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APPROVED AS TO FORM AND LEGALITY

DRAFTED BY COUNCILMAN

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CITY ATTORNEY

ORDINANCE No. 8883 C.M.S.

AN ORDINANCE AMENDING THE
OAKLAND PLANNING CODE TO MAKE
NUMEROUS CHANGES AND ADDITIONS
RELATED TO PRESERVATION OF
HISTORIC AND OTHER SPECIAL
STRUCTURES, FACILITIES, SITES,
AND AREAS, INCLUDING BUT NOT
LIMITED TO CREATION OF A LANDMARKS
PRESERVATION ADVISORY BOARD; AND
CERTIFYING COMPLIANCE WITH THE
CALIFORNIA ENVIRONMENTAL QUALITY ACT.

WHEREAS, on February 14, 1973, the City Planning Commission initiated action to amend the Oakland Planning Code to create a Landmarks Preservation Advisory Board and to make various other changes and additions related to preservation of historical, architecturally interesting, and other special structures, facilities, sites, and areas; and

WHEREAS, notice of a public hearing on this matter was given on February 21, 1973, in the official newspaper of the City of Oakland, and such hearing was held by the City Planning Commission on February 28, 1973, and continued from time to time thereafter; and

WHEREAS, at the meeting of the City Planning Commission held on May 2, 1973, it was voted to recommend amendment of the Oakland Planning Code to create a Landmarks Preservation Advisory Board and to make various other changes and additions related to preservation of historical, architecturally interesting, and other special structures, facilities, sites, and areas; and

WHEREAS, said recommendations of the City Planning Commission came regularly on for hearing before the City Council; and

WHEREAS, pursuant to the provisions of the California Environmental Quality Act of 1970, as amended, and City Council Resolution No. 53054 C.M.S. (adopting objectives, criteria, and procedures for implementation of said Act) the City Council has reviewed the Negative Declaration on said recommended amendments adopted by the City Planning Commission and dated May 2, 1973; and hereby adopts said Negative Declaration; and finds and determines that the amendments recommended by the City Planning Commission and set forth in this ordinance, although not categorically exempt under said Resolution No. 53054 C.M.S., will not have a significant effect on the environment and therefore do not require an Environmental Impact Report; and

WHEREAS, the Council finds and determines that the public safety, health, convenience, comfort, prosperity, general welfare, and public interest will be furthered by the adoption of the amendments recommended by the City Planning Commission and set forth in this ordinance; now, therefore,

The Council of the City of Oakland does ordain as follows:

SECTION 1. The following provisions are hereby added to the Oakland Planning Code to read as follows:

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SECTION 3 PRESERVATION POWERS AND DUTIES OF CITY PLANNING COMMISSION. The City Planning Commission shall have and exercise the following powers. It shall be advised and assisted in the exercise of these powers by the Landmarks Preservation Advisory Board.

(a) Regulatory Protection. As specified in the ZONING REGULATIONS, the Commission may recommend structures, other physical features, sites, and areas to be given regulatory protection, and in certain cases shall review development proposals where such protection has been established by the City Council.

(b) Contracts With Property Owners. The Commission may negotiate with owners of properties having special characteristics for, and may recommend to the City Council the approval of, contracts to restrict the use of such property and to retain such characteristics.

(c) Recognition of Merit. The Commission may establish and maintain a list of structures, other physical features, sites, and areas considered deserving of official recognition although not given regulatory protection. The list may also include facilities, sites, or areas which are given regulatory protection. The purposes of the list shall be to recognize the merit of and encourage the protection, enhancement, perpetuation, and use of such structures, other physical features, sites, and areas. For these purposes, the Commission may authorize such steps as it deems desirable, including but not limited to the issuance of certificates of recognition and the authorization of plaques. The Commission, through the Director of City Planning, shall coordinate these efforts with any similar efforts of appropriate governmental agencies and private groups interested in preservation.

(d) Inventory and Evaluation. The Commission may carry out or assist or encourage studies and programs designed to identify and evaluate structures, other physical features, sites, and areas which are worthy of preservation. It may inspect and investigate structures, other physical features, sites, and areas which it has reason to believe may be worthy of preservation.

(e) Consultation. The Commission may consult with, advise, and consider the ideas and recommendations of civic groups, public agencies, and citizens interested in preservation.

(f) Information and Advice. The Commission may disseminate information to the public concerning worthy structures, other physical features, sites, and areas. It may encourage and advise property owners in the protection, enhancement, perpetuation, and use thereof.

(g) Other Powers. The Commission may consider methods other than those described above for encouraging and achieving preservation of worthy structures, other physical features, sites, and areas. It may explore means of financing the restoration or maintenance thereof. It may make appropriate recommendations on the general subject of preservation, to the City Council, other public and private agencies and bodies, and the general public.

