

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2009 APR 30 PM 6:43

INTRODUCED BY COUNCILMEMBER _____

APPROVED AS TO FORM AND LEGALITY

Mark P. Wald

City Attorney

OAKLAND CITY COUNCIL
ORDINANCE NO. 12933 C.M.S.

AN ORDINANCE, RECOMMENDED BY THE CITY PLANNING COMMISSION, ADOPTING AN INTERIM RULE TO ALLOW THE PLANNING DIRECTOR, OR DESIGNEE, DISCRETION TO APPROVE GROUND FLOOR COMMERCIAL USES OF LESS THAN 10,000 SQUARE FEET IN THE CENTRAL BUSINESS DISTRICT WITHOUT A CONDITIONAL USE PERMIT

WHEREAS, The City of Oakland has begun a process to amend and update the zoning code for the Central Business General Plan designation; and

WHEREAS, until such time as the City adopts new zoning this interim proposal will be in effect for two years from date of passage; and

WHEREAS, the Land Use and Transportation Element of the Oakland General Plan places priority on the successful and attractive development of commercially viable downtown; and

WHEREAS, on April 15, 2009 the Planning Commission held a duly noticed public hearing and at its conclusion, forwarded, without change, the proposal to allow the interim rule in the Central Business District to the Community and Economic Development Committee of the City Council and the City Council; and

WHEREAS, the provisions of the California Environmental Quality Act (CEQA) have been satisfied and the proposal relies on (a) the previously certified Final Environmental Impact Report for the Land Use and Transportation Element of the General Plan, adopted in 1998; and (b) as a separate and independent basis, the proposal is also exempt under CEQA Guidelines section 15061(b)(3): "General Rule", which states a project is exempt from CEQA if there is no possibility that the activity in question will have a significant effect on the environment; and (c) CEQA Guidelines Section 15303 for construction of new, small commercial structures in an urban area; now therefore

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

Section 1. The recitals above are true and correct and are an integral part of this Ordinance.

Section 2. This Ordinance complies with the California Environmental Quality Act for the reasons stated above and the Environmental Review Officer shall file a Notice of Determination/Exemption with the County.

Section 3. Notwithstanding anything else to the contrary, the Planning Director, or designee, shall have the authority to allow ground floor commercial uses of less than 10,000 square feet in the Central Business District without a conditional use permit in the area as generally shown in Exhibit A, attached hereto and incorporated by reference, and may impose reasonable conditions of approval. The Planning Director shall use the Guidelines for Determining General Plan Conformity and the proposed zoning text amendment to the Central Business District, as recommended by the Planning Commission on April 15, 2009, as the basis for exercise of the discretion granted by this interim rule.

Section 4. This Ordinance shall be effective upon adoption, subject to the provisions of Section 216 of the Charter of the City of Oakland, but shall not apply to building/construction-related permits already issued and not yet expired, zoning applications approved by the City and not yet expired, or to zoning applications deemed complete by the City as of the effective date.

Section 5. This ordinance shall remain in place and be effective for a continuous two-year period from the effective date of this ordinance, or until the City Council adopts permanent zoning for the CBD, whichever comes first.

Section 6. 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, JUN 2 2009, 20_____

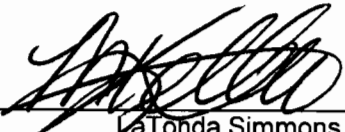
PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, ~~ROSS~~ and PRESIDENT BRUNNER - 7

NOES- 0

ABSENT- Reid - 1

ABSTENTION- 0

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

Introduction Date: **MAY 19 2009**

DATE OF ATTESTATION: 6/4/09

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MPW

NOTICE AND DIGEST

AN ORDINANCE, RECOMMENDED BY THE CITY PLANNING COMMISSION, ADOPTING AN INTERIM RULE TO ALLOW THE PLANNING DIRECTOR, OR DESIGNEE, DISCRETION TO APPROVE GROUND FLOOR COMMERCIAL USES OF LESS THAN 10,000 SQUARE FEET IN THE CENTRAL BUSINESS DISTRICT WITHOUT A CONDITIONAL USE PERMIT

ADOPTION OF THIS ORDINANCE WILL RESULT IN THE PLANNING DIRECTOR USING THE GUIDELINES FOR DETERMINING GENERAL PLAN CONFORMITY AND THE PROPOSED TEXT AMENDMENTS TO THE CENTRAL BUSINESS DISTRICT ZONING CODE TO DETERMINE IF A CONDITIONAL USE PERMIT IS REQUIRED FOR SOME SMALL GROUND FLOOR COMMERCIAL USES.