

A. LAND USE

This section describes existing land uses on and around the Measure DD Implementation Project component sites. It provides an overview of the proposed project components, describes the existing land use setting, and evaluates the compatibility of the proposed land use with existing and planned uses in the vicinity of the project. The consistency of the proposed project with local land use policies is addressed in Section IV.B, Planning Policy, of this EIR.

1. Setting

The project components of Measure DD implementation are located throughout the City of Oakland and thus occur in areas occupied by a variety of land uses. The Lake Merritt and Lake Merritt Channel group is located around the Lake Merritt area of Oakland, which is primarily used for recreation, but borders residential and commercial areas. The Waterfront Trail group is located along the Oakland Estuary between Jack London Square and 66th Avenue in areas that are primarily industrial and commercial. Studio One is located in a residential area at 365 45th Street and the East Oakland Sports Complex site is located at the Ira Jinkins Park at Edes and Jones Avenues in an area of mixed residential and commercial use. The Creek restoration and preservation activities would occur at various locations throughout the City, most of which are in residential areas or parks. Additional land use details within the project area are provided in the following sections.

a. Lake Merritt and Lake Merritt Channel (Group 1). The current land uses at Lake Merritt and immediately adjacent area are primarily open space, recreation, and roadways. The Grand Avenue and Lakeshore Avenue business districts, residential neighborhoods, and Interstate 580 (I-580) are located north of Lake Merritt. The Lakeview Branch Library is located northeast of the Pergola. Lakeshore Avenue generally forms the eastern boundary of Lake Merritt with nearby areas to the east characterized by a mix of residential, public institutional, and commercial uses. Several churches are located along Lakeshore Avenue.

Lakeside Drive and Harrison Street generally form the western border of Lake Merritt. Nearby areas to the west contain a mix of office, commercial, public administration, and residential uses. Figure IV.A-1 shows the Lake Merritt and Lake Merritt Channel improvements and surrounding land uses.

Lake Merritt Channel is a closed waterway between the Oakland Estuary to the south and Lake Merritt to the north. Four streets (12th, 10th, 7th and Embarcadero) cross the Channel on bridges or over culverts. A flood station at 7th Street regulates the water level in Lake Merritt. Pedestrian walkways parallel both sides of the Channel. The Channel is surrounded by primarily institutional, recreational, and transportation uses. Laney College occupies property on both sides of the Channel between 7th and 10th Streets. Interstate 880 (I-880), the Union Pacific Railroad tracks and an East Bay Municipal Utility District (EBMUD) pipeline cross the southern end of the Channel. Land uses in this area have been historically industrial, but several residential developments recently have been built or are planned. Estuary Park is located at the mouth of the Channel where it meets the Oakland Inner Harbor Channel and Oakland Estuary.

b. Waterfront Trail (Group 2). There are several properties along the Oakland waterfront that are proposed as part of the Measure DD Implementation Project that would complete the Oakland portion of the San Francisco Bay Trail. To facilitate the land use discussion of the Waterfront Trail group, the land uses associated with Group 2 are divided into four subgroups located geographically

in a north to south direction: Estuary Park; 10th Avenue Marina to Union Point Park; Park Street Bridge to Gallagher & Burk/Hanson Aggregate Trail Connection; and the 66th Avenue Gateway. Figures IV.A-2a and IV.A-2b show the proposed Waterfront Trail improvements and surrounding land uses.

(1) **Estuary Park.** Estuary Park is part of the Oakland Parks and Recreation system. Facilities at the site include a sports field, boat ramp, parking area and associated hardscaping. The existing Waterfront Trail continues north to Alice Street from the site, eventually connecting to Jack London Square. Surrounding land uses include a residential development to the west and a commercial building, which may be incorporated into the park in the future, and the Jack London Aquatic Center to the north. The Jack London Aquatic Center is managed by a nonprofit corporation under an agreement with the City of Oakland. East Embarcadero, the Union Pacific Railroad tracks and additional commercial development are located further north. The outlet of the Lake Merritt Channel forms the eastern boundary of the park and the Oakland Harbor Channel is located to the south.

