



Special Counsel

OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

INTRODUCED BY COUNCILMEMBER NOEL GALLO

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2020

PASSED BY THE FOLLOWING VOTE:

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

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____
LATONDA SIMMONS
City Clerk and Clerk of the Council
of the City of Oakland, California