

**CITY OF OAKLAND**  
**AGENDA REPORT**

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2008 NOV 20 PM 6:59

TO: Office of the City Administrator  
ATTN: Dan Lindheim  
FROM: Community and Economic Development Agency  
DATE: December 2, 2008

RE: **Public Hearing and Resolution Correcting Long-standing Scrivener's Errors on the General Plan Land Use Diagram to Conform to What Was Previously Adopted.**

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**SUMMARY**

As part of the effort to update the Oakland zoning regulations, a number of long-standing errors on the General Plan Land Use Diagram have been identified. These errors are now being corrected to conform to what was previously adopted by the Council in 1998. The changes are not substantive amendments to the Plan and are scrivener's errors. There are 34 corrections in total, encompassing 177 acres.

The Planning Commission heard this item at its November 19, 2008 meeting and recommended approval. Attachment A contains a copy of the staff report that was presented to the Planning Commission.

**FISCAL IMPACT**

Approval of the resolution would have minimal fiscal impact. Execution of the corrections could be accomplished within existing staffing capacity.

**BACKGROUND**

Consistent with state law, the Oakland General Plan includes a Land Use Diagram showing the distribution of various land uses across the city. Fourteen color-coded categories are used, each corresponding to a different land use and density/ intensity.

The 1998 Land Use Diagram was drawn in a very "broad brush" manner. It was designed to be printed and interpreted at a scale of 1 inch = 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. The philosophy was to keep the map conceptual, leaving the more detailed parcel-level mapping to the Zoning Update. As the Land Use and Transportation Element (LUTE) itself notes:

"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

Item: \_\_\_\_\_  
Community and Economic Development Committee  
December 2, 2008

greater specificity and detail in areas of the City too small to be detailed in the General Plan.” (*Land Use and Transportation Element, p. 144*)

Although the “broad brush” mapping approach is acceptable under California general plan law, it has had a number of unintended consequences. Specifically:

- There is a high margin of error; some of the shapes on the map were improperly placed
- The edges of map shapes are overly generalized; areas with irregular edges were simply mapped as “blobs” rather than conforming to their actual extent.
- 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.

## **KEY ISSUES AND IMPACTS**

One of the major purposes of the Citywide Zoning Update process is to achieve conformance with the General Plan Land Use Diagram. Thus, it is important that intended uses on the Diagram be shown correctly and that scrivener’s errors are eliminated before rezoning begins. The intent of this process is not to substantively change or amend the Diagram. The Map corrections will result in a General Plan designation which matches the predominant character of what is on the ground today.

## **PROGRAM DESCRIPTION**

### **Two-Tiered Process**

Corrections to the Land Use Diagram will be brought forward in two tiers. This staff report and its attachments address only the first tier, which are the scrivener’s errors. The second tier will be brought forward in early 2009. Second tier changes include more accurate depiction of shapes on the Land Use Diagram (i.e., replacing “blobs” with more precise polygons), placement of missing shapes (i.e., pockets of established uses that were left off the map), and correction of

density discrepancies. While there are only 34 changes in the first tier, there are roughly 175 changes in Tier 2. Like Tier 1, the Tier 2 changes do not include substantive changes to the General Plan Diagram and are all clarifications of the 1998 Map.

### **Description of Corrections**

Attachment B provides a summary list of the 34 map corrections. These are illustrated in maps in Exhibit A of the resolution. About half of the corrections are located in the Oakland Hills and about half are located in flatland neighborhoods. Many of the corrections involve mistaken designation of private property with an open space designation, or vice-versa. Some of the corrections appear in clusters of adjoining map shapes, and some are free-standing.

The errors include:

- 10 instances where a developed property is shown as open space
- 8 instances where public or quasi-public open space is shown with a development designation (for instance, a cemetery shown as mixed housing type or a regional park shown as hillside residential)
- 6 instances where an established residential area is shown with a commercial designation (Community Commercial or Neighborhood Center Mixed Use) because the commercial use was incorrectly mapped
- 4 instances where an established residential area near a school is shown with an institutional designation, because the school was mapped in the wrong location or drawn incorrectly
- 2 instances where a school campus is shown as residential, because the school was mapped in the wrong location or drawn incorrectly
- 1 instance where an apartment complex in the hills was mapped twice as large as its actual extent
- 1 instance where the property shown is in the City of Berkeley
- 1 instance where a large portion of an established industrial parcel is shown as housing
- 1 instance where an established neighborhood of 160 homes is shown as industrial, because the extent of an adjacent industrial area was mapped too large

The City is using a standardized 32-sheet parcel-level map grid to annotate the map corrections. This same grid has been used throughout the Zoning Update process, and will continue to provide a template for future maps. Corrections appear on 15 of the 32 grid sheets.

A summary description of the errors is provided below. Attachment B of this report and Exhibit A of the resolution should be consulted for further detail.

Map IDs: 1-1, 1-2, 2-1, 2-2, and 2-3 (Claremont Canyon/ Grizzly Peak)

A cluster of corrections is being made in the Grizzly Peak Estates and Upper Claremont Canyon area. Four of the corrections involve publicly owned resource conservation land that was erroneously designated as "Hillside Residential" on the General Plan Map. Land owners include the City of Oakland, EBRPD, UC Berkeley, and EBMUD. Total area of the four sites is 23.7 acres. The fifth correction in this cluster (Gypsy Lane) consists of two private parcels (2.0 acres) that were erroneously mapped as "Resource Conservation" instead of "Hillside Residential."

Map ID: 4-1 (Redwood Road and Skyline)

A Neighborhood Center Mixed Use (NCMX) "node" is mapped at the corner of Redwood Road and Skyline in the Oakland Hills. However, the southwest quadrant of the intersection currently contains a large (1.5-acre) residential estate on which residential zoning should be retained. The edge of the mixed use area is being clarified to show the private home as Hillside Residential.

