

FILED
OFFICE OF THE CITY CLERK
OAKLAND

REVISED

2011 DEC 15 PM 12:30
INTRODUCED BY COUNCILMEMBER _____

APPROVED AS TO FORM AND LEGALITY

Mark P. Ward
City Attorney

OAKLAND CITY COUNCIL
ORDINANCE No. 13105 C.M.S.

AN ORDINANCE, AS RECOMMENDED BY THE CITY PLANNING COMMISSION, REZONING FROM OPEN SPACE/ACTIVE MINIPARK (OS-AMP) TO MIXED HOUSING TYPE RESIDENTIAL (RM-2) THE PROPERTY AT 319 CHESTER STREET, OAKLAND CA. (CASE NO. RZ11-053; APN 004-0103-035-00)

WHEREAS, the General Plan Land Use and Transportation Element, adopted in 1998, designated 319 Chester Street (APN 004-0103-035-00) as a Mixed Housing Type Residential General Plan Land Use designation; and

WHEREAS, 319 Chester Street is zoned Open Space/Active Minipark (OS-AMP);

WHEREAS, the City desires to conform the zoning to the general plan land use designation especially because the property is no longer needed for parks and recreation purposes since it is in deteriorated condition and a superior park was recently developed nearby, and the small site at 319 Chester Street is located in the middle of a row of residentially developed properties; and

WHEREAS, the City has received substantial interest for residential development of the property consistent with General Plan Land Use and Transportation Element designations for surrounding properties in this block and neighborhood, however, current zoning prevents this upgrade of land use; and

WHEREAS, rezoning to Mixed Housing Type Residential (RM-2) would provide for this upgrade of land use if adopted; and

WHEREAS, on June 8, 2011, at a duly noticed public hearing, the Parks and Recreation Advisory Committee recommended approval of the proposed rezoning ; and

WHEREAS, on June 15, 2011, at a duly noticed public hearing, the Planning Commission recommended approval of the proposed rezoning; and

WHEREAS, after a duly noticed public meeting on December 13, 2011 the Community and Economic Development Committee voted to recommend the rezoning proposal to the City

Council; and

WHEREAS, the City Council held a duly noticed public hearing on December 20, 2011 to consider the rezoning proposal; now therefore

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

Section 1. The City Council finds and determines that the forgoing recitals are true and correct and hereby makes them a 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 this proposal is exempt under Sections 15061(b)(3), 15332, 15183, and/or Section 15312 of the State CEQA Guidelines. The Environmental Review Officer is directed to cause to be filed a Notice of Exemption with the appropriate agencies.

Section 3. This Ordinance shall be effective immediately if it receives upon final adoption the affirmative vote of at least six members of the Council; otherwise, it shall be effective upon the seventh day after final adoption.

Section 4. The Oakland Planning Code is hereby amended to show APN 004-0103-035-00, designated 319 Chester Street, as zoned RM-2 Mixed Housing Residential, as shown on the map and description contained in *Exhibit A*, attached hereto and hereby incorporated by reference.

Section 5. Nothing in this Ordinance shall be interpreted or applied so as to create any requirement, power, or duty in conflict with any federal or state law.

Section 6. If any section, subsection, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional, the offending portion shall be severed and shall not affect the validity of the remaining portions which shall remain in full effect.

Section 7. That the record before this Council relating to this Ordinance includes, without limitation, the following:

1. the application, including all accompanying maps and papers;
2. all relevant plans and maps;
3. all final staff reports, decision letters and other documentation and information produced by or on behalf of the City;
4. all oral and written evidence received by the City staff, Planning Commission and City Council before and during the public hearings on the application;
5. all matters of common knowledge and all official enactments and acts of the City, such as (a) the General Plan and the General Plan Conformity Guidelines; (b) Oakland Municipal Code, including, without limitation, the Oakland real estate regulations, Oakland Fire Code; (c)

Oakland Planning Code; (d) other applicable City policies and regulations; and, (e) all applicable state and federal laws, rules and regulations.

Section 8. That the custodians and locations of the documents or other materials which constitute the record of proceedings upon which the City Council's decision is based are respectively: (a) Community & Economic Development Agency, Planning & Zoning Division, 250 Frank H. Ogawa Plaza, Suite 3315, Oakland, CA.; and (b) Office of the City Clerk, 1 Frank H. Ogawa Plaza, 1st floor, Oakland, CA.

