

**CITY OF OAKLAND  
COUNCIL AGENDA REPORT**

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2003 NOV 20 PM 12:27

TO: Office of the City Manager  
ATTN: Deborah Edgerly  
FROM: Community & Economic Development Agency  
DATE: December 2, 2003

RE: CONSIDERATION OF AN ORDINANCE AMENDING ORDINANCE NO. 12461 C.M.S. TO EXTEND, BY SIX MONTHS, THE EXISTING 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.

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**SUMMARY & BACKGROUND**

This is a request to extend a set of interim sign regulations that were adopted via Ordinance No. 12461 C.M.S. as part of an emergency ordinance and are currently set to expire December 17, 2003. These interim controls were adopted as a result of the zoning code's permissive standards for business, civic, and residential signs that were leading to inappropriately large signs throughout the City of Oakland. A review of the zoning code found that many areas of the city, including prime commercial corridors, permitted billboard-size signs without discretionary review. 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.

Staff initially planned to return to the City Council within one year of passing the emergency ordinance with a completely revised code section on the subject of business, civic, and residential signs. Due to resource difficulties, planning staff has not completed the rewrite of the regulations. If the interim ordinance expires on December 17, 2003, the old regulations would return and continue to create situations such as those that prompted the emergency ordinance in the first place. Staff requests an extension of the interim ordinance for 180 days to allow for further time to complete the process of rewriting the zoning regulations pertaining to business, civic, and residential signs and submitting the regulations to the City Planning Commission and City Council for adoption and implementation. Staff is working on the completion of a new ordinance addressing business, civic, and residential signs and expects to have it before the Planning Commission in February, the Community & Economic Development Committee in March, and back before the Council in April or May, depending upon the nature of the comments received.

**FISCAL IMPACT**

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

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City Council  
December 2, 2003

## SUSTAINABLE OPPORTUNITIES

This section describes the sustainable opportunities that are being addressed or will be implemented as part of the item, such as:

- Economic: This request does not have a direct economic effect on the City of Oakland.
- Environmental: 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.
- Social Equity: This request has no impact on Social Equity for the citizens of the City of Oakland.

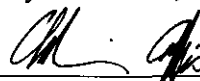
## DISABILITY AND SENIOR CITIZEN ACCESS

This section does not apply as the interim business, civic, and residential sign controls have no affect on disability or senior citizen access.

## STAFF RECOMMENDATION AND RATIONALE

Staff recommends that the City Council extend the interim controls for an additional 180 days from the date of its expiration to allow for staff to complete revisions to the business, civic, and residential sign regulations.

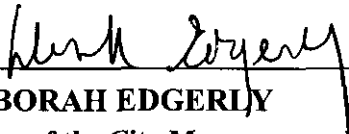
Respectfully submitted,



**CLAUDIA CAPPIO**  
**Development Director**  
**Community & Economic Development Agency**

Prepared by:  
Robert D. Merkamp, Planner III  
Planning & Zoning

Approved and Forwarded to the City Council:



**DEBORAH EDGERLY**  
**Office of the City Manager**

## ATTACHMENTS:

- A. City Council Staff report of December 17, 2002 and adopting Ordinance No 12461 C.M.S. 17  
Item: 17

City Council  
December 2, 2003

INTRODUCED BY COUNCIL MEMBER \_\_\_\_\_  
2003 NO. 20 PM 12-07

*Mark P. Wall*  
CITY ATTORNEY

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

AN ORDINANCE AMENDING ORDINANCE NO. 12461 C.M.S. TO EXTEND, BY SIX MONTHS, THE EXISTING 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.

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**WHEREAS**, on December 17, 2002, the City Council adopted Ordinance No. 12461 C.M.S. 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**, based on the land use analysis, recommendations regarding permanent land use controls with respect to business signs would be provided; and

**WHEREAS**, the interim controls were established to provide temporary land use controls pending the completion of the analysis, and

**WHEREAS**, certain findings were made to support adoption of the Ordinance, and

**WHEREAS**, those findings are still true and correct, and

**WHEREAS**, the land use analysis will be completed over the next six months and recommendations on appropriate land use controls and other strategies will be made, and

**WHEREAS**, the interim controls will expire on December 17, 2003, and

**WHEREAS**, the issuance of building, zoning, and other permits for development activities should continue under the interim controls until the Community and Economic Development Agency completes the analysis, and until the City Planning Commission and City Council review the recommendations and determine where to adopt new or additional land use controls and other strategies which address the land use compatibility issues and visual blight impact related to business, civic and residential signs, and

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DEC 02 2003

**WHEREAS**, the City Council and legislative body of the City, has an obligation pursuant to the City Charter, General Plan and Oakland Planning Code to protect Oakland's physical environment and to conserve existing neighborhoods and other areas, while encouraging orderly development and in manner compatible with existing development in these areas, and

**WHEREAS**, 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 that in accordance with Sections 15061(b)(3), 15305, 15307, and 15311, of the California code of Regulations, this project is exempt from the provisions of CEQA, and

**WHEREAS**, the City Council finds and determines that the public safety, health, convenience, comfort, prosperity, and general welfare will be furthered by the proposed amendment to extend the interim controls for an additional six months.