Map IDs: 5-1 and 5-2 (Above Parkridge Estates)

On two separate sites above Brookpark Road in the Parkridge Estates neighborhood, private homes have been designated as open space. The sites are flag lots accessed from Brookpark, and are surrounded by Redwood Regional Park on three sides. A literal interpretation of the General Plan could result in the inadvertent rezoning of these properties as open space. The two corrections, totaling 3.4 acres, clarify that the correct designation is Hillside Residential.

Map ID: 5-4 (Merritt College)

The boundaries of the Merritt College Campus are shown incorrectly on the General Plan Map. About 12 acres of the campus (primarily consisting of undeveloped open land) mistakenly appears as "Hillside Residential." The correction shows this area as Institutional.

Map IDs: 5-5, 6-1, and 6-2 (Leona Park/ Canyon Oaks)

This correction involves three contiguous areas near the southern end of Campus Drive at Keller Avenue. The Canyon Oaks apartments (Mixed Housing Type Residential) were mapped much larger than their actual extent, taking in a 17-acre swath of Leona Canyon Regional Park and almost 12 acres of steeply sloping private single family backyards between Coach Drive and Keller Avenue. In addition, an adjacent portion of Leona Canyon Park was mapped as Hillside Residential. The map corrections correspond to existing land uses and ownership patterns in this area, showing the private properties as Hillside Residential and the park as Resource Conservation Area. The total area affected is about 38 acres.

Item: \_\_\_\_\_

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Map ID: 10-1 (Montara Junior High School)

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Redwood Heights School and the adjacent Redwood Heights Park are shown as open space on the Land Use Diagram. The map is being clarified to show the school as an institutional use, and not as a park.

Map ID: 13-1 (Castlemont High School)

The northeast corner of the Castlemont Campus is currently shown as "Mixed Housing Type Residential." It should be mapped as Institutional, consistent with the rest of the campus.

Map ID: 13-2, 13-3, 13-4 (Foothill Square)

This cluster of amendments is associated with the Foothill Square Shopping Center on MacArthur Boulevard near the City of San Leandro border. The shopping center is correctly mapped as "Community Commercial" but the area designated on the Land Use Diagram was mapped much too large. The CC designation was placed over 20 homes along 106<sup>th</sup> Avenue and about 25 mixed density residential parcels south of the shopping center along 108<sup>th</sup>, 109<sup>th</sup>, and Durant Avenues. The proposed changes show these areas correctly as residential. The area affected is about 7.4 acres.

Map ID: 13-5 (Peralta Oaks Business Park)

This Business Park south of Knowland Park contains three campus-style office buildings, each surrounded by surface parking. Only one of the office buildings was mapped as “Business Mix”—the other two erroneously appear on the General Plan as open space. This change shows their designation correctly as Business Mix. About 10 acres are affected.

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The Land Use Diagram shows Claremont Middle School as being several hundred feet east of its actual location, in what is actually a mixed density residential area. Conversely, the school itself (the area along College Avenue) is shown as being residential. This correction will “untangle” the two designations and place the “Institutional” designation on the campus and the Mixed Housing Type designation on the homes.

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The Longs Drug Department Store and parking lot in the Rockridge Shopping Center on Pleasant Valley Road at Broadway is shown as Urban Open Space on the Land Use Diagram. This change corrects that error and shows the store and parking lot as Community Commercial, consistent with the rest of the shopping center property. Approximately 5.9 acres are affected.

Map ID: 18-1 (23<sup>rd</sup> Avenue EBMUD Reservoir)

The EBMUD Reservoir on 23<sup>rd</sup> Avenue is designated as Urban Open Space, consistent with the designation of the other large covered EBMUD reservoirs in Oakland. However, the map erroneously shows about half of the site as being “Mixed Housing Type Residential.” This correction will apply the Urban Open Space designation to the full site.

Map ID: 19-1, 19-2, and 19-3 (Evergreen Cemetery/ Concordia School)

This is another case where a series of contiguous properties are incorrectly designated. Concordia School is depicted as Open Space, Evergreen Cemetery is depicted as Mixed Housing Type, and about 20 homes on the east side of Brann Street are depicted as being part of the cemetery. The corrections will “untangle” the designations and show the school as Institutional, the cemetery as open space, and the homes as Mixed Housing Type. About 5.5 acres are affected.

Map ID: 25-1, 25-2, and 25-3 (58<sup>th</sup>, Seminary, and 60<sup>th</sup>, below International)

This is one of the largest of the General Plan corrections, covering over 23 acres and including more than 175 single family residential properties. The Industrial area located on 57<sup>th</sup> Avenue below International Boulevard (and including the historic Safeway Warehouse Tower) is shown as being about 500 feet “wider” than it actually is on the Land Use Diagram. The General Industrial designation mistakenly extends over several blocks of a Detached Unit residential neighborhood. Additionally, a Neighborhood Center Mixed Use designation intended for 57<sup>th</sup> and International is incorrectly mapped on top of single family homes along Seminary. Nearby, the “back” portion of a large industrial parcel along San Leandro Street is shown as being residential. The proposed changes correct these errors and restore the Detached Unit Residential designation to the neighborhood, while correctly showing the edge of the industrial area.

Map ID: 27-1 (11<sup>th</sup> Street at Market)

The extent of the Acorn Shopping Center at 7<sup>th</sup> and Market is overstated on the General Plan Map. The center is depicted as extending all the way to 11<sup>th</sup> Street on the north, when in fact the 11<sup>th</sup> Street frontage contains a high-rise apartment building. The correction shows the high rise as “Urban Residential”, consistent with the designation north and west of this site. About 4 acres are affected.

