#3	
Location:	**1449 Miller Avenue; (APN: 020-0153-006-00)**
Proposal:	To determine the appropriate zoning classification of one, City-owned surplus property (former library) prior to the sale with the adjacent property owner 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:	**ZR10-155**
Planning Permits Required:	Zoning Review to determine the appropriateness of the current zoning designation.
General Plan:	Neighborhood Center Mixed Use
Zoning:	R-36 Small Lot Residential Zone,
Environmental Determination:	Exempt, Section 15312 of the State CEQA Guidelines; Surplus Government Property Sales.
Historic Status:	Designated Historic Property: A2+
Service Delivery District:	4
City Council District:	5
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 **Michael Bradley** at **(510) 238-6935**or by email at mbradley@oaklandnet.com

PROJECT SUMMARY

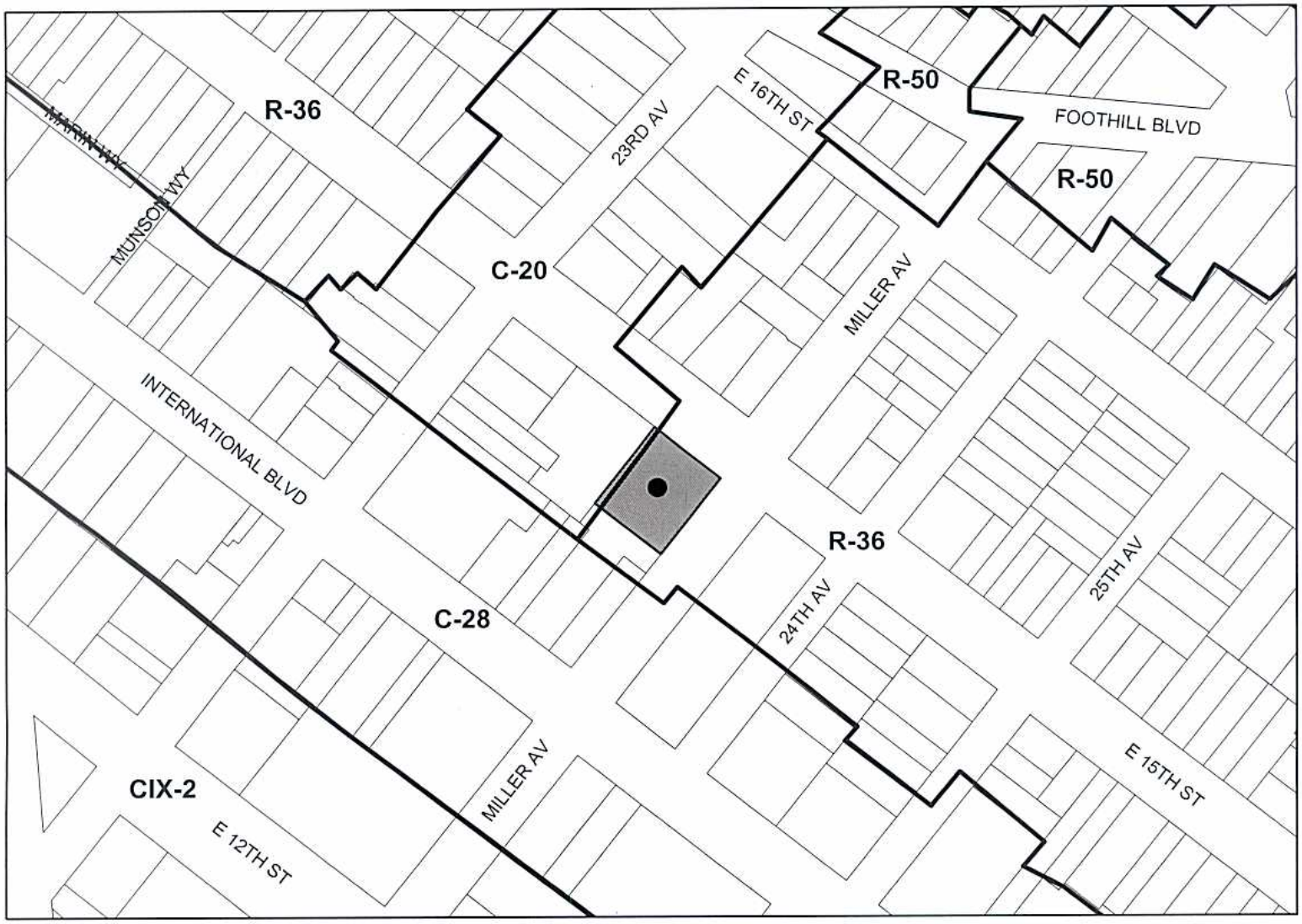
Per Ordinance 11602 C.M.S., adopted June 29, 1993, the Planning Commission is required to determine the appropriate zoning classification for any City-owned surplus property that is 2,500 square feet or larger prior to its sale. The City's Real Estate Division requests Zoning Review of one property located at 1449 Miller Avenue. 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 property. The sale of the property will bring savings to the City, relieve the City of maintenance and insurance expenses, and convey the property back onto the tax rolls.

