containing the original emergency ordinance staff report to the City Council).

The emergency ordinance imposed an aggregate square footage calculation (allowing a certain amount of sign area based on the street frontage of your property) on all the commercial and manufacturing zoning districts that mirrored some of the most restrictive sign standards in the City of Oakland. This was done to reduce the allowable size of signs allowed and to discourage additional "billboard" sized business signs. The new ordinance follows the general intent of the interim regulations with two key exceptions. First it sets a maximum aggregate square footage per property based on the zone. Just having the calculation could, with a large enough lot, allow for the 700 square foot sign to return. While most lots in Oakland are not large enough to allow signs of this size, those that are tend to be located in our industrial and larger commercial districts, the very areas the City Council was most interested in establishing reductions in total sign area. It is believed however, that most lots in the City of Oakland would not be severely restricted by this square footage cap as they do not possess enough building or lot frontage to reach or exceed the square footage caps being proposed.

The second change from the interim regulations is the use of building frontage (as opposed to lot frontage) in the calculation of allowable aggregate sign area in the commercial zoning districts. It was felt that this would be a better method of tying the allowed amount of square footage into the size of the commercial building. In practical terms, it should not have a major impact as many of our commercial buildings do not have setback requirements and it is not uncommon for commercial buildings to fill their entire street frontage. In manufacturing districts the method of calculating allowed sign area by totaling up the lot frontage was retained because on those properties it is not uncommon to actually have fewer buildings, or multiple small offices and warehouses. It was felt that using building frontage would either be too restrictive or too ambiguous in these zones.

These changes will also help staff provide clear direction to potential applicants. Some zones (such as the C-5 zone) in the original code provided aggregate calculation methods yet allowed larger amounts of signs if the Director approved it. No criteria were defined for when this might be allowed and this left both the City of Oakland and the applicant in an uncertain position as to what the rules are. The proposed regulations would eliminate such uncertainty, clarifying the process for all concerned.

- **Sign Height.** The old sign regulations varied widely in the sorts of heights allowed for freestanding signs. Some districts were relatively restrictive, setting specific standards for all freestanding signs. Other districts were considerably more liberal, allowing signs up to the maximum building height in the zoning district. This sometimes would produce the odd situation of a free-standing sign not having a maximum height at all (please refer to the Table in Attachment B).

The new regulations would set standards for each zoning district where business signs are allowed with heights between 10 and 20 feet above grade. This is actually less restrictive than the interim ordinance which sets the maximum height for many districts at 6 feet but allowed taller signs with a Conditional Use Permit. However, the ability to grant Use Permits for taller signs was removed by Emergency Ordinance #12566 that effectively converted all Use Permits for signs into Variances (please see Attachment F), which are much more difficult to obtain. Staff felt it appropriate to raise the sign height standard to 10 feet in most districts (and 20 feet in many higher density districts) which should allow for a reasonable height while still reducing the visual impact of tall freestanding signs hanging over the streetscape. In addition, a survey of regional sign standards (please see Attachment D) shows that the proposed freestanding sign heights are within the typical range for the San Francisco Bay Area.

- **Signs in Minimum Yards.** The proposed new regulations would eliminate signage from the minimum yards, replacing the previous regulations which were complex but ultimately quite restrictive as well. The new proposal simplifies matters greatly and closes several loopholes. It is not expected that banning new signs from the minimum yards will have a major effect as most of the affected zoning districts do not have minimum yards except when a commercial or manufacturing zone share a portion of the same block with a residential zone. This is not the rule in the City of Oakland as most

blocks are homogeneous in their type. The most common occurrences will occur along our major corridors for some corner lots where the cross street leads into a residential zone (often of substantially lower density). Creating limitations on new business signs within these areas is appropriate as it helps to reduce the visual impact of these signs on residential neighborhoods, which was a key concern of the council when they adopted the emergency ordinance in December 2002. Indeed, the old regulations could allow a 24' tall freestanding sign in a rear yard of a commercial property (which when abutting single family residential zones was required to be 10') that would tower above low density residential neighborhoods. Another benefit is that the existing regulations governing signs in minimum yards are almost as restrictive as what is being proposed but they are far more cumbersome to use. This cleanup of the regulations will help eliminate much of the ambiguity in our policies while not having a major practical effect on what is allowed.