Item: \_\_\_\_\_

## NOTIFICATIONS

As described earlier, the proposed map corrections are not substantive amendments to the General Plan and merely redress scrivener's errors. Therefore, these corrections could have been done by the Planning Director; they do not need City Council or Planning Commission approval or noticing and don't count toward the number of times the General Plan can be amended per year. However, in the interest of transparency and openness, the Community and Economic Development Agency (CEDA) is requesting that the City Council confirm these corrections. To that effect, a notice announcing the General Plan map corrections and the hearing date was posted in the Oakland Tribune. CEDA also mailed written notification to all property owners directly affected by the map changes. Approximately 375 notices were sent, each containing the addresses and assessor parcel number of all properties included in the Tier 1 corrections, and explaining the existing (incorrect) Land Use Diagram designation and the proposed (corrected) designation. Noticed recipients were also provided with a website link to review maps identifying the proposed changes.

## PUBLIC COMMENTS

Following notification, several phone inquiries were received—mostly from individuals seeking clarification as to the City's intent and the nature of this action. Four letters, found in Attachment C, were received, including:

- A letter from the owner of a parcel on 58<sup>th</sup> Avenue requesting that the City not make the General Plan correction on his parcel, as he purchased that parcel with the intent of using it for industry (to have a secondary access to an industrial parcel located on 57<sup>th</sup> Street that he also owns). The property in question is zoned R-50 and is located on a street that is fully developed with single family homes. No change to staff's proposal is recommended.
- Three letters from property owners on Brann Street adjacent to Evergreen Cemetery, expressing concern that the General Plan correction (showing their homes as Mixed Housing Type Residential rather than the erroneous "Urban Open Space" designation) would lead to land use change. The properties are currently zoned R-50. Staff has advised these owners that the corrected designation will not result in a land use change or substantive change in zoning. No change to staff's proposal is recommended.



## **ENVIRONMENTAL DETERMINATION**

The proposal relies on the previously certified Final Environmental Impact Report (EIR) for the Land Use and Transportation Element of the General Plan (ER97-0018). As a separate and independent basis, this proposal is also exempt under Sections 15061(b)(3), 15183, and/or Section 15273 of the State CEQA Guidelines.

## **SUSTAINABLE OPPORTUNITIES**

**Economic:** The Map corrections will eliminate uncertainty and confusion around the designation of these properties, resulting in cost savings for property owners and administrative savings for staff.

**Environmental:** The Map corrections will ensure that portions of several parks that were incorrectly mapped for residential development will be correctly mapped as open space, thereby confirming the City's commitment to protecting them in the future. The corrections also reduce the potential for incompatible land uses being in cited in areas that were incorrectly shown on the General Plan (for example, industrial uses on residential streets).

**Social Equity:** The Map corrections will benefit homeowners and renters in several lower income East Oakland communities by correctly showing the designation of their properties as housing rather than industry. This is an important environmental justice benefit, and also demonstrates the City's commitment to conserving workforce housing.

## **DISABILITY AND SENIOR CITIZEN ACCESS**

Staff does not anticipate any particular barriers or benefits resulting from the General Plan map corrections, regarding access issues for the disabled or for senior citizens.

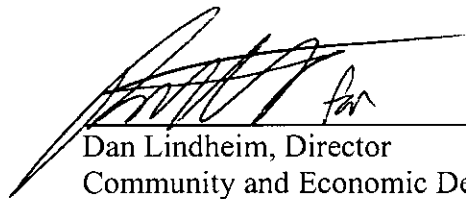
## **RECOMMENDATION AND RATIONALE**

Staff recommends that the City Council ensure proper implementation of the goals and policies of the General Plan Land Use and Transportation Element by approving a resolution that confirms the proposed corrections to the General Map.

**ACTION REQUESTED OF THE CITY COUNCIL**

Staff recommends that the City Council approve the resolution confirming the proposed corrections to the General Map.

Respectfully submitted,



\_\_\_\_\_  
Dan Lindheim, Director  
Community and Economic Development Agency

Prepared by:  
Barry Miller, AICP, Planning Consultant

Christina Ferracane, Planner II  
Strategic Planning Division, Planning and Zoning

APPROVED AND FORWARDED TO THE  
COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE:



\_\_\_\_\_  
Office of the City Administrator

Attachments:

- A. Planning Commission Report
- B. Summary Table of General Plan Map Corrections
- C. Comment Letters

Item: \_\_\_\_\_  
Community and Economic Development Committee  
December 2, 2008

***Oakland City Planning Commission***

**STAFF REPORT**

Case File Number GP08259

November 19, 2008

<b>Location:</b>	Citywide
<b>Proposal:</b>	Correction of Long-standing Scrivener's Errors on the General Plan Land Use Diagram to Conform to What Was Previously Adopted.
<b>Applicant:</b>	Planning Commission
<b>Planning Permits Required:</b>	None
<b>General Plan:</b>	Citywide
<b>Zoning:</b>	Citywide
<b>Environmental Determination:</b>	The proposal relies on the previously certified Final Environmental Impact Report (EIR) for the Land Use and Transportation Element of the General Plan (ER97-0018).; as a separate and independent basis, this proposal is also exempt under Sections 15061(b)(3), 15183, and/or Section 15273 of the State CEQA Guidelines.
<b>Service Delivery District:</b>	Citywide
<b>City Council District:</b>	Citywide
<b>Date Filed:</b>	September 23, 2008
<b>Status:</b>	Continued from November 5, 2008 Planning Commission due to lack of quorum for this item at that meeting.
<b>Staff Recommendation:</b>	Forward recommendation to City Council.
<b>For Further Information:</b>	Contact <b>Christina Ferracane</b> , Strategic Planning at (510) 238-3903 or by email: <a href="mailto:cferracane@oaklandnet.com">cferracane@oaklandnet.com</a>

**SUMMARY**

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**BACKGROUND**

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The extent of the Acorn Shopping Center at 7<sup>th</sup> and Market is overstated on the General Plan Map. The center is depicted as extending all the way to 11<sup>th</sup> Street on the north, when in fact the 11<sup>th</sup> Street frontage contains a high-rise apartment building. The correction shows the high rise as "Urban Residential", consistent with the designation north and west of this site. About 4 acres are affected.

