

OFFICE OF THE CITY CLERK  
2006 JUL -6 PH 3:43

4/5 VOTE REQUIRED FOR PASSAGE

APPROVED AS TO FORM AND LEGALITY

INTRODUCED BY COUNCILMEMBERS NANCY NADEL AND LARRY REID

*Mark P. Wald*  
Oakland City Attorney's Office

ORDINANCE NO. 12762 C.M.S.

---

**AN URGENCY ORDINANCE, PURSUANT TO GOVERNMENT CODE SECTION 65858, EXTENDING UNTIL OCTOBER 5, 2006 A MORATORIUM ON THE APPROVAL OF PERMIT APPLICATIONS TO CONSTRUCT, MODIFY OR PLACE WIRELESS COMMUNICATION FACILITIES WHICH WAS ADOPTED ON JUNE 27, 2006 (ORDINANCE NO. 12750 C.M.S.)**

**WHEREAS**, on June 27, 2006, the City Council adopted Urgency Ordinance No. 12750 C.M.S., establishing an emergency 45-day moratorium on the approval of permit applications for the construction, modification, or placement of wireless communication facilities; and

**WHEREAS**, the 45-day moratorium will expire on August 11, 2006, at which time the City Council will be on Summer Recess, and it will remain on Recess until September 12, 2006; and

**WHEREAS**, the legislative process by which any proposed permanent amendments to the wireless regulations in the Oakland Planning Code can be adopted requires public hearings before the Planning Commission and the Community & Economic Development Committee, as well as two readings before the full City Council, the completion of which cannot occur until no earlier than October 3, 2006;

**WHEREAS**, the City of Oakland's Community Economic Development Agency is in the process of studying proposed amendments to the City's wireless zoning regulations, and it is expected that the proposed amendments will be presented at a hearing of the Planning Commission on August 16, 2006, before proceeding to the City Council for consideration; and

**WHEREAS**, due notice of the hearing requesting this extension of the moratorium has been given as required by law; and

**WHEREAS**, for the reasons set forth above and in Ordinance No. 12750 C.M.S., this ordinance is declared by the Oakland City Council to be necessary for preserving the public peace, health, or safety and to avoid a current, immediate and direct threat to the health, safety, or welfare of the community, and the "Whereas" clauses above taken together constitute the City Council's statement of the reasons constituting such necessity and urgency.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OAKLAND does ordain as follows:**

**SECTION 1.** The City Council finds and determines the recitals set forth in this Ordinance and Ordinance 12750 C.M.S. to be true and correct and hereby makes them a part of this ordinance.

**SECTION 2.** The City Council finds and determines the adoption of this ordinance is exempt from CEQA under Sections 15061(b)(3), 15307, 15308, and/or 15183 of the State CEQA Guidelines.

**SECTION 3.** All provisions of Ordinance No. 12750 C.M.S, except for Section 6, shall remain in full force and effect during the extended term of the moratorium. Section 6 of Ordinance No. 12750 C.M.S. is revised to reflect that the extended moratorium shall expire, and be of no further force and effect, on midnight, October 5, 2006, unless a permanent ordinance establishing new regulations governing wireless communication facilities covered by this moratorium is adopted earlier, in which case, the moratorium shall expire upon the effective date of the permanent regulations.

**SECTION 4.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council declares that it would have adopted this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more section, subsection, sentence, clause, or phrase be declared invalid.

**SECTION 5.** This Ordinance shall take effect and be in full force immediately upon its passage.

IN COUNCIL, OAKLAND, CALIFORNIA, JUL 18 2006, 2006

PASSED BY THE FOLLOWING VOTE:

AYES - BRUNNER, KERNIGHAN, NADEL, QUAN, BROOKS, ~~KIPP~~, CHANG, and  
PRESIDENT DE LA FUENTE - 7

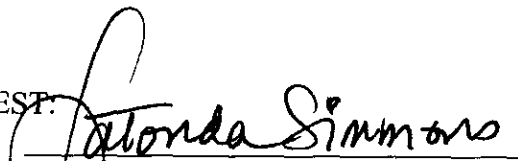
NOES - 0

ABSENT - 1 Reid

ABSTENTION - 0

Introduction Date: JUL 18 2006

ATTEST:

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