

#10	Location:	Claremont Canyon (APN: 048H-7699-009-00)
	Proposal:	To determine the appropriate zoning classification of one, City-owned surplus property prior to the potential exchange of property with East Bay Regional Parks pursuant to Ordinance No. 11602 C.M.S.
	Applicant:	City of Oakland
	Contact Person:	City of Oakland Real Estate Services Division, William Wilkins
	Phone Number:	(510) 238-6358
	Owner:	City of Oakland
	Case File Number:	ZR06-001
	Planning Permits Required:	Zoning Review to determine the appropriateness of the current zoning.
	General Plan:	Hillside Residential
	Zoning:	R-20 Low Density Residential Zone, S-4 Design Review Combining Zone, S-18 Mediated Residential Design Review Combining Zone
Environmental Determination:	Exempt, Section 15325 (f) of the State CEQA Guidelines; transfer to preserve open space or lands for park purposes.	
Historic Status:	No Historic Record	
Service Delivery District:	2	
City Council District:	2	
Status:	Pending	
Action to be Taken:	Determination of appropriate zoning classification and recommendation to the City Council based on staff report	
Finality of Decision:	Recommendation to the City Council	
For further information:	Contact case planner Mike Rivera at (510) 238-6417 or by email at mrivera@oaklandnet.com	

PROJECT SUMMARY

The City of Oakland Real Estate Division requests that the Planning Commission conduct zoning review of one vacant City-owned surplus property located off Panoramic Way in the Claremont Canyon area. (See attached Memorandum, dated December 7, 2005). The purpose of the zoning review is to determine the appropriate zoning classification of the property prior to the potential exchange of properties with East Bay Regional Parks.

The purpose of the property exchange would be for the acquisition for open space to the East Bay Regional Parks. The City of Oakland will lease the property, but the East Bay Regional Parks will maintain it. To date, no specific property has been determined for exchange between the East Bay Regional Parks and the City.

In June 29, 1993, the Oakland City Council adopted Ordinance No. 11602. This Ordinance requires the Planning Commission to determine the appropriate zoning classification for any City-owned surplus property that measures 2,500 square feet or larger prior to its sale.

California Code Section 65402 also requires that the disposition of publicly-owned real estate property be submitted to and reported upon by the planning agency as to determine the conformity with the City’s adopted General Plan. The transfer of the subject property conforms to Oakland’s adopted General Plan.

PROPERTY DESCRIPTION

The subject property is located to the south at the intersection of Panoramic Way and State Place. The property is bounded to the west, north and east by an R-20 Low Density Residential District and to the south by the (OS) Open Space Zone District. The vacant property measures approximately 2,593 square feet in size. The rectangular-shaped parcel slopes down from the north to the south and contains no significant vegetation or creeks.

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 City's adopted General Plan. The General Plan land use classification for the subject property is Hillside Residential. The Hillside Residential classification is intended to create, maintain, and enhance low density neighborhood residential areas that are characterized by detached, single unit dwellings on hillside lots. A typical parcel size in a hillside lot ranges from 8,000 square feet to 1 acre in size.

The maximum allowed density in this classified Hillside Residential area is 5 principal units per gross acre. The property is also in the R-20 Low Density Residential Zone and S-4 Design Review Combining Zone intended for spacious environments and to preserve areas with visual significance in appropriate portions of the Oakland hill areas. The R-20 zone is compatible with the General Plan and appropriate for the physical character surrounding the site.

ZONING ANALYSIS

The subject property is currently in the R-20 Low Density Residential Zone district. The R-20 zone is intended to create, preserve and enhance areas for single-family dwellings at low densities in portions of the Oakland hillside areas. Although the size of the subject property is very limited for residential development, the exchange of the vacant parcel to the East Bay Regional Parks would be appropriate as open space because of its close proximity to the East Bay Regional Parks, located south. The exchange of the property would not have a significant impact because the property will remain undeveloped and continue to be in character with the neighboring hillside properties.

STATE OF CALIFORNIA GOVERNMENT CODE SECTION 65402

State Law requires making a finding of General Plan conformance prior to a City disposing of any property. Section 65402 states the following:

“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 finds that the property's General Plan classification as Hillside Residential and R-20 Low Density Residential Zone are consistent with the area's established residential uses and densities. The property will continue to be in character with the established neighborhood.

ENVIRONMENTAL DETERMINATION

The transfer of surplus government properties to preserve open space or lands for park purposes is exempt from the California Environmental Quality Act (CEQA) per Section 15325 (f) of the State Guidelines.

KEY ISSUES AND IMPACTS

Ordinance 11602 requires that surplus real property equal to or larger than 2,500 square feet be sold through a competitive bidding process. There are no significant environmental impacts because the exchange of the property will be with another public entity who will utilize the property as open space.

RECOMMENDATIONS:

1. Affirm staff's environmental determination.
2. Affirm that the exchange with the East Bay Regional Parks District conforms to the City of Oakland General Plan, Land Use and Transportation Element.
3. Confirm the existing R-20 zoning designation of the property located off Panoramic Way in the Claremont Canyon with Assessors Parcel Number (APN): 048H-7699-009-00.

Prepared by:

Mike Rivera
Planner II

Approved by:

GARY PATTON
Deputy Director of Planning and Zoning

ATTACHMENT:

- A. Memorandum from Oakland Real Estate Division