## **NOTIFICATIONS**

As described earlier, the proposed map corrections are not substantive amendments to the General Plan and are merely scrivener's errors. Therefore, these corrections could have been done by the Planning Director; they did not need City Council or Planning Commission approval or noticing and don't count towards the number of times the General Plan can be amended per year. However, in the interest of transparency and openness, the Community and Economic Development Agency (CEDA) is requesting that the Planning Commission and City Council confirm these corrections. To that effect, a notice announcing the General Plan map corrections and the hearing date was posted in the Oakland Tribune. CEDA also mailed written notification to all property owners directly affected by the map changes. Approximately 375 notices were sent, each containing the addresses and assessor parcel number of all properties included in the Tier 1 corrections, and explaining the existing (incorrect) Land Use Diagram designation and the proposed (corrected) designation. Noticed recipients were also provided with a website link to review maps identifying the proposed changes.

## **PUBLIC COMMENTS:**

Following notification, several phone inquiries were received—mostly from individuals seeking clarification as to the City's intent and the nature of this action. Four letters were received, including:

***Oakland City Planning Commission***

**November 19, 2008**

**Case File Number GP08259**

**Page 6**

- A letter from a property owner on 58<sup>th</sup> Avenue requesting that the City not make the General Plan correction on his parcel, as he purchased his property with the intent of using it for industry (to access his industrial parcel on 57<sup>th</sup>). The property in question is zoned R-50 and is located on a street that is fully developed with single family homes. No change to staff's proposal is recommended.
- Three letters from property owners on Brann Street adjacent to Evergreen Cemetery, expressing concern that the General Plan correction (showing their homes as Mixed Housing Type Residential rather than the erroneous "Urban Open Space" designation) would lead to land use change. The properties are currently zoned R-50. Staff has advised these owners that the corrected designation will not result in a land use change or substantive change in zoning. No change to staff's proposal is recommended.

**ENVIRONMENTAL DETERMINATION:**

The proposal relies on the previously certified Final Environmental Impact Report (EIR) for the Land Use and Transportation Element of the General Plan (ER97-0018). As a separate and independent basis, this proposal is also exempt under Sections 15061(b)(3), 15183, and/or Section 15273 of the State CEQA Guidelines.

**RECOMMENDATIONS:**

1. Affirm staff's environmental determination.
2. Forward the proposed General Plan map corrections to the City Council.

Prepared by:

\_\_\_\_\_  
BARRY MILLER  
Planning Consultant

\_\_\_\_\_  
CHRISTINA FERRACANE  
Planner II, Strategic Planning, CEDA

Approved by:

\_\_\_\_\_  
ERIC ANGSTADT  
Interim Deputy Director, CEDA

**ATTACHMENTS:**

- A. Summary Table of General Plan Map Corrections
- B. Diagrams of General Plan Map Corrections
- C. Comment Letters



**Summary Table of General Plan Map Corrections**

ID	Acres	Location	Designation on Existing Map	Corrected Designation	Use
1-1	10.8	Upper Claremont Canyon	Hillside Residential	Resource Conservation Area	UC and EBMUD open space
1-2	2	End of Gypsy Lane	Resource Conservation Area	Hillside Residential	Private residence
2-1	7.6	Along Grizzly Peak, east of Claremont Av	Hillside Residential	Resource Conservation Area	EBRPD open space
2-2	4.1	Tunnel Rd, below Bay Forest	Hillside Residential	Resource Conservation Area	City-owned open space (Grizzly Peak Open Space)
2-3	1.2	Tunnel Rd, above Bay Forest	Hillside Residential	Resource Conservation Area	City-owned open space (Grizzly Peak Open Space)
4-1	1.5	SW corner Redwood Rd and Skyline Dr	Neighborhood Center Mixed Use	Hillside Residential	Private residence
5-1	1.8	Above Parkridge Estates	Resource Conservation Area	Hillside Residential	Private residence
5-2	1.6	Above Parkridge Estates	Resource Conservation Area	Hillside Residential	Private residence
5-3	12.4	SE corner of Merritt College campus	Hillside Residential	Institutional	Merritt College
5-4	9.3	SW corner of Leona Regional Park	Hillside Residential	Resource Conservation Area	Regional park
6-1	17.3	Eastern edge of Leona Regional Park	Mixed Housing Type Residential	Resource Conservation Area	Regional park
6-2	11.7	Above Keller and below Coach Drive	Mixed Housing Type Residential	Hillside Residential	Steep backyards of about a half dozen homes fronting Coach Dr.
8-1	4.5	E/ side Domingo at Ashby	Community Commercial	Undesignated	Berkeley Tennis Club (in City of Berkeley)
10-1	3.9	Scout Road above Mountain	Institutional	Hillside Residential	Single family homes
11-1	4.5	Redwood Heights Elementary School	Urban Open Space	Institutional	Elementary school
13-1	4	NW part of the Castlemont Campus	Mixed Housing Type Residential	Institutional	High School
13-2	2.8	E/side of 106th b/w Foothill and MacArthur	Community Commercial	Detached Residential	Single family homes
13-3	3.8	Between 108th, 109th, McIntyre and MacArthur	Community Commercial	Mixed Housing Type Residential	Mix of small apartments and single family homes
13-4	0.8	Durant Av above Macarthur	Community Commercial	Detached Residential	Single family homes
13-5	10	Peralta Oaks Drive	Urban Open Space	Business Mix	Campus-style office buildings
15-1	3.4	Shattuck at 61st (Washington School)	Mixed Housing Type Residential/ Urban Open Space	Institutional	Washington School
15-2	1.6	Shattuck at 60 <sup>th</sup> (Bushrod Park)	Mixed Housing Type Residential	Urban Open Space	Bushrod Park
15-3	3.4	N/side 59 <sup>th</sup> Street b/w Racine and Shattuck	Urban Open Space	Mixed Housing Type Residential	Private homes, church
16-1	2.2	N/ side of Hwy 24, e/ of Claremont Middle School	Institutional	Mixed Housing Type Residential	Single family homes, 4-plex
16-2	4.4	E/ side of College Av just north of BART	Mixed Housing Type Residential	Institutional	Claremont Middle School