- **Organization of the Sign Sections.** Currently, the information for what sort of business signs are permitted are scattered throughout the zoning regulations. First you must look under the specific zoning district section for things such as allowed heights and square footage on the property. Then you must refer to Chapter 17.104 for information regarding the location of signs on the property and other incidental matters. This makes our regulations unnecessarily difficult to use for both city staff and the general public, leading to misunderstandings and confusion as to what the city regulations say. The proposed ordinance would delete all of the various sections scattered throughout the book and rewrites Section 17.104.020, effectively collecting all of the regulations pertaining to business signs in one single section. Staff believes this reordering of the material will bring immediate benefits to the zoning regulations by making them much clearer and more comprehensible. By streamlining the code and removing some of the vague elements, the City of Oakland will be better able to provide clear answers and direction to potential applicants early on in the process.
- **Temporary Business Signs.** Regulations have been written to govern temporary business signs, which were not previously dealt with in our regulations. Temporary business signs are generally used to announce the opening of a business or for special events such as festivals or parking lot sales. The City of Oakland is interested in allowing such signs but believe they need some regulation as they also have the ability to become a visual nuisance as they are often cheaply made, poorly displayed, and sometimes become permanent fixtures on the property. To deal with this, regulations have been crafted that enact specific time limits for how long such signs can remain on a property, the length of time being dependent on what the purpose of the sign was for with up to 30 days for a grand opening. Durable materials must be used to ensure that the sign does not degrade and turn into a blight situation and such signs would be restricted to being affixed to permanent structures on the lot. Staff believes these new regulations will help clean up a previously uncovered issue in our sign regulations and further contribute to the visual quality of the city.
- **Freestanding Signs at Intersections.** The proposed regulations incorporate clear sight language to ensure that freestanding signs do not impede the vision of motorists or pedestrians at either intersections or driveways. To that end, the obstruction area includes

all land within a triangular area measuring 15' from the intersection along each street line and 10' from the intersection where a street and a driveway connect.

- **Roof Signs.** The proposed regulations would prohibit new roof signs or indeed any building sign to be constructed above the height of the building wall. Roof signs have the potential to act as visual blight for both the commercial and adjacent residential neighborhoods. They also tend to conflict with the General Plan policy for the downtown about preserving and creating attractive skylines.
- **Window Signs.** The proposed sign regulations more clearly state that window signs do count towards the aggregate site area of the property. This has always been a part of the regulations but it was never clearly expressed. This is modified to exempt signs that are located at least 18 inches behind the window. A further restriction is to limit the amount of signage to cover no more than 25% of any one window. This will allow window signs but having a limit will help to ensure that window signs do not become a blight element or ruin the appeal of a storefront.
- **Projections over Sidewalk.** Regulations for the projection of canopies, awnings, single signs, and marquees are being applied to all zoning district which represent the same standards currently found in more restrictive zones such as the C-28 Commercial Shopping District Zone. They have also been written so as not to conflict with building code regulations that deal with signs projecting into the public right of way. The new regulations allow signs to project no more than 75% of the distance from property line to the face of the curb and not allowing signs to encroach within 2' of the curb face. Regulations have also been written to cover the minimum height of the bottom of the sign at 10' to ensure unrestricted navigation on the sidewalk.
- **Existing Signs.** It should be noted that the regulations being proposed do not force the removal of existing, permitted business signs. Such signs would be, if the proposed ordinance were to be adopted, considered legally non-conforming and would be subject to the legal non-conforming regulations found in Section 17.114 of the Oakland Planning Code. Such signs would be allowed to continue to exist under those regulations but they could not be expanded in size, and pursuant to state law, their customary maintenance, use or repair shall not be limited.

