

APPROVED AS TO FORM AND LEGALITY

*Mark P. Wald*  
CITY ATTORNEY

FILED  
OFFICE OF THE CITY CLERK  
DANIELA  
03 FEB 13 PM 1:20

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

**ORDINANCE NO. 12480 C.M.S.**

**AN ORDINANCE REZONING APPROXIMATELY 196 PARCELS, COMPRISING OF APPROXIMATELY 26½ ACRES OF LAND, IN AN AREA GENERALLY BOUNDED BY ALCATRAZ AVENUE, WOOLSEY STREET, TELEGRAPH AVENUE, AND HILLEGASS AVENUE, AND COMMONLY REFERRED TO AS FAIRVIEW PARK, FROM THE R-40 GARDEN APARTMENT RESIDENTIAL ZONE / S-18 MEDIATED RESIDENTIAL DESIGN REVIEW COMBINING ZONE TO THE R-35 SPECIAL ONE-FAMILY RESIDENTIAL ZONE / S-18 MEDIATED RESIDENTIAL DESIGN REVIEW COMBINING ZONE.**

**WHEREAS**, in early 2001, a group of Fairview Park neighborhood residents approached the City about the possibility of rezoning the neighborhood to the R-35 Special One Family Residential Zone; and

**WHEREAS**, the same group of Fairview Park neighborhood residents submitted a petition in support of the requested rezoning, with signatures of 139 residents whose properties would be affected by the rezoning; and

**WHEREAS**, on November 15, 2001, the City Council directed that staff study a request made by the residents of the Fairview Park neighborhood to rezone the area from R-40 Garden Apartment Residential to R-35 Special One-Family Residential, and bring forward a recommendation from the Planning Commission; and

**WHEREAS**, on April 29, 2002, Planning & Zoning staff held an informational community meeting in the neighborhood to discuss the proposed rezoning with the neighborhood residents, and to explain the changes that would be brought about by the proposed rezoning; and

**WHEREAS**, a duly noticed public hearing was held on this matter by the City Planning Commission on November 20, 2002; and

**WHEREAS**, thereafter on the same date the City Planning Commission voted to recommend amending the Oakland Planning Code as set forth below; and

**WHEREAS**, said amendments to the Oakland Planning Code do not necessitate amendments to the Master Fee Schedule; and

**WHEREAS**, said amendments to the Oakland Planning Code are exempt from environmental review under Section 15061(b)(3), State CEQA Guidelines, "general rule": no possibility of significant effect on the environment; and

WHEREAS, the City Council finds and determines that the public safety, health, convenience, comfort, prosperity, and general welfare will be furthered by the proposed amendment; now, therefore

**THE 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 hereby makes them a part of this Ordinance.

**SECTION 2.** The City Council finds and determines that the adoption of this Ordinance complies with the California Environmental Quality Act.

**SECTION 4.** The designation and location of zones and zone boundaries on section map 330 in Chapter 17.154 of the Oakland Planning Code are hereby amended as indicated in Attachment A.

**SECTION 5.** This Ordinance shall be effective upon adoption, subject to the provisions of Section 216 of the Charter of the City of Oakland, but shall not apply to permits already issued or to zoning applications approved by the City for which permits have not been issued.


**SECTION 6.** If any provisions of this Ordinance or application thereof to any person of circumstances is held invalid, the remainder of this Ordinance and the application of provisions to other persons or circumstances shall not be affected thereby.

