

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2008 MAY 29 PM 3:13

APPROVED AS TO FORM AND LEGALITY

Mark F. Walsh
City Attorney

INTRODUCED BY COUNCIL MEMBER _____

OAKLAND CITY COUNCIL
ORDINANCE No. 12885 C.M.S.

INTERIM ORDINANCE, RECOMMENDED BY THE PLANNING COMMISSION, AMENDING THE ZONING MAPS FOR TWO YEARS, APPLYING THE S-4 DESIGN REVIEW COMBINING ZONE, WHICH REQUIRES NEW OR REHABILITATED NON-RESIDENTIAL FACILITIES TO FOLLOW ESTABLISHED DESIGN REVIEW PROCEDURES, TO THOSE C-10, C-30, C-35 AND C-40 ZONES WHICH ARE DESIGNATED IN THE GENERAL PLAN AS NEIGHBORHOOD CENTER COMMERCIAL, COMMUNITY COMMERCIAL AND URBAN RESIDENTIAL

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’s major commercial streets, such as International Boulevard, Foothill Boulevard, Grand Avenue, San Pablo Avenue and Telegraph Avenue, which are currently zoned C-10, C-30, C-35 and C-40, do not require design review of non-residential or commercial development; and

WHEREAS, the City is developing a City-wide retail strategy that focuses on encouraging pedestrian-oriented retail development on the major commercial streets; and

WHEREAS, the City is updating its zoning on the major commercial streets, and will likely include some form of commercial design review in its permanent zoning controls for the areas designated in the 1998 Land Use and Transportation Element of the Oakland General Plan as Neighborhood Center Commercial, Community Commercial and Urban Residential; and

WHEREAS, until such time as the City adopts new zoning for the major commercial streets which requires some form of commercial design review, 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, staff has identified the following areas where the S-4 Design Review Combining Zone should apply: parts of International Boulevard, Foothill Boulevard, Grand Avenue, San Pablo Avenue and Telegraph Avenue; and

WHEREAS, on May 7, 2008 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 the following environmental document to satisfy any requirements under CEQA: the previously certified Final Environmental Impact Report for the Land Use and Transportation Element of the General Plan, adopted in 1998; and

WHEREAS, 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; the proposed regulation would have no change in the development intensity of the area, and the proposed regulation is more stringent than the current zoning and regulatory controls, because it requires the planning staff to review the aesthetics of new and renovated commercial facilities, when no similar review is currently required; 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.

Section 3. The zoning maps shall be amended to apply the S-4 Design Review Combining Zone to those areas currently zoned C-10, C-30, C-35 and C-40 and designated in the 1998 Land Use and Transportation Element of the Oakland General Plan as Neighborhood Center Commercial, Community Commercial and Urban Residential; and as generally shown in Exhibit A, attached hereto and incorporated by reference, and 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, citywide, commercial design review regulations, whichever comes first.

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. 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, JUL 15 2008, 20

