

Project Address: OAKLAND INNER HARBOR CANAL - ALAMEDA CA APN: 999-9999-999-99

Property on the Alameda Historical Buildings Study List?  No / Yes – Designation: \_\_\_\_\_

Property subject to a Business/Homeowners Association?  No / Yes - Association Name: \_\_\_\_\_

Check all applicable permits: (\* indicates supplemental forms required)

- |   |   |  |
|---|---|--|
| <input type="checkbox"/> Design Review*                 | <input type="checkbox"/> Rezoning                 | <input type="checkbox"/> Use Permit*                               |
| <input type="checkbox"/> General Plan Amendment         | <input type="checkbox"/> Second Unit Application* | <input type="checkbox"/> Variance*                                 |
| <input type="checkbox"/> Certificate of Approval*       | <input type="checkbox"/> Sign Permit*             | <input type="checkbox"/> Zoning Compliance Determination           |
| <input type="checkbox"/> Planned Development Amendment* | <input checked="" type="checkbox"/> Subdivision*  | <input checked="" type="checkbox"/> Other: <u>ZONING AMENDMENT</u> |

Project Description: (attach additional sheets if necessary) \_\_\_\_\_

Subdivide the canal parcel into multiple lots to facilitate the property transfer from federal ownership to private ownership and to allow enforcement of City's building and zoning codes.

Property Owner(s): US Army Corps of Engineers

Address: 1455 Market St. #16 City: San Francisco State: Ca. Zip: 94103

Email: \_\_\_\_\_ Phone: 415-503-6988 (mobile): \_\_\_\_\_

Applicant(s): (if different from owner) City of Alameda c/o City Attorney's Office

Address: 2263 Santa Clara Avenue City: Alameda State: CA Zip: 94501-4477

Email: Apenick@AlamedaCityAttorney.org Phone: 510.747.4763 (mobile): \_\_\_\_\_

Hazardous Materials: Pursuant to CA Gov't Code Section 56962.5 regarding notifying the City of hazardous waste and/or hazardous substance sites, the project site:  IS /  IS NOT (check which applies) included on any of the hazardous waste or substances lists consolidated by the State of California. If on a list, provide the following information:

Reg. ID #: SEE ATTACHMENT 1 Problem: \_\_\_\_\_ Date of List: \_\_\_\_\_

Fee Refunds shall be issued to:  OWNER  APPLICANT  OTHER (provide contact information below)

Name: City of Alameda Address: 2263 Santa Clara Avenue, Rm 280, Alameda 94501

Phone: 510-747-4763 Email: APENICK@ALAMEDACITYATTORNEY.ORG

Property Owner: I hereby certify under penalty of perjury, that I am the owner of record of the property described herein and that I consent to the action requested herein. Further, I hereby authorize the City of Alameda employees and officers to enter upon the subject property as necessary to inspect the premises and process this application.

John L. Moran  
 Property Owner(s) Signature Required DISTRICT ENGINEER. Date 31 MAY 2016

Property Owner/Applicant: I hereby certify that I have read this application form and that information in this application and all the exhibits are true and correct. I understand that any misstatement or omission of the requested information or of any information subsequently requested may be grounds for rejecting the application, deeming the application incomplete, denying the application, suspending or revoking a permit issued on the basis of these or subsequent representation, or for the seeking of such other and further relief as may seem proper to the City of Alameda. For applications subject to a time and materials charge, I hereby agree to pay the City of Alameda all incurred costs for staff time and materials associated with review and processing of this application, even if the application is withdrawn or not approved. I understand that one or more deposits may be required to cover the cost noted herein at such time as required by the Community Development Director to ensure there are adequate funds to cover anticipated time and material costs. I expressly acknowledge and agree that failure to pay a written invoice for additional funds within 14 days of date of invoice shall constitute the applicant's withdrawal of the application. I further acknowledge that some application fees are non-refundable and payment does not guarantee approval of the application.

