

Approved as to Form and Legality

Mark P. Wold
Oakland City Attorney's Office

OFFICE OF FILED
OAKLAND CITY CLERK
2008 NOV 20 PM 7:01

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

EXHIBIT A

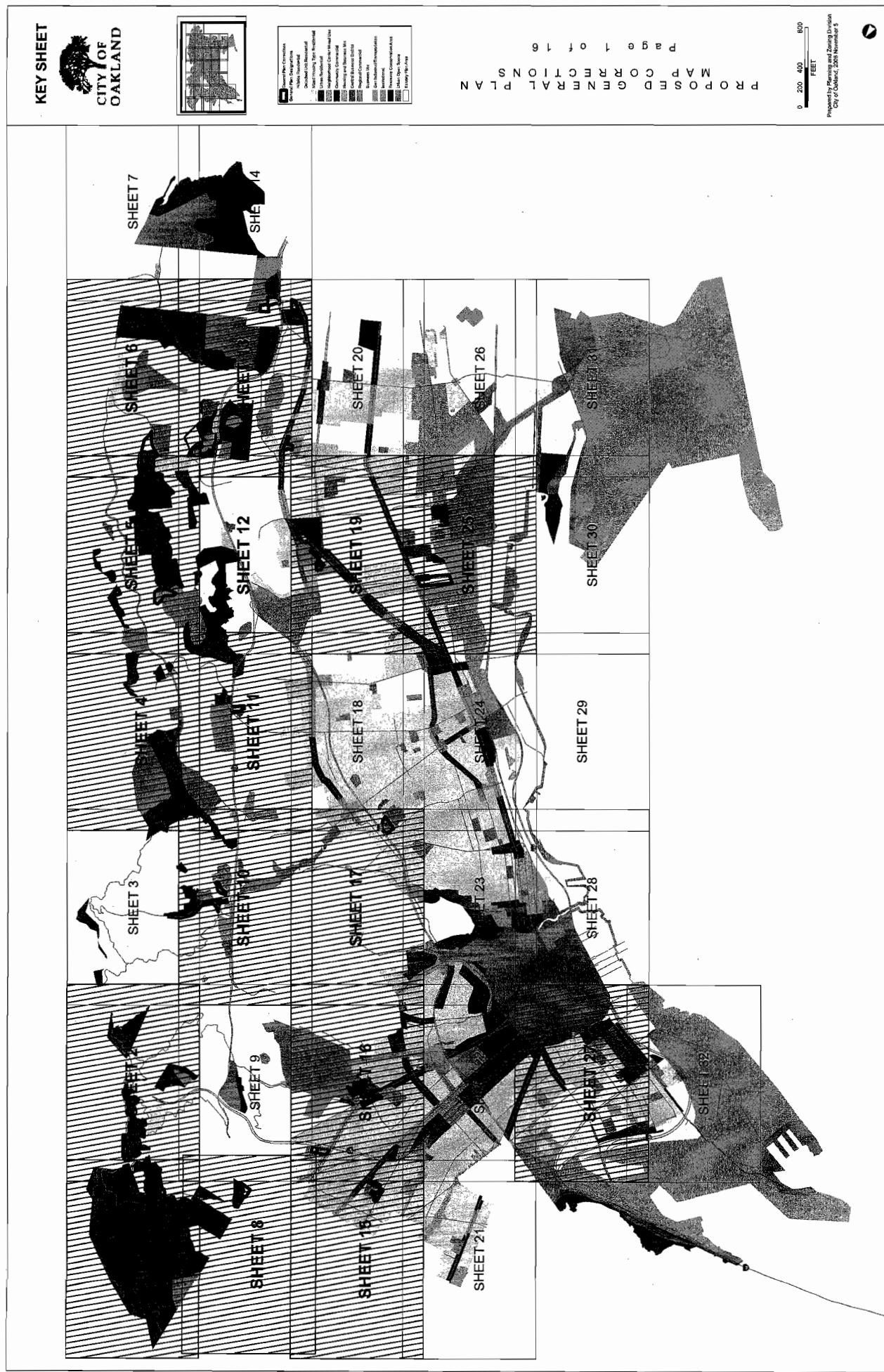


EXHIBIT A

SHEET 1



CITY OF
OAKLAND



Page 2 of 16

prepared by Planning and Zoning Division
City of Oakwood, 2008 November 5

~~LOMOS CANTADAS
LOS VENADOS~~

501

Area: 10.8 acres
 Zoning: R-10 (pt); R-10/S-10 (pt)
 Existing GP: Hillsides Residential
 Proposed GP: Resource Conservation Area
 Existing Use: IUC and ERMUD open space

