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Approved as to Form and Legality


Oakland City Attorney's Office

OAKLAND CITY COUNCIL

Resolution No. 83244 C.M.S.

Introduced by Councilmember _____

RESOLUTION TO CORRECT, REFINE AND CLARIFY THE GENERAL PLAN LAND USE DIAGRAM TO GENERALLY REFLECT EXISTING LAND USE, AND CONFORM TO THE INTENT OF THE PREVIOUSLY ADOPTED GENERAL PLAN.

WHEREAS, the City of Oakland adopted the Land Use and Transportation Element of the General Plan (LUTE) in 1998; and

WHEREAS, consistent with state law, the LUTE includes a Land Use Diagram showing the distribution of various land uses across the city; and

WHEREAS, the 1998 Land Use Diagram contains fourteen color-coded categories, each corresponding to a different land use and density/intensity; and

WHEREAS, the 1998 Land Use Diagram was drawn in a very broad-brush manner, since it was designed to be printed and interpreted at a scale of 1" = 1 mile, allowing the entire city to fit on an 11" x 17" sheet which could be folded and inserted in the back of the Plan document.; and

WHEREAS, although the broad brush mapping approach is acceptable under California general plan law, it has had a number of unintended consequences, including:

1. there is a high margin of error; some of the shapes on the map were improperly placed,
2. the edges of map shapes are overly generalized; areas with irregular edges were simply mapped as "blobs" rather than conforming to their actual extent.
3. small pockets of residential and commercial uses (generally 10 acres or less) do not appear on the map at all; they were omitted to keep the map legible; and

WHEREAS, the City is now in the process of updating its zoning to conform with the LUTE, including the Land Use Diagram; and

WHEREAS, the LUTE notes that: "The zoning map will refine the boundaries used for the land use classifications as needed to achieve the intent of the General Plan....the zoning map will provide greater specificity and detail in areas of the City too small to be detailed in the General Plan. "; and

WHEREAS, it is important that intended uses on the Land Use Diagram are shown correctly and that corrections, refinements and clarifications are completed before rezoning is underway; and

WHEREAS, the intent of this process is not to substantively change or amend the Land Use Diagram, but merely to correct, refine and clarify the diagram to reflect existing zoning and land use, and to conform to the previously adopted General Plan, and thus these corrections do not count towards the number of times a general plan element can be amended per year; and

WHEREAS, the City Planning Commission held a duly noticed public hearing on November 3, 2010, wherein it recommended the corrections, refinements and clarifications to the Land Use Diagram for adoption by the City Council; and

WHEREAS, the Community and Economic Development Committee held a public meeting on February 8, 2011 and also recommended the corrections, refinements and clarifications to the Land Use Diagram for adoption by the City Council; and

WHEREAS, the City Council held a duly noticed public hearing on February 15; now, therefore, be it

RESOLVED, that the City Council, having heard, considered and weighed all the evidence in the record presented on behalf of all parties and being fully informed of the Planning Commission's recommendations, hereby affirms the General Plan Land Use Diagram corrections as shown on the map attached to this Resolution as Exhibit A, which is hereby incorporated by reference; and be it

FURTHER RESOLVED, that the City Council hereby finds and determines that the corrections, refinements and clarifications to the Land Use Diagram are necessary to advance implementation of the General Plan and are consistent with the overall goals, objectives and policies in the Land Use and Transportation Element; and be it

FURTHER RESOLVED, that the City Council, as the California Environmental Quality Act (CEQA) Lead Agency, finds and determines that (a) this action is within the scope of the program examined in the 1998 LUTE EIR; (b) the corrections would not result in any new or more severe significant impacts than those studied in the 1998 LUTE EIR and thus no further environmental review is required under CEQA. As a separate and independent basis, this action is also exempt under Sections 15061(b)(3) and/or 15183 of the State CEQA Guidelines; and be it

FURTHER RESOLVED, that the record before this Council relating to the Land Use Diagram corrections includes, without limitation, the following:

1. the application, including all accompanying maps and papers;
2. all relevant plans and maps;
3. all staff reports, decision letters and other documentation and information produced by or on behalf of the City, including without limitation the and/or supporting materials, and all notices relating to the proposed corrections and attendant hearings;

4. all oral and written evidence received by the City staff, the Planning Commission, and the City Council before and during the public hearings on the Project Applications;
5. all matters of common knowledge and all official enactments and acts of the City, such as (a) the General Plan; (b) Oakland Municipal Code, including, without limitation, the Oakland real estate regulations and Oakland Fire Code; (c) Oakland Planning Code; (d) other applicable City policies and regulations; and, (e) all applicable state and federal laws, rules and regulations; and be it

FURTHER RESOLVED, that the custodians and locations of the documents or other materials which constitute the record of proceedings upon which the City Council's decision is based are respectively: (a) Community & Economic Development Agency, Planning & Zoning Division, 250 Frank H. Ogawa Plaza, Suite 3315, Oakland, California; and (b) Office of the City Clerk, 1 Frank H. Ogawa Plaza, 1st floor, Oakland, California; and be it

FURTHER RESOLVED, that the recitals contained in this resolution are true and correct and are integral parts of the City Council's decision.

IN COUNCIL, OAKLAND, CALIFORNIA, MAR 1 2011

PASSED BY THE FOLLOWING VOTE:

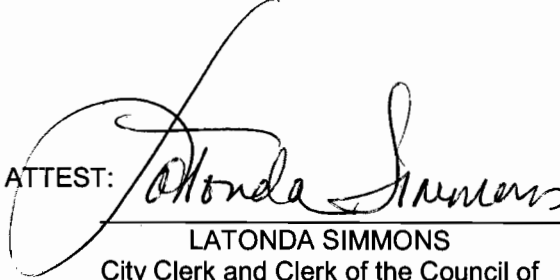
AYES – ~~Brooks~~, BRUNNER, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, SCHAAF AND PRESIDENT REID – 7

NOES – 0

ABSENT – 0

ABSTENTION – 0

Excused - Brooks - 1

ATTEST: 
LATONDA SIMMONS
City Clerk and Clerk of the Council of
the City of Oakland, California