Andrew Q. Penick  
 Owner/Applicant Signature Andrew Q. Penick, Assistant City Attorney Date 5/31/16

FOR OFFICE USE ONLY

File #: \_\_\_\_\_ Date Received: \_\_\_\_\_ Received By: \_\_\_\_\_

Zoning: \_\_\_\_\_ GP: \_\_\_\_\_

**30-78.1 - Information Required for Tentative Map.**

The tentative map of a subdivision shall be twenty-two inches by thirty inches (22" x 30") in size and drawn to a scale of one inch equals not more than fifty feet (1" = 50') and shall be prepared by a licensed land surveyor or a registered civil engineer and shall contain the following information:

- a. The tract number or other description as established by the recorder of the County of Alameda, State of California.
- b. A description and delineation sufficient to define the location and boundaries of the tract. Political subdivision lines and important survey lines shall be shown.
- c. Date, north point and scale.
- d. Names and addresses of present owners of record and recording data.
- e. Name and address of the subdivider.
- f. Name and address of the registered engineer or licensed surveyor who prepared the map.
- g. Elevations and/or contours sufficient to determine the general slope of the land and the high and low points thereof.
- h. The locations, names, widths and approximate grades of all ways, roads, streets, highways and railways, existing and proposed within the tract and within the surrounding adjacent lands.
- i. The tract, block and lot names and/or numbers of adjoining subdivisions of record or names of individual lot owners.
- j. The dimensions, locations and purposes of all existing and all proposed streets and sidewalks, easements, walkways, water areas, bulkheads, seawalls, retaining walls or other earth retaining methods, within the tract or adjacent to the tract.
- k. The locations and sizes of sanitary sewers, culverts, and drainage structures, existing and proposed in the tract and adjacent to the tract.
- l. The locations of all water, gas and electric lines, and of all fire hydrants, fire alarm systems, street lights, and any other necessary utilities existing or proposed within the tract or adjacent thereto.
- m. Approximate lot layout and dimensions of each lot. Lots shall be numbered.
- n. The dimensions and locations of any existing buildings which are to remain on the property.
- o. If any portion of any land within the boundaries of a proposed subdivision or adjacent thereto is subject to overflow, inundation or flooding by storm or tidal waters, that portion of the land shall be clearly indicated.
- p. A subdivider's statement to appear upon, or to accompany the Map fully describing the following:
  1. Existing use or uses of the property.
  2. Proposed use or uses of the property.
  3. The improvements and public utilities proposed to be made or installed, and the time at which such improvements are proposed to be completed.
  4. Public areas proposed for dedication, reservation or limited use.
  5. Tree planting and landscaping.
  6. A statement enumerating all items (if any) that are not in conformance with the current City building and zoning codes.
  7. A written request, and reasons therefor, for any exceptions to the provisions of this article, which are deemed necessary to the subdivision by the subdividers.

(Ord. No. 1728 N.S.; Ord. No. 1783 N.S.)

**30-78.3 - Filing of Tentative Map or Parcel Map With Planning Board.**

- a. Four (4) copies of a proposed tentative map or parcel map of the proposed division of any land, together with the additional data required, shall be submitted to the Secretary of the Planning Board.
- b. Repealed.
- c. Upon submittal of a proposed tentative map or parcel map, the Secretary of the Planning Board shall transmit three (3) copies to the City Engineer who shall, within five (5) working days, examine it to determine if it is suitable for review. A map shall be determined suitable for review when it appears to contain all required information in the required form. If the City Engineer finds that the map is not suitable for review, the City Engineer shall return it to the Planning Director with a brief summary of its deficiencies. The Planning Director shall return the map to the subdivider with the summary and/or a summary of the Planning Director's findings of deficiency. If additions to the map are required the subdivider shall resubmit the map. If the City Engineer and the Planning Director find that the map is suitable for review the Planning Director shall issue to the subdivider a memorandum that proposed tentative map or parcel map is suitable for review (MSFR).
- d. After the MSFR is issued the subdivider may submit, to the Secretary of the Planning Board, forty (40) copies of the proposed tentative map or thirty-four (34) copies of the proposed parcel map of the proposed division of land together with a duplicate tracing of such map. The City Engineer shall determine whether the map conforms to all local and State regulations. If no corrections, additions or changes are initiated by the subdivider within fourteen (14) working days of either the submittal of the map or the latest correction, addition, or change thereto initiated by the subdivider, the City Engineer shall issue to the subdivider a memorandum that proposed tentative map or parcel map is suitable for filing (MSFF).
- e. After the MSFF is issued the subdivider shall file with the Secretary of the Planning Board the tentative or parcel map, together with the copies enumerated in paragraph d., at least seventeen (17) working days prior to the Planning Board meeting at which consideration of the map is desired. Upon filing of a tentative map or parcel map, the Secretary of the Planning Board shall transmit copies to other departments and agencies concerned. Each department or agency receiving a copy shall examine the map to ascertain if the proposed division of land conforms to its standards and requirements, and shall, within five (5) working days, submit a written report thereon to the Planning Director who shall submit, seven (7) working days prior to the date of the meeting at which consideration of the map is requested, a written report to the Planning Board, including the comments and recommendations of all departments and agencies concerned.
- f. No maps may be filed until necessary zoning approvals have been secured and an environmental impact report, if required, has been certified for the project covered by the application.
- g. Tentative or parcel maps which the Planning Board authorizes for review by the staff and the Board as part of preliminary plans, pursuant to Section 30-77 of this article meet the procedural requirements of paragraphs a. through e. of this subsection if the City Engineer and City Planning Director issue to the subdivider a memorandum that the tentative map or parcel map is suitable for filing pursuant to Section 30-77 of this article. The memorandum shall be issued only if all reviews and reports required pursuant to paragraphs a. through f. of this subsection have been completed. If said memorandum is issued the tentative or parcel map shall be filed at least eight (8) working days prior to the date of the Planning Board meeting at which consideration of the map is desired. In the event that the subdivider is permitted to submit a map pursuant to Section 30-77 of this article, the subdivider shall pay, in addition to the fees required by paragraph b. of this subsection, the costs of all staff time required to review changes required on the map or supporting documents as result of the changes made by the subdivider or the Planning Board in either the PD or other zoning applications or zoning approval required, pursuant to subsection 30-77.1a. and b. and paragraph f. of this subsection, before maps can be filed under this subsection. The costs for engineering staff shall include all reasonable