(2) **10th Avenue Marina to Union Point Park.** This group of Waterfront Trail improvements begins at 10th Avenue on the northeast end of the 9th Avenue Terminal property and generally follows the shoreline and East Embarcadero until it reaches Union Point Park. Portions of the trail in this area have been developed previously. The Measure DD Implementation Project includes proposed improvements to the existing segments of trail, construction of new trail at Brooklyn Basin and other locations, remediation and renovation of the Cryer Site, and improvements at Union Point Park.

The existing segments of the Waterfront Trail in this area cross properties occupied by motels and other commercial uses, a marina, and industrial and light industrial uses. Land uses on the parcels where a new trail segment would be constructed include a restaurant, a marina, a pier, other commercial businesses, and vacant and/or unused industrial properties at Brooklyn Basin and the Cryer Site. The Union Pacific Railroad tracks and I-880 are located to the north and northeast and the Oakland Estuary is located to the south. Coast Guard Island and the City of Alameda are across the estuary to the south and west of the site.

A segment of the Waterfront Trail between Estuary Park and the 10th Avenue Marina would be developed by others as part of the Oak to Ninth Project. The proposed Oak to Ninth Project would redevelop an underused, maritime and industrial area between the Lake Merritt Channel and 10th Avenue into a mixed-use neighborhood with residential, retail/commercial, open space, and marina uses.

(3) **Park Street Bridge to Gallagher & Burk/Hanson Aggregate Trail Connection.** This group of proposed waterfront improvements is located along the Oakland Inner Harbor Tidal Canal between the Park Street Bridge and the Gallagher & Burk and Hanson Aggregate properties south of the High Street Bridge. Portions of the trail in this area have been developed previously. South of the Hanson Aggregate property the trail would connect to an existing trail segment that continues south to 66th Avenue. The Measure DD Implementation Project includes the proposed completion of trail gaps at the Oakland Museum Women's Board Building (between Derby Avenue and Lancaster Street), along Alameda Avenue, on the Gallagher & Burk and Hanson Aggregate properties, and at several bridge crossings. Pocket parks would be constructed at the end of Derby Avenue and Lancaster Street.

Existing segments of the Waterfront Trail in this area cross properties occupied by residential, commercial, and recreational uses (University of California Rowing Center). Nearby land uses include residential, industrial and commercial facilities, waterways, roadways, and four bridges (three vehicle and one railroad) that cross the Tidal Canal. The Tidal Canal borders the study area to the south and west with the City of Alameda located on the opposing bank of the canal.

(4) 66th Avenue Gateway. The 66th Avenue Gateway site is an existing park occupied by open space, the Waterfront Trail, a parking area and roadway. Proposed project improvements include installation of a boardwalk and overlook, landscaping, signage, public sculpture, and an upgrade and expansion of the existing parking area. Martin Luther King, Jr. Regional Park, Arrowhead Marsh and San Leandro Bay are located to the west with Bay Farm Island located on the opposite shore of the bay. Open space and a commercial area that hosts temporary outdoor events are located to the north. Interstate 880, Network Associates Coliseum, Oracle Arena, and commercial and residential uses are located to the east. Damon Slough is immediately south of the 66th Avenue Gateway site. Oakland International Airport and other commercial or industrial uses located are located further to the south.

c. Recreational Facilities (Group 3). Land uses on and around Studio One and the East Oakland Sports Complex are described below. Figures IV.A-3 and IV.A-4 show the facilities and surrounding land uses.

Studio One is a studio arts facility used for educational purposes. The primary land use near the site is residential. Land uses immediately surrounding the site include a high school (Oakland Technical High School) to the east, residential uses to the north and south, and recreational facilities (Temescal Pool) to the west. Highway 24 is located to the west and a shopping center and the California College of Arts are located northwest of the site.

