

City of Oakland General Plan LUTE Addendum: in chronological order

Resolution #	Amended LUTE text	LUTE Page #	Date effective
74219	Adoption of the LUTE		03/24/98
75037	Adoption of the Estuary Policy Plan		06/08/99
74403	Adoption of the Bicycle Master Plan		07/20/99
75412	<p>Policy N3.3 Facilitating Development of Second Units</p> <p>One accessory housing unit (also known as second or secondary unit) per property should be <u>conditionally</u> permitted outright in all residential zones provided that it meets the setback requirements for the primary structure, is clearly secondary to the primary structure, is compatible with other structures on the site and in the vicinity, and the property owner lives on site. The permitting procedures and performance criteria applied to these units should facilitate construction of units, and not be prohibitive in their requirements. Accessory units should be allowed when a new primary residence is being constructed or maybe added to properties with an existing residence.</p>	Pgs. 106 - 107	12/14/99
77514	Adoption of the Pedestrian Master Plan		11/12/02
78636	Adoption of the 1999-2006 Housing Element		06/15/04
78915	Adoption of the Safety Element		11/16/04
79312 (1)	Adoption of the Noise Element		6/21/05
79312 (2a)	<p>Goal A3: Develop General Plan Amendment Cycles and related procedures.</p> <p>By State law cities are permitted to make amendments to their general plans “if deemed to be in the public interest” and “not more than four times per year” for each mandatory element (with some exceptions). However, more than one amendment may be processed at one time. To avoid erosion of the Plan by piecemeal amendments, The City of Oakland will limit <u>allow</u> General Plan amendments to occur during three distinct cycles per year to be coordinated with the <u>as authorized by state law, which currently</u></p>	Pgs. 166-167	6/21/05

Resolution #	Amended LUTE text	LUTE Page #	Date effective
	<p><u>limits amendments to no more often than four times per calendar year per mandatory element and also exempts certain affordable housing projects from this restriction.</u> Plan's annual review. Additionally, each amendment cycle must include an assessment of the cumulative implication of amendments on the General Plan, and the City must make strict findings that each amendment is consistent with the overall goals, objectives and policies and the entire General Plan. Findings must specifically address a) how the amendment advances Plan implementation; b) how it is consistent with the policies in Element; c) any inconsistencies that would need to be reconciles; and d) examination of citywide impacts to determine if the amendment is contrary to achievement of citywide goals.</p>		
79312 (2B)	<p><u>The General Plan contains many policies which may in some cases address different goals, policies and objectives and thus some policies may compete with each other. The Planning Commission and City Council, in deciding whether to approve a proposed project, must decide whether, on balance, the project is consistent (i.e. in general harmony) with the General Plan. The fact that a specific project does not meet all General Plan goals, policies and objectives does not inherently result in a significant effect on the environment within the context of the California Environmental Quality Act (CEQA). As stated in Section 15358(b) of the CEQA Guidelines, "[e]ffects analyzed under CEQA must be related to a physical change," Section 15125(d) of the Guidelines states that EIRs shall discuss any inconsistencies between the proposed project and applicable General Plans in the "Setting" section of the document (not under impacts). Further Appendix G of the Guidelines (Environmental Checklist Form) makes explicit the focus on environmental policies and plans, asking if the project would "conflict with any applicable land use plan, policy or regulation...adopted for the purpose of avoiding or mitigating an environmental effect."</u> Even a response</p>	Pgs. 164	06/21/05

Resolution #	Amended LUTE text	LUTE Page #	Date effective
	<u>in the affirmative, however, does not necessarily indicate that the project would have a significant effect, unless a physical change would occur. To the extent that physical impacts may result from such conflicts, such physical impacts would be analyzed in the appropriate environmental document for the project. (Add to the last paragraph of page 161 Chapter 4 Implementation Program)</u>		
80959	Adoption of the Revised Bicycle Master Plan		12/04/07