

7.	Location: Joaquin Miller Rd.. (029-1155-022-00)
	Proposal: 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.
	Owner/Applicant: City of Oakland
	Contact Person/Phone Number: City of Oakland Real Estate Division/ Bill Wilkins (510)238-6358
	Case File Number: ZR05-323
	Planning Permits Required: Zoning Review for confirmation of zoning
	General Plan: Hillside Residential
	Zoning: R-20 Low Density Residential Zone
	Environmental Determination: Exempt, Section 15312, State CEQ Guidelines, Surplus Government Property Sales
	Historic Status: No historic record
	Service Delivery District: 4
	City Council District: 4
	Status: Pending
	Action to be Taken: Determination of zoning classification and recommendations to City Council based on staff report.
	Finality of Decision: <i>Recommendation to City Council</i>
	For Further Information: Contact case planner Michael Kimelberg at (510) 238-6935 or by email at mkimelberg@oaklandnet.com

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 on Joaquin Miller Road in the Oakland Hill area. 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 properties in question are located in the Oakland Hill area, on Joaquin Miller Road. The site is approximately 21,000 square feet, rectangular in shape, and vacant. Single family residences are located to the west, and much of the surrounded area to the east, near Skyline Blvd., is vegetated and undeveloped as a Resource Conservation Area.

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 Hillside Residential. The Hillside Residential classification is intended to create, maintain, and enhance neighborhood residential areas that are characterized by detached, single unit structures on hillside lots. Typical lot sizes range from approximately 8,000 square feet to one acre in size. The subject property is in an R-20 Low Density Residential zone, which is compatible with the general plan.

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 designation of Hillside Residential 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 R-20 Low Density Residential. The R-20 zone is intended to create, preserve, and enhance areas for single-family dwellings at low densities in spacious environments, and is typically appropriate to portions of the Oakland hill area. The subject property, with a lot size of 21,300 square feet, meets the minimum lot size of 12,000 square feet for this zone, and could potentially accommodate one dwelling unit. It is assumed, given the lot area and standard shape of the site, that the required development standards such as parking, open space, and setback requirements could be met.

Staff believes that the current zoning for the property is appropriate as it will allow the property to be developed in a manner compatible with the surrounding neighborhood.

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 the site in accordance with the R-20 development standards would not result in any adverse environmental impacts on the surrounding area. The dimensions of the site would ensure adequate physical separation between a new structure and

surrounding homes to mitigate any potential height, bulk, scale, or privacy impacts resulting from new construction.

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 R-20 Low Density Residential zoning of the property located on Joaquin Miller Road with APN 029-1155-022-00;

Prepared by:

Michael Kimelberg
Planner III

Approved by:

GARY PATTON
Deputy Director of Planning and Zoning

ATTACHMENTS:

- A. Request letter from Real Estate Division
- B. Copy of Ordinance 11602
- C. Map of Subject Sites