

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2009 APR 30 PM 6:42

INTRODUCED BY COUNCILMEMBER _____

APPROVED AS TO FORM AND LEGALITY

Mark P. Wood

City Attorney

OAKLAND CITY COUNCIL
ORDINANCE No. 12932 C.M.S.

INTERIM ORDINANCE, RECOMMENDED BY THE PLANNING COMMISSION, AMENDING THE ZONING MAPS FOR TWO YEARS TO ADD THE S-4 DESIGN REVIEW COMBINING ZONE TO THE M-40 HEAVY INDUSTRIAL ZONE IN THE AREA WHERE THE CENTRAL ESTUARY PLAN IS IN PROGRESS

WHEREAS, the S-4 Design Review Combining Zone ("S-4 Zone"), as codified in Chapter 17.80 of Oakland Planning Code (OPC), is intended to create, preserve, and enhance the visual harmony and attractiveness of areas which require special treatment and the consideration of relationships between facilities, in areas which are of special community, historical, or visual significance; and

WHEREAS, the S-4 Zone requires that no Local Register Property, Building Facility, Mixed Use Development, Telecommunications Facility, Signs or other associated structures shall be constructed, established, or altered in exterior appearance, unless plans for the proposal have been approved pursuant to the design review procedure in OPC Chapter 17.136; and

WHEREAS, Oakland has begun a specific plan process in the Central Estuary area; and

WHEREAS, until such time as the City adopts new zoning and/or a specific plan for the major industrial areas along the Estuary, this interim proposal will be in effect for two years from date of passage; 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, on April 15, 2009 the Planning Commission held a duly noticed public hearing and at its conclusion, forwarded, without change, the proposal to map the S-4 Design Review Combining Zone on the major streets to the Community and Economic Development Committee of the City Council and the City Council; and

WHEREAS, the provisions of the California Environmental Quality Act (CEQA) have been satisfied and the proposal relies on (a) the previously certified Final Environmental Impact Report for the Land Use and Transportation Element of the General Plan, adopted in 1998; and (b) as a separate and independent basis, the proposal is also exempt under CEQA Guidelines section 15061(b)(3): "General Rule", which 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; 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 for the reasons stated above and the Environmental Review Officer shall file a Notice of Determination/Exemption with the County.

Section 3. The zoning maps shall be amended to apply the S-4 Design Review Combining Zone to the area currently zoned M-40 as generally shown in Exhibit A, attached hereto and incorporated by reference.

Section 4. 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 building/construction-related permits already issued and not yet expired, zoning applications approved by the City and not yet expired, or to zoning applications deemed complete by the City as of the effective date.

Section 5. This ordinance shall remain in place and be effective for a continuous two-year period from the effective date of this ordinance, or until the City Council adopts permanent, industrial zoning and/or a specific plan for the area, whichever comes first.

Section 6. 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.

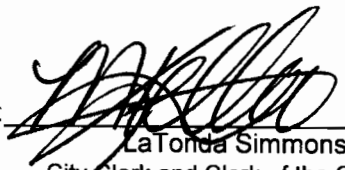
IN COUNCIL, OAKLAND, CALIFORNIA, JUN 2 2009, 20

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, ~~REID~~, and PRESIDENT BRUNNER - 7
NOES- 0