**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 duration of the interim controls shall be extended for six months and shall expire on June 16, 2004, or until permanent land use controls are adopted by the City Council, whichever occurs first.

**SECTION 3.** All other provisions of Ordinance No. 12461 C.M.S. shall remain in full force and effect including but not limited to the findings made by the City Council.

**SECTION 4.** This Ordinance shall be effective pursuant to Charter section 216.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2003

**PASSED BY THE FOLLOWING VOTE:**

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

NOES-

ABSENT-

ABSTENTION-

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

CEDA FLOYD

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

MPW

**AN ORDINANCE AMENDING ORDINANCE NO. 12461 C.M.S. TO EXTEND BY SIX MONTHS, THE EXISTING 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.**

**NOTICE AND DIGEST**

This ordinance extends interim controls, for a six-month period, to regulate the size and height of Business, Civic, and Residential Signs.

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DEC 02 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

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**ATTACHMENT A**  
**ORACOUNCIL**

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 (½ 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 (½ 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 64½ 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**

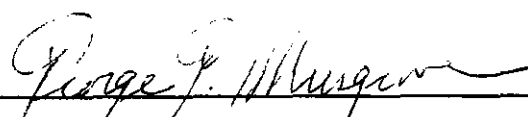
1. Affirm staff's environmental determination.
2. Adopt the attached emergency ordinance to establish interim controls for signs within all commercial, industrial, S-1, S-2, S-3, S-15, and S-16 Zones, and suspending conflicting provisions for a period of one year.

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

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~~S-37  
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DEC 17 2002~~

FILED  
OFFICE OF THE CITY CLERK  
02 DEC 12 PM 2:51

APPROVED AS TO FORM AND LEGALITY

*Mark R. Webb*  
CITY ATTORNEY

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

ORDINANCE NO. 12461 C.M.S.

**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**

**WHEREAS**, current zoning 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**, current zoning 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, current zoning 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 aware 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

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**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, but for the reasons set forth above there is an urgent need to regulate them; and

**WHEREAS**, until such time that the City institutes land use controls over such signs, the community is in jeopardy that said signs could be instituted prior to the imposition of controls necessary for the protection of the public health safety and welfare; and

**WHEREAS**, the City of Oakland has recently received an application for a large Business Sign situated on a small lot that abuts several residential facilities, in an area designated for residential and mixed use development by the Oakland Estuary Policy Plan; and there is therefore an urgent need to impose restrictions on permitted size and height of signs in order to avoid a direct threat to health, safety, and welfare of the surrounding community; and

**WHEREAS**, for the reasons set forth above, this ordinance is declared by the Council to be necessary for preserving the public peace, health, or safety and to avoid a direct threat to the health, safety, and welfare of the community in proximity to such signs, 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), 15305, 15307, and 15311 of the State CEQA Guidelines.

**SECTION 3.** For the term of this Ordinance, as set forth in Section 5 hereof, all Business, Civic, and Residential Signs, as currently defined in the Oakland Planning Code, will be further subject to the following limits with regard to maximum aggregate display area and maximum height:

- (a) In the 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 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.
- (b) In the 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 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 display surface may be approved 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 pursuant to the conditional use permit procedure and findings in Oakland Planning Code ("OPC") Chapter 17.134.
- (c) In the 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 no Business, Civic, or Residential Sign which is not attached to a building, shall extend more than six (6) feet above finished grade. However, said height may be increased up to the maximum height allowed in the zoning regulations for the zoning district upon the granting of a Conditional Use Permit pursuant to the conditional use permit procedure and findings in OPC Chapter 17.134.
- (d) In the 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 no Business, Civic, or Residential Sign which is not attached to a building, shall extend more than twenty (20) feet above finished grade. However, said height may be increased up to the maximum height allowed in the zoning regulations for the zoning district upon the granting of a Conditional Use Permit pursuant to the conditional use permit procedure and findings in OPC Chapter 17.134.

**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 development project, facility or activity, for which rights to proceed with development, facility or activity have not vested pursuant to the provisions of

State law shall proceed, and no building, zoning or other permit for any development project, facility or activity, shall be issued by any department, agency, employee or agent of the City of Oakland to allow for any development, facility or activity, until such development project, facility or activity has complied with the requirements of section 3 above. No use which has not commenced or 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 is directed, over the next one-year, to conduct a study and develop a draft set of permanent amendments to the Planning Code regarding the subject matter of this ordinance for codification. The draft permanent controls developed by the Community and Economic Development Agency shall be designed to address the actual and potential impacts of the activities and developments described in this ordinance.

**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 17, 2002, Passed By The Following Vote:

AYES- BRUNNER, CHANG, MAYNE,  
NADEL, REID, SPEES, WAN  
AND PRESIDENT DE LA FUENTE - 8

NOTES- *Ø*

ABSENT- *Ø*

ABSTENTION- *Ø*

ATTEST:

*Ceda Floyd*  
CEDA FLOYD

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

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ORA/COUNCIL  
DEC 02 2003