

INTRODUCED BY COUNCILMEMBER \_\_\_\_\_

*Brian Moran*  
CITY ATTORNEY'S OFFICE

# OAKLAND CITY COUNCIL

ORDINANCE NO. \_\_\_\_\_ C.M.S.

**ADOPT AN ORDINANCE, AS RECOMMENDED BY THE PLANNING COMMISSION, AMENDING OAKLAND PLANNING CODE REGULATIONS TO CONDITIONALLY PERMIT AUTO REPAIR AND CLEANING COMMERCIAL ACTIVITIES IN THE BROADWAY VALDEZ DISTRICT – 4 ZONE.**

**WHEREAS**, the Broadway Valdez District Area Specific Plan encourages auto showrooms in an urban format on Broadway Auto Row; and

**WHEREAS**, auto showrooms are not economically feasible without a related auto repair facility; and

**WHEREAS**, after a duly noticed meeting on July 17, 2019, the Planning Commission’s Zoning Update Committee (ZUC) recommended adoption of the proposed amendments by a vote of 3-0; and

**WHEREAS**, after a duly noticed meeting on March 4, 2020, the Planning Commission recommended that the City Council adopt the proposed amendments by a vote of 6-0 (one abstention); and

**WHEREAS**, the City Council held a duly noticed public hearing on June 2, 2020 to consider the proposal, and all interested parties were provided an ample opportunity to participate in said hearing and express their views; and

**WHEREAS**, the proposed amendments to the Planning Code rely on the previous set of applicable California Environmental Quality Act (CEQA) documents including previously certified Final Environmental Impact Reports (EIRs) for the Coliseum Area Specific Plan (2105); Broadway Valdez Specific Plan (2014); West Oakland Specific Plan (2014); Central Estuary Area Plan EIR (2013); Land Use and Transportation Element of the General Plan (1998); the Oakland Estuary Policy Plan (1998); the West Oakland, Central City East, Coliseum, and Oakland Army Base Redevelopment Areas; the 1998 Amendment to the Historic Preservation Element of the General Plan; the 2007-2014 Housing Element Final EIR (2010); and various Redevelopment Plan Final EIRs (collectively, “EIRs”). No further environmental review is required under CEQA Guidelines Sections 15162 and 15163; and

**WHEREAS**, the Previous CEQA Documents provide analysis of the environmental impacts of the proposed Planning Code amendment and support all levels of approval necessary to implement the Planning Code amendment; and

**WHEREAS**, the proposed amendment to the Planning Code would not result in any significant effect that has not already been analyzed in the Previous CEQA Documents, and there will be no significant environmental effects caused by the change that have not already been analyzed in the Previous CEQA Documents; and

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

**SECTION 1.** The City Council finds and determines the foregoing recitals to be true and correct and an integral part of the City Council’s decision, and hereby adopts such recitals as findings.

**SECTION 2. Planning Code Amendments.** Title 17 of the Oakland Municipal Code is hereby amended pursuant to **Exhibit A** attached hereto and incorporated by reference herein. Additions to Titles 17 of the Oakland Municipal Code are shown as underline and omissions are shown as ~~strikethrough~~ (“Planning Code Amendments”).

**SECTION 3. California Environmental Quality Act.** The City Council finds and determines the adoption of this Ordinance complies with CEQA and relies on the previous CEQA Documents. No further environmental review is required under CEQA Guidelines Sections 15162 and 15163. Further, the Council finds the adoption of this Ordinance is exempt, pursuant to CEQA Guidelines section 15183 (projects consistent with General Plan and Zoning) and 15061(b)(3) (general rule, no significant effect on the environment). Each of these provides a separate and independent basis for CEQA clearance and when viewed collectively provide an overall basis for CEQA clearance.

**SECTION 4. Environmental Review Officer Authority to File NOD.** The Environmental Review Officer shall file a Notice of Exemption/Notice of Determination and an Environmental Declaration under the California Fish and Game Code (Section 711.4) with the County of Alameda.

**SECTION 5. Effective Date.** This Ordinance shall be effective 30 days from the date of final passage by the City Council, but shall not apply to (a) building/construction related permits already issued and not yet expired, (b) zoning applications approved by the City and not yet expired, or (c) zoning applications deemed complete by the City as of the date of final passage. However, zoning applications deemed complete by the City prior to the date of final passage of this Ordinance may be processed under provisions of these Planning Code amendments if the applicant chooses to do so.

**SECTION 6. No Conflict with Federal or State Law.** Nothing in this Ordinance shall be interpreted or applied to create any requirement, power, or duty in conflict with any federal or state law.

**SECTION 7. Severability.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by decision of

any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Chapter. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, clause or phrase thereof irrespective of the fact that one or more other sections, subsections, clauses or phrases may be declared invalid or unconstitutional

**SECTION 8. Public Health, Safety, and Welfare.** This Ordinance serves the public interest and is necessary to protect the health, safety and/or general welfare of the citizens of Oakland, and is enacted pursuant to the City of Oakland’s general police powers, Section 106 of the Charter of the City of Oakland, and Article XI, Sections 5 and 7 of the California Constitution.

**Section 9. City Administrator Authority to Make Non-Substantive Changes.** The City Council hereby authorizes the City Administrator or designee to make non-substantive, technical conforming changes (essentially correction of typographical and clerical errors), prior to formal publication of the amendments in the Oakland Planning Code.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_

**PASSED BY THE FOLLOWING VOTE:**

AYES – FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, TAYLOR, THAO, REID, and PRESIDENT KAPLAN

NOES –

ABSENT –

ABSTENTION –

ATTEST: \_\_\_\_\_

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

DATE OF ATTESTATION: \_\_\_\_\_