

<b>#8</b>	<b>Location:</b>	<b>Between Mandela Parkway and Peralta Street, north of 20<sup>th</sup> Street (Partial APN 005-0421-) 2101 Mandela Parkway (est.)</b>
	<b>Proposal:</b>	To determine the appropriate zoning classification of one, City-owned surplus property prior to sale of property pursuant to Ordinance No. 11602 C.M.S.
	<b>Owner/Applicant:</b>	City of Oakland
	<b>Contact Person/Phone Number:</b>	City of Oakland Real Estate Division/ Bill Wilkins (510)238-6358
	<b>Case File Number:</b>	<b>ZR05-485</b>
	<b>Planning Permits Required:</b>	Zoning Review for confirmation of zoning
	<b>General Plan:</b>	Business Mix
	<b>Zoning:</b>	M-30 General Industrial/ S-4 Design Review Combining Zone
	<b>Environmental Determination:</b>	Exempt, Section 15312, State CEQ Guidelines, Surplus Government Property Sales
	<b>Historic Status:</b>	No historic record
	<b>Service Delivery District:</b>	1
	<b>City Council District:</b>	3
	<b>Status:</b>	Pending
	<b>Action to be Taken:</b>	Determination of zoning classification and recommendations to City Council based on staff report.
	<b>Finality of Decision:</b>	<i>Recommendation to City Council</i>
	<b>For Further Information:</b>	Contact case planner <b>Laura Kaminski</b> at <b>(510) 238-6809</b> or by email at <b>lkaminski@oaklandnet.com</b>

**SUMMARY**

Per Ordinance 11602 C.M.S., adopted June 29, 1993, the Planning Commission is required to determine the appropriate zoning classification for any City-owned surplus property that is 2,500 square feet or larger prior to its sale. The City’s Real Estate Division requests zoning review of one property located in West Oakland, at Mandela Parkway and Peralta Street. Surplus property is defined as real property owned or controlled by the City which is not needed by the City for public purposes. The Real Estate Division contacted all potentially affected public agencies to determine if the property is needed for public purposes, and no agency expressed interest in retaining the properties. The decision to dispose will bring savings to the City, be relieving the City of maintenance and insurance expenses, and putting the properties back onto the tax rolls.

California Code Section 65402 also requires that the sale of publicly-owned real property be submitted to and reported upon by the planning agency as to conformity with the adopted General Plan. Sale of the subject properties conforms to Oakland’s adopted General Plan.

**PROPERTY DESCRIPTION**

The site in question is located in West Oakland, fronting onto Mandela Parkway and Peralta Street. The property is approximately 18,000 square feet in size, triangular in shape, flat, primarily vacant (there are some scattered smaller structures on the property), and surrounded by predominantly industrial uses.

**GENERAL PLAN ANALYSIS**

California Code Section 65402 requires that no real property acquired for public purposes shall be disposed of until it is demonstrated that the disposition conforms to the adopted general plan.

The General Plan land use classification for the property is Business Mix. The Business Mix classification is intended to create, preserve and enhance areas of the City that are appropriate for a wide variety of business and related commercial and industrial establishments. The maximum FAR for this classification is 4.0. The property is in the M-30 General Industrial zone which is compatible with the general plan, and appropriate for the types of businesses and physical character currently surrounding the site.

State Law requires the City of Oakland to make a finding of General Plan conformance prior to the city's disposing of any property. The text of the section is below.

*65402. (a) If a general plan or part thereof has been adopted, no real property shall be acquired by dedication or otherwise for street, square, park or other public purposes, and no real property shall be disposed of, no street shall be vacated or abandoned, and no public building or structure shall be constructed or authorized, if the adopted general plan or part thereof applies thereto, until the location, purpose and extent of such acquisition or disposition, such street vacation or abandonment, or such public building or structure have been submitted to and reported upon by the planning agency as to conformity with said adopted general plan or part thereof. The planning agency shall render its report as to conformity with said adopted general plan or part thereof within forty (40) days after the matter was submitted to it, or such longer period of time as may be designated by the legislative body. If the legislative body so provides, by ordinance or resolution, the provisions of this subdivision shall not apply to: (1) the disposition of the remainder of a larger parcel which was acquired and used in part for street purposes; (2) acquisitions, dispositions, or abandonments (sic) for street widening; or (3) alignment projects, provided such dispositions for street purposes, acquisitions, dispositions, or abandonments (sic) for street widening, or alignment projects are of a minor nature.*

Staff believes that the General Plan of Business Mix is appropriate as this matches the zoning, the surrounding General Plan designation, as well as the development pattern of the neighborhood.

**ZONING ANALYSIS**

The property in question is currently zoned M-30 General Industrial. The M-30 zone is intended to create, preserve, and enhance areas containing a wide range of manufacturing and related establishments, and is typically appropriate to areas providing a wide variety of sites with good rail or highway access. The property's location on Mandela Parkway provides very good access to the regional transportation network and thus excellent mobility for goods and services. The surrounding context is mainly warehouse and manufacturing activities. Thus, the M-30 zoning designation seems appropriate given the range of activities it encourages, and the transportation infrastructure identified as needed to support these activities. The S-4 Design Review zone also applies that requires design review for the construction or alteration of exterior appearance.

**ENVIRONMENTAL DETERMINATION**

Sales of surplus government property are exempt from the California Environmental Quality Act (CEQA) per Section 15312 of the California Administrative Code.

**KEY ISSUES AND IMPACTS**

Ordinance 11602 C.M.S. requires that surplus real property equal to or larger than 2,500 square feet be sold through a competitive bidding process. Development of this site in accordance with the M-30 development standards would not result in any adverse environmental impacts on the surrounding area.

**RECOMMENDATIONS:**

1. Affirm staff's environmental determination.
2. Affirm that sale of the subject property conforms with the City of Oakland's General Plan, Land Use and Transportation Element.
3. Confirm the existing M-30 General Industrial/S-4 Design Review zoning of the properties located at Mandela Parkway/Peralta with partial APN 005 -0421-, 2101 Mandela Parkway, (est.).

Prepared by:

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Laura Kaminski  
Planner II

Approved by:

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GARY PATTON  
Deputy Director of Planning and Zoning

**ATTACHMENTS:**

- A. Request letter from Real Estate Division
- B. Copy of Ordinance 11602