

OFFICE OF THE CITY CLERK
2006 FEB 16 PM 9:04

APPROVED AS TO FORM AND LEGALITY
Mark P. Walsh
DEPUTY CITY ATTORNEY

OAKLAND CITY COUNCIL

RESOLUTION NO. 79770 C.M.S.

RESOLUTION AMENDING THE GENERAL PLAN LAND USE DESIGNATION FOR THE AREA EAST OF MARITIME STREET AT THE FORMER OAKLAND ARMY BASE FROM BUSINESS MIX TO GENERAL INDUSTRIAL/TRANSPORTATION

WHEREAS, the Land Use Diagram of the Land Use and Transportation Element of the Oakland General Plan (“LUTE”) designates most of the land west of Maritime Street as Industrial/Transportation (for future Port development) and most of the land east of Maritime Street as Business Mix (for future City or Agency development); and

WHEREAS, the Final Reuse Plan for the Oakland Army Base (the “Reuse Plan”) provides that most of the land west of Maritime Street and a portion of the land east of Maritime Street will be developed by the Redevelopment Agency with a variety of uses to stimulate job creation and economic development, while most of the land east of Maritime Street and a portion of the land west of Maritime Street will be developed by the Port of Oakland to expand its maritime terminals and reconfigure and expand the Port’s rail facility through its New Intermodal Facility project; and

WHEREAS, the City desires that Land Use Diagram in the LUTE be consistent with the Reuse Plan for the reasons set forth in the staff report accompanying this Resolution; and

WHEREAS, on February 15, 2006, the Planning Commission found and determined that that the previously certified Oakland Army Base Area Redevelopment Plan EIR (EIR) was adequate for this action and recommended approval of a General Plan amendment to the City Council (from Business Mix to General Industrial/Transportation for the area East of Maritime Street) and recommended approval of a Redevelopment Plan amendment to the City Council (to conform the Redevelopment Plan Land Use Map to the Reuse Plan and amended general plan Land Use Diagram); and

WHEREAS, the Planning Commission found, in part, that the proposed General Plan amendment will not cause the General Plan to become internally inconsistent; and

WHEREAS, the Planning Commission also found, in part, that the proposed General Plan amendment is consistent with the overall goals, objectives, and policies of the General Plan in that the proposed General Plan amendment will meet the LUTE's desire to support the success of the seaport and its current and future expansion, to minimize negative externalities of such expansion on the nearby West Oakland neighborhood, and to facilitate development of important transportation projects being planned and implemented by the Port of Oakland; and

WHEREAS, the City Council held a duly noticed joint public hearing on March 7, 2006; and

WHEREAS, all interested parties were given the opportunity to participate in the public hearing by submittal of oral and written comments; and

WHEREAS, the public hearing was closed by the City Council on March 7, 2006;

WHEREAS, on July 31, 2002, the City Planning Commission, on behalf of the City of Oakland as the Lead Agency, certified the EIR and subsequently filed a Notice of Determination; and

WHEREAS, the City of Oakland Redevelopment Agency, as a Responsible Agency, approved the EIR on October 29, 2002 and subsequently filed a Notice of Determination; and

WHEREAS, the requirements of the California Environmental Quality Act of 1970 ("CEQA") have been satisfied with the completion and certification of the EIR; **now**, therefore be it,

RESOLVED: That the City Council amends the General Plan land use designation of the area east of Maritime Street from Business Mix to Industrial/Transportation as shown on the map attached to this resolution as Exhibit A and adopts the findings of the City Planning Commission, as summarized in the above recitals, as well as findings in the March 7, 2006 City Council Agenda Report; and be it

FURTHER RESOLVED: That the City of Oakland, as the Lead Agency, finds and determines, prior to taking action approving the general plan amendment, that (a) this Resolution complies with CEQA; (b) the City Council relies upon the previously certified EIR for this action; and (c) none of the requirements in CEQA Guidelines sections 15162, requiring further environmental review, have occurred and thus no Subsequent or Supplemental EIR is required for this action; and be it

FURTHER RESOLVED: Staff is directed to cause to be filed a Notice of Determination with the appropriate agencies; and be it

FURTHER RESOLVED: That the record before the City Council relating to this matter includes, without limitation, the following:

1. The Final Reuse Plan and Redevelopment Plan, including all accompanying maps and papers;
2. All final staff reports, final decision letters and other final documentation and information produced by or on behalf of the City, Agency and OBRA, including without limitation the Draft and Final EIR and supporting final technical studies and appendices, and all related/supporting final materials, and all final notices relating to the OARB Redevelopment EIR, Final Reuse Plan, Redevelopment Plan and this general plan amendment and attendant hearings;
3. All oral and written evidence received by the City Council, City Planning Commission and OBRA during the public hearings on the EIR, Final Reuse Plan, Redevelopment Plan, and general plan amendment, and all written evidence received by relevant City and OBRA Staff before and during said public hearings; and
- 4 All matters of common knowledge and all official enactments and acts of the City and OBRA, 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 and OBRA policies and regulations, and (e) all applicable state and federal laws, rules and regulation, including those of the Bay Conservation and Development Commission; 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's decision is based are respectively: (a) Community & Economic Development Agency, Planning & Zoning Division, 250 Frank H. Ogawa Plaza, 3rd floor, Oakland California.; (b) Community & Economic Development Agency, Base Reuse Unit, 250 Frank H. Ogawa Plaza, 3rd floor, Oakland California; and (c) 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 an integral part of the City Council's decision.

