

1 **4.2 LAND USE**

2 Redevelopment would result in benefits to study area land use, as well as one potentially
3 significant impact related to land use compatibility. With implementation of measures
4 recommended in this section, this impact would be mitigated to a level that is less than
5 significant.

4.2.1 Study Area

6 The study area for land use is the approximately 1,800-acre project area, plus adjacent and
7 nearby land uses that may affect or be affected by redevelopment.

8 The Oakland Army Base (OARB) area project area is located within the corporate limits of the
9 City of Oakland. It is also within the land use jurisdiction of several entities, as illustrated by
10 Figure 4.2-1. Some land use jurisdictional boundaries would be reconfigured as a part of
11 redevelopment.

4.2.2 Regulatory Setting

12 The following identifies relevant land use regulations, laws, and documents. Specific relevant
13 policies of planning and land use documents are discussed in Section 4.1: Consistency with
14 Plans and Policies.

Federal

15 There are no relevant federal laws, regulations, or policies regarding land use.

State/Regional

16 **California Constitution.** Article XI, Section 7 of the California State Constitution is the primary
17 authority for cities and counties to regulate land use. California State Planning and Land Use
18 Law (Government Code § 65000 *et seq.*) sets forth minimum standards to be observed in local
19 land use regulatory practices, reserving in cities and counties the maximum degree of control
20 over such matters.

21 The state mandates local land use permitting agencies to have general plans (Government
22 Code § 65000 *et seq.*). The general plan has been likened to a “constitution,” governing
23 development in the jurisdiction. There are few regional requirements for plan consistency
24 between counties and cities. The general plan land use element delineates the general
25 distribution, location, and extent of local development patterns and land use. See discussion of
26 the City of Oakland’s jurisdiction, below.

27 Section 4.1: Consistency with Plans and Policies, describes the land use authority of two state
28 agencies, BCDC and the California SLC, in the study area.

1 **Airport Land Use Commission of Alameda County.** The ALUC exerts authority over in-
2 county development to ensure its compatibility with existing and planned air transportation
3 operations. In December 1999, the ALUC amended the *Airport Land Use Policy Plan* via
4 resolution to remove reference to the nearby former Naval Air Station (NAS) Alameda (ALUC
5 1999; Alameda County 2001). See Section 4.1: Consistency with Plans and Policies, for full
6 discussion of the Airport Land Use Policy Plan.

7 **The East Bay Regional Park District.** The EBRPD is charged with developing and operating a
8 regional recreation/park/public access system for the East Bay. The EBRPD’s Master Plan
9 (1996) does not identify proposed regional parks in the project area. However, EBRPD has
10 requested land located at the westernmost tip of the Bay Bridge touchdown peninsula for use as
11 a public park. See Section 4.1: Consistency with Plans and Policies, for full discussion of
12 EBRPD’s Master Plan.

13 **Local**

14 The OARB, entirely located within the project area, is currently under concurrent federal (U.S.
15 Army) and City jurisdiction. A portion of the project area is located within the current Port of
16 Oakland area boundary, and as such, is not subject to City of Oakland zoning under the City
17 Charter; however, activities on Port land within the City of Oakland must demonstrate
18 conformance with the City’s General Plan.

19 **City of Oakland.** The most relevant local land use document is the City of Oakland’s General
20 Plan—in particular, the Land Use and Transportation Element (1998a) (LUTE). The project area
21 is located entirely within the West Oakland Planning Area of the LUTE. The project area is
22 identified as an area slated for growth and change; with reuse of OARB and the Amtrak
23 (formerly Southern Pacific Railroad [SPRR]) station site and key elements of the overall West
24 Oakland improvement strategy (City of Oakland 1998a).

25 The LUTE further describes the structure of Oakland as follows:

- 26 • Five distinct “Showcase Districts” represent the major regional economic generators located
27 within the City.
- 28 • Major “City Corridors” are thoroughfares whose original purpose was to link areas of the
29 City, prior to establishment of the regional freeway system.
- 30 • Numerous “Neighborhoods and Activity Centers” are the focus of commerce, civic activity,
31 and community identity throughout the City.
- 32 • Nine “Transit Oriented Districts” are intended to take advantage of major region-serving
33 public transportation hubs—the eight Oakland Bay Area Rapid Transit (BART) stations and
34 the Eastmont Town Center Alameda County Transit (AC Transit) hub.

