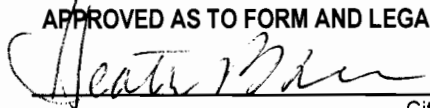


REQUIRES 6 VOTES FOR PASSAGE

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2010 SEP - 7 PM 3:09
INTRODUCED BY COUNCIL MEMBER _____

APPROVED AS TO FORM AND LEGALITY

City Attorney

OAKLAND CITY COUNCIL
ORDINANCE NO. 13036 E.M.S.

AN EMERGENCY ORDINANCE PURSUANT TO CHARTER SECTION 213, EXTENDING BY NINETY (90) DAYS EMERGENCY ORDINANCE NO. 12972 C.M.S. REQUIRING A MAJOR CONDITIONAL USE PERMIT FOR SELF-SERVE LAUNDROMATS IN THE CITY OF OAKLAND, TO TAKE EFFECT IMMEDIATELY UPON INTRODUCTION AND ADOPTION (EXTENDS THE ONE-YEAR EMERGENCY ORDINANCE ADOPTED SEPTEMBER 22, 2009)

WHEREAS, on September 22, 2009, the City Council adopted Emergency Ordinance No. 12972 C.M.S., to establish interim controls for laundromats, requiring a Major Conditional Use Permit to establish a new laundromat for a period of one year while staff researches and drafts regulations to recommend, (the “Interim Controls”); and

WHEREAS, laundromat uses can displace retail activities and compromise the economic diversity of retail corridors; and

WHEREAS, the City is developing a City-wide retail strategy that focuses on encouraging pedestrian-oriented retail development on the major transportation corridors that may be disrupted by laundromats; and

WHEREAS, interrupting pedestrian-oriented retail nodes with these activities can detract from the success of these nodes; and

WHEREAS, except as provided in the Interim Controls, the City permits outright, without any discretionary planning review, self-serve laundromats; and

WHEREAS, the Land Use and Transportation Element of the Oakland General Plan places priority on the successful and attractive development of the transportation corridors; and

WHEREAS requiring a distance separation and performance standards for establishing or expanding self-serve laundromats provides the City a tool to enhance the appearance of these corridors and better promote the public’s health, safety and welfare; and

WHEREAS, requiring a Major Conditional Use Permit for establishing or expanding self-serve laundromats provides the City a tool to enhance the appearance of these corridors and better

promote the public's health, safety and welfare, while permanent controls are being developed; and

WHEREAS, CEDA staff is currently working on permanent regulations, which have been the subject of review and recommendation by the Planning Commission and the Community and Economic Development Agency of the City Council, but there is insufficient time to complete the adoption of permanent controls regulating this activity prior to expiration of the Interim Controls; and

WHEREAS, the provisions of the California Environmental Quality Act (CEQA) have been satisfied and the proposal relies on the following environmental document to satisfy any requirements under CEQA: the previously certified Final Environmental Impact Report for the Land Use and Transportation Element of the General Plan, adopted in 1998 (General Plan EIR) and for the reasons stated in the July 7, 2010 Planning Commission report and summarized below; and

WHEREAS, as a separate and independent basis, the proposal also is exempt from CEQA under several CEQA Guidelines: including without limitation, 15061(b)(3), known as the “General Rule,” which states that 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

WHEREAS, for the reasons set forth above, pursuant to City Charter section 213, the Council declares that this ordinance is necessary to preserve the public peace, health, welfare or safety and to avoid a direct threat to the health, safety, and welfare of the community, and the “Whereas” clauses above taken together constitute the City Council’s statement of reasons constitute the City Council’s statement of the reasons constituting such necessity and emergency; 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. Prior to adopting this Ordinance, the City Council independently finds and determines that this action complies with the California Environmental Quality Act (CEQA) because the City is relying on the previously certified Final Environmental Impact Report (EIR) for the Land Use and Transportation Element of the General Plan (1998); the Oakland Estuary Policy Plan EIR (1998); the EIRS for the West Oakland Central City East, Coliseum and Oakland Army Base Redevelopment Areas and no further environmental review is required under CEQA Guidelines sections 15162 and 15163. On a separate and independent basis, this proposal is also exempt under Sections 15061(b)(3), 15183, and/or Section 15273 of the State CEQA Guidelines. The Environmental Review Officer is directed to cause to be filed a Notice of Exemption/Determination with the appropriate agencies.