engineering costs expended by the City Engineer's office, including overhead. The costs for planning staff shall be set by City Council Resolution.

(Ord. No. 2652 N.S. § 5; Ord. No. 1728 N.S.; Ord. No. 1850 N.S.; Ord. No. 1931 Exh. A No.'s 8, 9 and 10; Ord. No. 2579 N.S. § 8)

#### 30-78.4 - Consideration of Tentative Map or Parcel Map.

- a. The Planning Board shall consider tentative maps or parcel maps of proposed divisions of land as to their excellence of design and improvement, suitability of existing and proposed land use relationship, conformity with zoning and other standards and regulations, and conformity with the various elements of the General Plan.
- b. The Planning Board may require that the subdivider reserve, or may suggest the desirability of his dedicating suitable areas for the schools, parks, and playgrounds and other public sites which will be required for the use and service of the persons who will occupy the subdivision under the plan of proposed property uses. The Planning Board shall suggest such measures as will make for desirable community development.

(Ord. No. 1728 N.S.; Ord. No. 1783 N.S.)

#### 30-78.5 - Action on Tentative Map or Parcel Map.

- a. The Planning Board shall, within fifty (50) days from the date of filing, or instead, if an EIR has been certified, within forty-five (45) days of the certification, determine and file its report with the City Council whether the tentative map or parcel map meets proper standards for design and improvement and meets engineering and other standards of the City, presents an acceptable comprehensive plan, and conforms to the elements of the General Plan, and upon such determination, shall recommend approval, conditional approval, or disapproval of the map. The Board shall not recommend the approval of a tentative map if it makes any of the following findings:
  1. That the proposal is not consistent with applicable General Plans and Specific Plans.
  2. That the design or improvement of the proposed subdivision is not consistent with applicable General Plans and Specific Plans.
  3. That the site is not physically suitable for the type of development.
  4. That the site is not physically suitable for the proposed density of development.
  5. That the design of the subdivision or proposed improvement is likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
  6. That the design of the subdivision or improvement will conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.
  7. That the design of the subdivision or the type of improvements is likely to cause serious public health problems.
- b. The Planning Board shall transmit a report of its action on a tentative map to the City Council, which shall set a date to hear the report at the next regular meeting of the Council following the filing of the Board's report. The hearing shall be held within thirty (30) days thereafter.
- c. The Planning Board shall transmit a report of its action on a parcel map to the City Council which shall act upon request of the subdivider within a reasonable time after Planning Board action. Approval of a parcel map shall expire unless the map is recorded within six (6) months of final approval.