(h) Relationship to Powers of Director of City Planning and Others. This section is not intended to restrict the powers and duties otherwise pertaining to the Director of City Planning, or to other City officers or bodies, in the field of preservation. They shall have the powers and duties assigned to them by the ZONING REGULATIONS, by other Codes and ordinances, by the City Charter, or by valid administrative authority.

SECTION 5 LANDMARKS PRESERVATION ADVISORY BOARD.

(a) Creation and Membership. There is hereby created a Landmarks Preservation Advisory Board. It shall consist of seven members appointed by the Mayor subject to the affirmative vote of five or more members of the City Council. In making appointments, the Mayor may consult persons and organizations interested in landmarks or historic preservation. The members shall include at least one architect; one landscape architect or city planner; one person having extensive knowledge of Oakland history, or of relevant architectural history; and one real estate broker or other person with significant experience in the financing or management of real estate.

(b) Terms. Of the original appointments, two shall be for a one-year term, two shall be for a two-year term, and three shall be for a three-year term. After the expiration of the original terms, all appointments, other than those to fill a vacancy, shall be for three-year terms.

(c) Vacancies. Vacancies shall be filled for any unexpired term in the same manner as the original appointments were made.

(d) Removal. Any member of the Board may be removed for cause, after hearing, by the affirmative vote of six or more members of the City Council.

(e) Compensation. The Board members shall serve without compensation. However, necessary actual travel and other expenses shall be reimbursed them, when the City's interests shall so require, if such is authorized by the City Council.

(f) Organization and Rules. The Board shall elect a chairman and vice-chairman from its own membership, and shall select a secretary who may be a member of the City staff. The Board shall establish rules and regulations for its own organization, procedure, and meetings.

(g) Meetings. All meetings shall be open to the public, and interested persons shall be given reasonable opportunity to be heard.

(h) Auxiliary Committees and Staffing. The Board shall make every effort to obtain assistance from, and to work with, private groups and citizens interested in preservation. It may designate auxiliary committees to assist it. The Board may seek staff assistance from the City Manager or the City Council.

(i) Powers and Duties. The Board shall advise and assist the City Planning Commission and the Director of City Planning, as well as other public agencies, civic groups, and the general public, on the matters described in Section 3.

SECTION 2002

(p) To prevent the unnecessary destruction or impairment of structures, other physical features, sites, and areas of special character or special historical, cultural, educational, architectural, esthetic, or environmental interest or value and to achieve the following purposes:

1. The protection, enhancement, perpetuation, and use of structures, other physical features, sites, and areas that are reminders of past eras, events, and persons important in local, state, or national history, or which provide significant examples of architectural styles of the past or are landmarks in the history of architecture, or which are unique and irreplaceable assets to the city and its neighborhoods, or which provide for this and future generations examples of the physical surroundings in which past generations lived.
2. The development and maintenance of appropriate settings and environment for such structures, and other physical features, on such sites, and in such areas.
3. The enhancement of property values, the stabilization of neighborhoods and areas of the City, the increase of economic and financial benefits to the City and its inhabitants, and the promotion of tourist trade and interest.
4. The preservation and encouragement of a city of varied architectural styles, reflecting the distinct phases of its cultural, social, economic, political, and architectural history.
5. The enrichment of human life in its educational and cultural dimensions in order to serve spiritual as well as material needs, by fostering knowledge of the living heritage of the past.

SECTION 6406 DUTY TO KEEP IN GOOD REPAIR. Except as otherwise authorized under Sections 6402 and 6404, the owner, lessee, or other person in actual charge of each structure in the S-7 Zone shall keep in good repair all of the exterior portions thereof, as well as all interior portions the maintenance of which is necessary to prevent deterioration and decay of any exterior portion.

SECTION 7002 SPECIAL REGULATIONS FOR DESIGNATED LANDMARKS.

(a) Designation. In any zone, the City Council may designate as a landmark any facility, portion thereof, or group of facilities which has special character, interest, or value of any of the types referred to in subdivision (p) of Section 2002. The designating ordinance for each landmark shall include a description of the characteristics of the landmark which justify its designation and a clear description of the particular features that should be preserved. Each ordinance shall also include the location and boundaries of a landmark site, which shall be the lot, or other appropriate immediate setting, containing the landmark. Designation of each landmark and landmark site shall be pursuant to the REZONING AND LAW CHANGE PROCEDURE at Section 9500.