**Other Cities:** In preparing for this effort, staff researched the regulations for business signs that other local jurisdictions used (please see Table E for a chart comparing other neighboring jurisdictions). While it is true that Oakland has and should continue to maintain its own identity, it can be useful to consider how our proposed regulations match what other municipalities are doing. It seems our proposed regulations would not make Oakland either the most nor the least restrictive jurisdiction. Our proposed aggregate square footage totals are lower than those cities surveyed but we are allowing applicants greater flexibility in how they use their allotment of square footage. Many jurisdictions have not only a total aggregate square footage but then separate square footage allotments per type of sign. In rewriting our ordinance, we wanted to grant our applicants a certain amount of flexibility, allowing them to be potentially more creative.



**Likely Neighborhood Effects:** Another aspect of this change is assessing what the likely affects of adopting new regulations will have on the existing signs in the City of Oakland. Estimates over the relative amount of potential new non-conformities have been made during field visits by staff to various sites throughout the city. It is clear from these site visits that many of the signs in our manufacturing districts and higher intensity commercial districts (C-10, C-30, C-35, C-40) would be made legally non-conforming if these new regulations are adopted. This is particularly true for types of signs such as roof signs and some of our taller freestanding signs. Some blocks along Macarthur or International Blvd for example might see up to 25% of the total signage be made legally non-conforming if these proposed regulations are adopted. Other areas along Fruitvale and College Avenue will not see such high rates of new legal non-conforming signs as the current regulations in force for those zoning districts are already similar to what is being proposed.

Staff notes that the areas that will likely see the greatest amount of legal non-conformancy are also the areas that the City Council identified as areas they want to target to reduce the potential negative impact of large and/or tall business signs. As the ultimate goal of any legal non-conforming use or facility is to eventually bring it into conformance, this is not regarded as a problem.

**RECOMMENDATION**

Due to the negative impacts that very large business signs have been shown to have in the City of Oakland, staff recommends adopting the proposed text amendment placing additional development controls on business signs throughout all of Oakland's commercial and manufacturing districts.

Staff recommends that the Planning Commission:

1. Affirm staff's environmental determination.
2. Recommend adoption of the proposed text amendment to the Oakland Planning Code to the Oakland City Council.

Prepared by:

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Robert D. Merkamp  
Planner III

Approved by:

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Gary Patton  
Deputy Director of Planning and Zoning

**ATTACHMENT:**

- A. Proposed New Zoning Text with new additions underlined and deletions in ~~strikethrough~~.
- B. Table of existing and proposed Sign Standards by Zoning District.
- C. Copy of Original Staff Report to the City Council on December 17, 2002.
- D. Copy of Emergency Ordinance 12461 Amending Oakland Planning Code Section 17.104 dated December 17, 2002.
- E. Table of existing Sign Standards of adjacent communities.
- F. Copy of Emergency Ordinance 12566 dated December 4, 2003.

CITY OF OAKLAND  
COUNCIL AGENDA REPORT

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND  
02 DEC 12 PM 2:50

TO: Office of the City Manager  
ATTN: Robert C. Bobb  
FROM: Community and Economic Development Agency  
DATE: December 17, 2002  
RE: AN EMERGENCY ORDINANCE ESTABLISHING INTERIM CONTROLS  
FOR SIGNS WITHIN ALL COMMERCIAL, INDUSTRIAL, S-1, S-2, S-3, S-  
15, AND S-16 ZONES, AND SUSPENDING CONFLICTING PROVISIONS,  
TO TAKE EFFECT IMMEDIATELY UPON INTRODUCTION AND  
ADOPTION

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#### SUMMARY

This report proposes an emergency ordinance limiting the aggregate display area for all Business, Civic and Residential Signs, and the maximum height for freestanding signs in the City's commercial, industrial, S-1, S-2, S-3, S-15, and S-16 Zones. The current sign regulations contained within the Planning Code vary widely. In certain commercial, industrial, and special zones, the current regulations allow Business, Civic and Residential Signs of up to 700 square feet of display surface on any one face, and up to 35 feet in height, without regard to the size or location of the property upon which they are located. These same zoning districts also generally lack any maximum aggregate signage limitations, thereby allowing an unlimited number of large and/or tall signs on any one property.

