

DRAFT

CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

ORDINANCE NO. _____ C.M.S.

ORDINANCE APPROVING A REZONING AMENDMENT TO CHANGE THE ZONE CLASSIFICATION OF 5212 BROADWAY FROM MIXED HOUSING RESIDENTIAL – 4 ZONE (RM-4), HEIGHT AREA 35 AND NEIGHBORHOOD COMMERCIAL – 1 ZONE (CN-1), HEIGHT AREA 95 TO COMMUNITY COMMERCIAL – 2 ZONE (CC-2), HEIGHT AREA 95 IN CONNECTION WITH THE CALIFORNIA COLLEGE OF THE ARTS CAMPUS REDEVELOPMENT PROJECT; AND MAKING APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS

WHEREAS, Assessor's Parcel Number (APN) 014-124-300-101 (the Parcel) is a 172,270 square foot site located at 5212 Broadway in the City of Oakland (City); and

WHEREAS, the City Council previously adopted the zone classifications of Mixed Housing Residential – 4 Zone (RM-4) and Neighborhood Commercial – 1 (CN-1) Zone for the Parcel; and

WHEREAS, the Height Map Designation for the RM-4 portion of the Parcel is 35 feet and the Height Map Designation for the CN-1 portion of the Parcel is 95 feet; and

WHEREAS, the General Plan Housing Element includes the Parcel in the Housing Opportunity Site inventory with a feasible capacity of 510 residential units and the Parcel is included in the S-14 Combining Zone, and

WHEREAS, the S-14 Combining Zone regulations require development of the Parcel to a minimum density of 75 percent of the capacity designated in the Housing Opportunity Site Inventory or 383 units, and

WHEREAS, the existing capacity of the Parcel is 209 residential units, with the RM-4 zoned portion of the Parcel allowing 79 units and the CN-1 zoned portion of the Parcel allowing 130 units, and

WHEREAS, Arts Campus LLC applied for the California College of the Arts Campus Redevelopment Project, case file PLN20141 and PLN20141-PUD01, consisting of a combined Planned Unit Development/Final Development Permit to redevelop the Parcel with 448 multifamily residential units and 14,390 square feet of commercial use (Project), as set forth in City’s Planning Commission October 16, 2024 Staff Report and December 3, 2024 Staff Report to the City Council (Agenda Reports); and

WHEREAS, to accommodate the density of the Project, Arts Campus LLC applied for a Rezoning Amendment from RM-4 and CN-1 to CC-2, Height Area 95 for the Parcel, and the Rezoning Amendment is required to implement the Project entitlements; and

WHEREAS, as more fully set forth in the related resolution for a General Plan Amendment, Arts Campus LLC applied for a General Plan Land Use and Transportation Element (LUTE) amendment to “Community Commercial” Land Use; and

WHEREAS, the Rezoning Amendment would be consistent with the LUTE Community Commercial Land Use Designation and with the General Plan Housing Element Housing Opportunity Area inventory; and

WHEREAS, the Project and the residential capacity allowed under the CC-2 Zone would be consistent with the S-14 Combing Zone requirements including attaining minimum density; and

WHEREAS, as more fully set forth in the related resolution certifying the Environmental Impact Report for the Project and the CEQA findings, each incorporated by this reference, the Rezoning Amendment was analyzed in compliance with the California Environmental Quality Act (CEQA); and

WHEREAS, for the reasons further described in the Agenda Reports, including the Project findings incorporated by reference, the existing zones or regulations affecting the Parcel are inadequate or otherwise contrary to the public interest because the existing RM-3 and CN-1 Zone are inadequate to meet the required minimum density required by the S-14 Combining Zone; and

WHEREAS, the Rezoning Amendment promotes the public interest by establishing a pedestrian-oriented neighborhood district that contains a mix of housing, office and group usable open space; and

WHEREAS, on October 16, 2024, the City Planning Commission, after conducting a duly noticed public hearing, hearing all qualified and interested persons, and receiving and considering all relevant evidence, recommended that the City Council certify the Environmental Impact Report, adopt a Statement of Overriding Considerations, and approve the Project, including the Rezoning Amendment; and

WHEREAS, on December 3, 2024, the City Council conducted a duly noticed public hearing, heard all qualified and interested persons, and received and considered all relevant evidence on the Project, including the Rezoning Amendment, wherein upon the public hearing being closed, this Ordinance was introduced for first reading;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

SECTION 1. The recitals set forth above are true and correct and are an integral part of this Ordinance.

