CITY OF ALAMEDA, CALIFORNIA

Oakland Inner Harbor Tidal Canal Transfer

INITIAL STUDY &
NEGATIVE DECLARATION

JUNE 2016

Douglas Herring & Associates
Environmental, Policy, and Planning Services

Oakland Inner Harbor Tidal Canal Transfer

Initial Study / Negative Declaration

TABLE OF CONTENTS

Page

Summary Information 1
Description of the Project 2
Site Description and Surrounding Uses 6
Environmental Factors Potentially Affected 39
Determination 40
Evaluation of Environmental Impacts 41
I. Aesthetics 41
II. Agricultural Resources 43
III. Air Quality 45
IV. Biological Resources 48
V. Cultural Resources 51
VI. Geology and Soils 55
VII. Greenhouse Gases 58
VIII. Hazards and Hazardous Materials 59
IX. Hydrology and Water Quality 66
X. Land Use and Planning 71
XI. Mineral Resources 72
XII. Noise 73
XIII. Population and Housing 75
XIV. Public Services 76
XV. Recreation 78
XVI. Transportation / Traffic 79
XVII. Utilities and Service Systems 81
Mandatory Findings of Significance 83
Report Preparation 84

LIST OF FIGURES

Page

Figure 1 Project Site Location 3
Figure 2 Aerial Overview of Project Site 4
Figure 3 Project Overview and Key to Section Sheets 9
Figure 4 Enlarged Aerial Section View: Sheet 1 11
Figure 5 Enlarged Aerial Section View: Sheet 2 13
Figure 6 Enlarged Aerial Section View: Sheet 3 15
Figure 7 Enlarged Aerial Section View: Sheet 4 17
Figure 8 Enlarged Aerial Section View: Sheet 5 19
Figure 9 Enlarged Aerial Section View: Sheet 6 21
Figure 10 Enlarged Aerial Section View: Sheet 7 23
Figure 11 Enlarged Aerial Section View: Sheet 8 25
Figure 12 Enlarged Aerial Section View: Sheet 9 27
Figure 13 Enlarged Aerial Section View: Sheet 10 29
Figure 14 Existing Conditions in the Project Area 31
Figure 15 Existing Conditions in the Project Area 32
Figure 16 Existing Conditions in the Project Area 33
Figure 17 Existing Conditions in the Project Area 34
Figure 18 Existing Conditions in the Project Area 35
Figure 19 Existing Conditions in the Project Area 36
Figure 20 Existing Conditions in the Project Area 37

LIST OF TABLES

Page

Table HM– 1 Historical Industrial Activity in the Project Area 61

California Environmental Quality Act (CEQA)
Environmental Checklist Form

1. Project Title: Oakland Inner Harbor Tidal Canal Transfer

2. Lead Agency Name and Address:

City of Alameda
Office of the City Attorney
2263 Santa Clara Avenue, Room 280
Alameda, CA 94501-4477

3. Contact Person and Phone Number:

Andrico Q. Penick, Assistant City Attorney
(510) 747-4763
APenick@AlamedaCityAttorney.org

4. Project Location:

Oakland Inner Harbor Tidal Canal, extending from approximately 1,800 feet northwest of the Park Street Bridge to approximately 2,300 feet south of High Street Bridge, a distance of about 1.8 miles. The canal separates the island City of Alameda from the mainland City of Oakland; the jurisdictional boundary separating the two cities runs generally down the center of the canal. The proposed project encompasses only the Alameda side of the canal. The project area is about 2,000 feet southeast of Coast Guard Island and about 1,500 feet south of Interstate 880.

5. Project Sponsor's Name and Address:

City of Alameda
Office of the City Attorney
2263 Santa Clara Avenue, Room 280
Alameda, CA 94501-4477

Contact: Andrico Q. Penick, Assistant City Attorney
(510) 747-4763
APenick@AlamedaCityAttorney.org

6. General Plan Designation:

Tidal Canal: [None]

Adjacent Properties: Public/Institutional/School (P/I/S), Federal Facilities (FF), Mixed-Use Northern Waterfront (Willow Street to Oak Street) (MU-5), Parks & Public Open Space (P&POS), Community Commercial (CC), Office (O), General Industry (GI), Low-Density Residential (LDR), Neighborhood Business (NB), and Medium-Density Residential (MDR).

