

LM01-404

**REVISED**  
7-29-02

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

OAKLAND CITY COUNCIL

ORDINANCE No. 12438 C.M.S.

02 JUL 30 AM 11:55

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

**ORDINANCE REZONING THE HOTEL BUILDING LOCATED AT 41 TUNNEL ROAD (HISTORIC NAME: CLAREMONT HOTEL; CURRENT NAME: THE CLAREMONT RESORT AND SPA) TO A DESIGNATED LANDMARK PURSUANT TO SECTION 17.102.030 OF THE OAKLAND PLANNING CODE and REZONING ALL OTHER PORTIONS OF THE PROPERTY AT 41 TUNNEL ROAD AND 2829 CLAREMONT AVENUE TO ADD S-4, DESIGN REVIEW COMBINING ZONE, TO THE UNDERLYING ZONES PURSUANT TO CHAPTER 17.144 OF THE OAKLAND PLANNING CODE.**

WHEREAS, the Landmarks Preservation Advisory Board recommended rezoning the hotel building and the entire property of the Claremont Resort and Spa (historic names: Claremont Hotel) at 41 Tunnel Road to a designated Landmark pursuant to Section 17.102.030 of the Oakland Planning Code; and

WHEREAS, subsequent to the resolution adopted by the Landmarks Preservation Advisory Board recommending designation of both the building and the grounds as a landmark, the property owner objected in writing to landmark designation of the grounds and agreed to accept landmark designation of the hotel building; and

WHEREAS, notice of a public hearing on this matter was given to the owner of subject property and to the public pursuant to Section 17.144 of the Oakland Planning Code; a public hearing was held by the City Planning Commission on March 6, 2002; and

WHEREAS, after closing the public hearing, the City Planning Commission voted on March 6, 2002, to recommend rezoning the hotel building to a designated landmark and rezoning the remainder of the site to add S-4, Design Review Combining Zone, to the underlying zoning with design review applications for expansions of the hotel that are attached to the historic hotel building being referred to the LPAB for advisory input and with specific language in the Ordinance to protect sight lines toward the hotel building and to provide a sense of openness around the hotel; and

WHEREAS, the provisions of the California Environmental Quality Act (CEQA), and the guidelines as prescribed by the Secretary for Resources, as amended, have been satisfied pursuant to Section 15308 of the California Code of Regulations, as this designation is exempt from CEQA; and

WHEREAS, the City Council has determined that the hotel building has historical and architectural significance as described in the nomination application and in the public record of this application, and is a unique asset to the City; and that for these reasons, the historic hotel building is worthy of landmark designation; now therefore

**THE COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:**

**SECTION 1.** The hotel building, shown on Exhibit A, at the Claremont Resort and Spa (historic name: Claremont Hotel) address 41 Tunnel Road, is hereby designated as a Landmark pursuant to Section 17.102.030 of the Oakland Planning Code. All other portions of the property including but not limited to the outdoor recreational facilities, the parking lots and ancillary buildings located on the property are not included in the landmark designation. Any future alteration, addition, demolition, or removal of the hotel building shall be subject to the provisions of OPC Section 17.102.030, as well as the applicable policies of the Historic Preservation Element of the Oakland General Plan.

**SECTION 2.** The particular features of the Landmark that should be preserved are the original exterior features of the building as they exist on the date hereof excluding any incompatible, non-original elements, changes and additions to the building. This specifically excludes from the elements to be preserved, but said exclusion is not limited to, the post-1937 enclosure of the veranda, the porte cochere on the south end of the building and other non-original exterior elements of the hotel building.

The exterior features of the building may be modified to replicate or more closely resemble its original appearance subject to the provisions of the OPC or may be modified to improve the appearance or function provided the changes do not substantially adversely affect character defining elements of the building and are consistent with the design review criteria of OPC Section 17.102.030 applicable to landmarks.

**SECTION 3.** The landmark site of said Landmark building is hereby defined as the footprint of the hotel building as it exists on the date of this ordinance, including the footprint of elements, such as the porte cochere, that are directly attached to the hotel building.

**SECTION 4.** The Director of City Planning is hereby directed to execute and cause to be recorded in the Recorder's Office of the County of Alameda a notice of designation of said Landmark.

**SECTION 5.** The property at the Claremont Resort and Spa (located at 41 Tunnel Road and 2829 Claremont Avenue) excluding the hotel building is hereby rezoned to add S-4, Design Review Combining Zone, to the underlying zoning. This rezoning to S-4 excludes the portion of parcel # 048H-7670-027 containing the footprint of the landmark building. The parcels rezoned to S-4 are identified with the following Assessor Parcel Numbers: 048H-7670-019; 048H-7670-020; 048H-7670-021; 048H-7670-022; 048H-7670-023; 048H-7670-024; 048H-7670-025; 048H-7670-027; 048H-7670-028-01; 064-4225-004; 064-4225-005 and that portion of the public right-of-way called "The Short Cut" which is currently used by the Claremont Resort and Spa for parking and related landscaping.

**SECTION 6.** The rezoning of the grounds to add S-4, Design Review Combining Zone, to the underlying zoning hereby includes the requirement that design review applications for attached expansion of the hotel (attached to the landmark building and located outside the existing footprint of the landmark building) shall be referred to the Landmarks Preservation Advisory Board (LPAB) for advisory input on the design, subject to the provisions of Section 1 of this Ordinance.

SECTION 7. The design review criteria set forth in 17.136.070B, used to review projects within the S-4 Design Review Combining Zone as applied to the property at the Claremont Resort and Spa, defined in Section 5, shall be modified to read as follows: "the proposal will be of a quality and character that harmonizes with, and serves to protect the value of, private and public investment in the area, including the historic landmarked building."

