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2008 NOV 20 PM 7:01

Approved as to Form and Legality
Mark P. Wald
Oakland City Attorney's Office

OAKLAND CITY COUNCIL

Resolution No. 81718 C.M.S.

Introduced by Councilmember _____

RESOLUTION CORRECTING LONG-STANDING SCRIVENER'S ERRORS ON THE GENERAL PLAN LAND USE DIAGRAM TO CONFORM TO WHAT WAS PREVIOUSLY ADOPTED.

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

WHEREAS, consistent with state law, the Oakland General Plan Land Use and Transportation Element includes a Land Use Diagram showing the distribution of various land uses across the city; and

WHEREAS, the City of Oakland General Plan 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 General Plan Land Use Element, including the Land Use Diagram; and

WHEREAS, the General Plan Land Use Element 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 Diagram are shown correctly and that scrivener's errors are eliminated before rezoning is completed; and

WHEREAS, the intent of this process is not to substantively change or amend the Land Use Diagram, but merely to correct scrivener's errors in order to conform to what was previously adopted and thus these corrections should not count towards the number of times a general plan can be amended per year; and

WHEREAS, the City Planning Commission held a duly noticed public hearing on November 19, 2008, wherein it recommended that the scrivener's errors be corrected; and

WHEREAS, the Community and Economic Development Committee held a public meeting on December 2, 2008 and also recommended that the scrivener's errors be corrected; and

WHEREAS, the City Council held a duly noticed public hearing on December 9, 2008; 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 hereby amends the General Plan Land Use Diagram; 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 General Plan Land Use Element EIR; (b) the corrections would not result in any new or more severe significant impacts than those studied in the 1998 General Plan Land Use Element 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), 15183, and/or Section 15273 of the State CEQA Guidelines; and be it

FURTHER RESOLVED, that the record before this Council relating to the 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 33 15, Oakland, California; and (b) Office of the City Clerk, 1 Frank H. Ogawa Plaza, 1 St 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, DEC 9 2008

PASSED BY THE FOLLOWING VOTE:

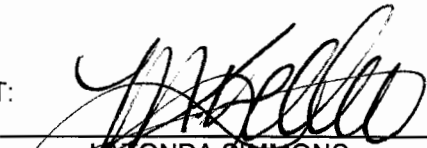
AYES - BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, AND
PRESIDENT DE LA FUENTE - 8

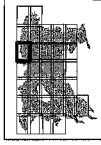
NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST:


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



	General Plan Element
	Resource Conservation Area
	Hillside Residential
	Institutional
	Private Residence
	Regional Park
	Other



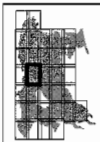
Area: 1.6 acres
 Zoning: R-30
 Existing GP: Resource Conservation Area
 Proposed GP: Hillside Residential
 Existing Use: Private residence

Area: 1.8 acres
 Zoning: R-30
 Existing GP: Resource Conservation Area
 Proposed GP: Hillside Residential
 Existing Use: Private residence

Area: 9.3 acres
 Zoning: OS(RCA)
 Existing GP: Hillside Residential
 Proposed GP: Resource Conservation Area
 Existing Use: Regional park

Area: 12.4 acres
 Zoning: R-30
 Existing GP: Hillside Residential
 Proposed GP: Institutional
 Existing Use: Merritt College

SHEET 11

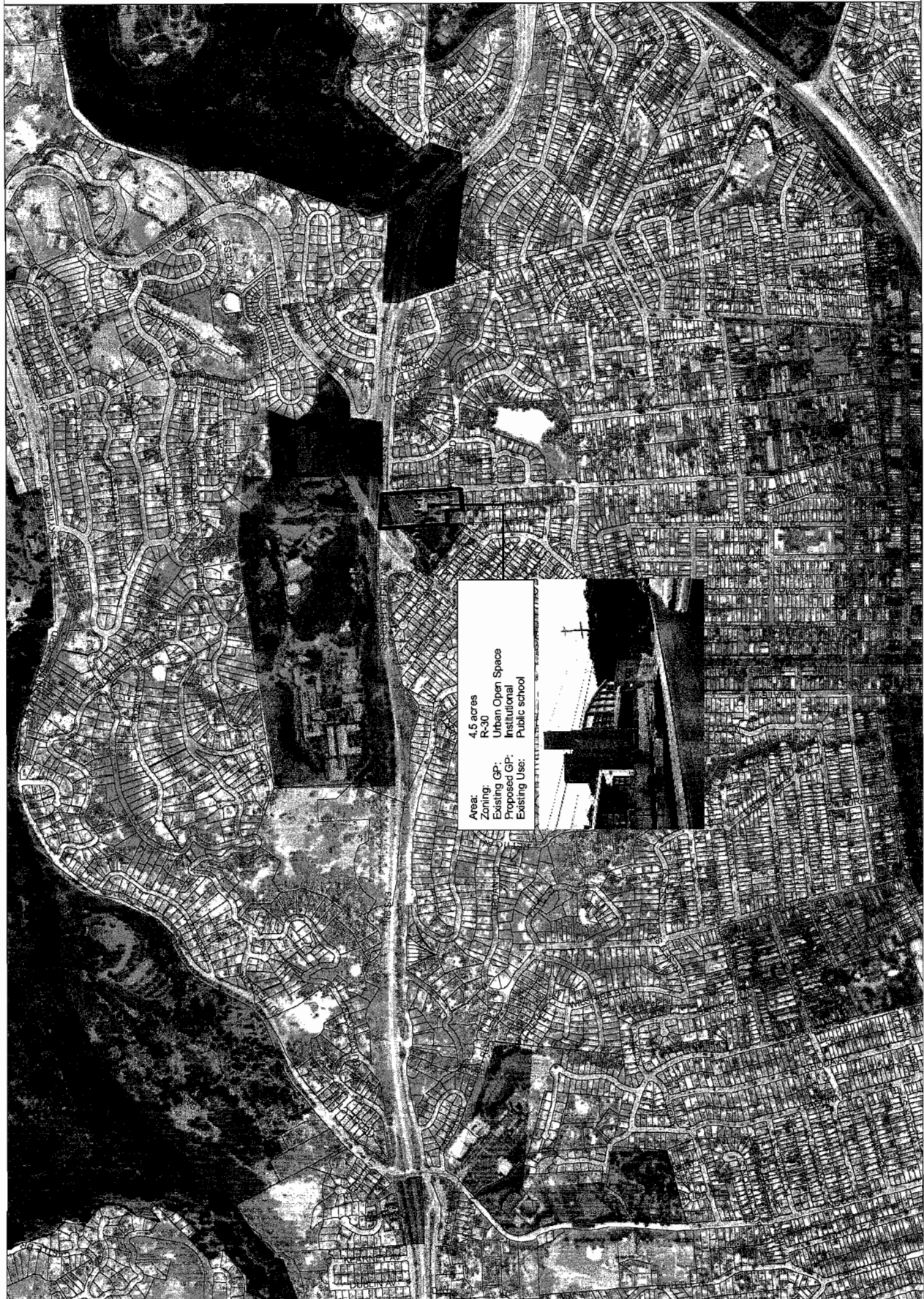


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City Director of Social Services	City of Oakland
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City Director of Economic Development	City of Oakland
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PROPOSED GENERAL PLAN
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0 200 400 600
 FEET

Prepared by Planning and Zoning Division
 City of Oakland, 3124 November 6



Area: 4.5 acres
 Zoning: R-30
 Existing GP: Urban Open Space
 Proposed GP: Institutional
 Existing Use: Public School