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 a former library located at 1449 Miller Avenue. The property is a corner parcel with 99.74-feet of frontage along E. 15th Street and 120-feet along Miller Avenue. The lot size is 12,423 square-feet in area with the building of approximately 8,660 square-feet (Per County of Alameda Win-2-Data). The surrounding parcels are primarily commercial and multi-unit residential structures.

CITY OF OAKLAND PLANNING COMMISSION



0 125 250 500 750 1,000 Feet

Case File: ZR10-155
Applicant: City of Oakland
Address: 1449 Miller Avenue
Zone: R-36

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 Neighborhood Center Mixed Use. The Neighborhood Center Mixed Use classification is intended to identify, create, maintain and enhance mixed use neighborhood commercial centers. These centers are typically characterized by smaller scale pedestrian-oriented, continuous street frontage with a mix of retail, housing, office, active open space, eating and drinking places, personal and business services, and smaller scale educational, cultural, or entertainment uses. The site complies with the General Plan land use classification of Neighborhood Center Mixed Use because of its close proximity to several commercial uses and structures.

ZONING ANALYSIS

The subject property is currently in the R-36 Small Lot Residential Zone district, which is intended to foster the development of small lots that are less than four thousand (4,000) square feet in size and/or less than forty-five (45) feet in width in desirable settings for urban living, and is typically appropriate to areas of existing lower density residential development The acquisition of an existing former library would be appropriate because of its close proximity to several other commercial buildings. Also, the exchange of the property would not have a significant impact because the property will continue to be in character with the neighboring properties, which are commercial structures.

STATE OF CALIFORNIA GOVERNMENT CODE SECTION 65402

State Law requires the City of Oakland to make a finding of General Plan conformance prior to the City's 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 Neighborhood Center Mixed Use and the R-36 Zone are consistent with the area's current commercial uses. The property will continue to be in character with the neighborhood.

ENVIRONMENTAL DETERMINATION

The transfer of surplus government property does not have a significant value for wildlife habitat or other environmental purposes and the property to be sold would qualify for an exemption under any other class

of categorical exemption in these guidelines thus is exempt from the California Environmental Quality Act (CEQA) per Section 15312 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 a private entity who will utilize the property as the same facility type.

RECOMMENDATIONS:

1. Affirm staff's environmental determination.
2. Affirm that the exchange with the Neighborhood Center Mixed Use conforms to the City of Oakland General Plan, Land Use and Transportation Element.
3. Confirm the existing R-36 zoning designation of the property located at 1449 Miller Avenue; Assessors Parcel Number (APN): 020-0153-006-00

Prepared by:

Michael Bradley

Michael Bradley
Planner I

Approved by:

Scott Miller

Scott Miller
Zoning Manager

Eric Angstadt
Deputy Director
Community and Economic Development Agency

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

ATTACHMENT A

CITY OF OAKLAND

Inter-Office Memo

TO: CEDA, Planning and Building
ATTN: Scott Miller
FROM: Real Estate Division
DATE: March 30, 2010

RE: Zoning Review of City-owned Property

The following property is considered to be surplus of the needs of the City of Oakland and being considered for sale to the adjacent property owner. It is requested that the Planning Commission examine and determine the appropriate zoning classification in accordance with Ordinance No. 11602 C.M.S.

Location: 1449 Miller Ave

Assessor's Parcel Nos.: 020-0153-006

Area of Parcel (sq. ft.) 12,000 sq.ft. (approximately)

Existing Improvements: Former library; approximately 8,660 square feet of building area

Purpose of Acquisition: development of a library

Current Zoning:

Reason for disposal: Excess to the City's needs

City owned property within 300 feet: No

Recommendation: Surplus

Real Estate Agent for field review: William Wilkins x 6358

Assemblage: No
Comments:

William W. Wilkins
Real Estate Services

Attachment: Assessor's Map
Related information from Real Estate Division files

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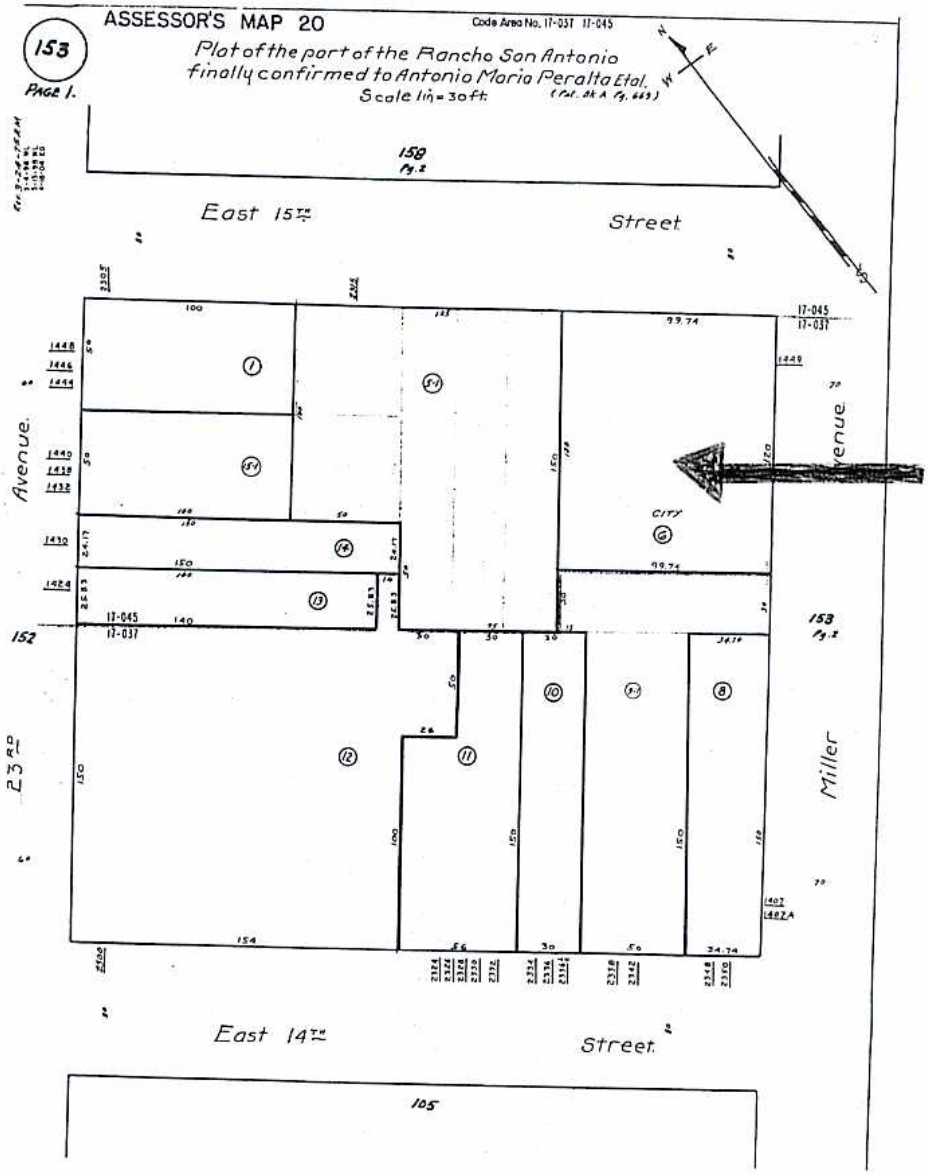
3/5/99



Alameda, CA, 2009-2010 - 020-0153-006, Sheet: 1 of

INTRODUCED BY COUNCILMEMBER _____ Dwan O'Neal CITY ATTORNEY

ORDINANCE No. 11602 C. M. S.

AN ORDINANCE ESTABLISHING PROCEDURES FOR SALE OF CITY-OWNED SURPLUS REAL PROPERTY

WHEREAS, pursuant to Section 1001 of the Charter of the City of Oakland, the City Council desires to establish uniform procedures for the sale of City-owned surplus real property; and

WHEREAS, by Ordinance No. 7952 C.M.S. dated March 18, 1969, as amended by Ordinance No. 8642 C.M.S. dated September 5, 1972, the City Council authorized the sale of City-owned surplus real property; and

WHEREAS, existing legislation is in need of consolidation and updating to allow the City of Oakland to implement uniform procedures for the sale of City-owned surplus real property; and

WHEREAS, the Office of Public Works, Real Estate Division, is responsible for all real estate services, and has recommended that the City Council rescind previous City legislation related to surplus property sales and establish updated procedures; now, therefore

The Council of the City of Oakland does ordain as follows:

Section 1. Definitions. For purposes of this Ordinance the following definitions shall apply:

(a) CITY MANAGER: The City Manager of the City of Oakland or an officer expressly designated to act for the City Manager. Designations shall be made in writing by the City Manager and filed with the City Clerk.

(b) SURPLUS REAL PROPERTY: All real property owned or controlled by the City which is not needed by the City for public purposes.

