#2 **Location:**	**Girvin Drive (Adjacent to 6041 Girvin Dr.); (APN: 048D-7282-020)**
Proposal:	To determine the appropriate zoning classification of one, City-owned surplus property (vacant lot) 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:	**ZR10-154**
Planning Permits Required:	Zoning Review to determine the appropriateness of the current zoning designation.
General Plan:	Hillside Residential
Zoning:	R-20 Low Density Residential Zone, S-10 Scenic Route Combining Zone
Environmental Determination:	Exempt, Section 15312 of the State CEQA Guidelines; Surplus Government Property Sales.
Historic Status:	No Historic Record
Service Delivery District:	2
City Council District:	4
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

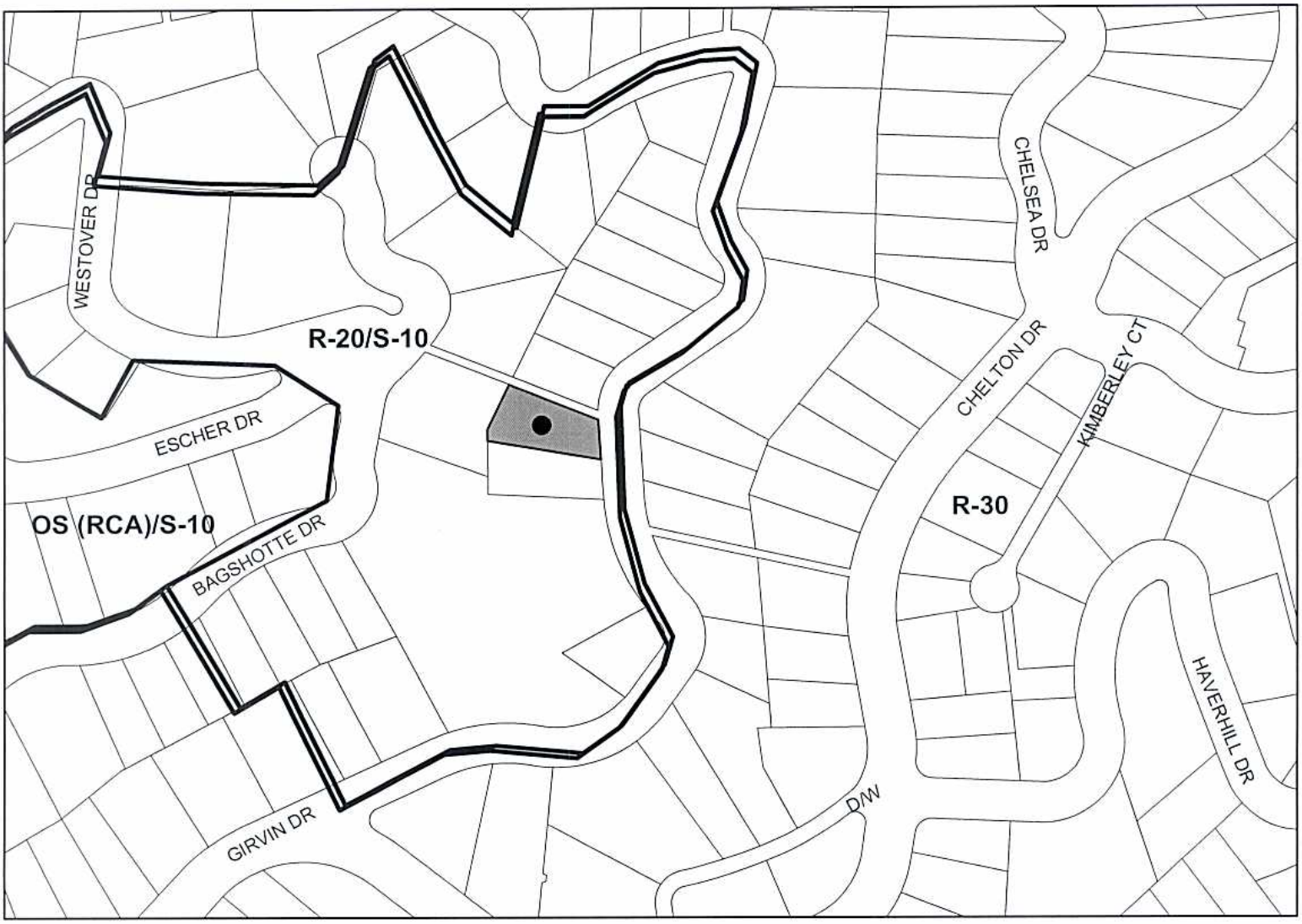
Per Ordinance 11602 C.M.S., adopted June 29, 1993, the Planning Commission is required to determine the appropriate zoning classification for any City-owned surplus property that is 2,500 square feet or larger prior to its sale. The City's Real Estate Division requests Zoning Review of one property located on the westerly side of Girvin Drive (adjacent to 6041 Girvin Drive). 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 down slope vacant lot located on the westerly side of Girvin Drive adjacent to 6041 Girvin Drive. The lot contains 50-feet of frontage along Girvin Drive and is 7,979 square-feet in area. The surrounding parcels on Girvin Drive are primarily single family residential structures.