Area:	2.0 acres
Zoning:	OS (RCA)
Existing GP:	Resource Conservation Area
Proposed GP:	Hillside Residential
Easement Use:	Private Drive

EXHIBIT A

SHEET 2



CITY OF
OAKLAND



Zoning: OS(RCA)/S-11 (pt); OS(RCA)/S-10/S-11 (pt)
Existing GP: Hillside Residential
Proposed GP: Resource Conservation Area
Existing Use: EBRPD open space

Area:	1.2 acres
Zoning:	R-3/S-10/S-11
Existing GP:	Hillside Residential
Proposed GP:	Resource Conservation Area
Existing Use:	City-owned open space (Grizzly Peak Open Space)

Area: 4.1 acres
Zoning: OS (RCA)/S-10/S-11
Existing GP: Hillside Residential
Proposed GP: Resource Conservation Area
Existing Use: City-owned open space
Proposed Use: Residential

PROPOSED GENERAL PLAN MAP CORRECTIONS

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Prepared by Planning and Zoning Division
City of Oakland, 2008 November 5

EXHIBIT A

SHEET 4



Legend:
S Street/Post Direction
R Residential
R-1 Residential
C-1 Neighborhood Center
M Mixed Use (Commercial)
H Hillside Residential
D Residential/Commercial
P Park
P-1 Park
B Business
G General Commercial
I Industrial/Produc.
U Utility
V Vacant
R Residential/Road
P Private
B Business/Bldg
E Existing Project

PROPOSED COMMERCIAL PLAN
Page 4 of 16

0 200 400 600
FIREST
Project by Pomeroy and Zinn, Architects
2515 Telegraph Street, November 5

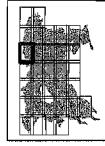
Area: 1.5 acres
Zoning: R-1
Existing GP: Neighborhood Center
Proposed GP: Mixed Use
Existing Use: Hillside Residential
Proposed Use: Private residence

EXHIBIT A

SHEET 5



CITY OF
OAKLAND



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1 | d

Prepared by Planning and Zoning Division
City of Oakland, 2008 November 5

rea:
existing:
existing GP:
proposed GP:
existing Use:
1.6 acres
R-30
Resource Conservation Area
Hillside Residential
Private residence

Area:	1.8 acres
Zoning:	R-30
Existing GP:	Resource C.
Proposed GP:	Hillside Resid.
Existing Use:	Private residi.

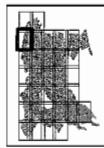
Area: 9.3 acres
Zoning: OS(RCA)
Existing GP: Hillsides Residential
Proposed GP: Resource Conservation Area
Existing Use: Regional park

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



EXHIBIT A

SHEET 6



	General Practice Dentistry
	Hospital Dentistry
	Orthodontics
	Pediatric Dentistry
	Endodontics
	Prosthetic Dentistry
	General Practice Dentistry
	Community Dentistry
	Health and Biostatistics
	Geriatric Dentistry
	Radiology and Computerized Imaging
	Basic Sciences
	Dental Materials and Techniques
	Periodontics
	Oral Pathology
	Operative Dentistry
	Oral Surgery
	Endodontics

P R O P O S E D G E N E R A L P L A N M A P C O R R E C T I O N S

Prepared by Planning and Zoning Division
City of Oakland, 2008 November 5

BEDWOOD RD

EXHIBIT A

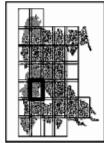


EXHIBIT A

SHEET 10



CITY OF
OAKLAND



PROPOSED GENERAL PLAN MAP CORRECTIONS

Page 8 of 16

Prepared by Planning and Zoning Division
City of Oakland, 2008 November 5

1

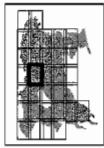
Area: 3.9 acres
Zoning: R-20/S-10
Existing GP: Institutional
Proposed GP: Hillside Residential
Existing Use: Single family homes