- d. The Council may overrule or modify any ruling of the Planning Board in regard to the tentative map or parcel map and make such findings as are not inconsistent with the provisions of the Subdivision Map Act or of this article.**
- e. The time limits prescribed herein for acting on tentative maps or parcel maps may be extended by the mutual consent of the subdivider and the Planning Board or City Council.**
- f. The City Council shall find that a tentative map or parcel map is consistent with the General Plan.**
- g. No tentative map shall be approved if either the Planning Board or City Council makes findings pursuant to paragraph a. of this subsection.**
- h. The City Council shall determine whether the discharge of waste from the subdivision into the sewer system would violate regional water quality control regulations. In the event that the Council finds that proposed discharge would result in such violation, it may disapprove the map.**
- i. Staff reports or recommendations of tentative maps shall be served on the subdivider at least three (3) days prior to a hearing thereon.**
- j. At least one (1) public hearing shall be held on the map noticed pursuant to subsection 30-22.4a. and b. of the Alameda Municipal Code.**
- k. The subdivider shall provide all notices required by the Subdivision Map Act for condominium projects and similar projects. (Government Code Sections 66427.1, 66451.3, 66452.3 and 66452.8.)**

**(Ord. No. 1728 N.S.; Ord. No. 1783 N.S.; Ord. No. 2051 N.S.; Ord. No. 2200 N.S.)**

## Attachment 1 to Oakland Inner Harbor Tidal Canal Application

### Project Description:

The Oakland Inner Harbor Tidal Canal ("Tidal Canal") is approximately 1.8 mile long, 400 feet wide and includes a portion of the waterway between Oakland and Alameda that was dredged between 1884 and 1905 by the US Army Corps of Engineers ("Army Corps") to create a tidal effect throughout the Oakland Estuary. The Tidal Canal covers approximately 85 acres and is has been owned by the Army Corps since its creation.



The Army Corp desires to transfer ownership of half of the Tidal Canal (split down the middle of the Tidal Canal along the Alameda jurisdictional boundary) to the City of Alameda and the other half to the East Bay Regional Parks District.

The Project consist of the following:

1. On behalf of the Army Corps as the property owner, the City as applicant will file an application to subdivide the Alameda side of the Tidal Canal (the "**Property**") into 105 separate semi-submerged and submerged parcels. This application is being submitted at no cost to the Federal Government. The submission of this application does not constitute an implicit or explicit waiver of sovereign immunity.
2. The City will accept conveyance of 100 parcels from the Army Corps.

3. The City will immediately transfer approximately ninety-eight (98) parcels to the adjacent landside property owners, which includes ninety (90) residential parcels and eight (8) non-residential parcels.
4. The Army Corps will retain ownership of five (5) parcels (Parcels 1, 3, 102, 103 and 104) which contain the Oakland side of the Tidal Canal, a small parcel behind the U.S. Navy Operational Support Center, and the bridge abutments and supports for the Park Street, Fruitvale and High Street bridges on the Alameda side of the Tidal Canal. It is anticipated that the Army Corps will transfer these parcels to the East Bay Regional Park District, the Navy and Alameda County at some point in the future in separate transactions.
5. The City will retain two (2) open water parcels (Parcels 2 and 101) which together extend generally from the Estuary Property line to the Alameda jurisdictional limit line (the center line).
6. Amend the existing Estuary Zoning District to establish appropriate development standards for these semi-submerged and submerged parcels. The zoning amendments would legitimize existing uses, limit uses within the Estuary Zoning District to boathouses, boat docks and piers and clarify that any future proposal for development of waterfront or in-water improvements would be subject to discretionary permit review by the City of Alameda and other regional and state agencies with jurisdiction.

The existing 42.5 acres of land to be subdivided and transferred includes approximately 13.64 acres of uplands immediately along the mean high tide line and approximately 28.86 acres of semi-submerged and submerged land.

The existing uplands portion of the Property have been developed with a variety of waterfront improvements over the past 100 years. The existing semi-submerged portions of the Property are developed with a variety of docks and other water related improvements. With a few exceptions, construction of the existing improvements on Property were reviewed and approved either through lease or license agreements with the Army Corps or through a blanket license issued in 1913 by the Assistant Secretary of War to all owners of property adjacent to the Tidal Canal.

Transferring the shoreline and upland portions of the Property out of Army Corps ownership and into private ownership would rectify title issues associated with existing structures, allow for overdue maintenance and City code compliance along the Alameda side of the Tidal Canal. This regulatory enforcement is not possible while the Property remains in federal ownership, and due to a regulatory moratorium established by the Army Corps in 2000.