The Planning and Zoning Division has recently received an application for a 35-foot tall double-sided Business Sign totaling 1,400 square feet of display area (700 square feet per side), for a business located on a 4,070 square foot lot in the M-30 General Industrial Zone. The subject property is adjacent to Interstate Highway 880 and abuts several residentially developed properties. The size of the proposed sign is equivalent to the size of a billboard, and will be visible from the freeway. The size of the lot is similar to that of a substandard single-family residential lot. In addition, the subject property is located within the "Residential Mixed Use" Land Use Classification under the Oakland Estuary Policy Plan. The M-30 regulations still apply with regard to signage, however, and the proposed sign conforms to the M-30 regulations.

Construction of the proposed sign would cause visual blight that would negatively affect the quality of life of the surrounding residents, and would disrupt the orderly development of the surrounding neighborhood.

#### FISCAL IMPACTS

The proposed changes to the text of the Zoning regulations would not result in any direct fiscal impacts for the City of Oakland. The proposed code revisions set quantitative maximum size

**ATTACHMENT C**

limits, and would generate few if any discretionary permits for exceptions. Fee revenues would be received for those applications.

## **BACKGROUND**

The current sign regulations contained within the Planning Code vary widely from zone to zone, and in certain cases are outdated and overly permissive. Currently in the C-10, C-20, C-30, C-35, C-40, C-45, C-51, C-55, C-60, M-20, M-30, M-40, S-1, S-2, S-3, and S-16 Zones, there are no limits to aggregate display area. While some of these zones have limits for the size of individual signs, there is no limit to the total number of signs on any one lot. Also, the size or height of signs permitted in these zones is not tied to the size of the property upon which they are located. Furthermore, in all of these zones except for the C-20, S-1, S-3, S-15, and S-16 Zones, there is no requirement for Design Review. Within these zones the current regulations allow an unlimited number of signs with no Design Review or other discretionary zoning review whatsoever.

The current sign regulations in the more newly adopted zoning districts, specifically the C-5, C-25, C-27, C-28, C-31, C-36, C-52, and S-15 Zones, generally include a common limit of aggregate sign area of 1 square foot for every 1 foot of street frontage on a lot. In addition, these zones generally have lower height limits for freestanding signs, ranging from 6 to 30 feet, as opposed to the 35 to 45 foot height limits found elsewhere.

Generally, large Business, Civic and Residential Signs that have been constructed under the more permissive regulations have been appropriate for the size of the lot where they are located, and in fact the intent of the current zoning was to allow businesses that occupy large lots or large buildings the flexibility to design an appropriately sized sign for their business. There have been some exceptions to this however, for example, the Kentucky Fried Chicken sign at the corner of International Blvd. and 73<sup>rd</sup> Avenue.

Most recently, the Planning and Zoning Division has received a permit application for a 35-foot tall double-sided sign totaling 1,400 square feet of display area (700 square feet per side), for a business located on a 4,070 square foot lot on East 8<sup>th</sup> Street, adjacent to Interstate Highway 880, and near the intersection with 29<sup>th</sup> Avenue. The subject property is located within the "Residential Mixed Use" Land Use Classification under the Oakland Estuary Policy Plan, however the M-30 regulations still apply with regard to signage, and the proposed sign conforms to the current M-30 regulations. The sign permit is currently under review by the Planning & Zoning and Building Services Divisions, and has not yet been issued. If the emergency ordinance is adopted, it would apply to this Business Sign application.

## **PROJECT DESCRIPTION**

The proposed emergency ordinance limits the aggregate sign area for all Business, Civic, and Residential Signs, and the maximum height for freestanding Business, Civic, and Residential signs in the City's commercial, industrial, S-1, S-2, S-3, S-15, and S-16 Zones as follows:

C-5, C-10, C-20, C-25, C-27, C-28, C-31, S-1, S-2, S-3, S-15 and S-16 Zones:

Maximum aggregate sign area: One square foot for each one foot of abutting street frontage ( $\frac{1}{2}$  square foot for each one foot of abutting street frontage on corner lots).

Maximum height of freestanding signs: Six foot maximum, with additional height allowed (up to the current maximum for each particular zoning district) upon the granting of a Conditional Use Permit.