(b) Design Review for Construction, Alteration, Demolition, or Removal. Within any designated landmark site, no building, Sign, or other facility shall be constructed or established, or altered or painted a new color in such a manner as to affect exterior appearance, and no structure, portion thereof, or other landmark shall be demolished or removed, unless such proposal shall have been approved pursuant to the DESIGN REVIEW PROCEDURE at Section 9300 and the applicable provisions of this section. Furthermore, for a publicly owned landmark the designating ordinance may require such approval of proposed changes in major interior architectural features. However, in any case, after notice to the Director of City Planning, demolition or removal shall be permitted without such approval upon a determination by the Building and Housing Department, its respective appeals boards, or the City Council that immediate demolition is necessary to protect the public health or safety, or after expiration of the periods of postponement referred to in subsection (d).

(c) Design Review Criteria. Design review approval pursuant to subsection (b) may be granted only upon determination that the proposal conforms to the general design review criteria set forth in the DESIGN REVIEW PROCEDURE at Section 9300 and to the criteria set forth in subdivisions 1 and 2, or to one or both of the criteria set forth in subdivision 3:

1. That the proposal will not adversely affect the exterior features of the designated landmark nor, when subject to control as specified in the designating ordinance for a publicly owned landmark, its major interior architectural features.
2. That the proposal will not adversely affect the special character, interest, or value of the landmark and its site, as viewed both in themselves and in their setting.
3. If the proposal does not conform to the criteria set forth in subdivisions 1 and 2:
 - a. That the designated landmark or portion thereof is in such condition that it is not architecturally feasible to preserve or restore it; or
 - b. That, considering the economic feasibility of alternatives to the proposal, and balancing the interest of the public in protecting the designated landmark or portion thereof and the interest of the owner of the landmark site in the utilization thereof, approval is required by considerations of equity.

(d) Postponement of Demolition or Removal. If an application for approval of demolition or removal of a facility, pursuant to subsections (b) and (c), is denied, the issuance of a permit for demolition or removal shall be deferred for a period of 120 days, said period to commence upon the initial denial by the reviewing officer or body. However, if demolition or removal of the facility has also been postponed pursuant to Section 7005, the initial period of postponement under this Section 7002(d)

shall be reduced by the length of the period imposed pursuant to Section 7005. During the period of postponement the Director of City Planning or the City Planning Commission, with the advice and assistance of the Landmarks Preservation Advisory Board, shall explore all means by which, with the agreement of the owner or through eminent domain, the affected facility may be preserved or restored. The reviewing officer or body from whose decision the denial of the application became final may, after notice and hearing, extend said period for not more than 120 additional days; provided, however, that the decision to so extend said period shall be made not earlier than 90 days nor later than 30 days prior to the expiration of the initial 120-day period. Such extension shall be made only upon evidence that substantial progress has been made toward securing the preservation or restoration of the facility. In the event that the applicant shall have failed to exhaust all appeals under Sections 9305 and 9306 from the denial of the application, the decision to extend said period shall be appealable under the provisions of Sections 9305 and 9306 to those bodies to whom appeal had not been taken from the initial denial of the application.

(e) Duty to Keep in Good Repair. Except as otherwise authorized under subsections (b) and (c), the owner, lessee, or other person in actual charge of each designated landmark shall keep in good repair all of the exterior portions thereof, all of the interior portions thereof when subject to control as specified in the designating ordinance, and all interior portions thereof the maintenance of which is necessary to prevent deterioration and decay of any exterior portion.

SECTION 7005 TEMPORARY POSTPONEMENT OF DEMOLITION DURING INTERIM STUDY PERIOD.
Until one year after the effective date of this section the issuance of a demolition permit for any structure or portion thereof may be postponed by the Director of City Planning for not to exceed 60 days from the date of application for such permit. The Director may do so upon determination that the structure or portion thereof is on an interim list of facilities under serious study, by the Landmarks Preservation Advisory Board, the City Planning Commission, or himself, for possible landmark designation under Section 7002 or for other appropriate action to preserve it. During the period of postponement the Board, the Commission, or the Director shall explore means for preserving or restoring the structure or portion thereof. However, demolition may not be postponed under this section if, after notice to the Director of City Planning, the Building and Housing Department, its respective appeals boards, or the City Council determines that immediate demolition is necessary to protect the public health or safety. Any determination made by the Director of City Planning under this section may be appealed pursuant to the ADMINISTRATIVE APPEAL PROCEDURE at Section 9100.

SECTION 2. The following provisions of the Oakland Planning Code are hereby amended to read as follows:

SECTION 2114

(a) Designated Landmark. A facility, portion thereof, or group of facilities which has a special character, interest, or value and which has been established as a landmark pursuant to Section 7002 and the REZONING AND LAW CHANGE PROCEDURE at Section 9500.

(b) Designated Landmark Site. A lot or other site which contains a designated landmark and which has been established pursuant to Section 7002 and the REZONING AND LAW CHANGE PROCEDURE at Section 9500.