SECTION 2. The City Council hereby approves the Rezoning Amendment to CC-2 Zone attached hereto as **Exhibit A**, subject to such minor and clarifying changes consistent with the terms hereof as may be approved by the City Attorney.

SECTION 3 The City Council hereby approves the Rezoning Amendment to Height Area 95 attached hereto as **Exhibit B**, subject to such minor and clarifying changes consistent with the terms hereof as may be approved by the City Attorney.

SECTION 4. Based on independent review of the Agenda Reports and project findings attached thereto and incorporated herein, the City Council finds that the Rezoning Amendment is consistent with the General Plan and is in the public interest.

SECTION 5. California Environmental Quality Act Findings. The City Council, as the final decision-making body, has independently reviewed the Environmental Impact Report for the Project published on September 20, 2024, and the associated CEQA findings attached to the Agenda Reports and incorporated herein, and finds that the Rezoning Amendment is in compliance with CEQA (Pub. Res. Code section 21000 et seq.) and the CEQA Guidelines (Cal. Code Regs. title 14, section 15000 et seq.).

SECTION 6. This Ordinance, and the Rezoning Amendment described above, is based, in part, on the findings set forth above, the CEQA findings related to approval of the Project, and any other findings related to approval of the Project, as well as the other resolutions and ordinances related to the Project, each incorporated by this reference.

SECTION 7. Except as specifically set forth herein, this Ordinance suspends and supersedes all resolutions, ordinances, plans, codes, laws, and regulations conflicting with this Ordinance and/or implementation of the Rezoning Amendment as approved.

SECTION 8. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Chapter. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, clause or phrase thereof irrespective of the fact that one or more other sections, subsections, clauses or phrases may be declared invalid or unconstitutional.

SECTION 9. Effective Date. Pursuant to section 216 of the City Charter, this Ordinance is effective as of the date it is adopted if passed by an affirmative vote of at least six council members; otherwise, it is effective seven days after final adoption.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES – FIFE, GALLO, JENKINS, KALB, KAPLAN, RAMACHANDRAN, REID, AND
PRESIDENT FORTUNATO BAS

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____

ASHA REED
City Clerk and Clerk of the Council of the
City of Oakland, California

Date of Attestation: _____

Attachments

Exhibit A – Map 1 (Proposed Zoning Change)

Exhibit B – Map 2 (Proposed Height Area Change)

NOTICE AND DIGEST

ORDINANCE APPROVING A REZONING AMENDMENT TO CHANGE THE ZONE CLASSIFICATION OF 5212 BROADWAY FROM MIXED HOUSING RESIDENTIAL – 4 ZONE (RM-4), HEIGHT AREA 35 AND NEIGHBORHOOD COMMERCIAL – 1 ZONE (CN-1), HEIGHT AREA 95 TO COMMUNITY COMMERCIAL – 2 ZONE (CC-2), HEIGHT AREA 95 IN CONNECTION WITH THE CALIFORNIA COLLEGE OF THE ARTS REDEVELOPMENT PROJECT; AND MAKING APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS

An Ordinance approving a zoning amendment to change the zoning of 5212 Broadway (Assessor's Parcel Number 014-124-300-101) (Parcel) from RM-4 and CN-1 to CC-2 Height Zone 95. The rezoning to the CC-2 Zone with Height Area 95 will increase the Parcel capacity from 209 units to a maximum development potential of 520 units. The land use activities and the proposed density and other development standards allowed in the CC-2 Zone would comply with the General Plan Land Use and Transportation Element (LUTE) "Community Commercial" Land Use Designation and with the General Plan Housing Element Housing Opportunity Site designation. The Ordinance also makes California Environmental Quality Act (CEQA) findings consistent with the findings made as part of the City's approval of the project entitlements for the California College of Arts Redevelopment Project.