C-30, C-35, C-36, C-40, C-45, C-51, C-52, C-55, C-60, M-10, M-20, M-30, and M-40 Zones:

Maximum aggregate sign area: One square foot for each one foot of abutting street frontage ( $\frac{1}{2}$  square foot for each one foot of abutting street frontage on corner lots), with additional area allowed for properties larger than 1 acre in area or buildings greater than 25,000 square feet in floor area, upon the granting of a Conditional Use Permit.

Maximum height of freestanding signs: 20 foot maximum, with additional height allowed (up to the current maximum for each particular zoning district) upon the granting of a Conditional Use Permit.

**KEY ISSUES AND IMPACTS**

Because of the urgent nature of the current sign application on East 8<sup>th</sup> Street, and the possibility for additional similar signs throughout the City, it is imperative that the sign regulations contained within the Planning Code be immediately revised to limit large signs on small properties and to allow the City to review applications for tall signs that may conflict with the nature of the surrounding neighborhood, negatively affect the quality of life of its inhabitants, or impede its orderly growth and development.

The proposed aggregate sign area limits and maximum height limits for freestanding signs are based upon existing regulations contained within the more recently adopted zoning districts, and are *more in keeping with modern zoning and design standards*. The proposed sign regulations will help to preserve and improve the desired character of neighborhoods throughout the City that are currently subject only to the old and overly permissive sign regulations. These areas include large portions of International Blvd., Broadway, San Pablo Avenue, Foothill Blvd., Grand Avenue, and MacArthur Blvd., portions of the Estuary Plan Area, and many business areas located adjacent to freeways.

Under the sign regulations contained within the proposed emergency ordinance, the proposed 35-foot tall 1,400 square foot double-sided sign for the property discussed above on East 8<sup>th</sup> Street would be limited to a total aggregate sign area of approximately 64 $\frac{1}{2}$  square feet and a maximum height of 20 feet (up to 35 feet upon granting of a Conditional Use Permit).

**ENVIRONMENTAL DETERMINATION**

The requirements of the California Environmental Quality Act (CEQA) of 1970, as prescribed by the Secretary of Resources, and the City of Oakland's environmental review requirements, have been satisfied, and, in accordance the adoption of this ordinance is exempt from CEQA under Sections 15061(b)(3) "General Rule", 15305 "Minor Alterations in Land Use Limitations", 15307 "Actions by Regulatory Agencies for Protection of Natural Resources", and 15311 "Accessory Structures" of the State CEQA Guidelines.

**RECOMMENDATION**

Staff recommends that the Council adopt the emergency ordinance. Staff would plan to prepare permanent revised zoning regulations for signs as part of the Zoning Update project, and bring them to the City Council with one year.

**ACTION REQUESTED OF THE CITY COUNCIL**

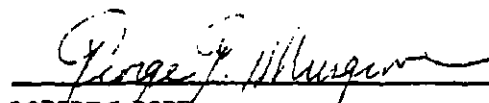
1. Affirm staff's environmental determination.
2. Adopt the attached emergency ordinance to establish interim controls for signs within all commercial, industrial, S-1, S-2, S-3, S-15, and S-16 Zones, and suspending conflicting provisions for a period of one year.

Respectfully submitted,

  
 \_\_\_\_\_  
**WILLIAM E. CLAGGETT**  
 CEDA Director

Prepared by:  
Gary Patton, Deputy Planning Director  
Andrew M. Smith, Planner III