(c) Display Surface (Area of). The area of the smallest plane figure which can be made to include all of the idea, advertisement, identification, or information intended to be conveyed by a Sign, including any trim or other material or color forming an integral part of the display or used to differentiate the Sign from the background against which it is placed, but excluding uprights or other structural members which are not a part of the display. With respect to multi-faced Signs, the area of all such faces shall be included except where the context refers to only one face.

(d) Dwelling Unit. A room or suite of rooms including one and only one kitchen, except as otherwise provided in Section 7032, and designed or occupied as separate living quarters for one of the persons or groups specified in Section 7031.

(e) Earthen Berm. A mound or embankment of earth, together with necessary retaining structures.

S-7 PRESERVATION COMBINING ZONE REGULATIONS

SECTION 6400 TITLE, PURPOSE, AND APPLICABILITY. The provisions of Section 6400 through Section 6424, inclusive, shall be known as the S-7 PRESERVATION COMBINING ZONE REGULATIONS. The S-7 Zone is intended to preserve and enhance the cultural, educational, esthetic, environmental, and economic value of structures, other physical facilities, sites, and areas of special importance due to historical association, basic architectural merit, the embodiment of a style or special type of construction, or other special character, interest, or value, and is typically appropriate to selected older locations in the City. These regulations shall apply in the S-7 Zone, and are supplementary to the provisions of Section 7002 and to the other regulations applying in the zones with which the S-7 Zone is combined.

SECTION 6401 ZONES WITH WHICH S-7 ZONE MAY BE COMBINED. The S-7 Zone may be combined with any other zone.

SECTION 6402 DESIGN REVIEW FOR CONSTRUCTION, ALTERATION, DEMOLITION, OR REMOVAL. In the S-7 Zone no building, Sign, or other facility shall be constructed or established, or altered or painted a new color in such a manner as to affect exterior appearance, and no structure or portion thereof shall be demolished or removed, unless such proposal shall have been approved pursuant to the DESIGN REVIEW PROCEDURE at Section 9300 and the applicable provisions of Sections 6403, 6404, and 6405. However, after notice to the Director of City Planning, demolition or removal of a structure or portion thereof shall be permitted without such approval upon a determination by the Building and Housing Department, its respective appeals boards, or the City Council that immediate demolition is necessary to protect the public health or safety, or after expiration of the periods of postponement referred to in Section 6405. Whenever it is proposed that demolition or removal be followed within a reasonable period of time by new construction, review of the new construction shall take place in conjunction with review of the demolition or removal.

SECTION 6403 DESIGN REVIEW CRITERIA FOR CONSTRUCTION OR ALTERATION. Design review approval for construction, establishment, alteration, or painting of a facility may be granted only upon determination that the proposal conforms to the general design review criteria set forth in the DESIGN REVIEW PROCEDURE at Section 9300 and to both of the following additional design review criteria:

(a) That the proposal will not substantially impair the visual, architectural, or historic value of the affected site or facility. Consideration shall be given to design, form, scale, color, materials, texture, lighting, detailing and ornamentation, landscaping, Signs, and any other relevant design element or effect, and, where applicable, the relation of the above to the original design of the affected facility.

(b) That the proposed development will not substantially impair the visual, architectural, or historic value of the total setting or character of the surrounding area or of neighboring facilities. Consideration shall be given to integration with, and subordination to, the desired overall character of any such area or grouping of facilities. All design elements or effects specified in subsection (a) shall be so considered.

SECTION 6404 DESIGN REVIEW CRITERIA FOR DEMOLITION OR REMOVAL. Design review approval, pursuant to Section 6402, for demolition or removal of a structure or portion thereof may be granted only upon determination that the proposal conforms to the design review criteria set forth in subdivisions (a) and (b), or to one or both of the criteria set forth in subdivision (c):

(a) That the affected structure or portion thereof is not considered irreplaceable in terms of its visual, cultural, or educational value to the area or community.

(b) That the proposed demolition or removal will not substantially impair the visual, architectural, or historic value of the total setting or character of the surrounding area or of neighboring facilities.

(c) If the proposal does not conform to the criteria set forth in subdivisions (a) and (b):

1. That the structure or portion thereof is in such condition that it is not architecturally feasible to preserve or restore it; or
2. That, considering the economic feasibility of preserving or restoring the structure or portion thereof, and balancing the interest of the public in such preservation or restoration and the interest of the owner of the property in the utilization thereof, approval is required by considerations of equity.