7. Zoning:

Tidal Canal: E (Estuary)

Adjacent properties: M-2 (General Industrial), O (Open Space), NP-W (North Park Street District–Workplace), NP-M (North Park Street District–Maritime), C-2-PD (Central Business–Planned Development Overlay), R-1 (One Family Residential), R-2 (Two Family Residential), R-4 (Neighborhood Residential).

8. Description of Project:

Background/Need for the Project

In 1884, the U.S. Army Corps of Engineers (Corps) began dredging the upland area connecting the cities of Oakland and Alameda to create a tidal canal. With a length of 1.8 miles and a width of about 400 feet, the canal occupies an area of approximately 85 acres of submerged, semi-submerged lands and uplands. Known as the Oakland Inner Harbor Tidal Canal (Canal), the waterway is owned and maintained by the Corps, which now proposes to divest itself of the canal, as directed by Congress in the Water Resources Development Act of 1990 (WRDA) (Pub.L. 101-640). The location of the Canal is shown on Figure 1. An overview of the project area is shown on Figure 2 and Figures 3 through 12 present enlarged aerial views of successive sections of the Canal.[1]

The purpose of the canal was to provide a means for tidal flux between San Leandro Bay and Oakland Harbor, but it has also functioned as a navigable waterway, being used primarily by small pleasure craft, with occasional commercial use by barges supporting shoreline operations.

The Corps' ownership encompasses all property within the boundaries of the Canal, which includes private structures, docks, boathouses, and portions of housing structures authorized by the Corps in various ways over the past century. The Corps has been trying—unsuccessfully to date—to relieve itself of ownership of the Canal for the past 25 years, in accordance with the WRDA, which directed the Corps to give half the Canal to the City of Oakland and half to the City of Alameda.

To encourage transfer, the Corps instituted a permitting moratorium in 2000, which has prohibited any construction, maintenance, repair, or improvement of structures along the Canal, except for emergency repairs. This moratorium has prevented regulating agencies with jurisdiction over the area—including both cities, the San Francisco Bay Conservation and Development Commission (BCDC), and the San Francisco Bay Regional Water Quality Control Board (RWQCB)—from approving waterfront improvements or enforcing regulations pertaining to development standards and/or health and safety. As a result, adjacent property owners have been unable to legally make repairs to their docks and housing structures where they extend into the Canal property. In addition, the Corps' ownership and moratorium have created a cloud on title for the adjacent property owners who legally constructed docks or other structures within the Canal. The Corps will not lift the permitting moratorium until the property has been transferred. Residential owners on the Alameda side have formed a voluntary homeowners' association to lobby the City of Alameda and the Corps to complete the transfer in order to remove the permitting moratorium. Approximately 93 residential and 11 commercial properties on the Alameda side of the Canal are directly affected by the moratorium.

The City of Alameda is now moving forward to facilitate the transfer of the Alameda side of the Canal property from Corps ownership. As discussed in more detail below, the City will function as a broker, and once ownership of the Canal has been transferred to the City, it intends to immediately convey the outer edges of the Canal to the existing adjacent residential and commercial property owners, which will provide many with necessary access to their existing structures along the Tidal Canal.

---

[1] Figures 3 through 13 are presented at the end of the Project Description.