EXHIBIT A

SHEET 11



CITY OF
OAKLAND



<input checked="" type="checkbox"/>	General Practice
<input checked="" type="checkbox"/>	Hospital Based
<input checked="" type="checkbox"/>	Outpatient Based
<input checked="" type="checkbox"/>	Community Based
<input checked="" type="checkbox"/>	Healthcare Sector
<input checked="" type="checkbox"/>	Commercial
<input checked="" type="checkbox"/>	Business No.
<input checked="" type="checkbox"/>	Other Health Professionals
<input checked="" type="checkbox"/>	Health Care Sector
<input checked="" type="checkbox"/>	Other Public Areas

PROPOSED GENERAL PLAN

6 1

Approved by Planning and Zoning Div. or
City of Oakland, 2008 November 5

An aerial photograph of a residential neighborhood showing a grid of streets and houses. A large rectangular area in the center-right is highlighted with a black overlay. Within this overlay, a white box contains the following information:

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

A smaller inset map in the bottom right corner shows a detailed view of the highlighted area, including property boundaries and building footprints.

EXHIBIT A

SHEET 13



CITY OF
OAKLAND



PROPOSED GENERAL PLAN

Prepared by Planning and Zoning Division
City of Oakland, 2008 November 5

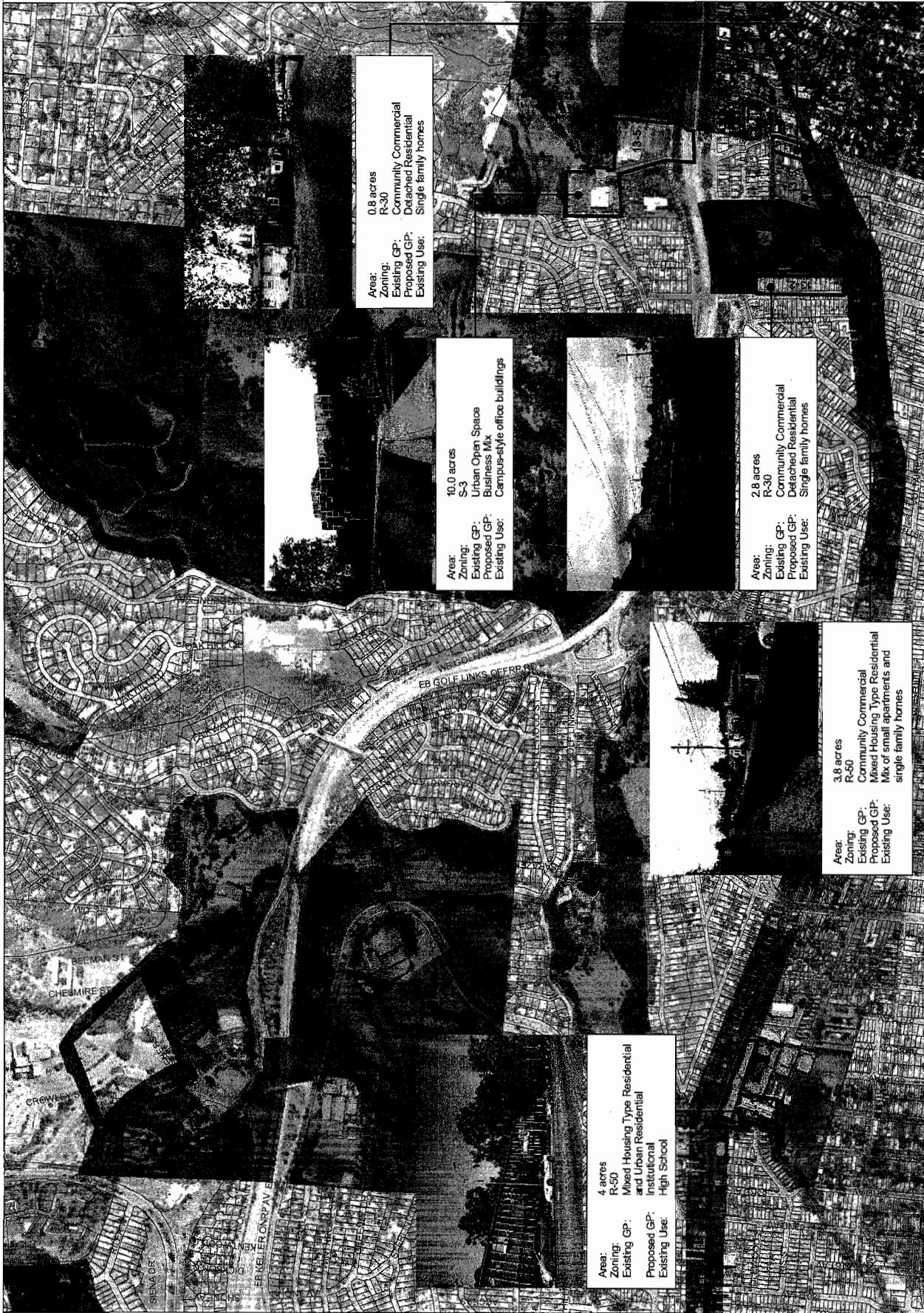


EXHIBIT A

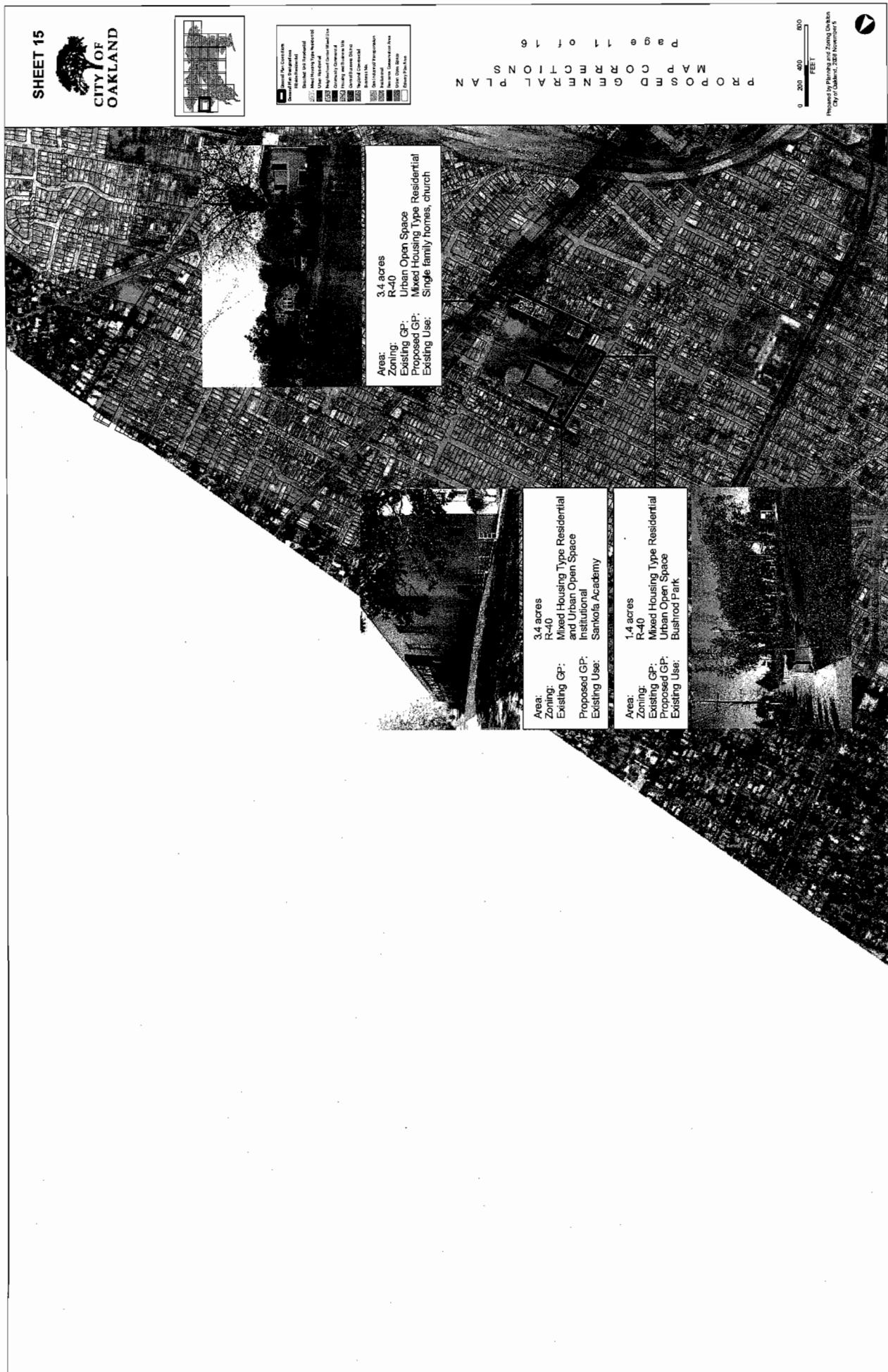


EXHIBIT A

SHEET 16



PROPOSED COMMERCIAL PLANS
MAP COORDINATES
SHEET 16 OF 16

0 200 400 FEET
Planned by Planning and Zoning Division
City of Oakland, 238 November 5