Section 3. That self-serve Laundromats shall only be permitted upon the granting of a major conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134 of the Planning Code.

Section 4. No building, zoning or other permit that has been issued for any building or structure for which rights to proceed with said building or structure have not vested pursuant to the

provisions of State law shall proceed without complying with this ordinance. Further, no building, zoning or other permit for any building or structure shall be issued by any department, agency, employee or agent of the City of Oakland to allow for any building or structure, without complying with the requirements of Sections 3 above. No use which has not vested prior to the date of this Ordinance shall commence in violation of the provisions of this Ordinance.

Section 5. The controls imposed by this ordinance shall remain in place and be effective for a continuous ninety (90) days from the effective date of this ordinance, or until the City Council adopts permanent controls for self-serve Laundromats, whichever comes first.

Section 6. The Community and Economic Development Agency is directed, over the next ninety days, to complete a draft set of permanent amendments to the Planning Code and/or Municipal Code regarding the subject matter of this ordinance.

Section 7. For the term of this ordinance, as set forth in Section 5 above, the provisions of this ordinance shall govern, and to the extent there is any conflict between the provisions of this ordinance and the provisions of any other City code, ordinance, resolution or policy, all such conflicting provisions shall be suspended.

Section 8. This ordinance shall be effective immediately upon its adoption by the City Council, subject to the provisions of Section 213 of the Charter of the City of Oakland.

Section 9. This Ordinance is enacted pursuant to the City of Oakland's general police powers, Sections 106 and 213 of the Charter of the City of Oakland, and Article XI of the California Constitution.

Section 10. 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, SEP 21 2010

PASSED BY THE FOLLOWING VOTE:

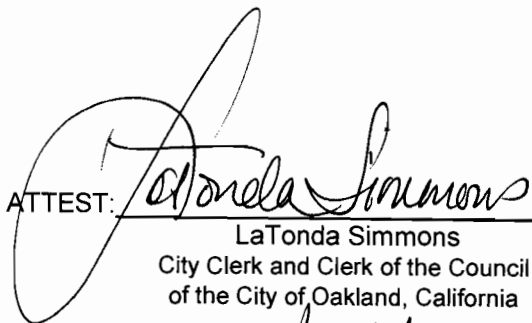
AYES- BROOKS, DE LA FUENTE, KAPLAN, ~~KERNIGHAN~~, NADEL, QUAN, ~~REID~~, and PRESIDENT BRUNNER -6

NOES- Kernighan -1

ABSENT- Reid -1

ABSTENTION- 0

ATTEST:



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

DATE OF ATTESTATION:

9/24/10

NOTICE AND DIGEST

AN EMERGENCY ORDINANCE PURSUANT TO CHARTER SECTION 213, EXTENDING BY NINETY (90) DAYS EMERGENCY ORDINANCE NO. 12972 C.M.S. REQUIRING A MAJOR CONDITIONAL USE PERMIT FOR SELF-SERVE LAUNDROMATS IN THE CITY OF OAKLAND, TO TAKE EFFECT IMMEDIATELY UPON INTRODUCTION AND ADOPTION (EXTENDS THE ONE-YEAR EMERGENCY ORDINANCE ADOPTED SEPTEMBER 22, 2009).

This Emergency Ordinance extends by ninety (90) days the interim controls established by Emergency Ordinance No. 12792 C.M.S., which require a Major Conditional Use Permit for Self-Serve Laundromats in the City of Oakland. This Emergency Ordinance subject to the requirements of Oakland City Charter Section 213, and takes effect immediately upon its adoption by the City Council.