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OAKLAND CITY COUNCIL

12425

ORDINANCE NO. _____ C.M.S.

APPROVED AS TO FORM AND LEGALITY

INTRODUCED BY COUNCILMEMBER _____

Mark P. Walsh

AN ORDINANCE AMENDING TITLE 17 (PLANNING CODE) AND TITLE 14 (SIGN CODE) OF THE OAKLAND MUNICIPAL CODE TO PERMIT ADVERTISING SIGNS PURSUANT TO FRANCHISE AGREEMENTS OR RELOCATION AGREEMENTS AUTHORIZED BY THE OAKLAND CITY COUNCIL.

WHEREAS, on September 18, 2001, the Oakland City Council (via Ordinance No. 12355 C.M.S.) awarded a franchise agreement to Clear Channel Adshel, Inc. to provide 256 bus shelters and 22 static information kiosks at no cost to the City in exchange for advertising rights. The franchise agreement provides, in part, that Clear Channel Adshel, Inc. will (a) install, maintain, and replace the kiosks and the bus shelters, (b) permanently remove 12 eight-sheet billboards at specified locations, (c) provide space on kiosks for City designated materials, and (d) pay a franchise fee to the City; and

WHEREAS, in July 2001, the Oakland City Council adopted Ordinance No. 12351 C.M.S., which directed the City Attorney to execute a relocation/settlement agreement with Clear Channel Outdoor (formerly Eller Media Company) to allow relocation and reconstruction of an existing advertising billboard near Oakport Street and Hassler Way wherein the City would share revenue and advertising space, pursuant to a 66-year lease between Clear Channel Outdoor and the City of Oakland. Relocation of the billboard was made necessary by the sale of the currently underutilized site at 7273 Oakport Street for a Lexus Dealership; and

WHEREAS, over the past five years, the City of Oakland has increased restrictions on advertising signs throughout the City, and, as a result, the advertising signs associated with the aforementioned franchise and relocation agreements are not allowed under existing regulations in the Planning and Sign Codes; and

WHEREAS, the Planning Code and Sign Code amendments would permit advertising signs that are included in the current franchise agreement for bus shelters and kiosks throughout Oakland and would allow the relocation and reconstruction of an advertising billboard at Oakport Street and Hassler Way, consistent with City Council direction; and

WHEREAS, the proposed Planning Code and Sign Code amendments provide flexibility for the City to allow advertising signage where appropriate while still maintaining strict controls over the placement of new and relocated advertising signs and the proposed amendments will also assist in the elimination of blight, provide public amenities and facilitate economic development; and

WHEREAS, the proposed amendments would permit these advertising signs, without requiring land use permits unless the franchise agreements or relocation agreements expressly require such land use permits and such permits are required by the underlying zoning district and moreover, unless land use permits are expressly required, the advertising signs would not be subject to compliance other provisions of the Planning Code such as height, setbacks, etc.; and

WHEREAS, on April 18, 2002, the proposed Planning Code amendment came before the City Planning Commission at a duly noticed meeting and the Commission found that the existing regulations were inadequate and otherwise not in the public interest and voted unanimously to recommend to the City Council that the Planning Code be amended; and

WHEREAS, this Ordinance came before the City Council at a duly noticed meeting.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OAKLAND DOES
ORDAIN AS FOLLOWS:**

Section 1. The City Council does hereby find and declare that the above recitals are true and correct and hereby makes them part of this Ordinance.

Section 2. Amend Title 17 of the Oakland Municipal Code (entitled Planning Code) to read as follows (additions are shown in ***bold italics***, deleted text in strikeout and Chapter headings are shown underlined):

17.104.060 General Limitations on Advertising Signs.

Notwithstanding any provisions to the contrary contained within the Planning Code, advertising signs are not permitted in Oakland except (1) as otherwise provided for in this Code, or (2) pursuant to a franchise agreement or relocation agreement authorized by the Oakland City Council, which expressly allows advertising signs and then only under the terms and conditions of such agreements.

17.72.060 Conditionally permitted facilities in the M-40 Zone

The following facilities, as described in the use classifications in Chapter 17.10, may be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedures in Chapter 17.134:

- A. Non-Residential Facilities:
Drive-Through

If the agreement referenced under Section 17.104.060 expressly requires a conditional use permit then a conditional use permit shall be required for the following:

- B. Signs:
Advertising

17.72.090 Limitations on Signs in the M-40 Zone

A. General Limitations. All signs shall be subject to the applicable limitations set forth in Section 17.104.020 **and 17.104.060.**

Section 3. Section 14.04.270.6 of the Oakland Municipal Code (entitled Sign Code) is added to read as follows:

Section 14.04.270 Signs Adjacent to Freeways

6. Relocated or wholly reconstructed advertising signs pursuant to a franchise agreement or relocation agreement authorized by the City Council, which expressly allows advertising signs and then only under the terms and conditions of such agreements.

Section 4. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the remainder of this Ordinance and the application shall not be affected thereby.

Section 5. This Ordinance is exempt from environmental review pursuant to Section 15061(b)(3) of the California Environmental Quality Act Guidelines and the City Manager is directed to cause to be filed a Notice of Exemption.

IN COUNCIL, OAKLAND, CALIFORNIA,

JUN 11 2002
, 2002

PASSED BY THE FOLLOWING VOTE:

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

NOES- 0

ABSENT- 0

ABSTENTION- 0

ATTEST. 

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