The East Oakland Sports Complex would be constructed in Ira Jinkins Park/Recreation Center at the southeast corner of Edes Avenue and Jones Street and would provide a variety of recreational facilities including swimming pools, indoor courts, exercise rooms, and a baseball field. Land uses within the immediate vicinity of the sports complex include a Fed Ex and UPS shipping facility to the north, residential uses to the east, a school to the south, and residential uses to the west. I-880 is located to the southwest of the site. Office, residential, and retail uses are located further west of the site on the west side of I-880.

d. City-wide Creeks (Group 4). Creek restoration and acquisition sites are located throughout the City of Oakland. As such, land uses surrounding these sites vary. The creek restoration sites are mainly located within identified park and open space areas. The sites for acquisition would be located throughout the city within residential and commercial areas but are not specifically identified at this time.

e. Major Land Use Changes Around Measure DD Implementation Project Components. A number of projects are planned throughout the City that would result in land use changes. Major projects that have submitted an application or have been approved include:

- *Oak Street to Ninth Avenue Project.* This project is located along the Waterfront Trail between Estuary Park/Lake Merritt Channel and the 10th Avenue Marina site. Existing land uses on the site.

include industrial uses, boat marina facilities, and a wharf. Oakland Harbor Partners LLC has obtained certain approvals from the City of Oakland and the Oakland Redevelopment Agency to redevelop the 64-acre site with 3,100 residential dwelling units, 200,000 square feet of ground floor retail/commercial space, and approximately 28 acres of parks. As part of the project, changes were proposed to Estuary Park including re-vegetation of the 3.5-acre lawn/play field, shoreline protection, and improvements to the Bay Trail. Environmental impacts related to this project were evaluated in Oak to Ninth Avenue project Environmental Impact Report, August, 2005.

- *Jack London Square Redevelopment.* The Jack London Square Redevelopment area is located between The Embarcadero, Harrison Street, Alice Street, and 2nd Street, and was approved by the City Council in April 2004. The proposed redevelopment would include approximately 1.2 million square feet of mixed-use, retail, commercial and office space; a 1,700 seat movie theater; and a 250 room hotel.
- *Cathedral of Christ the Light.* This project would construct a 255,000 square foot cathedral at the intersection of Harrison Street and Grand Avenue.
- *1443 Alice Street.* The 1443 Alice Street project is a 241-unit residential (condominium) development. The project includes preservation of the existing 5-story Alice Street parking garage (with two subsurface parking levels); expansion of the parking garage to Harrison Street; approximately 30,000 square feet (floors six and seven) of general personal service use; and construction of 241 residential units in a 28-story tower above the parking garage and general personal services use.
- *226 13th Street.* The 226 13th Street is a residential/commercial development that would be located in Downtown Oakland. It would include 356 residential units and over 36,000 square feet of retail space.
- *377 2nd Street.* The 377 2nd Street project would include 96 residential units and approximately 4,000 square feet of retail space.
- *100 Grand Avenue.* The 100 Grand Avenue project is a 241-unit residential development that would be located in Downtown Oakland.

2. Impacts and Mitigation Measures

This section analyzes environmental impacts related to land uses that could result from implementation of the project components. The section begins with criteria of significance, which establish the thresholds for determining whether an impact is significant. The latter part of this section presents the impacts associated with the proposed project and identifies mitigation measures, as appropriate.

a. Criteria of Significance. Implementation of the project components would have a significant land use impact if they would:

- 1) Physically divide an established community;
- 2) Result in a fundamental conflict between adjacent or nearby land uses;
- 3) Fundamentally conflict with any applicable land use plan, policy, or regulation of agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local

coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect and actually result in a physical change in the environment; or

- 4) Fundamentally conflict with any applicable habitat conservation plan or natural community conservation plan.

The level of impact to land use is discussed in the following section and summarized in Table IV.A-1.