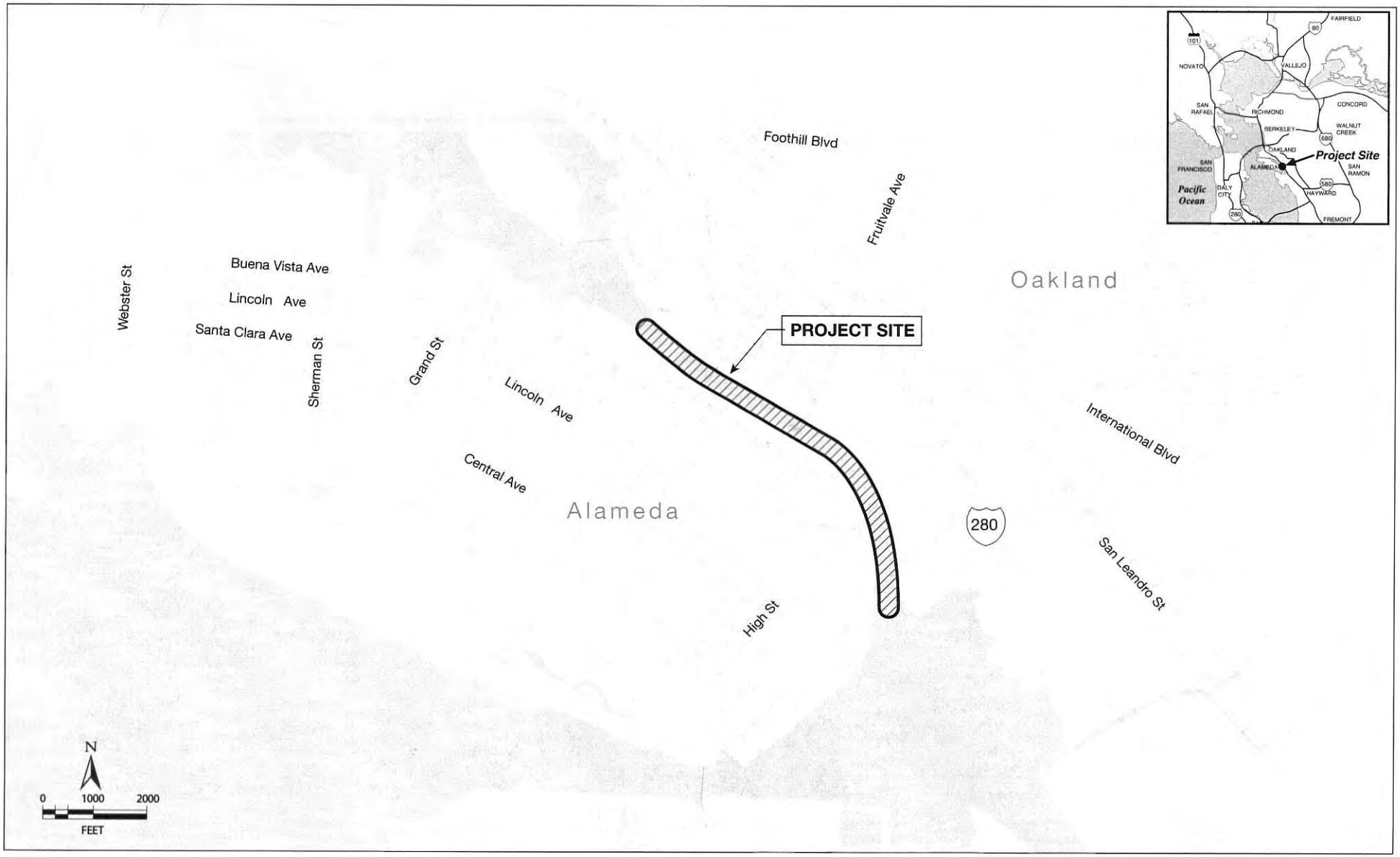


Figure 1

Project Location

Source: Douglas Herring & Associates

Figure 2

Aerial Overview of Project Site

Source: Google Earth

The project evaluated in this Initial Study affects only the Alameda side of the Canal. In 2013, the East Bay Regional Park District (EBRPD) expressed an interest in accepting the Oakland side of the Canal in order to construct a segment of the Bay Trail along the Oakland shoreline, and has been working since then with the Corps on the transfer of the Oakland side.[2] That potential property transfer is a separate action that will require a separate environmental review pursuant to the California Environmental Quality Act (CEQA) by the applicable lead agency.

Proposed Project

The City currently proposes to accept the Alameda side of the Canal from the Corps and then transfer the small area between the existing federal property line (the upland property boundary marked in red on the overview map on Figure 2) and the proposed property line (the pier line marked in blue on the overview map) to the adjacent owners along the canal (with a few exceptions), which will allow property owners to own their existing docks and housing structures. The City will maintain ownership of the open water area between the proposed property line and the centerline of the canal for public navigation.