IN COUNCIL, OAKLAND, CALIFORNIA, MAR - 7 2006, 2006

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, ~~REID;~~
AND ~~CHAIRPERSON DE LA FUENTE~~ - 6

NOES- 0

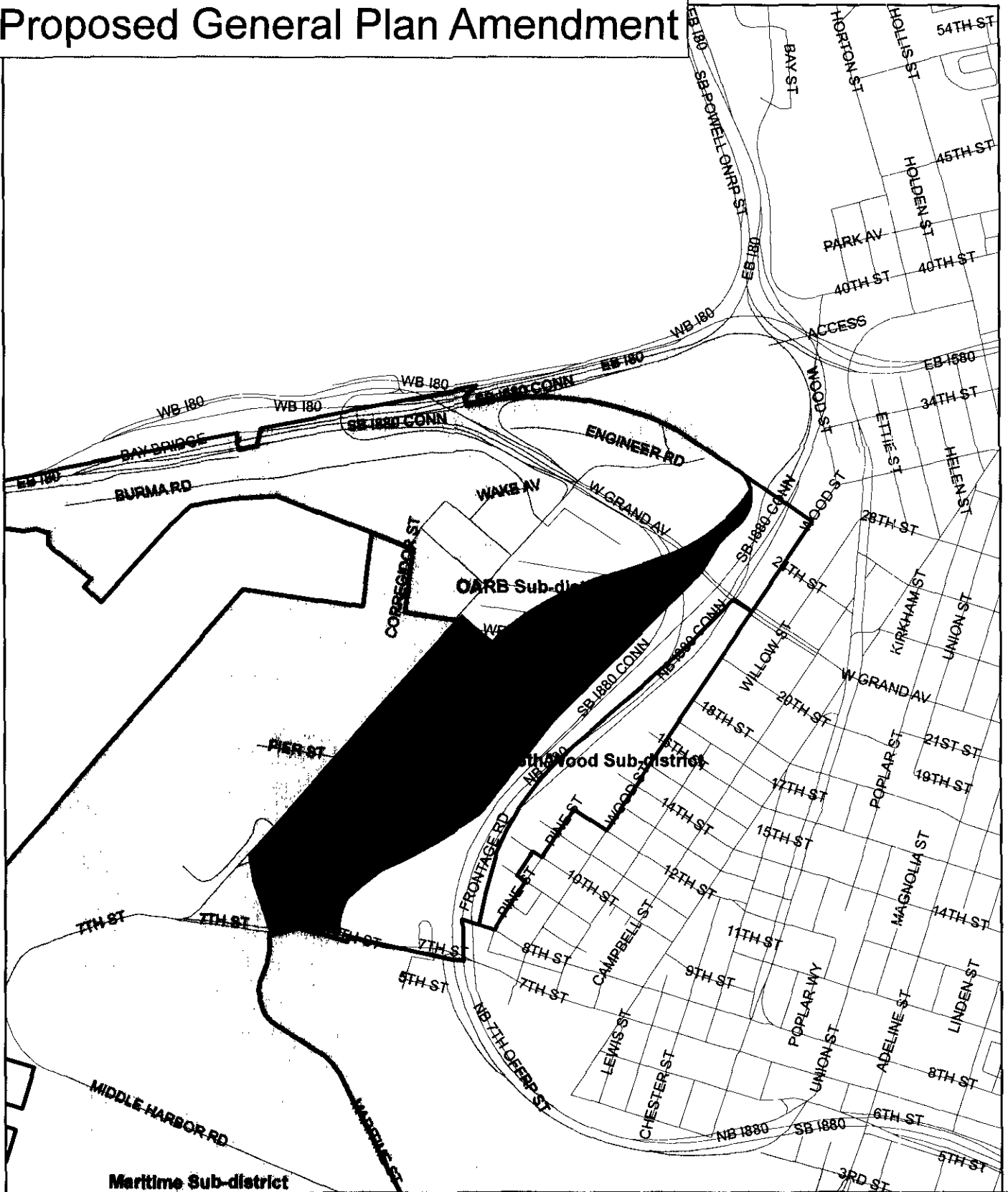
ABSENT- 0

ABSTENTION- 0

Excused - Reid,
De la Fuente - 2

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

Proposed General Plan Amendment



OBAR Sub-districts	
Proposed GPA from Business Mix to General Industrial/Transportation	
Existing General Industrial/Transportation Land Use Designation	