

<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

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.

## 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" = 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 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 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.

One of the major purposes of the Zoning Update is to achieve conformance with General Plan Land Use Diagram. Thus, it is important that intended uses on the Diagram are 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. In most cases, the Map corrections will result in a General Plan designation which matches what is on the ground today.

### **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 A provides a summary list of the 34 map corrections. These are illustrated in maps in Attachment B of this staff report. 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 A 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 advertent 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 would show 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.

*Map ID: 8-1 (Ashby and Domingo)*

About four acres at the corner of Ashby Avenue and Domingo Avenue in Berkeley, including the Claremont Tennis Club and a realty office, is shown on the map as “Community Commercial.” The site is in the City of Berkeley and thus should not have an Oakland General Plan designation. The area is being removed from the General Plan Map.

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

Montara Junior High School in the Montclair District is incorrectly shown on the Land Use Diagram as including several private homes along Scout Road. The school property should be more accurately depicted on the Diagram.

Map ID: 11-1 (Redwood Heights Elementary School)

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 San Leandro line. 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 would 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 would show their designation correctly as Business Mix. About 10 acres are affected.

Map ID: 15-1, 15-2, and 15-3 (Washington School/ Bushrod Park)

Washington School is located off Shattuck Avenue in North Oakland adjacent to Bushrod Park. The map erroneously depicts 3.4 acres of the school property as Mixed Housing Type Residential and Open Space. Bushrod Park itself is not mapped correctly; 1.4 acres of the park are shown as housing, and 3.4 acres of housing (along 59<sup>th</sup> Street) are shown as being part of the park. The corrections would apply the “Institutional” designation to the entire school site, and would correct the open space and housing designations on the park and its environs.

Map ID: 16-1 and 16-2 (Claremont Middle School)

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 would “untangle” the two designations and place the “Institutional” designation on the campus and the Mixed Housing Type designation on the homes.

Map ID: 16-3: (Rockridge Shopping Center)

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 would 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 would “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 would 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.

## 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:

- 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:

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Approved by:

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**ATTACHMENTS:**

- A. [Summary Table of General Plan Map Corrections](#)
- B. [Diagrams of General Plan Map Corrections](#)
- C. [Comment Letters](#)