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT DE LA FUENTE **-8**

NOES- ~~0~~

ABSENT- ~~0~~

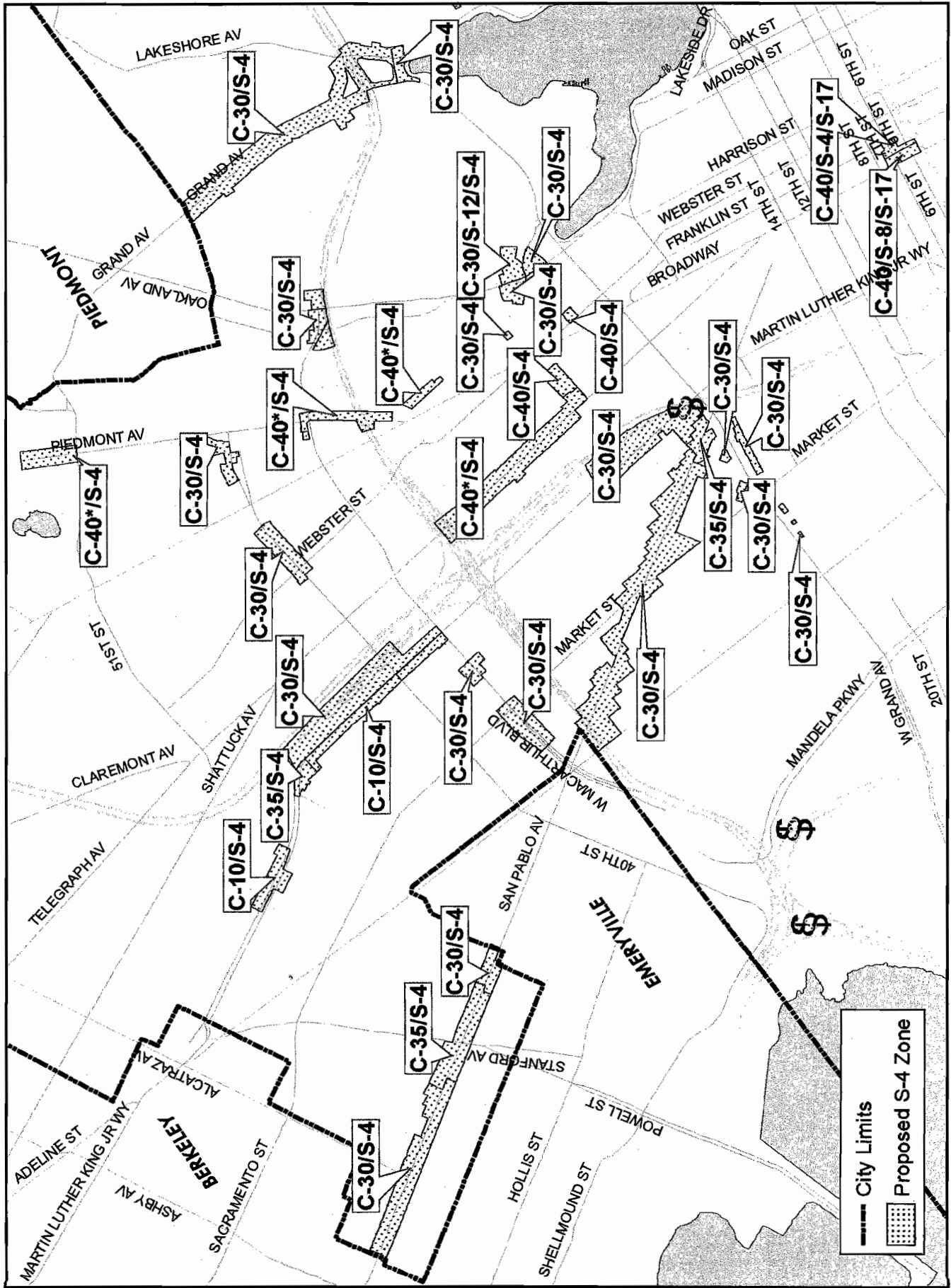
ABSTENTION- ~~0~~

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

Introduction Date: **JUL 1 2008**

DATE OF ATTESTATION: 7/22/08

Exhibit A.1 North and West Oakland



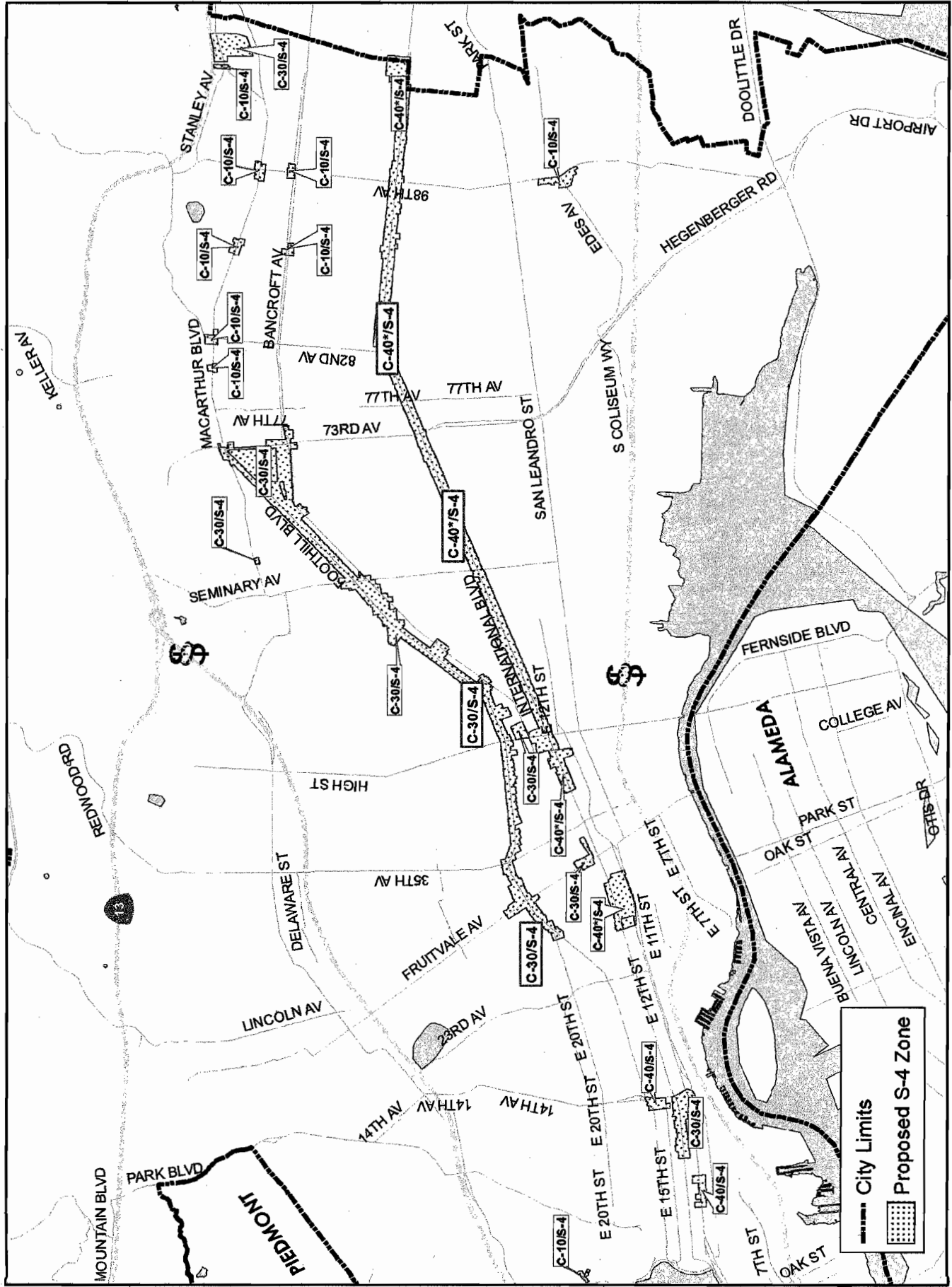
City Council
July 15, 2008



Commercial areas proposed for S-4 Design Review Combining Zone
For Illustrative Purposes Only



Exhibit A.2 Central and East Oakland



City Council
July 15, 2008



0 0.150.3 0.6 0.9 1.2



Miles

Commercial areas proposed for S-4 Design Review Combining Zone
For Illustrative Purposes Only



MPW

NOTICE AND DIGEST

AN INTERIM ORDINANCE, RECOMMENDED BY THE PLANNING COMMISSION, AMENDING THE ZONING MAPS FOR TWO YEARS, APPLYING THE S-4 DESIGN REVIEW COMBINING ZONE, WHICH REQUIRES NEW OR REHABILITATED NON-RESIDENTIAL FACILITIES TO FOLLOW ESTABLISHED DESIGN REVIEW PROCEDURES, TO THOSE C-10, C-30, C-35 AND C-40 ZONES WHICH ARE DESIGNATED IN THE GENERAL PLAN AS NEIGHBORHOOD CENTER COMMERCIAL, COMMUNITY COMMERCIAL AND URBAN RESIDENTIAL.

This interim ordinance amends the zoning maps, adding the S-4 Design Review Combining Zone (Oakland Planning Code, Chapter 17.80) to C-10, C-30, C-35 and C-40 Zones which are designated in the General Plan as Neighborhood Center Commercial, Community Commercial and Urban Residential. All new construction and rehabilitation of commercial and other non-residential buildings will require the design review procedures codified in Chapter 17.136. The ordinance will sunset in two years after adoption.