SECTION 6405 POSTPONEMENT OF DEMOLITION OR REMOVAL. If an application for approval of demolition or removal of a structure or portion thereof, pursuant to Sections 6402 and 6404, is denied, the issuance of a permit for demolition or removal shall be deferred for a period of 120 days, said period to commence upon the initial denial by the reviewing officer or body. However, if demolition or removal of the structure or portion thereof has also been postponed pursuant to Section 7005, the initial period of postponement under this Section 6405 shall be reduced by the length of the period imposed pursuant to Section 7005. During the period of postponement the Director of City Planning or the City Planning Commission, with the advice and assistance of the Landmarks Preservation Advisory Board, shall explore all means by which, with the agreement of the owner or through eminent domain, the affected structure or portion thereof may be preserved or restored. The reviewing officer or body from whose decision the denial of the application became final may, after notice and hearing, extend said period for not more than 120 additional days; provided, however, that the decision to so extend said period shall be made not earlier than 90 days nor later than 30 days prior to the expiration of the initial 120-day period. Such extension shall be made only upon evidence that substantial progress has been made toward securing the preservation or restoration of the structure or portion thereof. In the event that the applicant shall have failed to exhaust all appeals under Sections 9305 and 9306 from the denial of the application, the decision to extend said period shall be appealable under the provisions of Sections 9305 and 9306 to those bodies to whom appeal had not been taken from the initial denial of the application.

DESIGN REVIEW PROCEDURE

SECTION 9300 TITLE, PURPOSE, AND APPLICABILITY. The provisions of Section 9300 through 9324, inclusive, shall be known as the DESIGN REVIEW PROCEDURE. The purpose of these provisions is to prescribe the procedure for the review of proposals in areas, and on sites, which require special design treatment and consideration of relationships to surrounding development. This procedure shall apply to all proposals for which design review is required by the ZONING REGULATIONS.

SECTION 9301 APPLICATION. Application for design review shall be made by the owner of the affected property, or his authorized agent, on a form prescribed by the City Planning Department and shall be filed with such Department. The application shall be accompanied by such information including, but not limited to, site and building plans, drawings, and elevations, as may be required to allow applicable design review criteria to be applied to the proposal, and by the fee prescribed in the FEE SCHEDULE at Section 9800.

SECTION 9302 REVIEW BY LANDMARKS BOARD IN CERTAIN CASES. Whenever an application is for design review in the S-7 Zone or on a designated landmark site, the Director of City Planning may, at his discretion, refer the proposal to the Landmarks Preservation Advisory Board for its recommendations. If the proposal is so referred, the Director or City Planning Commission, as the case may be, shall not act on the application until he or it has first received a report from the Board or until more than 30 days have elapsed since the proposal was sent to the Board, whichever is sooner. However, the 30-day period may be extended by agreement between the applicant and the Board, Commission, or Director.

SECTION 9303 PROCEDURE FOR CONSIDERATION. An application for design review shall be considered by the Director of City Planning. However, the Director may, at his discretion, refer any application to the City Planning Commission for consideration

rather than acting on it himself. At his or its discretion, the Director or the Commission, as the case may be, may give such notice as is deemed appropriate to adjacent property owners or other interested parties; and, in cases which the Director refers to the Commission, a public hearing may be held before the Commission. The Director or the Commission, as the case may be, shall determine whether the proposal conforms to the design review criteria set forth in Section 9304 and to any other applicable design review criteria, and may approve or disapprove the proposal or require such changes therein or impose such reasonable conditions of approval as are in his or its judgment necessary to ensure conformity to said criteria. Should a decision not be rendered by the Director or the Commission within 60 days after filing, the application shall be deemed approved unless said time has been extended by agreement between the Director or the Commission, as the case may be, and the applicant. A determination by the Director shall become final 10 days after the date of decision unless appealed to the City Planning Commission in accordance with Section 9305. In those cases which are referred to the Commission, the decision of the Commission shall become final 10 days after the date of decision unless appealed to the City Council in accordance with Section 9306.

SECTION 9304 DESIGN REVIEW CRITERIA. Design review approval may be granted only if the proposal conforms to all of the following criteria, as well as to all other applicable design review criteria:

(a) That the proposed development shall serve to achieve a group of facilities which will be well related one to another and which, taken together, will result in a well-composed urban design, with consideration given to site, height, arrangement, texture, material, color, and appurtenances, the relation of these factors to other facilities in the immediate area, and the relation of the development to the total setting as seen from key points in the surrounding area. Only elements of design which have some significant relationship to outside appearance shall be considered, except as otherwise provided in Section 7002 (b).

(b) That the proposed development shall be of a quality and character which harmonizes with, and serves to protect the value of, private and public investments in the area.

(c) That the design of the development conforms in all significant respects with the proposals of any applicable district plan or development control map which has been adopted by the City Council.