CITY OF OAKLAND PLANNING COMMISSION



0 125 250 500 750 1,000 Feet

Case File: ZR10-154
Applicant: City of Oakland
Address: Girvin Drive
Zone: R-20/S-10

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 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 site complies with the General Plan land use classification of Hillside Residential because of its close proximity to several single-family dwellings.

ZONING ANALYSIS

The subject property is currently in the R-20 Low Density Residential Zone district, which 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 site is also located in the S-10 Scenic Route Combining Zone district, which is intended to create, preserve, and enhance areas where hillside terrain, wooded canyons and ridges, and fine vistas or panoramas of Oakland, neighboring areas, or the Bay can be seen from the road, and is typically appropriate to roads along or near ridges, or through canyons, of the Oakland Hills which roads have good continuity and relatively infrequent vehicular access from abutting properties. The acquisition of an existing vacant lot would be appropriate because of its close proximity to several single-family dwellings. Also, the exchange of the property would not have a significant impact because the property will remain a vacant lot or be developed in the future into a single-family dwelling and continue to be in character with the neighboring properties, which are single-family dwellings or vacant lots.

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 Hillside Residential and the R-20 and S-10 Zone are consistent with the area's current residential 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 Hillside Residential conforms to the City of Oakland General Plan, Land Use and Transportation Element.
3. Confirm the existing R-20 and S-10 zoning designation of the property located at Girvin Drive, Assessors Parcel Number (APN): 048D-7282-020-00

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: May 11, 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: Girvin Dr adjacent to 6041 Girvin Dr

Assessor's Parcel Nos.: 048D-7282-020

Area of Parcel (sq. ft.) 8,652 sq.ft. (approximately)

Existing Improvements: No existing improvements

Purpose of Acquisition: land banking

Current Zoning:

Reason for disposal: Excess to the City's needs

City owned property within 300 feet: Yes

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

5.c
3/5/99

CITY OF OAKLAND

Inter-Office Memo

TO: Various City Departments
FROM: CEDA, Real Estate Division
DATE: April 6, 2010
RE: Parcel: Girvin Drive Lot (lot of)
APN 048D-7282-020

The attached City-owned property was identified as potential surplus property and available for disposal. This parcel was purchased from the Alameda County Tax Collector in 1957.

Prior to circulating this potential surplus property to outside agencies pursuant to the Government Code your input is requested as to whether your Department/Agency has any public interest or need for this property or can identify existing City infrastructure or program(s) that may require that the property to be retained.

Please return this notice to: REAL ESTATE DIVISION, Attention: Barbara James; Extension 6362, Please respond by May 7, 2010.