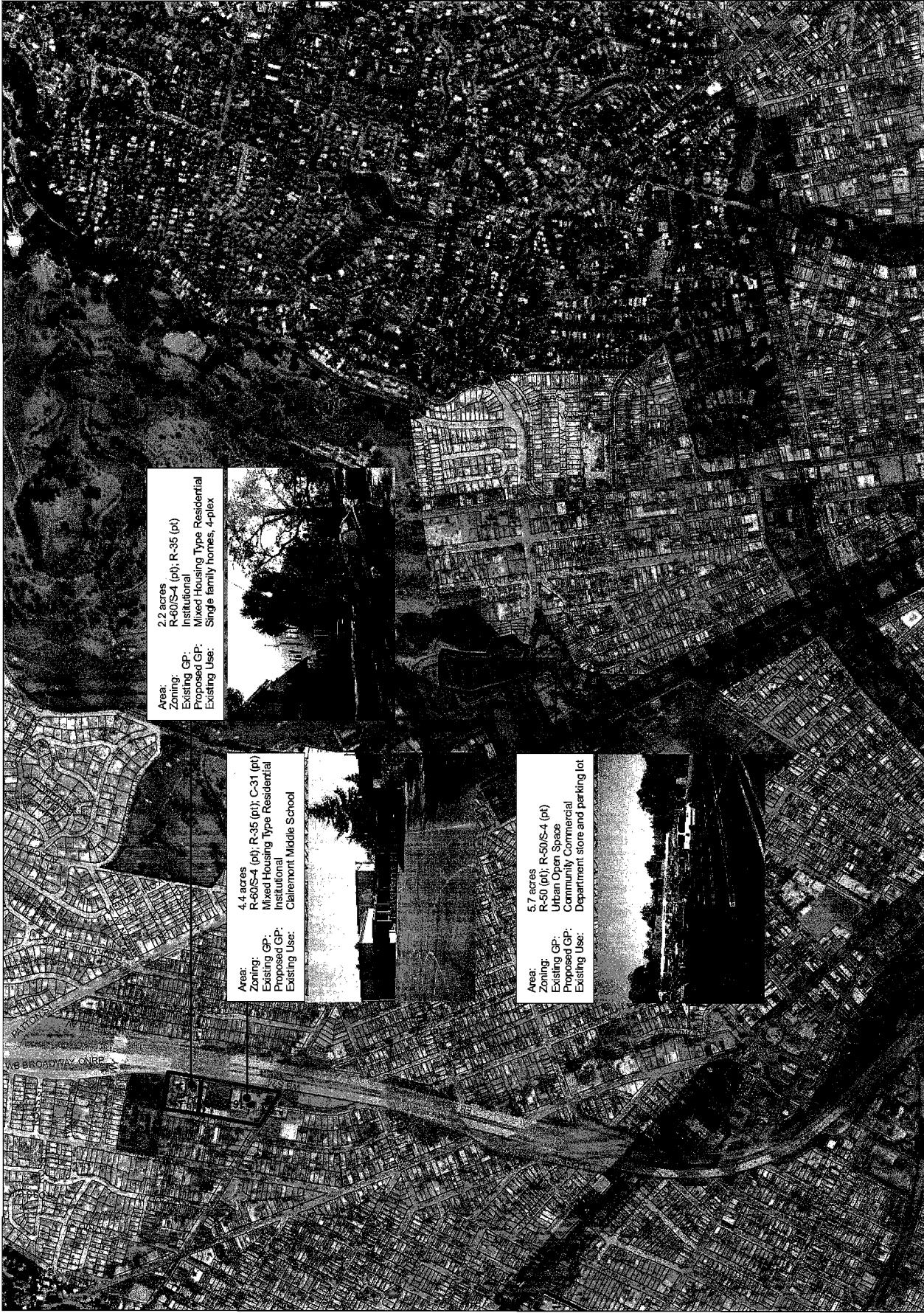


EXHIBIT A

SHEET 17



MAP CORRECTIONS