Section 2. Zoning: The City Planning Commission shall review the zoning classification of City-owned surplus real property and determine the appropriate zoning classification prior to the sale of the property. Planning Commission zoning review classification reviews shall be limited to surplus real properties equal to or larger than 2,500 square feet in area. After such surplus real property is sold, the zoning classification of such property shall not be reclassified for a period of two years unless the application for rezoning contains a statement in detail of the changes in circumstances which in the opinion of the applicant justify such a zoning reclassification and which changes in the opinion of the City Planning Commission do, in fact, justify a zoning reclassification.

ATTACHMENT B

Section 3. Notification to Public Agencies: In order to determine public agency interest in the acquisition of City-owned surplus real property, a solicitation of interest shall be sent to public agencies within Alameda County. Said agencies shall be allowed sixty (60) days to express an interest in the purchase of said property.

Section 4. Negotiated Sales: For City-owned surplus real properties of less than 2,500 square feet, the City Planning Commission may recommend that due to size, shape and utility, the property should be sold to the adjoining or abutting property owners. The City Council by resolution or ordinance may authorize the negotiated sale of such property to an adjoining or abutting property owner at its fair market value.

Section 5. Competitive Bidding: No surplus real property equal to or larger than 2,500 square feet shall be sold except after calling for oral or written competitive bids, unless otherwise authorized by resolution or ordinance of the City Council as set forth in this Ordinance. Such call for competitive bid shall be by City Council resolution.

Each resolution authorizing the sale of surplus real property by competitive bid shall contain the following:

(a) The time and place bids are to be received.

(b) The minimum acceptable bid on each parcel.

(c) The statement regarding zoning and the zoning classification required by Section 2 herein.

(d) A description of each parcel.

(e) The amount and type of deposit required of the successful bidder. Said deposit shall be subject to retention by the City if the successful bidder fails or refuses to complete the transaction.

(f) Whether bids are to be oral or by sealed bids.

(g) The minimum amount of increase of each bid if oral bids are to be received.

(h) When the balance of the bid price must be paid.

(i) A directive to the City Clerk requiring the advertisement in the official newspaper of the City which shall contain the foregoing information.

Advertising of the sale of surplus real property shall be published by the City Clerk in the official newspaper of the City for at least three (3) calendar days; the first day of such advertising shall be not less than ten calendar days prior to the date set for receiving said bids. Bids shall be received in public at the time and place specified in the notice calling for bids. The sale, if accepted by the City Council, shall be awarded to the highest bidder meeting the conditions specified in the notice calling for the sale of the property. The City Council shall have the right to accept or reject any and all bids. If the highest bidder fails or refuses to complete the transaction, the property may subsequently be sold through negotiation to the next highest bidder willing to meet the same minimum advertised terms and conditions.

If no bids are received after advertising the property as required by this Ordinance, the surplus real property may subsequently be sold through negotiation; such sale to be approved by the City Council.

Section 6. Exceptions to Bidding Requirements: Upon the finding and determination, in each instance by the City Council by ordinance or resolution, that any one or more of the following conditions exist, the restrictions and provisions of this Ordinance shall not apply:

(a) The surplus real property is to be sold to another public agency or entity which has the power of eminent domain.

(b) Calling for bids on a competitive basis is impractical, unavailing or impossible.

(c) In other cases when specifically authorized by the City Council after a finding and determination by the City Council that it is in the best interests of the City to sell such surplus property by negotiated sale.

Section 7. The following enumerated officers and employees of the City of Oakland shall not as principal, agent, attorney or otherwise, be directly or indirectly interested in the sale of any City-owned surplus real property: Mayor, Members of the City Council, Members of the City Planning Commission, City Auditor, City Attorney, City Manager, City Clerk, Director of Finance, Director of City Planning, Director of Planning and Building, Director of Public Works, Real Estate Services Manager and employees of the Real Estate Division, and any other City employee who, because of his or her position with the City, has a potential conflict of interest or a potential advantage over other bidders.

Section 8. The City Manager is directed to prepare the appropriate procedures necessary to carry out the intent of this Ordinance.

IN COUNCIL, OAKLAND, CALIFORNIA, JUN 29 1993, 19

PASSED BY THE FOLLOWING VOTE:

AYES— BAYTON, DE LA FUENTE, JORDAN, MILEY, ~~MOORE~~ OGAWA, SPEES, WOODS-JONES, and PRESIDENT HARRIS - 8

NOES— NONE

ABSENT— MOORE, - 1

ABSTENTION— NONE

ATTEST: Ceda Floyd
CEDA FLOYD
City Clerk and Clerk of the Council
of the City of Oakland, California

600-243 (1/93)