Attachment B  
 General Plan Map Corrections  
 Community and Economic Development Committee of the City Council,  
 December 2, 2008

<b>ID</b>	<b>Acres</b>	<b>Location</b>	<b>Designation on Existing Map</b>	<b>Corrected Designation</b>	<b>Use</b>
16-3	5.7	E/side Rockridge Shopping Center	Urban Open Space	Community Commercial	Department store and parking lot
18-1	7.2	EBMUD 23rd Ave Reservoir	Mixed Housing Type Residential	Urban Open Space	Covered EBMUD storage tank
19-1	1.7	Camden at 64th NW corner	Urban Open Space	Institutional	Concordia School
19-2	2.2	Camden at 64th SW corner	Mixed Housing Type Residential	Urban Open Space	Cemetery
19-3	1.6	E/Side Brann, south of Camden	Urban Open Space	Mixed Housing Type Residential	About 20 single family homes or very small lots (13 UPA)
25-1	18.6	Along 58th Av and Seminary, w/ of Internat'l	General Industrial	Detached Residential	About 160 single family homes (density around 8-9 UPA)
25-2	2.8	S/ side Seminary, west of International	Neighborhood Ctr Mixed Use	Detached Residential	16 single family homes (and private backyards of other homes)
25-3	2.2	W/ side Tevis, south of 62nd Avenue	Detached Residential	General Industrial	Portion of large industrial parcel
27-1	4.4	Market to Brush, south side of 10th St	Community Commercial	Urban Residential	High density apartments

# **COMMENT LETTERS**

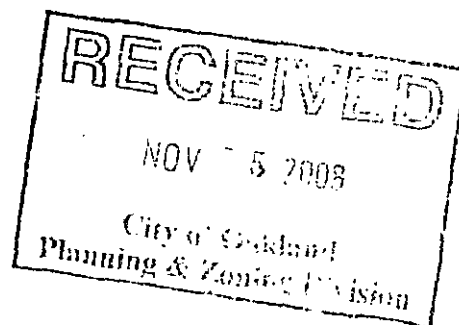
## **General Plan Map Corrections Attachment C**

Community and Economic Development Committee of the City Council  
December 2, 2008

Stanley & Shirley Waters  
6612 Brann Street  
Oakland, CA 94605

November 3, 2008

Scott Miller, Zoning Manager  
Community and Economic Development Agency  
Planning and Zoning, Suite 3315 Third Floor  
Oakland, CA 94612



Dear Mr. Miller,

Re: The proposed zoning designation from "Urban open space" to mixed housing type residential" for the block 6600 block of Brann Street concerns us and we object for the following reasons:

1. We have lived on this block since 1969 and have been to the zoning and planning office prior to 1998 and was aware of the existing general land use designated to our block and we believe that there is no clerical error and oppose to the change.
2. We worked with Dr. Jeva before he retired on various projects on this block and in the area and we know it was never a mixed residential use. Infact, the owners of the cementary lived on this block at 6666 Brann and on the corner of 6600 Brann Street the cementary staff lived there for years. Because this was part of the cementary that is why it continued to stay Urban Open Space.
3. We have live in a multicultural neighborhood with the children playing with no traffic. There is a parking problem we face each day if this change to mixed there will be more problems. At this time we oppose to the change of the land use.
4. This change will affect our neighborhood in many negative ways from property value and other factors at this time we want to continue in open space.

Signed:

Name :

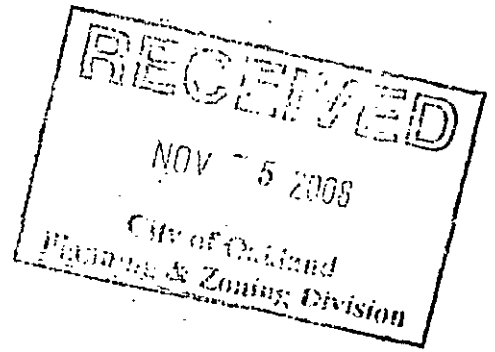
Stanley Waters

ADDRESS

6612 Brann St  
Oakland, CA  
94605

Loretta Strickland  
6658 Brann Street  
Oakland, Ca 94605-2015

Community and Economic Development Agency  
Planning and Zoning Services Division  
Attn: Scott Miller  
Danziel Building  
250 Frank H. Ogawa Plaza, Suite 3315  
Oakland, CA 946122032



Re: October 17, 2008 Notice of Public Hearing Wednesday, Nov 5, 2008 6pm

To the Community and Economic Development Agency,  
Planning and Zoning Services Division:

The proposed zoning designation from "urban open space" to mixed housing type residential" for the 6600 Block of Brann Street concerns me; and I object to it for the following reasons:

1. I have lived on this block since 1989 and don't believe that the urban open space designation is a clerical error.
2. I believe that it is an excuse to change the zoning and get multi family units built.
3. The houses and lots on this block are very small are not suited for mixed housing types which includes multi family units.
4. There currently isn't enough parking spaces on the block for all the cars for the single family homes and building multi family units would greatly increase the parking congestion.
5. This is a quite family block with little traffic where kids can ride their bikes on the street. This would change with the new zoning designation.