1 insert (color)

Figure 4.2-1 Study Area Jurisdictions

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1 A portion of the project area is located within the Seaport Showcase District. A relatively short
2 segment of West Grand Avenue, an east-west trending City Corridor, traverses the northern
3 portion of the project area. The West Oakland Prescott Neighborhood is adjacent to the
4 16th/Wood sub-district. The West Oakland BART station, a Transit-Oriented District, is located
5 north of the southern portion of the project area; the City is planning a transit village for that
6 area.

7 A key portion of the LUTE is the land use diagram that illustrates potential future development in
8 Oakland. The land use diagram depicts 15 different land use classifications that represent the
9 type and intensity of allowable future development. Each classification establishes allowable
10 intensity and/or density maximums, and each is additionally described in terms of intent, as well
11 as desired character and uses.

12 The Oakland Planning Code (Title 17 of the Oakland Municipal Code) identifies 37 different
13 zones and associated regulations that define all or some of the following for each zone:

- 14 • permitted, conditionally permitted, and prohibited activities and facilities;
- 15 • design review for specific facilities;
- 16 • special regulations or performance standards for specific facilities or activities;
- 17 • parameters for signs, frontage, building height, and yard size;
- 18 • buffering and landscaping requirements; and
- 19 • other miscellaneous provisions.

20 The Planning Code also identifies 10 “combining” zones. These zones are intended to address
21 specific issues (e.g., preserving valuable resources; ensuring adequate transitions between
22 adjacent residential and industrial zones, etc.), and which, as the name implies, are combined
23 with existing zoning to impose additional requirements in specific areas of the City.

4.2.3 Regional Setting

24 The region under consideration is the 3,825-acre West Oakland Planning Area of the Oakland
25 General Plan. The approximately 3,800-acre region of interest, including the project area, is
26 located in western Alameda County, within and along the shoreline of San Francisco Bay, in the
27 northwestern portion of the City of Oakland. The region is bounded by I-580 to the north, the
28 Oakland Estuary to the south, I-980 and approximately Martin Luther King Way to the east, and
29 San Francisco Bay to the west.

Existing Land Uses

30 The entire region under consideration is urbanized, and although specific parcels may be vacant
31 or underdeveloped, they are surrounded by urban development. Land uses of the region reflect
32 its proximity to the waterfront, and historically included ship-building and associated worker

residences and industrial support, and rail yards, as well as substantial acreage dedicated to waterfront military and port facilities. Currently, light industrial, industrial, transportation, and other non-residential uses intermix with older residential uses. Many areas are blighted where older housing intermixes with or is adjacent to historically industrial uses (Hausrath Economics Group [HEG] 2000).

Planned Land Uses

Estimated acreages of planned land uses in the year 2015 are presented in Table 4.2-1.

Planned land use in the region of consideration is predominately General Industry/Transportation, and Business Mix, with substantial Mixed Housing Residential. Note that the vast majority of planned General Industry/Transportation uses within the region under consideration are located within the study area.

**Table 4.2-1
Projected 2015 Regional Land Uses**

Land Use Classification ^a	Acreage	Percent of Plan Area
Mixed Housing Residential	590	15.4
Urban Residential	170	4.4
Neighborhood Center Mixed Use	50	1.3
Community Commercial	95	2.5
Housing and Business Mix	40	1.1
Regional Commercial	70	1.8
Business Mix	795	20.8
General Industry/Transportation	1,655	43.3
Institutional	40	1.1
Resource Conservation	140	3.7
Parks & Urban Open Space	180	4.6
Total	3,825	100.0

Source: City of Oakland 1998a

Note:

^a See Appendix 4.2 for a description of land use classifications

4.2.4 Local Setting

Existing Land Uses

Figures 4.11-3a through 4.11-3d (Section 4.11: Aesthetics) primarily document typical study area visual conditions, and also document land uses. Land use across the study area is oriented toward transportation facilities, and industry that requires or desires ready access to excellent transportation facilities. This includes the OARB, whose proximity to the Bay was critical to its mission to transport troops and military provisions. Compared to the region under consideration, study area land uses are overwhelmingly general industry/transportation or uses supporting general industry/transportation. In addition, the study area contains approximately seven acres of public park and open space, and another 30 acres of park under construction. Other than the 20 Phoenix loft live/work units, which are considered commercial uses under City of Oakland zoning, there are no residential uses in the study area. The following description of land use in the study area is excerpted or modified from *Report to the City Council: Oakland Army Base Redevelopment Project* (HEG 2000).