Prepared by Planning and Zoning Division
City of Oakland, 2008 November 5

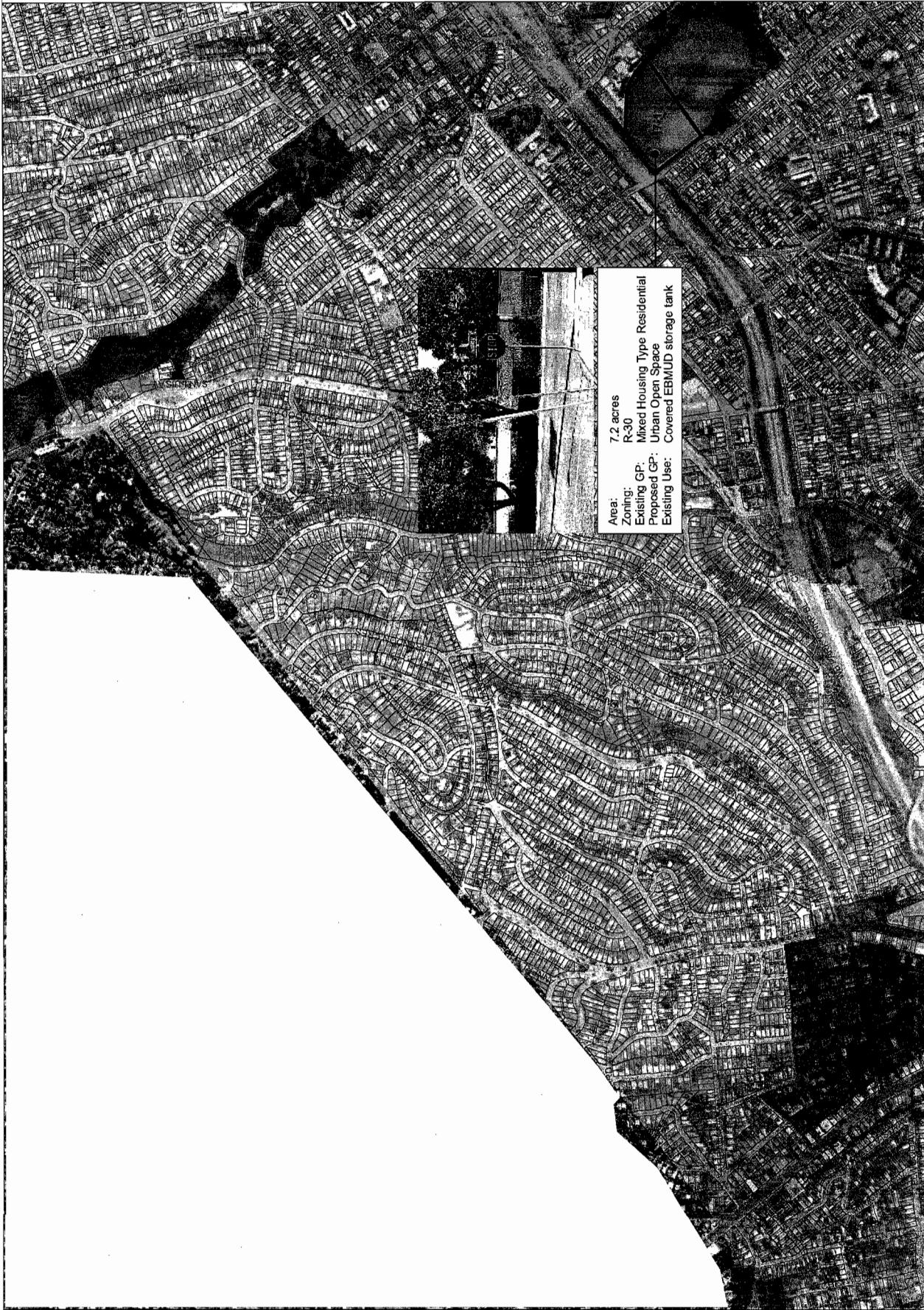