Special Comments:

___	CEDA, Agency Director	Attn: Walter Cohen
___	Fire Services Agency	Attn: Daniel Simon
___	LEA, Library Services	Attn: Gene Tom/Gerald Garzon
___	LEA, Parks & Recreation	Attn: Audree Jones-Taylor
___	PWA Infrastructure Maintenance.	Attn: Bruce Saunders
___	PWA Engineering & Design	Attn: Gus Amirzechni
___	Police Services Agency	Attn: Anthony Batts
___	CEDA Director	Attn: Gregory Hunter
___	PWA Environmental Services	Attn: Lesley Estes
___	PWA Transportation	Attn: Wlad Wlassowsky
___	CEDA Building Services	Attn: Ray Derania
___	PWA Facilities & Environment	Attn: Jim Ryugo, Jocelyn Combs
___	Oakland Museum	Attn: Lori Grant Fogarty
___	AAHS	Attn: Andrea Youngdahl
		Neil Valle
		Susan Shelton
		Gladys Moore

See page 2 for response

APN 048D-7282-020

Our department is:

____ Not interested in the parcel. ____ Interested in using the parcel.

Do not proceed with the disposal of this property for the following reasons:

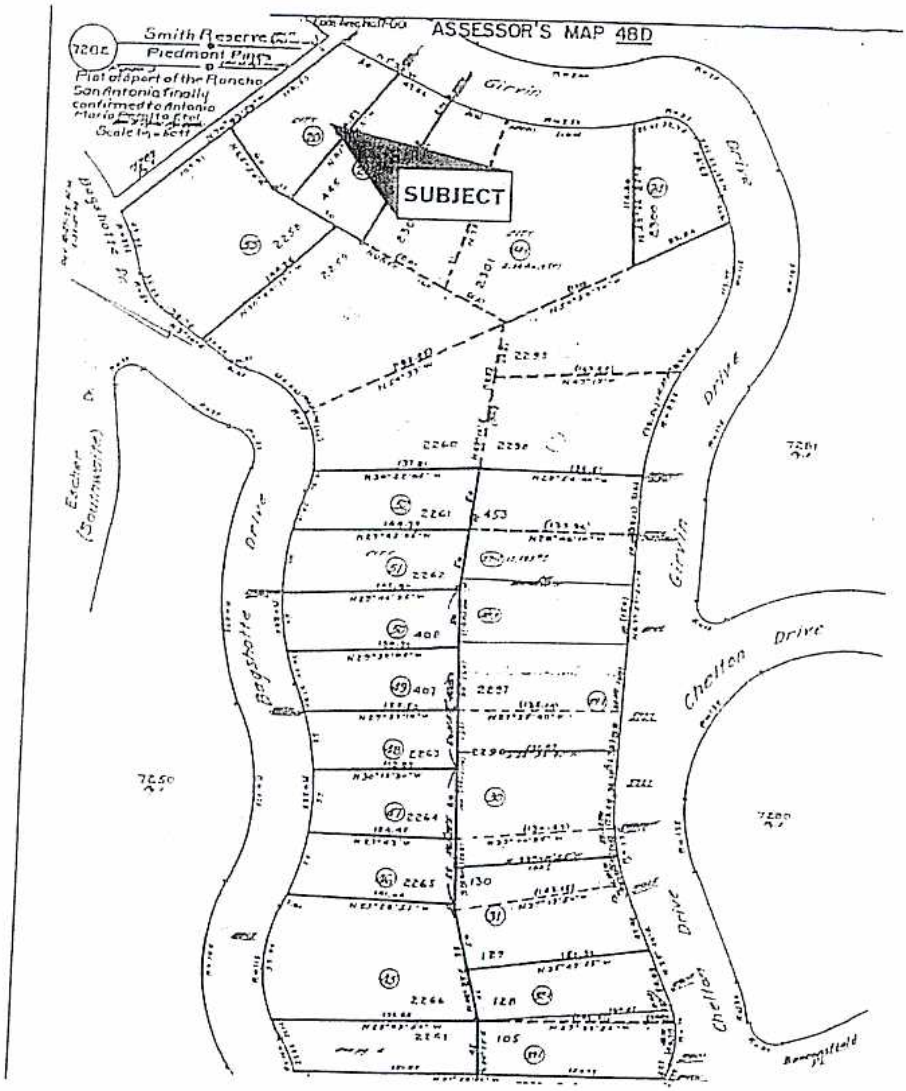
_____

_____

_____

Date:_____ Name:_____

Title_____



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
City Clerk and Clerk of the Council
of the City of Oakland, California

600-243 (1/93)