OARB Sub-District. As its name indicates, this sub-district generally comprises the OARB. An irregularly shaped facility, OARB is roughly bounded by San Francisco Bay and the industrial Port of Oakland to the west, I-80 and the industrial main East Bay Municipal Utility District Waste Water Treatment Plant to the north, I-880 to the east, and 7th Street and industrial Port

1 and Union Pacific facilities to the south. While some vacant or underdeveloped parcels exist—
2 most notably the Subaru lot, the Baldwin Yard, and the Gateway peninsula¹—the majority of the
3 OARB is developed, with floor-area ratios exceeding 50 percent in some areas.

4 Formerly known as the Oakland Army Terminal, OARB was first commissioned in 1941 as a
5 port and trans-shipment facility. During World War II, it served as a major cargo port and
6 warehousing facility. Many existing improvements at OARB were originally constructed during
7 this period of intensive use. Currently, the OBRA operates an interim leasing program that
8 places tenants at the OARB during the interim base reuse planning period, when the Base is no
9 longer in use by the military, but is not yet redeveloped for its permanent non-military uses.
10 Interim leases expire at various future dates. The Port is a major sublessor under this program.

11 Maritime Street, a wide boulevard that provides truck access to the freeway system, bisects the
12 OARB. Portions of the Base to the west of Maritime Street were developed for rail and marine
13 transportation (berthing, loading and unloading of cargo, storage), and continue to serve that
14 purpose under the interim leasing program. In addition, the main OARB administration building
15 (Building No. 1) is located west of Maritime Street; this facility is currently vacant. East of
16 Maritime Street, interim leasing uses include transportation (trucking, warehousing, etc.), office
17 (military, public, private), commercial (restaurant, health club, etc.), light industrial (woodworking
18 facility, mobile recycling, etc.), and community services. Community services include offices and
19 classrooms for the Head Start program, the Oakland Military Institute College Preparatory
20 Academy (currently, approximately 150 7th grade students); a church, office and/or warehouse
21 space for several community service groups, a seasonal (cold-weather) supplemental homeless
22 shelter, food bank, and two baseball fields used by local little league teams. There are no
23 occupied residences in the OARB sub-district.

24 This sub-district west of existing Maritime Street is currently subject to provisions of the Public
25 Trust, including land use authority of the SLC (see above, under Regulatory Setting). In
26 addition, the Baldwin Yard site and the Port development area are designated Port Priority Use
27 areas in the Bay and Seaport plans, and are subject to the limited land use authority of BCDC.

28 **Maritime Sub-District.** The Maritime sub-district encompasses much of the area to the west
29 and south of OARB. It includes 11 existing marine terminals and associated infrastructure—
30 large cargo cranes, administration facilities, truck entry/exit gates, and large areas for container
31 storage—along the Oakland Outer and Inner harbors. It also includes the approximately 4.5-
32 acre Port View Park located along the shoreline of Middle Harbor. Finally, this area includes the
33 Port of Oakland's new Vision 2000 Maritime improvements near the Inner and Middle harbors,
34 including approximately 270 acres of marine terminals and associated infrastructure, a 35 acre
35 waterfront park, the Joint Intermodal Terminal (JIT) railyard, and reconfigured area roadways
36 and bicycle/pedestrian facilities. The majority of this sub-district is highly industrialized. There

¹ Several small buildings are located at the Gateway peninsula: a Caltrans building and an East Bay Municipal Utilities District (EBMUD) structure, which houses a dechlorination station.

1 are no residential communities in the Maritime sub-district, although the Phoenix Lofts, a 20-unit
2 development, is located at 2nd and Brush streets, just within the extreme southeast boundary of
3 this sub-district.

