

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

APPROVED AS TO FORM AND LEGALITY

2009 SEP 25 PM 1:40  
INTRODUCED BY COUNCILMEMBER \_\_\_\_\_

  
City Attorney

**OAKLAND CITY COUNCIL**  
**ORDINANCE No. 12972 C.M.S.**

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**AN EMERGENCY ORDINANCE, PURSUANT TO CHARTER SECTION 213, ESTABLISHING INTERIM CONTROLS REQUIRING A MAJOR CONDITIONAL USE PERMIT FOR SELF-SERVE LAUNDROMATS IN THE CITY OF OAKLAND, TO TAKE EFFECT IMMEDIATELY UPON INTRODUCTION AND ADOPTION.**

**WHEREAS**, the Oakland Municipal Code and the Oakland Planning Code (“OPC”) regulate the distribution of uses and urban design in the City of Oakland; and

**WHEREAS**, among other activities, the City permits outright, without any discretionary planning review, self-serve Laundromats; and

**WHEREAS**, this use 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; and

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

**WHEREAS**, the this use does not require discretionary approval; 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 major conditional use permit from the City for establishing or expanding a self-serve laundromat 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**, there is insufficient time to develop permanent controls regulating this activity and present them to the City Planning Commission and City Council for review, recommendation, and adoption; 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 the California Environmental Quality Act (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

**WHEREAS**, as a separate and independent basis, the proposal is also exempt from CEQA under several CEQA Guidelines: section 15061(b)(3), known as the “General Rule,” that states 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 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.** This Ordinance complies with the California Environmental Quality Act.

**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 one year 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 one year, to conduct a study and develop 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 for the 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 22 2009, 20    

**PASSED BY THE FOLLOWING VOTE:**

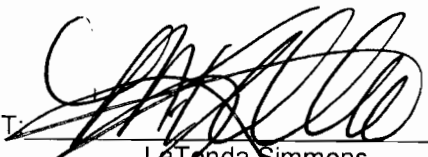
AYES- BROOKS, BRUNNER, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, and ~~PRESIDENT DE LA FUENTE~~ - 7

NOES- 0

ABSENT- 0

ABSTENTION- 0

Excused- De La Fuente - 1

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