Signed:

Name:

Loretta Strickland

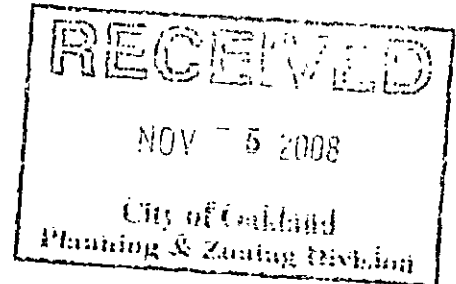
Date:

11/05/08

Stanley & Shirley Waters  
6612 Brann Street  
Oakland, CA 94605

November 3, 2008

Scott Miller, Zoning Manager  
Community and Economic Development Agency  
Planning and Zoning, Suite 3315 Third Floor  
Oakland, CA 94612



Dear Mr. Miller,

Re: The proposed zoning designation from "Urban open space" to mixed housing type residential" for the block 6600 block of Brann Street concerns us and we object for the following reasons:

1. We have lived on this block since 1969 and have been to the zoning and planning office prior to 1998 and was aware of the existing general land use designated to our block and we believe that there is no clerical error and oppose to the change.
2. We worked with Dr. Jeva before he retired on various projects on this block and in the area and we know it was never a mixed residential use. Infact, the owners of the cementary lived on this block at 6666 Brann and on the corner of 6600 Brann Street the cementary staff lived there for years. Because this was part of the cementary that is why it continued to stay Urban Open Space.
3. We have live in a multicultural neighborhood with the children playing with no traffic. There is a parking problem we face each day if this change to mixed there will be more problems. At this time we oppose to the change of the land use.
4. This change will affect our neighborhood in many negative ways from property value and other factors at this time we want to continue in open space.

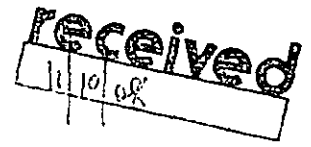
Signed:

Name: Shirley Waters

ADDRESS 6612 Brann Street  
Oakland, CA 94605

11/3/2008

Community and Economic Development Agency; Planning and Zoning  
250 Frank H. Ogawa Plaza, Suite 3315, Third Floor  
Oakland, CA 94612-2032



SUBJECT: I am opposed to changing Parcel # 041 389206202 away from General Industrial.

Dear Agency Representatives,

I am the owner of parcel # 041 389206202, more commonly known as 1101 58<sup>th</sup> Avenue, a narrow strip of land which connects the end of 58<sup>th</sup> Avenue with another parcel (APN #041384801101, 1100 57<sup>th</sup> Avenue), zoned M-30, upon which sits a warehouse, which I also own. I purchased the strip of land in order to gain rear access to the warehouse parcel, which is slated for General Industrial use under the General Plan. At present, access to the rear of this parcel can only be achieved by driving through the inside of the warehouse. The warehouse is historic and cannot be even partially demolished. A lot of inside space is wasted for these through traffic requirements. This is a problem. The best solution I could find, which seemed feasible, and was consistent with zoning maps, was to create access to the rear of 1100 57<sup>th</sup> via the strip of land at 1101 58<sup>th</sup> Ave.

So, based on the Scrivener's Diagram, I acquired 1101 58<sup>th</sup> avenue.

I am dismayed that you now propose to reschedule this tract away from industrial use. I have spent a great deal of money (about \$1MM) improving my warehouse. It's now fully renovated and on the market. Rear access would be a huge benefit to potential users of the warehouse. Conversely, elimination of this rear access would make the warehouse much less desirable for potential users.

You may be aware that 57<sup>th</sup> Avenue is notorious for its limited access at the end of the street. There is some relief via parcel # 041 389205300 which connects 57<sup>th</sup> and 58<sup>th</sup> avenues about 2/3 of the way towards the end of 57<sup>th</sup>, but it gets shut down nights and weekends. The traffic along 57<sup>th</sup> knows no such schedule. Trucks can be found in large numbers there at all hours of the day. And, during the day, one big truck unloading stuff will totally shut down traffic on that narrow street. It happens constantly. Put plainly, access is a huge issue for us. Anything the city can do to increase access to our businesses will be well received by employers and employees alike. When 1100 57<sup>th</sup> Avenue becomes occupied it will only increase the already heavy demand on the street. We need that strip of land to prevent even more gridlock.

A final point: 1100 58<sup>th</sup> Avenue, the strip in question, is adjacent to industrial tracts of land on two of its sides. One is my warehouse. The other of these tracts, # 041 389206201, a similar strip of land to mine, also opens onto 58<sup>th</sup> avenue, also mostly adjoins industrial land, and evidently it's going to remain industrial. At least I didn't see it scheduled for change.

In conclusion, by means of this letter I thus express my desire for parcel # 041 389206202, a.k.a. 1101 58<sup>th</sup> Avenue, to REMAIN General Industrial on the General Plan.

Sincerely,

A handwritten signature in black ink that reads "Martin R. Johnson". The signature is written in a cursive style with a long horizontal line extending to the right.

Martin R. Johnson (ceo@trinapco.com)  
President, Trinapco, Inc.

1101 57th Avenue, Oakland, CA 94621-4427  
(510)-535-1082

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND  
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. \_\_\_\_\_ 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, \_\_\_\_\_

**PASSED BY THE FOLLOWING VOTE:**

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

NOES -

ABSENT -

ABSTENTION -

ATTEST:

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

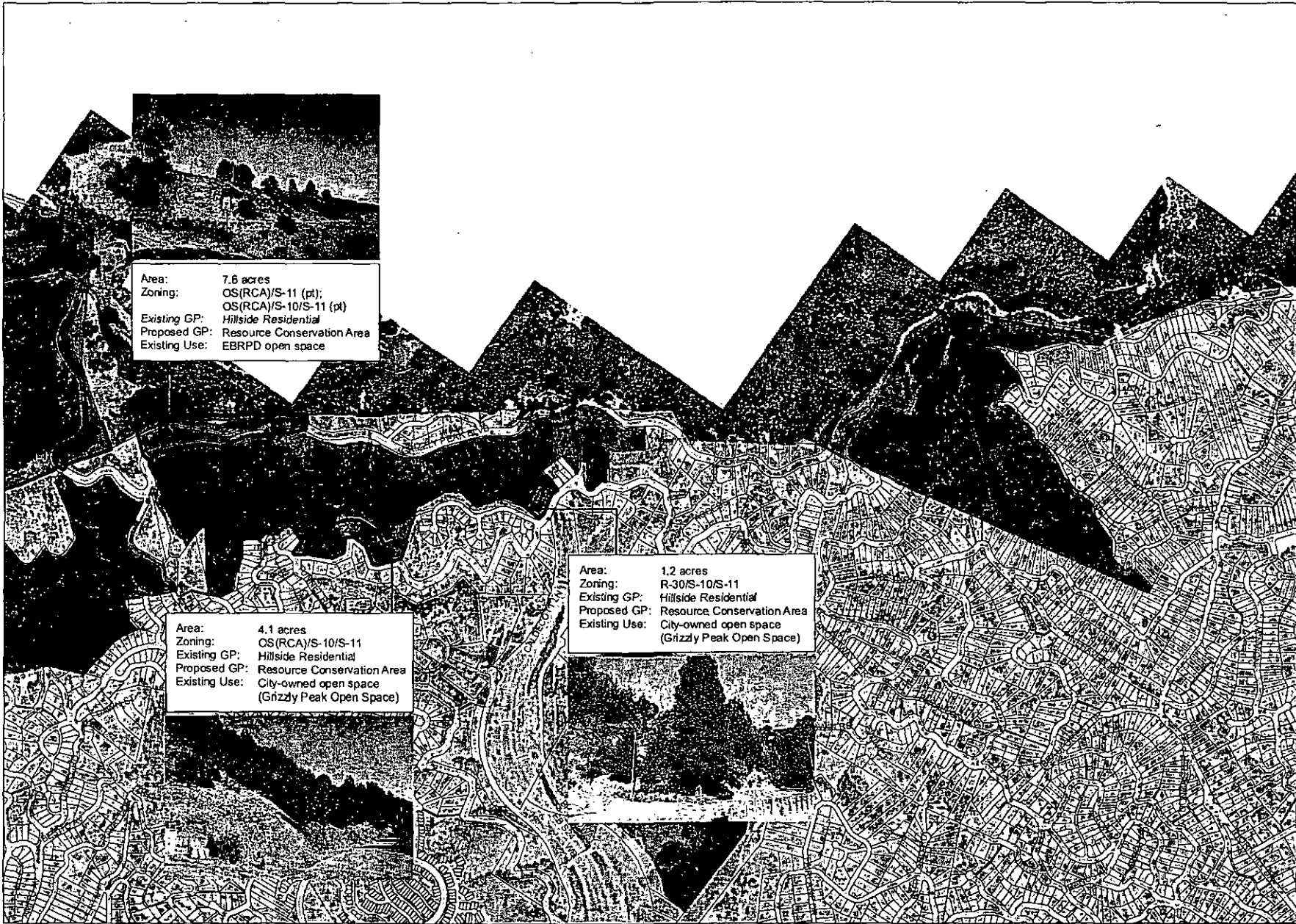




SHEET 2



- 1 General Plan Corridor
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Area: 7.6 acres  
 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: 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 (Grizzly Peak Open Space)

Area: 1.2 acres  
 Zoning: R-30/S-10/S-11  
 Existing GP: Hillside Residential  
 Proposed GP: Resource Conservation Area  
 Existing Use: City-owned open space (Grizzly Peak Open Space)

PROPOSED GENERAL PLAN MAP CORRECTIONS



Prepared by Planning and Zoning Division  
 City of Oakland, 2024 November 5



















REDWOOD RD



-  General Plan Categories
-  Specific Plan Background
-  Other Residential
-  Single-Family Type Residential
-  Medium-Density Residential
-  High-Density Residential
-  Office/Professional
-  Retail/Community
-  Industrial
-  Transportation
-  Other
-  Future Plan Area



Area: 17.3 acres  
 Zoning: OS(RCA)  
 Existing GP: Mixed Housing Type Residential  
 Proposed GP: Resource Conservation Area  
 Existing Use: Regional park

Area: 11.7 acres  
 Zoning: R-30  
 Existing GP: Mixed Housing Type Residential  
 Proposed GP: Hillside Residential  
 Existing Use: Steep backyards of a half dozen homes fronting Coach Drive



Prepared by Planning and Zoning Division  
 City of Oakland, 2004 November 1





















-  Proposed GP: Community Commercial
-  Existing GP: Detached Residential
-  Existing Use: Single family homes
-  Area: 0.8 acres
-  Zoning: R-30
-  Proposed GP: Community Commercial
-  Existing GP: Detached Residential
-  Existing Use: Single family homes

Area: 0.8 acres  
 Zoning: R-30  
 Existing GP: Community Commercial  
 Proposed GP: Detached Residential  
 Existing Use: Single family homes

Area: 10.0 acres  
 Zoning: S-3  
 Existing GP: Urban Open Space  
 Proposed GP: Business Mix  
 Existing Use: Campus-style office buildings

Area: 2.8 acres  
 Zoning: R-30  
 Existing GP: Community Commercial  
 Proposed GP: Detached Residential  
 Existing Use: Single family homes

Area: 3.8 acres  
 Zoning: R-50  
 Existing GP: Community Commercial  
 Proposed GP: Mixed Housing Type Residential  
 Existing Use: Mix of small apartments and single family homes

Area: 4 acres  
 Zoning: R-50  
 Existing GP: Mixed Housing Type Residential and Urban Residential  
 Proposed GP: Institutional  
 Existing Use: High School

Area: 3.8 acres  
 Zoning: R-50  
 Existing GP: Community Commercial  
 Proposed GP: Mixed Housing Type Residential  
 Existing Use: Mix of small apartments and single family homes





- Dotted Not Designated
- General Plan Designated Use
- Industrial Use Residential
- Medium Density Urban Residential
- Urban Residential
- Neighborhood Center - Planned Urban
- Community Development
- Planning and Economic Info
- Planned Commercial
- Residential
- District of Transportation
- Industrial
- Medium Density Urban Residential
- Urban Open Space
- Community Center



Area: 3.4 acres  
 Zoning: R-40  
 Existing GP: Urban Open Space  
 Proposed GP: Mixed Housing Type Residential  
 Existing Use: Single family homes, church