SECTION 7.8.—In addition to the other review requirements set forth in the Oakland Planning Code and the Historic Preservation Element for either a landmarked structure or for work proposed in an S-4 zone, and without reducing or eliminating any such requirements, applications submitted for design review for a project located either within the S-4 or landmarked portions of the site shall be reviewed so as to:

- a) protect sight lines of the hotel building from the immediate downhill streets and from distant public views of the building from San Francisco and Oakland;
- b) provide an appropriate sense of open space around the hotel building;

SECTION 8.9. This Ordinance is exempt from environmental review pursuant to Section 15308 of the California Environmental Quality Act Guidelines and the Planning Director is directed to cause to be filed a Notice of Exemption.

SECTION 9.10. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the remainder of this Ordinance and the application shall not be affected thereby.

JUL 30 2002

IN COUNCIL, OAKLAND, CALIFORNIA, , 2002

**PASSED BY THE FOLLOWING VOTE:**

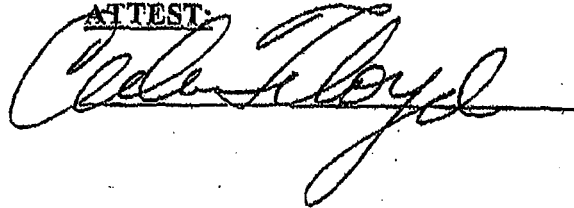
AYES- BRUNNER, CHANG, MAYNE, NADEL, REID, SPEES, WAN, AND  
PRESIDENT DE LA FUENTE - 6

NOES- 0

ABSENT- 0

ABSTENTION- 0

ATTEST:



CEDA FLOYD  
City Clerk and Clerk of the Council  
of the City of Oakland, California

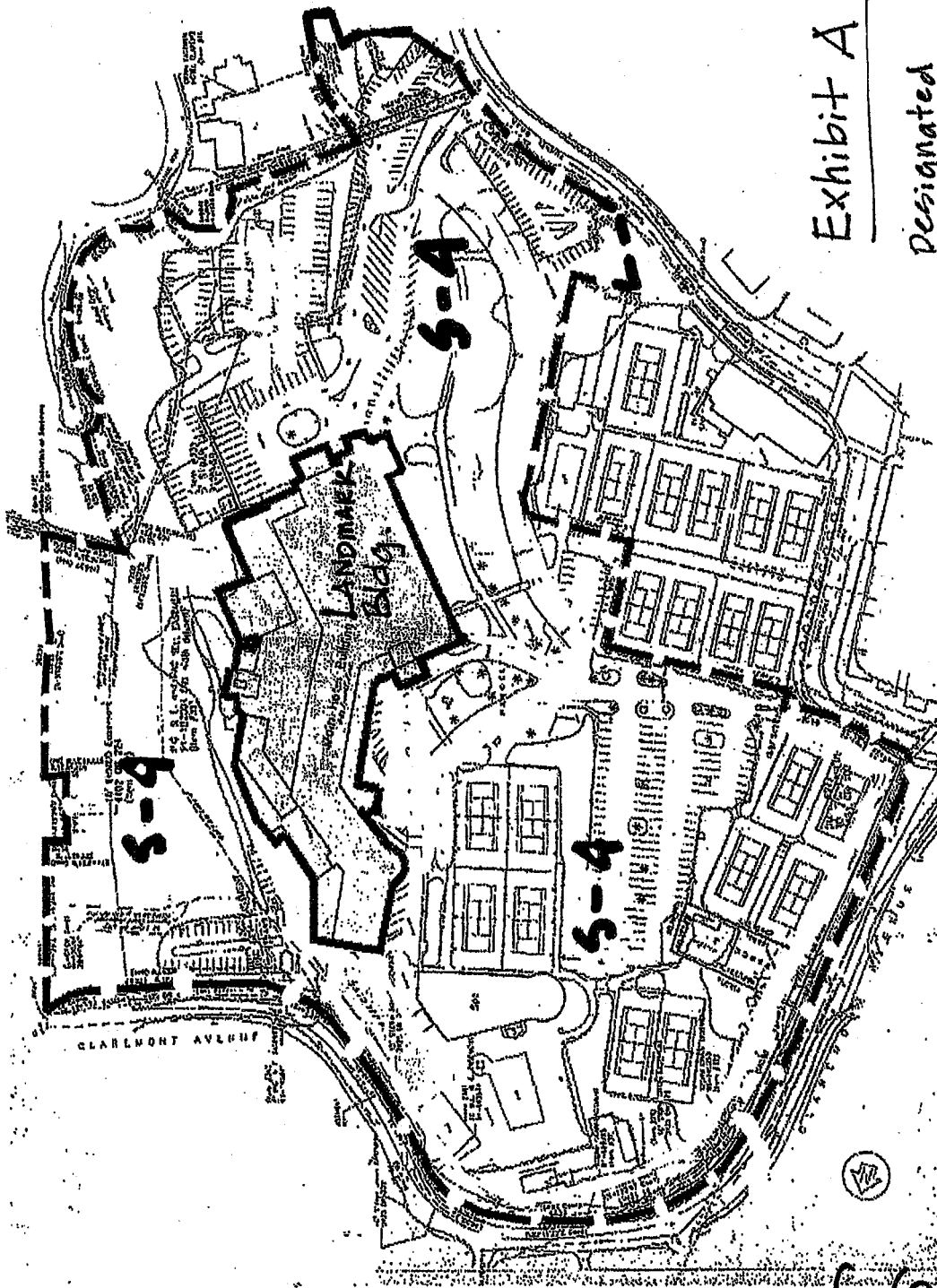


Exhibit A

┌  
Designated  
Landmark

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Boundary of property  
referred to S-4

6.6-1  
ORA/COUNCIL  
JUL 16 2002