EXHIBIT A

MAP 1 Proposed Zoning Change



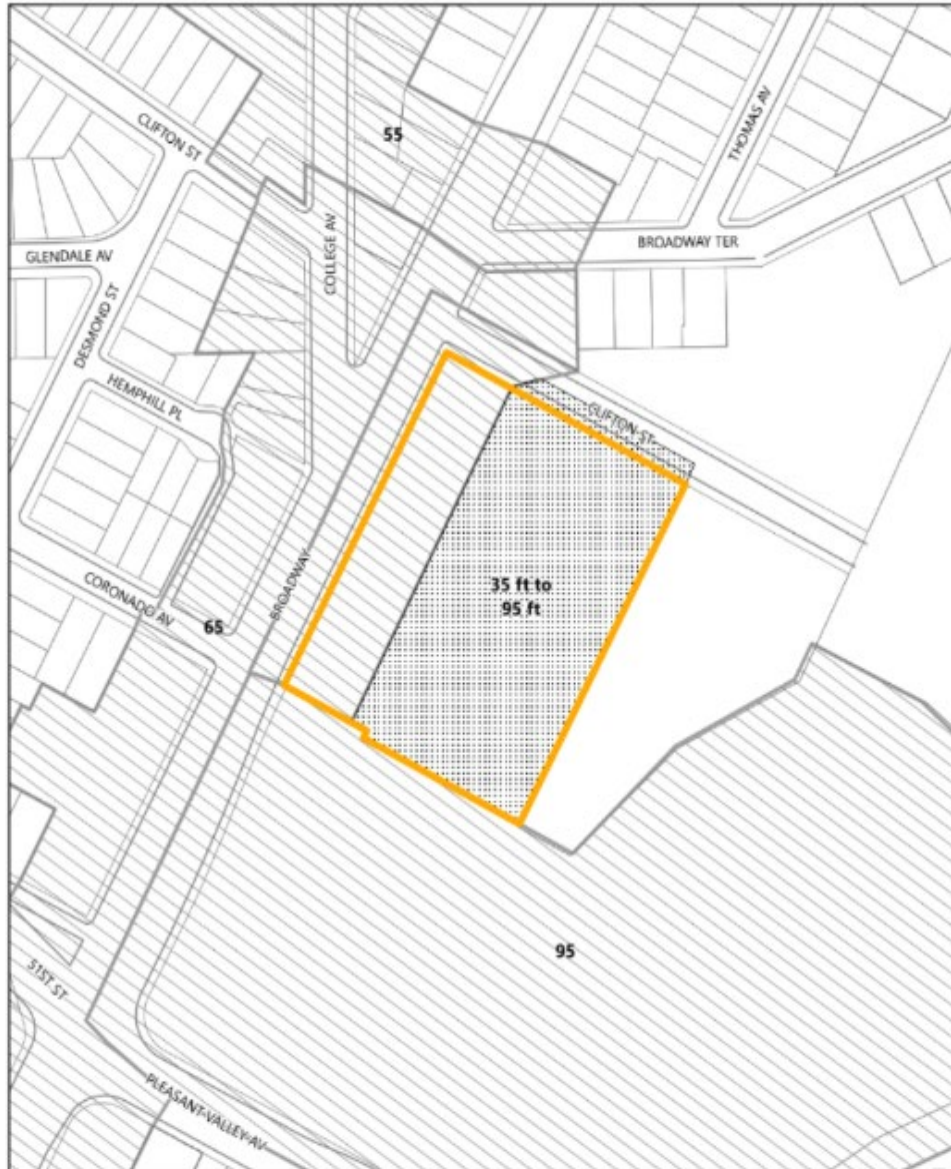
Proposed Zoning Change

PLN20141, PLN20141-PUDF01, ER19003
5212 Broadway



EXHIBIT B

MAP 2 PROPOSED HEIGHT AREA CHANGE



Proposed Height Area Change

PLN20141, PLN20141-PUDF01, ER19003
5212 Broadway