As part of the project and prior to the actual transfer of Canal ownership from the Corps to Alameda, the City intends to approve a subdivision map application proposed by the Corps to subdivide the property into approximately 104 separate semi-submerged and submerged parcels. These parcels would correspond generally to the property lines of the adjacent upland parcels. Approximately 100 of the parcels would subsequently be transferred to the City of Alameda, with the Corps retaining ownership of four parcels, which contain the Alameda side bridge abutments and supports for the Park Street, Fruitvale, and High Street bridges, as well as a triangular Navy parcel.

Immediately following the proposed property transfer, the City will sell approximately 98 of the newly created parcels generally to the adjacent landside property owners (or another interested purchase, as applicable). The City would retain ownership of two parcels comprising the central open water area of the canal waterward from the proposed property line to the centerline, which the Corps would still be responsible for dredging, as necessary, or other actions to maintain a navigable waterway. Such maintenance could consist of enforcement actions to remove floating debris and abandoned boats that are considered to be a threat to navigation. However, with respect to dredging, since its construction, tidal movement through the Canal has generally been sufficient to maintain its original 18-foot depth and prevent shallowing within the central portion of the canal.

The Corps would retain its jurisdictional authority over the canal under the Rivers and Harbors Act (33 USC §401 *et. seq.*) and the Clean Water Act (33 USC §1251 *et. seq*), which authority includes regulating any structures in and over the canal and dredge or fill proposed in waters of the United States.

The proposed project also includes an extension and amendment of the City's existing Estuary District Zoning and the City's Zoning Map to cover all of the parcels within the Alameda side of the Tidal Canal and amendments to the development standards for the Estuary Zoning District. The amendments would limit and clarify the types of structures and uses that may be allowed on the new parcels. New structures would be limited to new docks, piers, boathouses, and other water-dependent uses, subject to review and approval by the City. All future proposed uses in the Estuary District would require approval of a Conditional Use Permit, and would therefore be subject to discretionary review by the City, and would also require separate environmental review pursuant to CEQA, as applicable.

---

[2] The Water Resources Development Act was amended in 2007 to allow for transfer to a public agency in addition to the cities of Alameda and Oakland.

Future development also would require discretionary review by other regional and State agencies with jurisdiction. This would include review by BCDC of new development within the coastal zone and review by the Corps and RWQCB for proposed work below the high tide line. In addition, future in-water work would be subject to review by the National Oceanic and Atmospheric Administration (NOAA)/National Marine Fisheries Service (NMFS) and California Department of Fish and Wildlife (CDFW).

The proposed project would not entail any new development or movement of dirt, and would not authorize new uses in the Estuary Zoning District. Consequently, the proposed transfer would not change or affect existing coastal resources. Because the proposed project involves discretionary action by a federal agency, the Corps has prepared an Environmental Assessment (EA) for the proposed transfer (including the transfer of the Oakland side of the Canal), pursuant to the National Environmental Policy Act (NEPA). This Initial Study draws on and references environmental analysis presented in the EA.[3]

Completion of the proposed transfer will allow the Corps to lift the permitting moratorium, enabling the City of Alameda, BCDC, the Corps, the RWQCB, and any other applicable agencies to enforce regulations when future improvements are proposed by property owners. This change is expected to improve coastal resources over the long term through permit review of individual projects along the waterfront.

Planning Approvals

Tentative Subdivision Map: The project would require approval of a Vesting Tentative Subdivision Map and recording of a Final Subdivision Map, in accordance with the Subdivision Map Act, *California Government Code* Sections 66410 *et. seq.*

Zoning Amendments: The project would require an amendment to the Estuary District Zoning map to cover the newly created parcels, and zoning text amendments limiting the types and locations of permitted uses within the Estuary District.

Other Approvals

U.S. Army Corps of Engineers (Corps): The project will require transfer of title to the Alameda side of the Canal to the City of Alameda.

