

Approved as to Form and Legality


Deputy City Attorney

OAKLAND CITY COUNCIL

Ordinance No. _____ C.M.S.

ORDINANCE EXTENDING THE INTERIM CONTROLS FOR THE IMPLEMENTATION OF THE OAKLAND GENERAL PLAN TO JUNE 30, 2007

WHEREAS, on May 12, 1998, the City Council passed Ordinance No. 12054 C.M.S., which adopted Interim Controls for implementation of the Oakland General Plan prior to the comprehensive revision of the Oakland Planning Code, subdivision, environmental review, and related regulations; and

WHEREAS, Section 5 of Ordinance No. 12054 C.M.S. provides that the Interim Controls shall expire after a three-year period unless extended for an additional two year period; and

WHEREAS, on June 5, 2001, the City Council adopted Ordinance No. 12332 C.M.S., which extended the Interim Controls until June 30, 2003; and

WHEREAS, on July 15, 2003, the City Council adopted Ordinance No. 12514 C.M.S., which extended the Interim Controls until December 31, 2005; and

WHEREAS, on May 6 1998, the Planning Commission adopted "Guidelines for Determining Project Conformity with the General Plan Guidelines and Zoning Regulations." The Planning Commission amended the Guidelines on November 3, 1999, August 8, 2001, December 5, 2001, July 15, 2003, May 28, 2004, and January 4, 2005; and

WHEREAS, the Community and Economic Development Agency is still in the process of updating the Oakland Planning Code to implement the General Plan and thus the Interim Controls are still necessary; and

WHEREAS, the requirements of the California Environmental Quality Act (CEQA) of 1970 are satisfied because the Interim Controls are covered by the Environmental Impact Report prepared for the Land Use and Transportation Element that was certified by the City Council on March 24, 1998; and

WHEREAS, the Council finds and determines that the public safety, health, convenience, comfort, prosperity, and general welfare will be furthered by extending the Interim Controls; now, therefore,

THE CITY COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

Section 1. This ordinance shall be effective upon its adoption if it receives at least six affirmative votes; otherwise, it shall be effective upon the seventh day after final adoption, but shall be retroactively applied as of January 1, 2006 and shall remain in effect until June 30, 2007, or until the comprehensively updated Oakland Planning Code and Zoning Maps are completed and adopted, whichever comes first.

Section 2. The ordinance complies with CEQA because the Interim Controls are covered by the Environmental Impact Report prepared for the Land Use and Transportation Element that was certified by the City Council on March 24, 1998.

Section 3. If any provision of this ordinance or 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 be affected thereby.

Section 4. The recitals are true and correct and an integral part of this ordinance.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2006

PASSED BY THE FOLLOWING VOTE:

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

NOES -

ABSENT -

ABSTENTION -

ATTEST:

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

MFW

NOTICE AND DIGEST

AN ORDINANCE EXTENDING THE INTERIM CONTROLS FOR THE IMPLEMENTATION OF THE OAKLAND GENERAL PLAN TO JUNE 30, 2007

This Ordinance provides a 1 ½ year extension of the Interim Controls (Oakland Planning Code Chapter 17.01) that provide a process for evaluating a development project's consistency between the General Plan and Planning Code

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