APPROVED AND FORWARDED TO THE  
CITY COUNCIL

  
 \_\_\_\_\_  
**ROBERT C. BOBB**  
 City Manager

~~17  
 ORA/COUNCIL  
 DEC 17 2002~~

~~S-3  
 ORA/COUNCIL  
 DEC 17 2002~~

**SIGN STANDARDS OF NEIGHBORING JURISDICTIONS**

**Proposed  
Standards**

	City of Chicago	Chicago	Chicago	Chicago	Chicago	Chicago
Max. SF per lot (aggregate of all sign classes)	2sf per lineal foot up to 55' of frontage, 15x square root of frontage for sites over 55' frontage	1.5 sf per lineal bldg front, max of 2 building frontages are counted (25sfmin/100sf max.)	No Apparent Standard	1.5sf to 1' of frontage, max 200sf (1:1 in CBD zone, max 100)	2.5sf per lineal foot, 1.5sf per lineal foot for any one sign (downtown only)	1sf per bldg or lot front/.5sf per bldg or lot front on corner lots
Calculation Method	Lot Frontage	Building Frontage	Building Frontage (Max of 3 frontages counted)	Lot Frontage	Lot Frontage	Building Frontage (C Zones), Lot Frontage (M Zones)
Project above roofline?	No	No	No Apparent Standard	No	Yes	No
Max. Size	No set max other than general	36Sf	30-130sf	No set max other than general	1:1 building frontage, max. 300sf	See aggregate coverage
Max. Number	None Given	None Given	3 (1 per frontage)	None Given	1 per frontage, if multi-occupancy no more than 4	None
<b>Freestanding Signs</b>						
Max. Number of Signs	1 per frontage, larger lots 1 per 250' frontage	1 per establishment	1 per lot, lots 2 acres + allow 1 per frontage of 150' or more	1 (cannot have freestanding and projecting)	1 per street frontage measuring at least 100'	None
Max. Height	8'-12'	12'	20'-30'	15', lots over 50' width allow add. .1' per 1' up to 25' max height	height = sf of sign area/4 (max. of 20')	10'-20'
Max. Size	64sf	36sf	1sf per 2' frontage, max. between 66'-130'	40sf, lots over 50' width allow add. .35sf per 1' up to 75sf max size	1 sf per 5 lineal feet of street frontage (max. 120')	See aggregate coverage
<b>Projecting Signs</b>						
Max. Size	25sf-32sf	20sf	9sf (does not count towards overall site total)	No set max other than general	No set max other than general	No set max other than general
Max. Number	No Apparent Standard	1	No Apparent Standard	1(cannot have freestanding and projecting)	No Apparent Standard	None
Min/Max Height	10'/Roofline or 30' whichever less	Max height is first story of building	No Apparent Standard	10' min/cannot project above roof line or parapet	No Apparent Standard	Cannot project above roofline
Max. Projection into ROW	5'	3' and must be at least 2.5' from curb line	No Apparent Standard	4'	No Apparent Standard	75% of sidewalk width, not within 2' of curb

**ATTACHMENT D**

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND  
6 VOTES REQUIRED FOR PASSAGE  
2003 DEC -4 AM 11:59

Approved as to form and legality

INTRODUCED BY COUNCILMEMBER \_\_\_\_\_

*Mark P. Wall*

CITY ATTORNEY

Ordinance No. 12566 C.M.S.

**AN EMERGENCY ORDINANCE, PURSUANT TO CHARTER SECTION 213,  
ESTABLISHING INTERIM CONTROLS FOR CONDITIONAL USE PERMITS  
AND VARIANCE AND RELATED FINDINGS FOR SIGNS AND SUSPENDING  
CONFLICTING PROVISIONS, TO TAKE EFFECT IMMEDIATELY UPON  
INTRODUCTION AND ADOPTION**

WHEREAS, the Oakland Municipal Code and the Oakland Planning Code ("OPC") regulate various types of signs and the OPC prohibits new Advertising Signs; and

WHEREAS, the OPC allows variances as exceptions to the strict requirements of the zoning regulations; and

WHEREAS, the City is currently involved in litigation challenging the constitutionality of Oakland's sign regulations; and

WHEREAS, questions have arisen concerning the constitutionality of the variances and conditional use permit ("CUP") provisions as they relate to signs; and

WHEREAS, the City has represented to the federal court that it is amending the OPC to address the constitutional issues; and

WHEREAS, the City of Oakland has recently received applications for Advertising and other signs that would require a CUP or variance from the OPC; and there is therefore an urgent need to revise the regulations in order to avoid a direct threat to health, safety, and welfare of the surrounding community and to remove (moot) the issue from the current litigation; and

WHEREAS, there is insufficient time to develop permanent controls and present them to the City Planning Commission and City Council for review, recommendation, and adoption; and



WHEREAS, it is in the best interests of the City to immediately amend the CUP and variance provisions on an interim basis while permanent controls are developed; and

WHEREAS, for the reasons set forth above, pursuant to City Charter section 213, the Council declares that this ordinance is necessary to preserve the public peace, health, or safety and to avoid a direct threat to the health, safety, and welfare of the community, and the "Whereas" clauses above taken together constitute the City Council's statement of the reasons constituting such necessity and emergency.