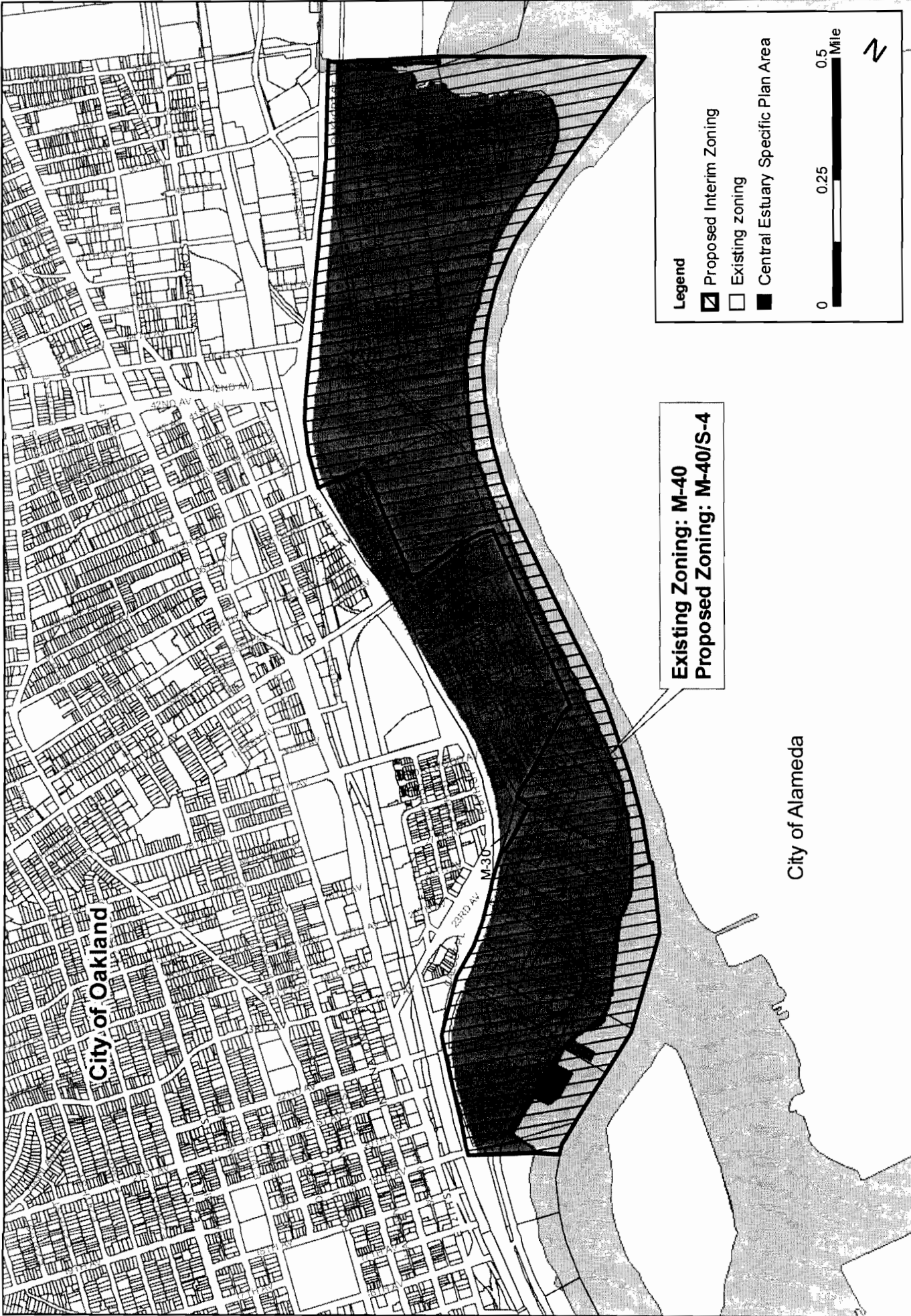
ABSENT- Reid - 1

ABSTENTION- 0

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




Introduction Date: MAY 19 2009

DATE OF ATTESTATION: 6/4/09




Existing Zoning: M-40
 Proposed Zoning: M-40/S-4

Legend

-  Proposed Interim Zoning
-  Existing zoning
-  Central Estuary Specific Plan Area

0 0.25 0.5 Mile



City of Oakland

City of Alameda

M-30



Proposed Interim Re-Zoning for M-40 Zone in Central Estuary Specific Plan Area

S-4 Design Review Combining Zone

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NOTICE AND DIGEST

INTERIM ORDINANCE, RECOMMENDED BY THE PLANNING COMMISSION, AMENDING THE ZONING MAPS FOR TWO YEARS TO ADD THE S-4 DESIGN REVIEW COMBINING ZONE TO THE M-40 HEAVY INDUSTRIAL ZONE IN THE AREA WHERE THE CENTRAL ESTUARY PLAN IS IN PROGRESS

ADOPTION OF THIS ORDINANCE WILL RESULT IN DESIGN REVIEW OF NEW CONSTRUCTION AND ALTERATION OF INDUSTRIAL AND COMMERCIAL BUILDINGS IN THE M-40 HEAVY INDUSTRIAL ZONE IN THE CENTRAL ESTUARY SPECIFIC PLAN AREA FOR A PERIOD OF TWO YEARS.