

Case File Number RZ11-053**June 15, 2011**

Location:	319 Chester Street (APN 004-0103-035-00)
Proposal:	Rezone property from open space to residential (RM-2 proposed)
Contact Person/Phone	
Number:	Lloyd Ware, City of Oakland (510)238-6197
Owner:	City of Oakland
Case File Number:	RZ11-053
Planning Permits Required:	Rezone property from OS-AMP (Open Space/Active Mini-Park) to RM-2 Mixed Housing Type Residential
General Plan:	Mixed Housing Type Residential
Zoning:	OS-AMP (Open Space/Active Mini-Park)
Environmental Determination:	Categorically Exempt under California Environmental Quality Act (CEQA) Guidelines Sections 15303 and 15312
Historic Status:	Not a Potential Designated Historic Property (vacant land)
Service Delivery District:	1
City Council District:	3
Date Filed:	March 24, 2011
Action to be Taken:	Recommendation to the City Council
Finality of Decision:	Final Action by City Council
For Further Information:	Contact David Valeska at (510) 238-2075 or dvaleska@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. Staff has identified the current OS/AMP Open Space/Active Mini-Park zoning as inappropriate for the proposed residential use. 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, however, staff does not believe Open Space is the appropriate zoning designation for this property as, once sold, it would not be able to be privately developed. Therefore, staff is requesting that the Planning Commission recommend to the City Council that the property be rezoned to RM-2, which is consistent with the immediately adjacent lots and the General Plan.

PROPERTY DESCRIPTION

The subject property is level and located between existing older residential buildings in West Oakland. The 0.14 acre lot is vacant and has been used for limited recreational purposes.

CITY OF OAKLAND PLANNING COMMISSION



Case File: RZ11-053
Applicant: City of Oakland
Address: 319 Chester Street
Zone: OS (AMP)

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 property is Mixed Housing Type Residential. This designation is intended to "create, maintain, and enhance residential areas typically located near the City's major arterials and characterized by a mix of single family homes, townhouses, small multi-unit buildings, and neighborhood businesses where appropriate." The Desired Character and Uses section states that "future development within this classification should be primarily residential in character..." The maximum allowable per gross acre is 30 dwellings. This single lot would support one or two residences. The rezoning of this property from OS/AMP to RM-2 is consistent with the General Plan designation of Mixed Housing Type Residential.

ZONING ANALYSIS

The subject site is currently zoned OS/AMP Open Space/Active Mini-Park, which does not allow residential use. The proposed zoning, RM-2 Mixed Housing Type Residential allows construction of dwellings. On this parcel of just over 6,000 square feet, the RM-2 zoning regulations would allow up to two (2) dwellings.

The Oakland City Council established a "No Net Decrease" policy for parks, that removal of land from park use would be offset by a net increase in open park space elsewhere in the City. For 319 Chester Street, this policy is fulfilled because of recent park acquisition or improvement developments at the CalTrans and Raimondi parks nearby, and near Dimond Park.

ENVIRONMENTAL DETERMINATION

The California Environmental Quality Act (CEQA) Guidelines list projects which are categorically exempt from environmental review, of which rezoning is one project category. This case is a rezoning which would allow change of use from Open Space/Active Mini-Park to Mixed Housing Type Residential facilities and activities. This is exempt from CEQA for two principal reasons. Section 15312 of the State Guidelines exempts transfer of surplus government property which does not have a significant value for wildlife habitat or other environmental purposes. In addition, the small vacant parcel, just over 6,000 square feet in area, could only be built as a house or duplex, which by itself would be Categorically Exempt pursuant to Section 15303 of the CEQA Guidelines. Therefore the Planning Commission should find that the proposed rezoning has no significant environmental impacts. In addition, Section 15183 of the CEQA Guidelines provides an exemption for projects consistent with the General Plan.

KEY ISSUES AND IMPACTS

One issue is removal of potential/current open space use of the property. West Oakland has 2.43 acres of park land per 1,000 persons, among the best in the City's flatland neighborhoods but still short of the City standard of 4 acres per 1,000 persons. Thus removal of 319 Chester Street from open space removes about 0.14 acre from the 56.7 acre West Oakland open space supply, a 0.002% reduction. This is offset by developments at the CalTrans park a block away and Raimondi Park near Wood Street, and open space near Dimond Park, for No Net Loss per City Council policy. Other larger, more usable parks in West Oakland better serve the recreational purpose than this small mid-block site.

On June 8, 2011, the Parks and Recreation Advisory Committee (PRAC) reviewed the request. A verbal update of that meeting will be provided at the Planning Commission meeting. An immediate neighbor expressed concern about changing from park to residential use; however, there has been no other contact with staff from neighbors in this regard.

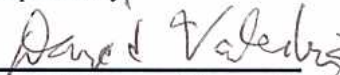
SUMMARY

Staff finds the project meets the intent of the Zoning and General Plan requirements for approval of the Rezoning from OS/AMP to RM-2, including criteria discussed above. Rezoning is not anticipated to have any substantial adverse impacts and will not increase crime or irrevocably alter historical resources. Instead, the sale and private development of surplus City property could reinforce the success which the neighborhood has experienced in attracting residential investment. Staff concludes that the application merits support.

RECOMMENDATION:

1. Affirm staff's environmental determination.
2. Affirm that the exchange conforms to the City of Oakland General Plan, Land Use and Transportation Element pursuant to Section 65402 of the California Government Code and City Ordinance 11602.
3. Recommend to City Council rezoning from OS/AMP to RM-2.

Prepared by:


David Valeska, Planner II

Approved by:


SCOTT MILLER
Zoning Manager

Approved for forwarding to the
City Planning Commission:


ERIC ANGSTADT, Deputy Director
Community & Economic Development Agency

Attachments:

- A. Site Photo/Aero Photo



319 Chester St, Oakland, CA 94607

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A. Site Photo/Aero Photo

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