**Introduction Date: MAR 1 1 2003**

IN COUNCIL, OAKLAND, CALIFORNIA, MAR 2 5 2003, 2003

**PASSED BY THE FOLLOWING VOTE:**

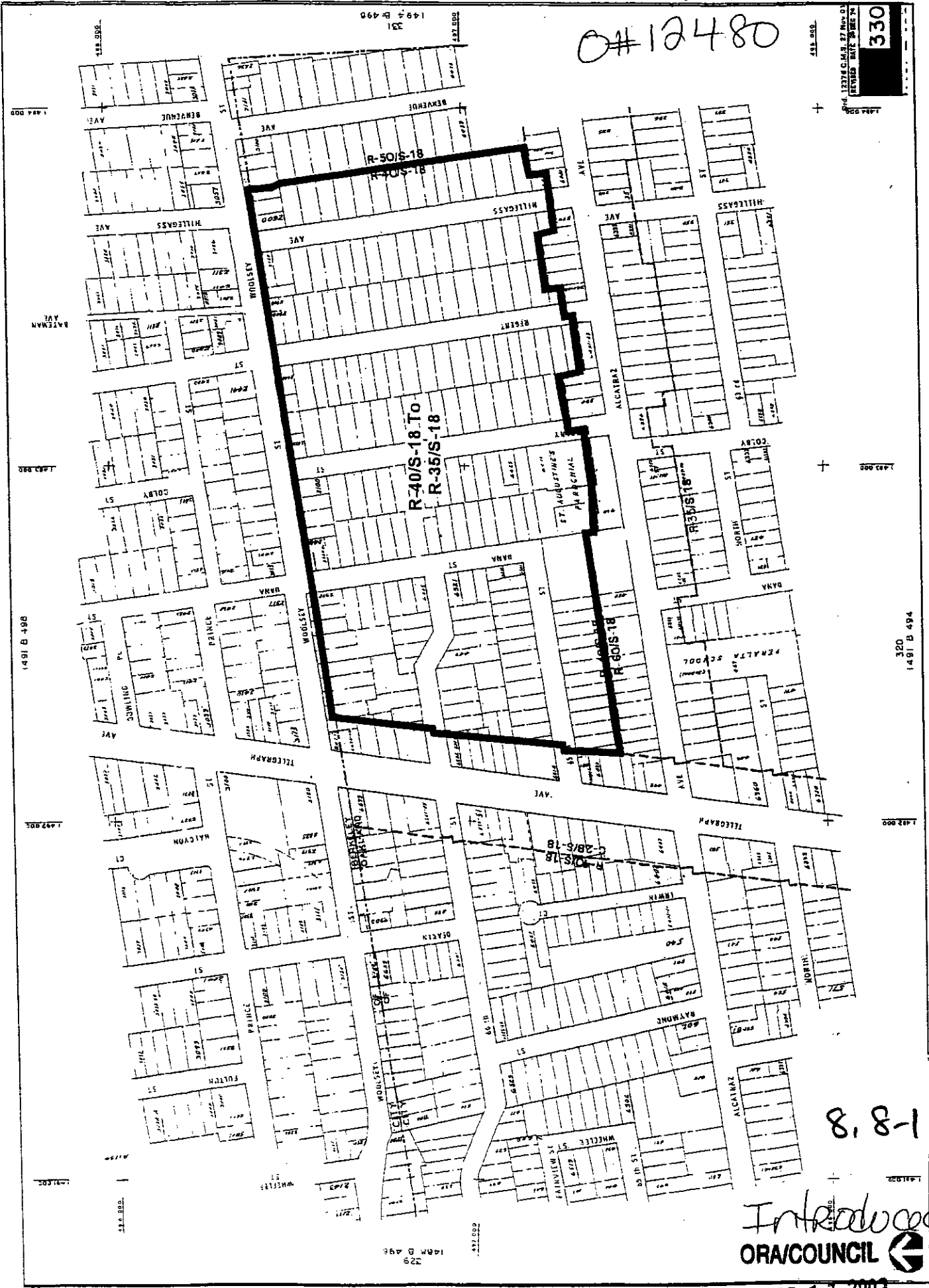
- AYES- **BROOKS, BRUNNER, CHANG, NADEL, REID, QUAN, WAN**
- NOES-  **AND PRESIDENT DE LA FUENTE - 8**
- ABSENT-
- ABSTENTION-

ATTEST:   
**CEDRA FLOYD**  
 City Clerk and Clerk of the Council  
 of the City of Oakland, California

0#12480

330

12374 C.M.S. 27 Nov. 01  
REVISED DATE 08/06/07



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Inlandwood  
ORACOUNCIL



MAR 11 2003