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**Hazardous Materials: (Cortese List)**

Map ID	Site	Address	City	Site in Property?	Status	Problem	Date
43	Park St. Landing	2301 Blanding Avenue	Alameda	yes	open	fuel tank leak	6/21/1993
44	Reliance Sheet & Strip Company	2235 Clement	Alameda	probably	closed	fuel tank leak	7/13/1989
65	Alpha Beta	2691 Blanding Ave	Alameda	probably slightly	closed	fuel and solvent leaks	12/28/1987

**AMC 30-78.1 – Information Required for Tentative Map:**

- a. The tract number or other description as established by the recorder of the County of Alameda, State of California. [Please see Tentative Map.](#)
- b. A description and delineation sufficient to define the location and boundaries of the tract. Political subdivision lines and important survey lines shall be shown. [Please see Tentative Map.](#)
- c. Date, north point and scale. [Please see Tentative Map.](#)
- d. Names and addresses of present owners of record and recording data. US Army Corps of Engineers, 1455 Market Street, 16th Floor, San Francisco, CA 94103, (415) 503-6988.
- e. Name and address of the subdivider. City of Alameda, City Attorney's Office, 2263 Santa Clara Avenue, Rm 280, Alameda, CA 94501, Attn: Andrico Q. Penick on behalf of the owner the US Army Corps of Engineers.
- f. Name and address of the registered engineer or licensed surveyor who prepared the map. Alvin Leung, Ruggeri~Jensen~Azar, 4690 Chabot Drive, Suite 200, Pleasanton, CA 94588.

g. Elevations and/or contours sufficient to determine the general slope of the land and the high and low points thereof. [Not Applicable.](#)

h. The locations, names, widths and approximate grades of all ways, roads, streets, highways and railways, existing and proposed within the tract and within the surrounding adjacent lands. [Not Applicable.](#)

i. The tract, block and lot names and/or numbers of adjoining subdivisions of record or names of individual lot owners. [Please see Tentative Map.](#)

j. The dimensions, locations and purposes of all existing and all proposed streets and sidewalks, easements, walkways, water areas, bulkheads, seawalls, retaining walls or other earth retaining methods, within the tract or adjacent to the tract. [There is one \(1\) pedestrian access easement on the Property located within Parcel 10. Please see Tentative Map for more details. There are three \(3\) public access easement adjacent to the Property which will not be affected by the proposed project.](#)

k. The locations and sizes of sanitary sewers, culverts, and drainage structures, existing and proposed in the tract and adjacent to the tract. [Not Applicable.](#)

l. The locations of all water, gas and electric lines, and of all fire hydrants, fire alarm systems, street lights, and any other necessary utilities existing or proposed within the tract or adjacent thereto. [Please see Tentative Map for existing utilities. No new utilities are proposed with this application.](#)

m. Approximate lot layout and dimensions of each lot. Lots shall be numbered. [Please see Tentative Map.](#)

n. The dimensions and locations of any existing buildings which are to remain on the property. [Not Applicable. As for other existing improvements, please see Tentative Map.](#)

o. If any portion of any land within the boundaries of a proposed subdivision or adjacent thereto is subject to overflow, inundation or flooding by storm or tidal waters, that portion of the land shall be clearly indicated. [Please see Tentative Map.](#)

p. A subdivider's statement to appear upon, or to accompany the Map fully describing the following:

q. Existing use or uses of the property. [The existing uses of the property consist of residential, commercial and industrial uses such as boathouses, boat docks, piers, marina and boat launches.](#)

1. Proposed use or uses of the property. [The existing uses of the property will continue to consist of residential, commercial and industrial uses such as boathouses, boat docks, piers, marina and boat launches.](#)

2. The improvements and public utilities proposed to be made or installed, and the time at which such improvements are proposed to be completed. No improvements or public utilities are to be installed.

3. Public areas proposed for dedication, reservation or limited use. The two open water parcels (Parcel Nos. 2 and 101) will be retained by the City (or other public entity) and will not be developed. They will be preserved as open water to maintain existing navigation, maritime and other public recreational uses. The Army Corps shall retain any and all dredging and maintenance obligations required by federal law to maintain navigation within the Tidal Canal. There is an unrecorded public access walkway on Parcel 10 which will be incorporated into the Tentative Map and retained.

4. Tree planting and landscaping. No trees or landscaping are to be installed.

5. A statement enumerating all items (if any) that are not in conformance with the current City building and zoning codes. Unknown at this time.

6. A written request, and reasons therefor, for any exceptions to the provisions of this article, which are deemed necessary to the subdivision by the subdividers. None.

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