Table IV.A-1: Summary of Potential Impacts - Land Use

Would the Project:	Project Group ^a			
	Group 1 Lake Merritt	Group 2 Waterfront Trail	Group 3 Recreational Facilities	Group 4 City-wide Creeks
1) Physically divide an established community?	==	==	==	==
2) Result in a fundamental conflict between adjacent or nearby land uses?	○	● LAND-1	==	○
3) Fundamentally conflict with any applicable land use plan, policy, or regulation of agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect and actually result in a physical change in the environment?	Conformance with land use policies is described in Section IV.B of the Draft EIR.			
4) Fundamentally conflict with any applicable habitat conservation plan or natural community conservation plan	==	==	==	==

^a The Lake Merritt and Waterfront Trail groups are analyzed at the project level. The Recreational Facilities and City-wide Creeks groups are analyzed at the program level. The level of impact and the proposed mitigation measure, if any, are identified as follows:

- == No impact
- Less-than-Significant or Less-than-Significant with standard Conditions of Approval
- Reduced to Less-than-Significant after recommended mitigation
- Significant
- NA Not Applicable

LAND-1, etc. identifies the mitigation measure, if any, that addresses the impact and reduces it to a level that is less than significant.

Source: LSA Associates, 2007

b. Impacts and Mitigation Measures Applicable to all Project Components. Most of the potential land use impacts that would result from implementation of Measure DD would be essentially the same for each of the four project groups, as described below.

(1) Divide an Established Community. The physical division of an established community typically refers to the construction of a physical feature (such as an interstate highway or railroad tracks) or removal of a means of access (such as a local road or bridge) that would impair mobility within an existing community, or between a community and outlying area. For instance, the construction of an interstate highway through an existing community may constrain travel from one side of the community to another; similarly, such construction may also impair travel to areas outside the community. None of the proposed project components would divide an established community.

Lake Merritt and Lake Merritt Channel (Group 1). The proposed Measure DD components near Lake Merritt and the Lake Merritt Channel consist of improvements to recreational facilities, landscaping, and water quality, and replacement or realignment of streets and bridges. None of the recreational facilities, water quality, or landscaping improvements would physically divide a community, either temporarily during construction or on a permanent basis. Construction along 12th Street would be staged to provide pedestrian and traffic connections between the east and west sides of Lake Merritt during construction. Any bridge or street closures would be temporary and alternate routes would be provided for traffic and pedestrians. Several roadway improvements are proposed along Lakeshore Drive, Lakeside Avenue, Bellevue Avenue and at the Lakeside-Harrison-20th Street intersection. While there may be temporary closures associated with construction along these streets, none of the improvements would permanently divide a neighborhood, and all roadway improvements would include a means of rerouting traffic and facilitating pedestrian access across the roadways during construction.

Waterfront Trail (Group 2). The proposed Waterfront Trail components would be constructed along the waterfront, would improve waterfront access and use, and would not divide an established community.

Recreational Facilities (Group 3). Studio One would be renovated at its current location and the East Oakland Sports Complex would be constructed within an existing park. Neither would divide an established community.

City-wide Creeks (Group 4). The proposed City-wide Creeks components would restore, preserve and acquire areas adjacent to creeks for the purpose of improving water quality, hydrology and wildlife habitat and to prevent floods, improve public accessibility and increase community stewardship. Specific creek restoration activities may include creek bank stabilization, riparian habitat restoration, hydrology restoration, public education displays, erosion control, and introduction of native wildlife. None of the proposed components within this group would divide an established community.

(2) **Create a Land Use Conflict.** The potential impacts associated with land use conflicts are somewhat unique to each group and are discussed below in Section IV.A-2c.

