

# CITY OF OAKLAND

## AGENDA REPORT

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2008 OCT 16 PM 6:47

TO: Office of the City Administrator  
ATTN: Dan Lindheim  
FROM: Community & Economic Development Agency  
DATE: October 28, 2008

RE: **Resolution Authorizing the City Administrator to Enter into a Billboard Relocation Agreement with CBS Outdoor, Inc. (CBS Outdoor), Allowing CBS Outdoor to Remove and Waive its Rights to Compensation, Including All Real Property and Personal Property Interests, for a Number of Billboards at Various Locations in Exchange for Reconstruction of a Billboard located at 185 98<sup>th</sup> Avenue (at the intersection of Bigge Avenue and 98<sup>th</sup> Avenue)**

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### SUMMARY

The City Council is asked to approve a resolution to permit the City to enter into a Billboard Relocation Agreement with CBS Outdoor Inc. regarding the specific site identified in the resolution title above. The Agreement also will result in the removal of 19 billboards throughout various Oakland neighborhoods in exchange for the one new two-sided billboard with visibility on 98<sup>th</sup> Avenue.

### FISCAL IMPACT

The proposed Billboard Relocation Agreement will not result in any direct cost impacts because CBS Outdoor is waiving its rights to compensation, including all real property and personal property interests for the 19 billboards specified in the staff report.

### BACKGROUND

- In December 1997, the City of Oakland enacted Ordinance No. 12025 CMS, which prohibited the installation of new billboards anywhere in the City.
- In 1998, the City adopted Ordinance No. 12073 CMS, amended by Ordinance No. 12146 CMS, creating an amortization program for billboards in residential areas. After CBS Outdoors' predecessor (Outdoor Systems, Inc.) sued the City to stop the ordinance's enforcement, the parties executed the Outdoor Systems Amortization Settlement Agreement dated November 2, 1999 (the "Settlement Agreement").

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- In 2002, the City adopted Ordinance No. 12425 CMS to amend the Oakland Municipal Code to permit relocated and wholly reconstructed advertising signs pursuant to Franchise/Relocation Agreements.

The City of Oakland has executed other similar billboard relocation agreements, such as one in late 2003 and the other in April of 2007. The 2003 agreement provided for the removal of 30 billboards, retention of the Clear Channel offices in Oakland and a \$100,000 contribution to the City's General Fund in exchange for the development of two new freeway billboards with a total of 2,688 square feet. The total square foot sign area of the removed billboards totaled 5,424 square feet, roughly a two to one ratio of removed sign area to new sign area. The 2007 agreement provided for the reconstruction and expansion by 480 square feet, of two existing billboards in return for removal of 2,364 square feet of other billboards, roughly a five to one ratio. This agreement also required payments by the property owners on which the billboards were located to the Chabot Science Center in the amount of \$125,000 and to the City for an undesignated future project also in the amount of \$125,000.

### **KEY ISSUES AND IMPACTS**

This agreement calls for 1,344 square feet of new billboards in return for removal of 2,736 square feet of existing billboards, roughly a two to one ratio.

CBS Outdoor has not included any monetary contributions as part of the proposed agreement, as was the case in prior relocation agreements.

### **PROJECT DESCRIPTION**

The details of the agreement are provided (Attachment A) showing the locations and sizes of the billboards proposed for removal.

None of these signs is scheduled for removal under the amortization program.

The proposed Billboard Relocation Agreement will be conditioned on CBS Outdoor providing documentation satisfactory to the City that CBS Outdoor has fully complied with the Settlement Agreement.

### **SUSTAINABLE OPPORTUNITIES**

*Economic:* There are no economic opportunities contained in this report.

*Environmental:* No environmental opportunities have been identified.

*Social Equity:* Removal of the 19 billboards will result in reduced blight in our City's neighborhoods, increasing enhancement of the City's physical attributes.

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Social Equity: Removal of the 19 billboards will result in reduced blight in our City's neighborhoods, increasing enhancement of the City's physical attributes.

**DISABILITY AND SENIOR CITIZEN ACCESS**

Approval of this resolution will have no direct impact on disabled and senior citizen access.

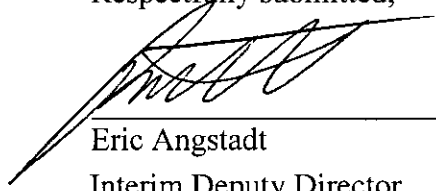
**RECOMMENDATION AND RATIONAL**

Staff has reviewed the proposal and confirmed that the signs proposed for removal are not already scheduled for removal under the amortization program. Staff is not making any recommendation on the proposal, however a resolution is provided if the Council wishes to approve the agreement.

**ACTION REQUESTED OF THE CITY COUNCIL**

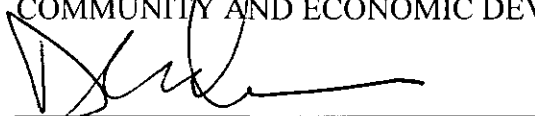
Consider the resolution authorizing the City Administrator to enter into a Billboard Relocation Agreement with CBS Outdoor, Inc., to waive its rights to compensation, including all real property and personal property interests, for nineteen (19) billboards located as designated in the staff report in exchange for the reconstruction of one new double sided billboard located at 185 98<sup>th</sup> Avenue.