SECTION 9305 APPEAL TO PLANNING COMMISSION. Within 10 days after the date of a decision by the Director of City Planning on an application for design review, an appeal from said decision may be taken to the City Planning Commission by the applicant, the Landmarks Preservation Advisory Board, or any other interested party. Such appeal shall be made on a form prescribed by the City Planning Department and shall be filed with such Department. The appeal shall state specifically wherein it is claimed there was an error or abuse of discretion by the Director or wherein his decision is not supported by the evidence in the record. Upon receipt of such appeal the Secretary of the Commission shall set the time for consideration thereof, and, not less than five days prior thereto, give written notice to the appellant and to any known adverse parties, or to their representatives, of the time and place of the hearing. In considering such appeal the Commission shall determine whether the proposal conforms to the design review criteria set forth in Section 9304 and to any other applicable design review criteria, and may approve or disapprove the proposal or require such changes therein or impose such reasonable conditions of approval as are in its judgment necessary to ensure conformity to said criteria. The determination of the Commission shall become final 10 days after the date of decision unless appealed to the City Council in accordance with Section 9306.

SECTION 9306 APPEAL TO COUNCIL. Within 10 days after the date of a decision by the City Planning Commission on an application for design review, an appeal from said decision may be taken to the City Council by the applicant, the Landmarks Preservation Advisory Board, or any other interested party. Such appeal shall be made on a form prescribed by the Commission and shall be filed with the City Clerk. The appeal shall state specifically wherein it is claimed there was an error or abuse of discretion by the Commission or wherein its decision is not supported by the evidence in the record. Upon receipt of such appeal the Council shall set the time for the consideration thereof. The City Clerk shall notify the Secretary of the Planning Commission of the receipt

of said appeal and of the time set for consideration thereof; and said Secretary shall, not less than five days prior to the date set for the hearing on the appeal, give written notice to the appellant and to any known adverse parties, or to their representatives, of the time and place of the hearing. In considering the appeal the Council shall determine whether the proposal conforms to the applicable design review criteria, and may approve or disapprove the proposal or require such changes therein or impose such reasonable conditions of approval as are in its judgment necessary to ensure conformity to said criteria. The decision of the Council shall be final.

SECTION 9307 ADHERENCE TO APPROVED PLANS. A design review approval shall be subject to the plans and other conditions upon the basis of which it was granted. Unless a different termination date is prescribed, the approval shall terminate one year from the effective date of its granting unless actual construction, alteration, painting, demolition, or removal, as the case may be, has begun under necessary permits within such period. However, such period of time may be extended by the original reviewing officer or body, upon application filed at any time before said period has expired.

REZONING AND LAW CHANGE PROCEDURE

SECTION 9500 TITLE, PURPOSE, AND APPLICABILITY. The provisions of Section 9500 through Section 9524, inclusive, shall be known as the REZONING AND LAW CHANGE PROCEDURE. The purpose of these provisions is to prescribe the procedure by which changes may be made in the text of the ZONING REGULATIONS and in the application thereof to specific properties. This procedure shall apply to all proposals to rezone property, to change the text of the ZONING REGULATIONS, or to establish, amend, or delete any development control map or designated landmark or landmark site.

SECTION 9501 NO COUNCIL ACTION WITHOUT PLANNING RECOMMENDATION. The City Council shall not rezone any property, change the text of any provision of the ZONING REGULATIONS, or establish, amend, or delete any development control map or designated landmark or landmark site until after it has received, pursuant to this procedure, a recommendation from the City Planning Commission.

SECTION 9502 INITIATION.

(a) Private Party Initiation. The owner of any property, or his authorized agent, may make application to the City Planning Commission to rezone such property, to amend or delete any development control map applicable thereto, or to establish, amend, or delete a designated landmark or landmark site applicable thereto.

(b) Commission Initiation. The City Planning Commission may, and upon request of the City Council shall, initiate action to rezone any property, to change the text of the ZONING REGULATIONS, or to establish, amend, or delete any development control map or designated landmark or landmark site.

(c) Landmarks Board Initiation. The Landmarks Preservation Advisory Board may initiate action to rezone any property to or from the S-7 Zone or to establish, amend, or delete any designated landmark or landmark site.

SECTION 9503 PRIVATE PARTY APPLICATION. A private party application shall be made by the owner of the affected property, or his authorized agent, on a form prescribed by the City Planning Department and shall be filed with such Department. The application shall be accompanied by a description of the property or such other information as may be required by the City Planning Commission, and by the fee prescribed in the FEE SCHEDULE at Section 9800.

SECTION 9504 REVIEW BY LANDMARKS BOARD IN CERTAIN CASES. Whenever an application or proposal, other than one initiated by the Landmarks Preservation Advisory Board, is to rezone property to or from the S-7 Zone or to establish, amend, or delete a designated landmark or landmark site, the City Planning Department shall promptly refer the application or proposal to said Board for its recommendations. The City Planning Commission shall not act on the application or proposal until it has first received a report from the Board or until more than 30 days have elapsed since the proposal was sent to the Board, whichever is sooner. However, the 30-day period may be extended by agreement between the Commission or private party applicant, as the case may be, and the Board.