4 The industrial Amtrak maintenance facility is located on Bay Street on a triangular-shaped
5 parcel bounded by OARB to the northwest, I-880 to the northeast, and 7th Street to the south.
6 The Davis substation, a major electric distribution facility, is located immediately north of 7th
7 street, and is bounded to the northwest by Maritime Street, and to the northeast by 7th Street
8 Extension.

9 This sub-district west of existing Maritime Street is currently subject to provisions of the Public
10 Trust, including land use authority of the SLC (see above, under Regulatory Setting). In
11 addition, nearly the entire sub-district is designated Port Priority Use in the Bay and Seaport
12 plans, subject to the limited land use authority of BCDC.

13 **16th/Wood Sub-District.** The 16th/Wood sub-district is located east of the eastern boundary of
14 the OARB. This long, narrow sub-district is adjacent to I-880. The historic industrial and
15 transportation hub of Oakland was located in the westernmost portion of the City, and this sub-
16 district represents the eastern portion of that hub. The relocation of I-880 after the Loma Prieta
17 earthquake of 1989 isolated this “slice” of industrial and transportation uses east of the freeway
18 from the remainder of similar uses located west of the freeway. In addition to I-880, existing
19 linear railroad tracks of the Desert railyard also separate the 16th/Wood sub-district from the
20 Maritime sub-district.

21 A large portion of the 16th/Wood sub-district, former rail and industrial use, is currently not in
22 use. This includes the Southern Pacific Railroad (Amtrak) station site, a historic landmark
23 located at 16th and Wood streets. The Phoenix Ironworks site, a former manufacturing facility
24 located in the southern portion of the sub-district, is now vacant. Some industrial and
25 transportation uses remain in portions of the sub-district, including recycling, container storage,
26 warehousing and distribution, and other miscellaneous business and light industrial uses. No
27 residential communities or occupied residences are located in the 16th/Wood sub-district.
28 Residences are located directly adjacent to and across Wood Street from the southern portion
29 of the vacant Phoenix Ironworks site.

Planned Land Uses of the Oakland General Plan

30 The current LUTE identifies planned land uses for the study area as depicted on Figure 3-6a
31 (Chapter 3: Description). As illustrated, the majority of the study area is classified General
32 Industry and Transportation, generally related to Port operations. The OARB east of existing
33 Maritime Street and the Subaru site, as well as the entire 16th/Wood sub-district, are designated
34 Business Mix. The tip of the Gateway peninsula and Middle Harbor shoreline are designated
35 Park & Urban Open Space.

Zoning

1 Although those portions of the study area within the Port Area line are not subject to zoning
2 under the City Charter, City zoning maps nevertheless include these areas as indicated. The
3 entire study area is zoned industrial—M-20 (Light Industrial), M-30 (General Industrial), or M-40
4 (Heavy Industrial). From 20th Street to 8^h Street, the majority of the 16th/Wood sub-district is
5 additionally classified as S-16 (Industrial-Residential Transition Combining zone). Regulations of
6 the S-16 combining zone restrict industrial densities, activities, and facilities to reduce effects of
7 industrial land uses on abutting or nearby residential uses. Depending on the underlying
8 General Plan land use classification, S-16 zoning may allow live-work land uses.

4.2.5 Impact Analysis Methodology

9 Impact analysis related to land use is straightforward, and limited to the criteria described below.

Significance Criteria

10 Redevelopment would have a significant impact on the environment if it would:

- 11 • Physically divide an established community; or
- 12 • Result in a fundamental conflict between adjacent or nearby land uses.

13 Not all criteria above apply to redevelopment as proposed. A small permanent residential
14 population is located on the boundary of the Maritime sub-district. Redevelopment would not
15 divide or otherwise affect that population. No substantial permanent population exists that could
16 be directly divided by development.

4.2.6 Impacts

17 As part of proposed redevelopment, the SLC is expected to transfer the obligations of the Public
18 (Tidelands) Trust from the Gateway development area to the Port development area. This would
19 allow the City to develop the Gateway area in non-Trust uses as set forth in the Reuse Plan,
20 and would obligate the Port to develop the Port development area in land uses consistent with
21 the Trust and with Port operations.