(3) **Conflict with Land Use Policy.** Potential land use policy conflict is described in detail in Section IV.B, Planning Policy. Conflicts between a project and applicable policies do not constitute significant physical environmental impacts in and of themselves. A policy inconsistency is considered to be a significant adverse environmental impact only when it is related to a policy adopted for the purpose of avoiding or mitigating an environmental effect and it is anticipated that the inconsistency would result in a significant adverse physical impact based on the established significance criteria.

(4) **Conflict with a Habitat Conservation Plan.** The areas covered by the Measure DD Implementation Project are not currently subject to any adopted habitat conservation plans or natural community conservation plans.

c. Impacts and Mitigation Measures Unique to Specific Project Components. This section describes potential land use impacts that are unique to individual project components.

(1) **Divide an Established Community.** There are no component-specific impacts associated with this criterion. Potential impacts associated with this criterion are discussed above in Section IV.A-2b(1).

(2) **Create a Land Use Conflict.** The potential land use conflicts associated with each group are discussed below.

Lake Merritt and Lake Merritt Channel (Group 1). The proposed components of Measure DD implementation situated around Lake Merritt and along Lake Merritt Channel consist of recreational facility improvements, channel improvements, bridge replacements, water quality and landscaping improvements, and roadway improvements. No new land uses that do not already exist in the immediate project area would be introduced to Lake Merritt or the Channel, and no land use incompatibility is expected to result from the Lake Merritt or Lake Merritt Channel improvements.

Waterfront Trail (Group 2). The Estuary Policy Plan envisions recreational, commercial and industrial uses along the Waterfront Trail area. The proposed Waterfront Trail components would upgrade existing trails, install new trail segments and parks, and clean-up contaminated properties. Most Waterfront Trail components would not create a potential land use conflict. However, installation of the Waterfront Trail along the Hanson Aggregate Trail Connection could result in a significant land use conflict because it would create a site-specific safety hazard.

Impact LAND-1 (Group 2): Installation of the Hanson Aggregate Trail Connection could result in a land use compatibility conflict. (S)

The proposed segment of the Waterfront Trail that would cross the Hanson Aggregate property would pass beneath a conveyor belt used to offload gravel and sand from barges in the Tidal Canal approximately four times a week. This is identified as a potential land use conflict as two non-complementary land uses would be occupying the same site. During operation of the conveyor belt, materials could fall from the conveyor belt and strike trail users. Safety measures would be required to ensure that materials do not strike trail users as they pass beneath the conveyor belt while it is in operation.

Mitigation Measure LAND-1: A steel canopy shall be designed by a registered professional engineer, the design shall be reviewed by a safety professional, and the canopy shall be installed by the City under the conveyor belt to protect pedestrians using the trail. The canopy shall be installed prior to the opening of this segment of the Waterfront Trail. Implementation of this mitigation measure would reduce Impact LAND-1 to a less-than-significant level. However, this measure is dependent upon the City successfully entering into an agreement with the property owner to construct the steel canopy. Because the mitigation measure is needed to prevent a safety hazard as well as a land use conflict, the City shall not construct the trail across the property without including the protective canopy in the project design while the conveyor is in operation on the site. Should the property owner decline to allow the City to construct the canopy, the City shall not construct the trail on the property and instead reroute it onto City streets until such time as the use of the conveyor ceases or the property owner agrees to allow the City to construct the canopy. (LTS)

Recreational Facilities (Group 3). Studio One and the East Oakland Sports Complex would be located on sites that are currently used for the same or similar recreational activities and the proposed components would have no impact on land use in these areas.

City-wide Creeks (Group 4). The City-wide Creeks group would restore, preserve and acquire areas adjacent to creeks for the purpose of improving water quality, hydrology and wildlife habitat and to prevent floods, improve public accessibility and increase community stewardship. Specific activities may include creek bank stabilization, riparian habitat restoration, hydrology restoration, public education displays, erosion control, and introduction of native wildlife. Because the proposed work would occur adjacent to existing creeks in parks or residential areas and would not change the fundamental land use of the site, none of these activities would create a land use conflict.