SECTION 9505 PLANNING COMMISSION ACTION ON PRIVATE PARTY APPLICATION. In the case of private party initiation, the City Planning Commission shall hold a public hearing on the application within 30 days after the date of application. Notice of such hearing shall be given by posting at least five notices thereof in the vicinity of the property involved in the petition, at least five days prior to the date of the hearing. Within 30 days following the public hearing the Commission shall render a decision on the application. The Commission shall consider whether the existing zone or regulations applicable to the property under consideration are inadequate or otherwise contrary to the public interest, and may approve, modify, or disapprove the private party application, or decide with the consent of the applicant to defer action until necessary studies and plans shall have been completed. In case of approval or modified approval the Commission shall, within five days of its decision, forward its recommendation to the City Council for appropriate action. In case of denial of a private party application, the decision of the Commission shall become final 10 days after the date of the decision unless appealed to the City Council in accordance with Section 9506.

SECTION 9506 APPEAL TO COUNCIL BY PRIVATE PARTY. Within 10 days after the date of an adverse decision by the City Planning Commission on a private party application, an appeal from said decision may be taken to the City Council by the applicant. Such appeal shall be made on a form prescribed by the Commission and shall be filed with the City Clerk. The appeal shall state specifically wherein it is claimed the Commission erred in its decision. The appeal shall be considered in accordance with Section 9508.

SECTION 9507 PLANNING COMMISSION ACTION ON COMMISSION OR LANDMARKS BOARD PROPOSAL. In the case of initiation by the City Planning Commission or the Landmarks Preservation Advisory Board, the Commission shall within a reasonable period of time hold a public hearing on the proposal. When the proposal involves rezoning of property or the establishment, amendment, or deletion of a development control map or designated landmark or landmark site, notice of such hearing shall be given by posting at least five notices thereof in the vicinity of the property involved in the proposal, at least five days prior to the date of the hearing. In addition, when the proposal is to rezone property to or from the S-7 Zone or to establish, amend, or delete a designated landmark or landmark site, notice of the hearing shall be mailed, at least 10 days prior to the date of the hearing, to the owners of all real property included in the proposal, using for this purpose the names and addresses of the owners as shown on the records of the Alameda County Assessor or, where subsequent owners are indicated in City records, the names and addresses shown therein; provided that failure to send notice to any such owner where his address is not shown in said records shall not invalidate the affected proceedings. When the proposal involves changing the text of the ZONING REGULATIONS, notice of the hearing shall be given in the official newspaper of the City of Oakland at least five days prior to the date of the hearing. Within 60 days after the date of the hearing the Commission shall make a decision on the proposal. The Commission shall consider whether the existing zone or regulations are inadequate or otherwise contrary to the public interest, and may approve, modify, or disapprove the proposal, or may defer action until completion of such studies or plans as may be necessary to determine the advisability of the proposal. In case of approval or modified approval, the Commission shall forward the proposal with its recommendation to the City Council for appropriate action.

SECTION 9508 COUNCIL ACTION. Upon receipt of an appeal by a private party, or upon receipt of a recommendation from the City Planning Commission, the City Council shall set the time for consideration of the matter. In the case of an appeal by a private party, the City Clerk shall notify the Secretary of the Commission of the receipt of the appeal and of the time set for consideration thereof; and said Secretary shall, not less than five days prior to the date set for the hearing on the appeal, give written notice to the appellant and to any known adverse parties, or to their representatives, of the time and place of the hearing. Upon an appeal by a private party, or upon the receipt of a recommendation from the City Planning Commission, the Council may approve, modify, or reverse the decision or may approve, modify, or disapprove the Commission's recommendations, as the case may be. The decision of the Council shall be final.

SECTION 9509 LIMITATION ON RESUBMISSION. Whenever a private party application has been denied by the City Council, no such application for the same proposal affecting the same property, or any portion thereof, shall be filed within one year after the date of denial.

ZONING MAPS

SECTION 10000 TITLE AND PURPOSE. The provisions of Section 10000 through Section 10999, inclusive, shall be known as the ZONING MAPS. The purposes of these provisions are to describe the boundaries of zones, and the boundaries and other features of development control maps and designated landmarks and landmark sites, established and amended under the ZONING REGULATIONS. These provisions shall apply to all property within the City Of Oakland.

SECTION 10002 MAPS AND DESIGNATED LANDMARKS.

