

Jan 3

**CITY OF OAKLAND
MEMORANDUM**

TO: Rules & Legislation Committee
ATTN: Assistant to the City Manager
FROM: Barbara Parker, Chief Assistant City Attorney (Ext. 2965)
Michelle Abney, Open Government Coordinator (Ext. 2965)
Department: Office of the City Attorney
DATE: Thursday, November 20, 2003
SUBJECT: Request to Schedule Agenda Item

FILED
OFFICE OF THE CITY CLERK
OAKLAND
2003 NOV 15 AM 11:40

TITLE: AN EMERGENCY ORDINANCE, PURSUANT TO OAKLAND CITY CHARTER SECTION 213, ADOPTING INTERIM CONTROLS FOR VARIANCE CRITERIA FOR FIRST AMENDMENT ACTIVITIES/FACILITIES, INCLUDING WITHOUT LIMITATION ADULT ENTERTAINMENT ACTIVITIES AND SIGNS

SCHEDULING RECOMMENDATION:

A. Committee _____
(Please specify Committee. Committees meet 2nd & 4th Tuesdays)

I. CITY COUNCIL _____ REDEVELOPMENT AGENCY
(Council/Agency meets on 1st, 3rd, and 5th Tuesdays)

B. Meeting Date: **Tuesday, December 16, 2003**

Is there a statutory, regulatory, financial or grant deadline? Specify: **Yes**. The City is currently litigating the validity of its sign regulations with Desert Outdoor in federal court. Based upon our research to date, a provision relating to variances in the Oakland Planning Code should be amended, thereby mooting out one of Desert Outdoor's claims. There is not sufficient time to research the issues and draft the appropriate legislation/Agenda report and go the City Planning Commission and the Community & Economic Development Committee before the end of the calendar year. Thus, the need to adopt the interim controls on an emergency basis.

Is a staff report required/requested? **Yes**

What is the fiscal impact on the City/Agency?

If the ten-day (Sunshine Ordinance) agenda deadline cannot be met, please indicate reason:

- Item constitutes an "emergency" (Crippling disaster, work stoppage or other activity which severely impacts public health and/or safety)
- It was not reasonably possible to place the proposed item on the two-week agenda AND any of the following exist:
- Item requires immediate action to avoid a substantial adverse impact if action is deferred to a subsequent special or regular meeting;
- Item requires immediate action relating to federal or state legislation;
- Item requires immediate action relating to eligibility for a grant or gift; OR
- Item is ceremonial.**

Explain why item could not have been placed on the 10-day agenda:

A separate request must be completed for each item for scheduling. Requests must be submitted by **4:00P.M.** of the **Tuesday** preceding the relevant Rules & Legislation Committee meeting.

Attach any supporting documentation.