

OFFICE OF THE CITY CLERK

2007 OCT 25 PM 3: 22

Approved as to Form and Legality


Deputy City Attorney

OAKLAND CITY COUNCIL

Ordinance No. 12839 C.M.S.

ORDINANCE EXTENDING THE INTERIM CONTROLS FOR THE IMPLEMENTATION OF THE OAKLAND GENERAL PLAN (OAKLAND PLANNING CODE CHAPTER 17.01 AND THE GENERAL PLAN CONFORMITY GUIDELINES) TO JANUARY 1, 2010

WHEREAS, on May 12, 1998, the City Council passed Ordinance No. 12054 C.M.S., which adopted Interim Controls for implementation of the Oakland General Plan prior to the comprehensive revision of the Oakland Planning Code, subdivision, environmental review, and related regulations; and

WHEREAS, Section 5 of Ordinance No. 12054 C.M.S. provides that the Interim Controls shall expire after a three-year period unless extended for an additional two year period; and

WHEREAS, on June 5, 2001, the City Council adopted Ordinance No. 12332 C.M.S., which extended the Interim Controls until June 30, 2003; and

WHEREAS, on July 15, 2003, the City Council adopted Ordinance No. 12514 C.M.S., which extended the Interim Controls until December 31, 2005; and

WHEREAS, on June 20, 2006, the City Council adopted Ordinance No. 12746 C.M.S., which extended the Interim Controls until June 30, 2007; and

WHEREAS, on May 6 1998, the Planning Commission adopted the "Guidelines for Determining Project Conformity with the General Plan Guidelines and Zoning Regulations (General Plan Conformity Guidelines), with the Planning Commission amending said General Plan Conformity Guidelines on November 3, 1999; August 8, 2001; December 5, 2001; July 15, 2003; May 28, 2004; and October 31, 2006; and

WHEREAS, the Community and Economic Development Agency is still in the process of updating the Oakland Planning Code to implement the General Plan and thus the Interim Controls are still necessary; and

WHEREAS, the requirements of the California Environmental Quality Act (CEQA) of 1970 are satisfied because the extension of the Interim Controls merely continues the policy and practice of the last nine years and, as a separate and independent basis, the Interim

Controls are covered by the Environmental Impact Report prepared for the Land Use and Transportation Element of the General Plan that was certified by the City Council on March 24, 1998, as well as the Mitigated Negative Declaration adopted for the Housing Element of the General Plan on June 15, 2004; and

WHEREAS, the Council finds and determines that the public safety, health, convenience, comfort, prosperity, and general welfare will be furthered by extending the Interim Controls; now, therefore,

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

Section 1. Oakland Planning Code Chapter 17.01 and the General Plan Conformity Guidelines are hereby extended, in accordance with other sections of this ordinance.

Section 2. This ordinance shall be effective upon its adoption if it receives at least six affirmative votes; otherwise, it shall be effective upon the seventh day after final adoption, but shall be retroactively applied as of July 1, 2007 and shall remain in effect until January 1, 2010, or until the comprehensively updated Oakland Planning Code and Zoning Maps are completed and adopted, whichever comes first.

Section 3. The ordinance complies with CEQA as stated in the recitals section.

Section 4. If any provision of this ordinance or 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.

Section 5. The recitals are true and correct and an integral part of this ordinance.

IN COUNCIL, OAKLAND, CALIFORNIA, DEC 4 2007, 2007

PASSED BY THE FOLLOWING VOTE:

AYES - ~~BRUNNER~~, KERNIGHAN, NADEL, QUAN, BROOKS, REID, CHANG, AND PRESIDENT DE LA FUENTE - 7


NOES - 0

ABSENT - 0

ABSTENTION - 0

Excused - Brunner - 1

ATTEST:


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

Introduction Date: NOV 6 2007

Mr. P. W.

NOTICE AND DIGEST

ORDINANCE EXTENDING THE INTERIM CONTROLS FOR THE IMPLEMENTATION OF THE OAKLAND GENERAL PLAN (OAKLAND PLANNING CODE CHAPTER 17.01 AND THE GENERAL PLAN CONFORMITY GUIDELINES) TO JANUARY 1, 2010

This Ordinance extends the Interim Land Use Controls of Oakland Planning Code Chapter 17.01 (General Provisions of Planning Code and General Plan Conformity) and the General Plan Conformity Guidelines until January 1, 2010. These controls, which expired on June 30, 2007, were used to regulate parcels of land where the zoning designation was not in conformity with the General Plan Land Use classification, until such time the zoning code is updated. These controls were established to resolve zoning and General Plan conflicts for the period of time between the adoption of the General Plan and the updating of the zoning code to conform to the new General Plan.