(a) Section Maps Showing Zone Boundaries. Subject to the provisions of Sections 10004, 10007, and 10011, the zones referred to in the ZONING REGULATIONS are hereby established, and the boundaries between these zones are established and fixed, as shown on the section maps attached hereto, which are numbered or lettered as follows:

12; 18; 22 through 26, inclusive; 30 through 36, inclusive; 39 through 47, inclusive; 51 through 59, inclusive; 63 through 71, inclusive; 74 through 84, inclusive; 86 through 141, inclusive; 148 through 160, inclusive; 164 through 177, inclusive; 181 through 194, inclusive; 200 through 213, inclusive; 216 through 230, inclusive; 233 through 247, inclusive; 249 through 256, inclusive; 258 through 261, inclusive; 264 through 270, inclusive; 273 through 276, inclusive; 283 through 293, inclusive; 296 through 305, inclusive; 307 through 335, inclusive; 337 through 339, inclusive; 341 through 348, inclusive; 350 through 356, inclusive; 358; and A through D, inclusive. Said section maps and all subsequent additions and revisions thereto are hereby incorporated as part of this section.

(b) Legend and Index for Section Maps. Subject to the provisions of Section 10007, the sheets attached hereto and entitled "Legend for Section Maps" and "Index to Section Maps," respectively, are hereby incorporated as part of this section.

(c) Development Control Maps. Subject to the provisions of Sections 10004, 10007, and 10011, the boundaries and other features of development control maps are hereby established and fixed as shown on the attached Development Control Map No. 1 (Peralta Oaks), including all subsequent amendments thereto, and on such additional development control maps as are hereafter adopted. All such development control maps are hereby incorporated as part of this section.

(d) Designated Landmarks and Landmark Sites. Subject to the provisions of Sections 10007 and 10011, the boundaries and other features of designated landmarks and landmark sites are hereby established and fixed as indicated in such ordinances as are hereafter adopted pursuant to Section 7002 and the REZONING AND LAW CHANGE PROCEDURE at Section 9500. All such ordinances are hereby incorporated as part of this section.

SECTION 10004 ZONING OF STREETS, FREEWAYS, PUBLIC PROPERTY, AND ANNEXED LAND. Each street, freeway, alley, and path in Oakland, including the space under and over it, all unzoned public land in Oakland which is hereafter sold, and all land which is hereafter annexed to Oakland shall, in the absence of rezoning action hereafter to the contrary, be deemed to be in the same zone as the nearest zoned lots in Oakland which it abuts. In case the lots on opposite sides of such public way or such land are in different zones, the zone boundary shall be the center line of such way or land.

SECTION 10007 MAINTENANCE AND REVISION OF MAPS. The Director of City Planning shall properly maintain the section maps, the legend and index therefor, the development control maps, and the ordinances designating landmarks and landmark sites. When appropriate he shall update these by changing the revision dates thereon and the street pattern, lot lines, or other orientation features, and by indicating approved planned unit developments pursuant to Section 9408. When land is annexed to Oakland, he shall where appropriate create new section maps with the zoning indicated pursuant to Section 10004. Except as required by Section 10004, however, he shall make no changes in zone boundaries or substantive changes in development control maps or

designated landmarks and landmark sites and all proposals for such changes shall be considered pursuant to the REZONING AND LAW CHANGE PROCEDURE at Section 9500.

SECTION 10011 INTERPRETATION OF MAPS. Except as otherwise provided in Section 10004, the boundaries between zones and the boundaries and other features of development control maps and designated landmarks and landmark sites shall be interpreted specifically as shown on or in the maps and landmark ordinances. Should any uncertainty remain as to the location or meaning of a boundary or other feature, said location or meaning shall be determined by the Director of City Planning. Such interpretation shall be subject to appeal pursuant to the ADMINISTRATIVE APPEAL PROCEDURE at Section 9100.

SECTION 10012 APPLICATION OF REGULATIONS TO LOTS DIVIDED BY ZONE BOUNDARIES. Wherever it is found, pursuant to Section 10011, that a lot is divided by a boundary between zones, the provisions of the ZONING REGULATIONS shall apply to such lot as prescribed in Section 7006. The actual location of the zone boundary itself, however, shall not be changed by the provisions of Section 7006.

SECTION 3. This ordinance complies with the California Environmental Quality Act.

IN COUNCIL, OAKLAND, CALIF., OCT 4 1973, 19

PASSED BY THE FOLLOWING VOTE:

AYES - *Ceto* ~~EDOM~~, CHIALVO, ~~ENG~~, MAGGIORA, OGAWA, ~~ROSE~~, SUTTER, VUKASIN,
AND PRESIDENT READING - 7

NOES - *None*

ABSENT - *Eng + Rose - 2*

ATTEST: *[Signature]*

MAYOR OF THE CITY OF OAKLAND, CALIF.

ATTEST: *[Signature]*

CITY CLERK AND CLERK OF THE COUNCIL
OF THE CITY OF OAKLAND, CALIF.