Respectfully submitted,



Eric Angstadt  
Interim Deputy Director  
Community & Economic Development Agency

APPROVED AND FORWARDED TO THE  
COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE:



Office of the City Administrator

Attachment A: CBS Outdoor Proposal

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October 28, 2008

# ATTACHMENT A

## *Proposed Takedowns*

<b>Unit</b>	<b>Address</b>	<b>Area</b>	<b>Sector</b>	<b>Sq Ft.</b>
4410	98Th Ave S/O Railroad E/S	Oakland	East Oakland	72
4411	98Th Ave 100 ft W/O Railroad N/S	Oakland	East Oakland	72
4412	98Th Ave 100 ft W/O Railroad N/S	Oakland	East Oakland	72
4414	98Th Ave 100 ft W/O Railroad N/S	Oakland	East Oakland	72
4286	Mac Arthur E/ 500' N/O & Laurel	Oakland	East Oakland	72
4180 & 4181	14Th St N/ 100' W/O Mlk Jr & Way	Oakland	West Oakland	144
4224	E 24Th St W/ 50' S/O 11Th & Ave	Oakland	East Oakland	72
4334	85Th Ave S/ 100' E/O & Amelia	Oakland	East Oakland	72
4278	Mac Arthur E/ 300' N/O & 98Th Ave	Oakland	East Oakland	72
4264	Mac Arthur W/ 150' N/O & 82Nd Ave	Oakland	East Oakland	72
2299 & 2339	98Th Ave & Empire NW/S	Oakland	East Oakland	600
2346	E 14Th 75 ft S/O 26Th W/S	Oakland	East Oakland	300
1205 & 1366	Shattuck 75 ft N/O Fairview E/S	Oakland	North Oakland	600
1365 & 4140	Telegraph 100 ft S/O Aileen W/S	Oakland	North Oakland	372
4106	San Pablo S/O 59Th St W/S	Oakland	North Oakland	72
			<b>Total Sq Ft.</b>	<b>2736</b>

  
 City Attorney

 FILED  
 OFFICE OF THE CITY CLERK  
 OAKLAND

2008 OCT 16 PM 6:48

**OAKLAND CITY COUNCIL**

RESOLUTION No. \_\_\_\_\_ C.M.S.

Introduced by Councilmember \_\_\_\_\_

**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO A BILLBOARD RELOCATION AGREEMENT WITH CBS OUTDOOR, INC. (CBS OUTDOOR), ALLOWING CBS OUTDOOR TO REMOVE AND WAIVE ITS RIGHTS TO COMPENSATION, INCLUDING ALL REAL PROPERTY AND PERSONAL PROPERTY INTERESTS, FOR A NUMBER OF BILLBOARDS AT VARIOUS LOCATIONS IN EXCHANGE FOR RECONSTRUCTION OF A BILLBOARD LOCATED AT 185 98<sup>TH</sup> AVENUE (AT THE INTERSECTION OF BIGGE AVENUE AND 98<sup>TH</sup> AVENUE)**

**WHEREAS**, CBS Outdoor, Inc. (CBS Outdoor), proposes to waive their rights to compensation, including all real property and personal property interests, and remove a number of billboards in Oakland in exchange for a billboard relocation agreement allowing CBS Outdoor to reconstruct a billboard at 185- 98<sup>th</sup> Avenue; and

**WHEREAS**, removal of a number of billboards at various locations throughout the City is consistent with the City's objective to remove billboard signage throughout Oakland to enhance the City's physical attributes; and

**WHEREAS**, all the proposed billboards will be removed by CBS Outdoor at its sole cost and expense; and

**WHEREAS**, the proposed billboard relocation agreement would permit CBS Outdoor to construct one new two sided billboard at 185 98<sup>th</sup> Avenue for a total square footage of 1,344 square feet; and

**WHEREAS**, CBS Outdoor would remove at least nineteen billboards totaling at least 2,736 square feet from various locations around the City of Oakland, resulting in a net decrease of sign area in the City; and

**WHEREAS**, the proposed billboard relocation agreement will require CBS Outdoor to provide documentation satisfactory to the City that CBS Outdoor has fully complied with the Amortization Settlement Agreement between the City and Outdoor Systems, Inc., predecessor to CBS Outdoors, effective November 2, 1999 (Settlement Agreement); and

**WHEREAS**, the proposed billboard relocation agreement complies with the existing City regulations that permit relocated and wholly reconstructed advertising signs pursuant to a billboard relocation agreement; now, therefore be it

**RESOLVED:** That the City Council authorizes the City Administrator to enter into a billboard relocation agreement with CBS Outdoor allowing CBS Outdoor to remove and waive its rights to compensation, including all real property and personal property interests, for a number of billboards at various locations, as designated in Exhibit A to this Resolution, in exchange for construction of a new two sided billboard totaling 1,344 square feet at 185- 98<sup>th</sup>

Avenue (intersection of Bigge Avenue and 98<sup>th</sup> Avenue, Oakland, CA); and be it

**FURTHER RESOLVED:** That the billboard relocation agreement will require CBS Outdoor to provide documentation satisfactory to the City that CBS Outdoor has fully complied with the Settlement Agreement; and be it

**FURTHER RESOLVED:** That the City Administrator or his/her designee is authorized to complete all the required negotiations regarding the terms of, and to execute, a billboard relocation agreement with CBS Outdoor in accordance with the intent of this resolution, and including other conditions and enforcement mechanisms as will be recommended by the City Attorney; and be it

**FURTHER RESOLVED:** That the City Attorney shall approve the billboard relocation agreement as to form and legality.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2008

**PASSED BY THE FOLLOWING VOTE:**

AYES - BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT DE LA FUENTE

NOES -

ABSENT -

ABSTENTION -

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

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

# EXHIBIT A

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