EXHIBIT A



EXHIBIT A

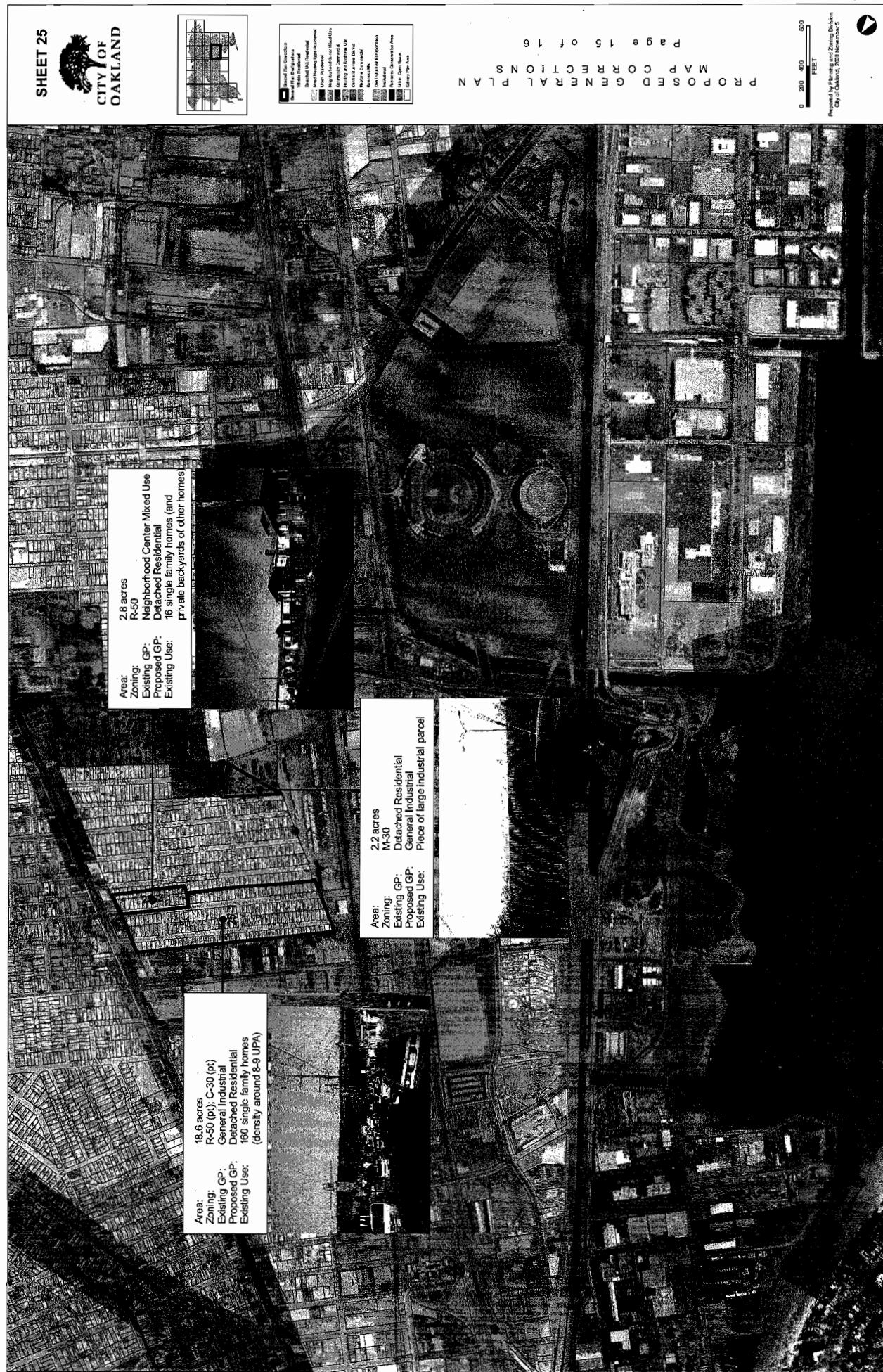


EXHIBIT A