22 With transfer of property to the Port from the ORA, the Port and City would adjust the Port Area
23 boundary line. The Port Area line delineates those lands under Port land use control.

Benefits

24 Redevelopment is intended to result in more vibrant and logical land uses in the study area, and
25 to eliminate current land use conflicts. This would be a substantial benefit to the local area, as
26 well as to the entire City of Oakland.

27 Redevelopment proposes the land use classifications and zoning designations described in
28 Chapter 3: Description, and illustrated by Figure 3-6b. The majority of the Gateway development
29 area would be classified Business Mix, with some Park & Urban Open Space. This would result

1 in a vibrant business/commercial mixed use, as well as opportunities for waterfront public
2 access consistent with district-wide redevelopment. The Port development area and the entire
3 Maritime sub-district would be classified General Industrial/Transportation and zoned industrial,
4 consistent with the industrial Oakland waterfront, BCDC Port Priority Use designation, and SLC
5 public trust obligations. The 16th/Wood sub-district would be classified Business Mix. It would be
6 zoned as appropriate, at the time the City undertakes City-wide revision of its zoning
7 regulations. The majority of the sub-district is zoned with the S-16 combining overlay. This
8 combining zoning classification is intended to create a transition between non-residential and
9 residential uses.

Impacts

10 **Impact 4.2-1:** Under proposed redevelopment, dissimilar land uses may be located
11 proximate to one another.

12 **Significance:** Potentially significant (Gateway and Port development areas)
13 Less than significant (16th/Wood Sub-district)

14 **Mitigation 4.2-1:** The City shall ensure that Gateway development area redevelopment
15 activities adjacent to Port of Oakland industrial maritime facilities are
16 designed to minimize any land use incompatibilities to the extent
17 feasible.

18 **Mitigation 4.2-2:** If any land use incompatibility is subsequently identified, the Port of
19 Oakland shall use its best efforts, consistent with meeting cargo
20 throughput demand, to locate maritime activities that could result in
21 land use incompatibilities as far away from the property boundary as
22 feasible.

23 **Mitigation 4.2-3:** The City and Port shall coordinate to implement Mitigation Measures
24 4.2-1 and 4.2-2; if despite these efforts, subsequent land use
25 incompatibilities are identified, the Port and City shall jointly develop,
26 implement, and fund on a fair share basis additional strategies to
27 reduce incompatibilities.

28 **Residual Significance:** Less than significant

29 The Gateway development area is entirely separated from incompatible residential land uses
30 located to the southeast by the elevated I-880 freeway. Due to its industrial nature and potential
31 for odors, the EBMUD Main WWTP, located east of the Gateway development area, represents
32 a potential incompatibility with people-attracting land uses. That portion of the Gateway
33 development area slated for the greatest people-attracting uses (Office, R&D, the Gateway
34 Park) is separated from the WWTP by elevated West Grand Avenue. The portion of the
35 Gateway development area above Grand Avenue nearest the EBMUD WWTP would include
36 industrial-type land uses such as Ancillary Maritime Support at the Baldwin Yard, and

1 Warehouse/Distribution or Light Industrial at the Subaru site. These land uses are more
2 industrial in nature and less people-attracting than those proposed for the Gateway
3 development area below West Grand Avenue. In addition, due to their industrial nature, the
4 sensitivity of these uses to potential occasional odor events is low. Based on prevailing wind
5 patterns, the Gateway development area is located upwind from the WWTP. While odor
6 incidents may occasionally occur at the Gateway development area, such incidents are not
7 expected to occur with such frequency that odors would result in a fundamental land use
8 incompatibility, and the impact is considered less than significant. See Section 4.3: Air Quality,
9 regarding impacts to air quality related to odors.