JAN 17 2012

IN COUNCIL, OAKLAND, CALIFORNIA, _____

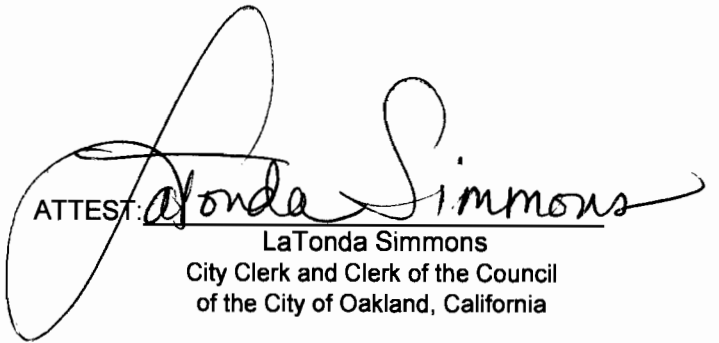
PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, SCHAAF and PRESIDENT REID - 8

NOES- 0

ABSENT- 0

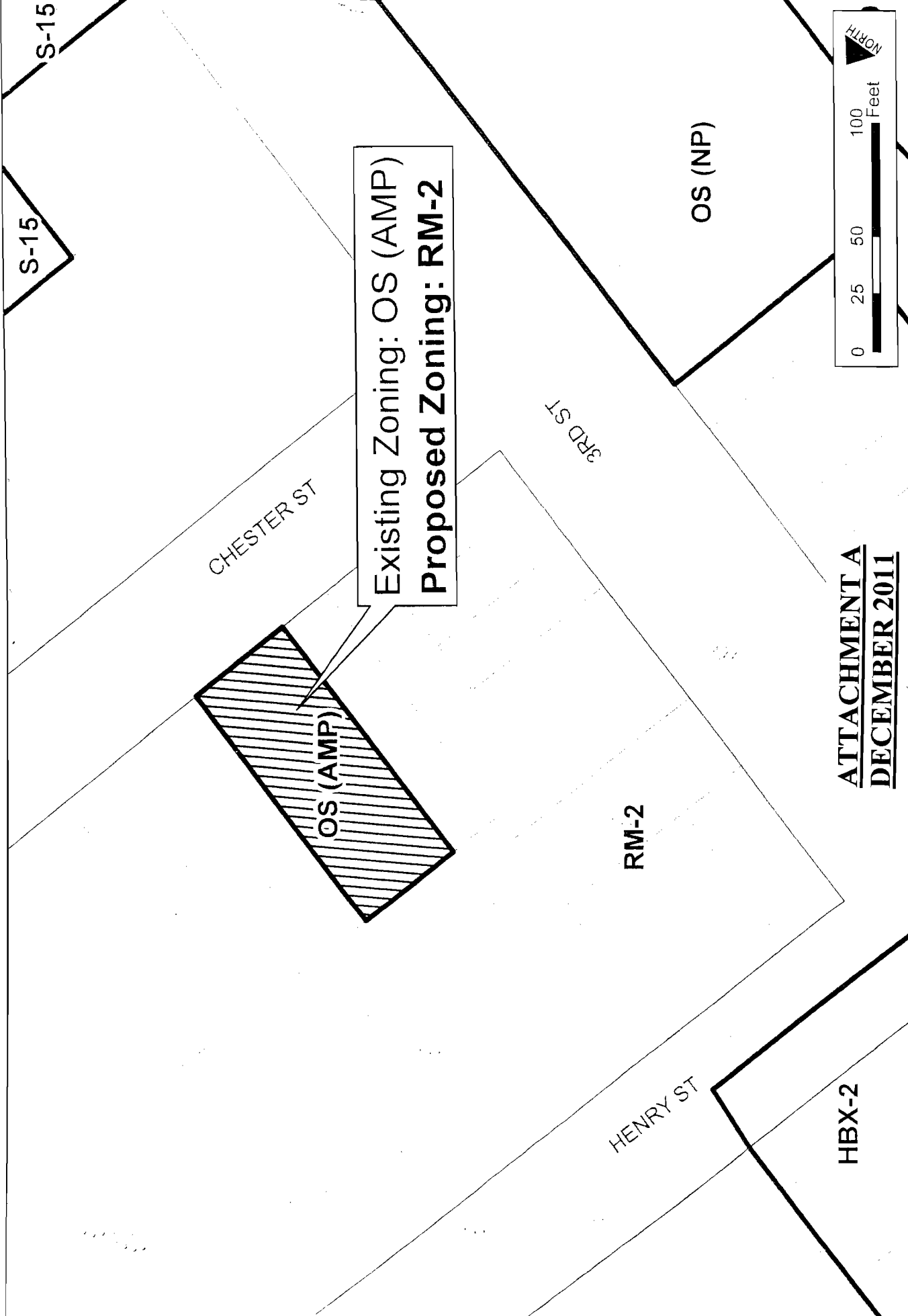
ABSTENTION- 0

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

DATE OF ATTESTATION: _____

L:\common files\Dave Vrez11053ordfirst 12-13-11

Introduction Date: **DEC 20 2011**



Existing Zoning: OS (AMP)
 Proposed Zoning: RM-2

ATTACHMENT A
DECEMBER 2011