9. Site Description and Surrounding Land Uses:

The Tidal Canal is an approximately 400-foot-wide navigable channel separating the cities of Oakland and Alameda, subject to tidal inflow and outflow from San Francisco Bay. It extends from approximately 1,800 feet northwest of the Park Street Bridge to approximately 2,300 feet south of High Street Bridge, a distance of about 1.8 miles, and covers an area of approximately 85 acres. The central channel has an average depth of approximately 18 feet.

The Canal property includes submerged, semi-submerged lands within the Canal proper as well as some uplands. In total, the Canal property under Corps ownership has a width of approximately 400 feet.

The Canal is spanned by four bridges: the Park Street Bridge, Miller-Sweeney Bridge and the Fruitvale Rail Bridge (two adjacent bridges), and the High Street Bridge. The Fruitvale Rail

[3] U.S. Army Corps of Engineers, Environmental Sciences Section, San Francisco District, *Environmental Assessment, Oakland Inner Harbor Tidal Canal Surplus Property Divestiture*, June 2014.

Bridge, currently inactive, is a vertical-lift railroad bridge located immediately adjacent to the Miller-Sweeney Bridge, while the other three bridges are vehicle draw bridges used for vehicle traffic. The Canal is defined on the Alameda side by edges ranging from concrete or steel bulkheads to rip-rap embankments to naturalized, sloping earthen embankments. Some shoreline development is supported on cement or wood piers or pilings. In addition to docks, such development also includes decks, wharves, boathouses, and other buildings.

The current and the historical use of the property consists primarily of small boat traffic such as privately owned pleasure craft. Northwest of the Miller-Sweeney Bridge, there is some commercial barge traffic from the sand and gravel companies along the Canal. The existing upland portion of the Canal is developed with a variety of waterfront improvements, described in more detail below, while the semi-submerged portions are developed with a variety of docks, boat slips, and other water-related improvements. Most of the existing improvements on the Alameda side of the Canal were reviewed and approved either through lease or license agreements with the Corps and/or through a blanket license issued in 1913 by the Assistant Secretary of War to all owners of property adjacent to the Tidal Canal.

A wide range of structures and uses lines the Alameda side of the Canal. (The Oakland side of the Canal is not part of the project evaluated in this Initial Study, and is not described herein.) In general, the upland areas west/north of the Fruitvale Bridge are developed with commercial and industrial uses, while east/south of the Fruitvale Bridge the adjoining land uses are primarily residential. Examples of existing development located adjacent to the Canal are shown on Figures 14 through 20.

At the northwestern end of the Canal, the upland area is occupied by the Navy Operational Support Center (NOSC) Alameda. To the east of the NOSC Alameda is a construction company and a self-storage facility. A large (approximately 9 acres) vacant parcel lies between the storage facility and Oak Street. Between Oak Street and Park Street, the properties adjoining the Canal include a car rental business, a small retail shopping center, and a shoreline restaurant. Approximately two dozen small boat slips line the Canal at this location.

A nursing home is located just to the east of Park Street, followed by a manufacturing facility, auto body shop, photography studio, and theater/cultural center. East of these uses is a boat yard. Two docks extend from this property, running parallel to the shoreline; one of the docks extends eastward for approximately 600 feet. The area between the boat yard and Tilden Way is occupied by the large Bridgeside Shopping Center comprised of multiple buildings containing a variety of retail uses, including a large grocery store, UPS store, and some smaller restaurants. An optometrist office and U.S. Air Force and U.S. Army recruiting stations are also located in this development, which includes a large surface parking lot.

East/south of the Fruitvale Bridge, mostly small one- and two-story single-family homes line the Canal, with frontages on Marina Drive. Nearly all of these properties have small boat docks extending into the Canal. Many of the properties also have one or more secondary structures on the rear Canal-side portion of the lots.

East of the High Street Bridge, the Canal heads in a more southerly direction. Some residential apartments or condominiums are located immediately south of the bridge, followed by a nursing home. Homogenous residential development resumes south of here, with single-family homes fronting on Fernside Boulevard. Similar to the residential properties north/west of the High Street Bridge, a majority of these properties are developed with more than one structure.