NOW, THEREFORE, the Council of the City of Oakland does ordain as follows:

**SECTION 1.** The City Council finds and determines the foregoing recitals to be true and correct and hereby makes them a part of this ordinance.

**SECTION 2.** The City Council finds and determines, for the reasons stated in the recitals, the adoption of this ordinance is exempt from CEQA under Sections 15061(b)(3), 15301, 15302, 15303, 15307, 15308 and 15311 of the State CEQA Guidelines.

**SECTION 3.** For the term of this Ordinance, as set forth in Section 5 hereof, the following shall apply:

A. Any time a conditional use permit is required for a sign, including without limitation Emergency Ordinance No. 12461 C.M.S., as it may be amended or extended, such sign shall now require a variance, pursuant to the criteria in subsection B below, and the appeal procedures in subsection C below.

B. A variance for signs shall be granted upon a determination that all of the following conditions are present:

1. That strict compliance with the specified regulation would result in practical difficulty or unnecessary hardship inconsistent with the purposes of the zoning regulations, due to unique physical or topographic circumstance or conditions of design;
2. That strict compliance with the regulations would deprive the applicant of privileges enjoyed by owners of similarly zoned property;
3. That the variance will not constitute a grant of special privilege inconsistent with limitations imposed on similarly zoned properties or inconsistent with the purposes of the zoning regulations.

C. The expedited appeal procedures contained in OPC § 17.148.070.B shall apply to all appeals to the City Council relating to all signs.

D. The City of Oakland, consistent with current policy and practice, does not intend to and does not discriminate against non-commercial speech and does not favor commercial over non-commercial speech. All OMC, OPC and other City codes, ordinances, resolutions or policies shall continue to be interpreted in such a manner.

**SECTION 4.** During the term of this ordinance as set forth in Section 5 hereof, no building, zoning or other permit that has been issued for any sign for which rights to proceed with said sign have not vested pursuant to the provisions of State law shall proceed, and no building, zoning or other permit for any sign shall be issued by any department, agency, employee or agent of the City of Oakland to allow for any signs, without complying with the requirements of section 3 above. No use which has not vested prior to the date of this Ordinance shall commence in violation of the provisions of this Ordinance.

**SECTION 5.** The interim controls imposed by this ordinance shall remain in place and be effective for a continuous one year from the effective date of this ordinance, or until the City Council adopts permanent controls resulting from the study referenced in Section 6 hereof, whichever occurs first.

**SECTION 6.** The Community and Economic Development Agency, in conjunction with the Office of the City Attorney, is directed, over the next one-year, to conduct a study and develop a draft set of permanent amendments to the Planning Code and/or Municipal Code regarding the subject matter of this ordinance for codification.

**SECTION 7.** For the term of this ordinance, as set forth in Section 5 hereof, the provisions of this ordinance shall govern, to the extent there is any conflict between the provisions of this ordinance and the provisions of any other City code, ordinance, resolution or policy, and all such conflicting provisions shall be suspended.

**SECTION 8.** This ordinance shall be effective immediately upon its adoption by the City Council, subject to the provisions of Section 216 of the Charter of the City of Oakland.

**SECTION 9.** This Ordinance is enacted pursuant to the City of Oakland's general police powers, Sections 106 and 213 of the Charter of the City of Oakland, and Article XI of the California Constitution.

SECTION 10. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, the remainder of this ordinance and the application of such provisions to other persons or circumstances shall not be affected thereby.

In Council, Oakland, California, December 16, 2003, Passed By The Following

Vote:

AYES- 7

NOTES- 0

ABSENT- 0

ABSTENTION- 0

EXCUSED - ZERO 1

Attest:   
CEDA FLOYD

CITY CLERK AND CLERK OF THE COUNCIL  
OF THE CITY OF OAKLAND, CALIFORNIA

315683

- 4 -

~~COMMUNITY ECONOMIC  
DEVELOPMENT CMTE~~

~~APR 27 2004~~

14.2  
ORA/COUNCIL  
JUN 1 2004