10 Under redevelopment, the Port development area would include a railyard on the site of the
11 existing, but non-operating Knight railyard, as well as on the site of former Army warehouses.
12 The Port's new railyard would be larger and more active than the former Knight railyard. This
13 new railyard, an industrial use, would be separated from incompatible residential uses located in
14 West Oakland to the east and southeast by the elevated I-880 freeway and existing rail uses.
15 The new railyard is not expected to result in a fundamental land use incompatibility, and the
16 impact is considered less than significant. The southeasternmost portion of the Maritime sub-
17 district includes and is adjacent to non-industrial uses; however, this portion of the sub-district is
18 built out, and redevelopment is not expected to result in substantial changes to land use. The
19 northeasternmost portion of the Maritime sub-district is expected to be developed as maritime-
20 related industrial. This land use is in keeping with the current industrial nature of development
21 located immediately above West Grand Avenue and adjacent to I-880.

22 The types of land uses planned for the Gateway and the Port development areas are distinctly
23 different—the former is proposed to be a mix of business and office uses, and the latter would
24 be entirely heavy industry. In some instances these dissimilar uses would be separated and
25 buffered from one another by major infrastructure. For example, Maritime Street would separate
26 a major industrial rail facility from the Gateway development area. However, at the interface of
27 the Gateway development area and the Port development area near New Berth 21, potential
28 exists for heavy industrial maritime land uses to be located immediately adjacent to dissimilar
29 job training, Office, R&D, or Light Industrial uses. The Port maintains that this situation is similar
30 to the Howard Terminal, which is immediately adjacent to the Jack London Square development
31 and which has not experienced land use conflicts. However, because occurrence of this impact
32 depends on site-specific design not currently defined, the impact is considered potentially
33 significant. With implementation of Mitigation Measures 4.2-1, 4.2-2 and 4.2-3, the potential
34 impact would be avoided or minimized, and the residual impact is considered less than
35 significant.

36 The 16th/Wood sub-district may include new light industrial, office, some commercial, and live-
37 work land uses proximate to existing residential land uses. This area is and is expected to
38 remain zoned S-16, or an equivalent classification specifically intended to provide appropriate
39 transitions between non-residential and nearby residential land uses. Therefore, redevelopment

1 of this sub-district is not expected to result in fundamental land use incompatibilities, and the
2 impact is considered less than significant.

3 In addition to the impacts discussed above, impacts related to nuisances that could contribute to
4 land use incompatibilities are also discussed in Section 4.4: Air Quality, and Section 4.5: Noise.



4.2.7 Mitigation

5 Implementation of the following mitigation measures will avoid, minimize, reduce, rectify, or
6 compensate for significant impacts of redevelopment. Both measures described below require
7 the City and Port to work cooperatively at the boundary of their jurisdictions to achieve a
8 satisfactory outcome.

9 **Mitigation 4.2-1:** The City shall ensure that Gateway development area redevelopment
10 activities adjacent to Port of Oakland industrial maritime facilities are designed to minimize any
11 land use incompatibilities to the extent feasible.

12 This measure applies to Impact 4.2-1.

13 Design of Gateway development area activities adjacent to Port activities at New Berth 21 shall
14 be designed to avoid or minimize land use incompatibilities through such measures as, the
15 placement of least sensitive elements (such as parking, waste collection, storage, etc.) toward
16 Port facilities. The City shall take compatibility of uses into consideration during planning and
17 design review.



19 **Mitigation 4.2-2:** If any land use incompatibility is subsequently identified, the Port of Oakland
20 shall use its best efforts, consistent with meeting cargo throughput demand, to locate maritime
21 activities that could result in land use incompatibilities as far away from the property boundary
22 as feasible.

23 This measure applies to Impact 4.2-1.

24 The Port of Oakland shall design its New Berth 21 facility to avoid or minimize land use
25 incompatibilities by locating to the extent feasible the most noisy, most polluting, and least
26 attractive of its elements away from the Gateway/Port development area boundary.



28 **Mitigation 4.2-3:** The City and Port shall coordinate to implement Mitigation Measures 4.2-1
29 and 4.2-2; if despite these efforts, subsequent land use incompatibilities are identified, the Port

1 and City shall jointly develop, implement, and fund on a fair share basis additional strategies to
2 reduce incompatibilities.

3 This measure applies to Impact 4.2-1.

4 Strategies to reduce incompatibility may include and are not limited to the following:

- 5 • setbacks from the property line;
- 6 • landscape buffering; and
- 7 • fencing or walls.