(This page intentionally left blank.)

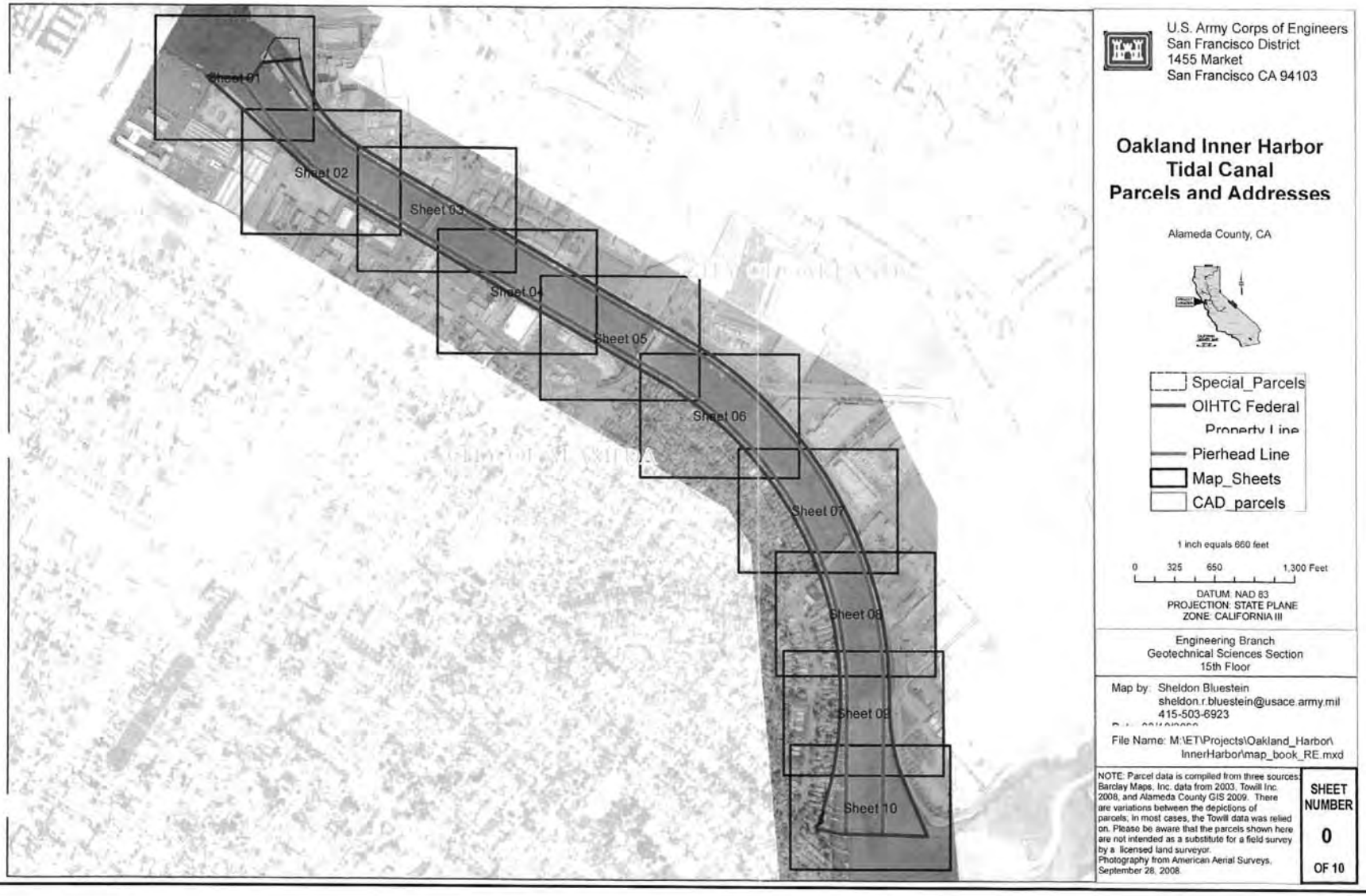


Figure 3

Project Overview and Key to Section Sheets