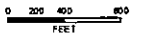


Area: 3.4 acres  
 Zoning: R-40  
 Existing GP: Mixed Housing Type Residential and Urban Open Space  
 Proposed GP: Institutional  
 Existing Use: Sankofa Academy



Area: 1.4 acres  
 Zoning: R-40  
 Existing GP: Mixed Housing Type Residential  
 Proposed GP: Urban Open Space  
 Existing Use: Bushrod Park

PROPOSED GENERAL PLAN  
 MAP CORRECTIONS

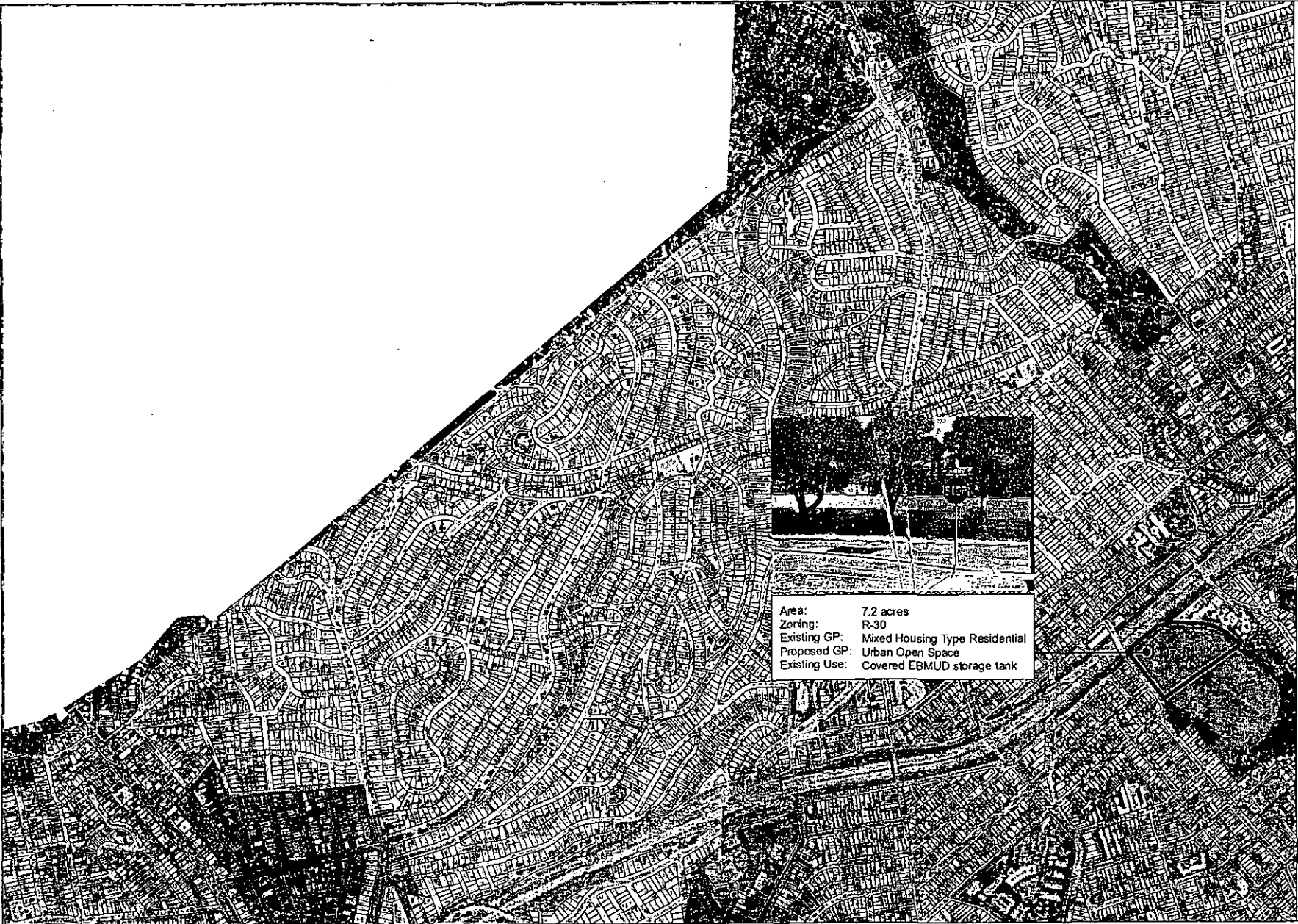




SHEET 17



- Major Freeway
- Major Arterial
- Minor Arterial
- Collector Street
- Residential Street
- Local Street
- Alley
- Railroad
- Canal
- Waterway
- Park
- Cemetery
- School
- Church
- Public Building
- Industrial Building
- Warehouse
- Utility
- Other
- Vacant
- Other



Area: 7.2 acres  
 Zoning: R-3D  
 Existing GP: Mixed Housing Type Residential  
 Proposed GP: Urban Open Space  
 Existing Use: Covered EBMUD storage tank



PROPOSED GENERAL PLAN  
MAP CORRECTIONS  
Page 13 of 16



Prepared by Planning and Zoning Director  
City of Oakland, 7000 November 3









Area: 4.4 acres  
 Zoning: C-20/S-4  
 Existing GP: Community Commercial  
 Proposed GP: Urban Residential  
 Existing Use: High density apartments

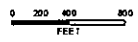
SHEET 27



- █ Parcel Line Location
- █ Street Right-of-Way
- █ Fire Department
- █ District and Precinct
- █ Other Municipal Plan Numbered
- █ Neighborhood Center - Mixed Use
- █ Community Center - Mixed Use
- █ School and Recreation
- █ Special Economic District
- █ Special Commercial
- █ Industrial
- █ Department of Transportation
- █ Park and Recreation
- █ Major Arterial Street and Freeway
- █ Urban Rail Line
- █ Utility Right-of-Way

PROPOSED GENERAL PLAN  
MAP CORRECTIONS

Page 16 of 16



Prepared by Planning and Zoning Division  
City of Oakland, 3228 November 8