Source: U.S. Army Corps of Engineers

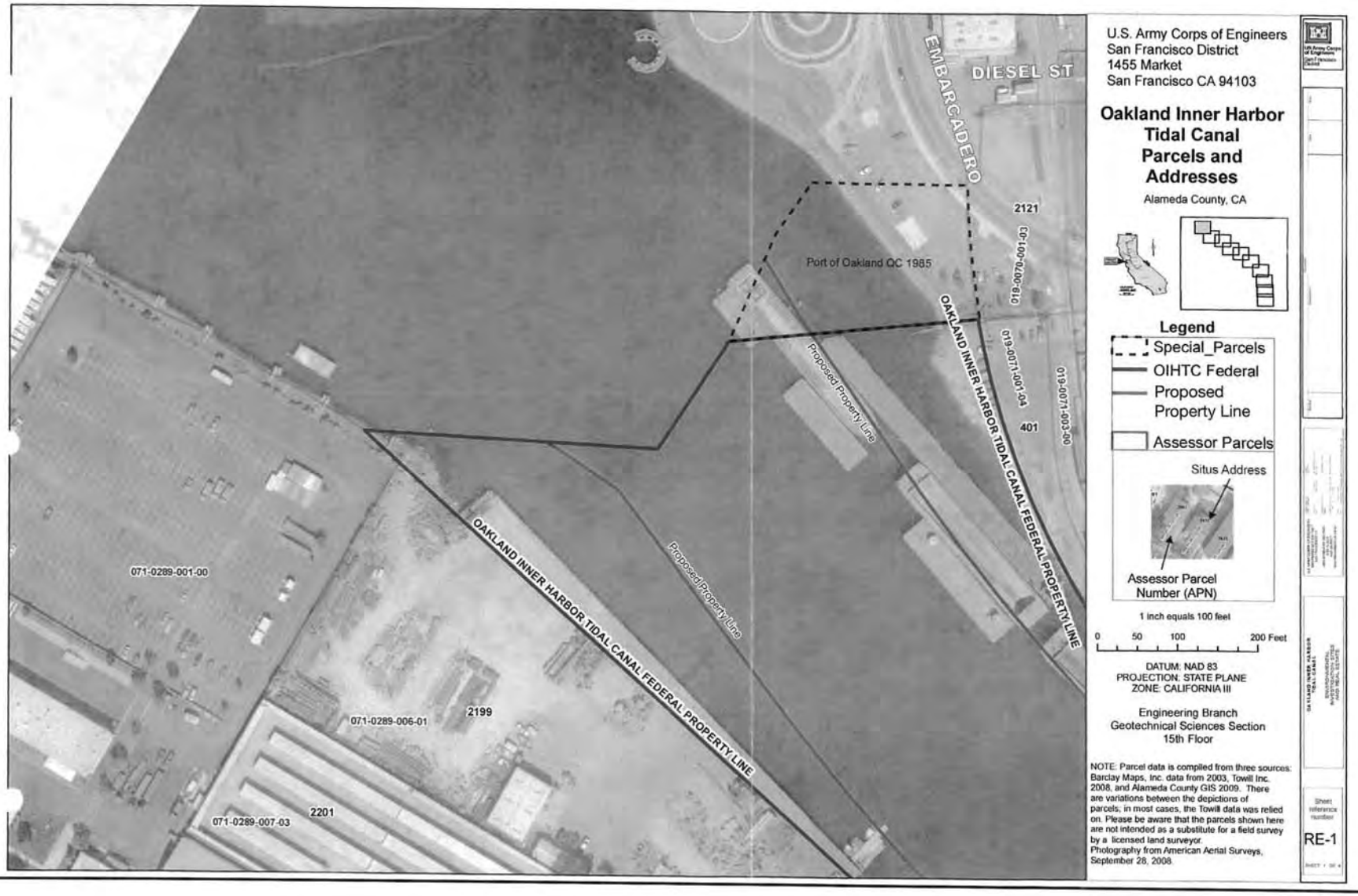


Figure 4

Enlarged Aerial Section View: Sheet 1

Source: U.S. Army Corps of Engineers

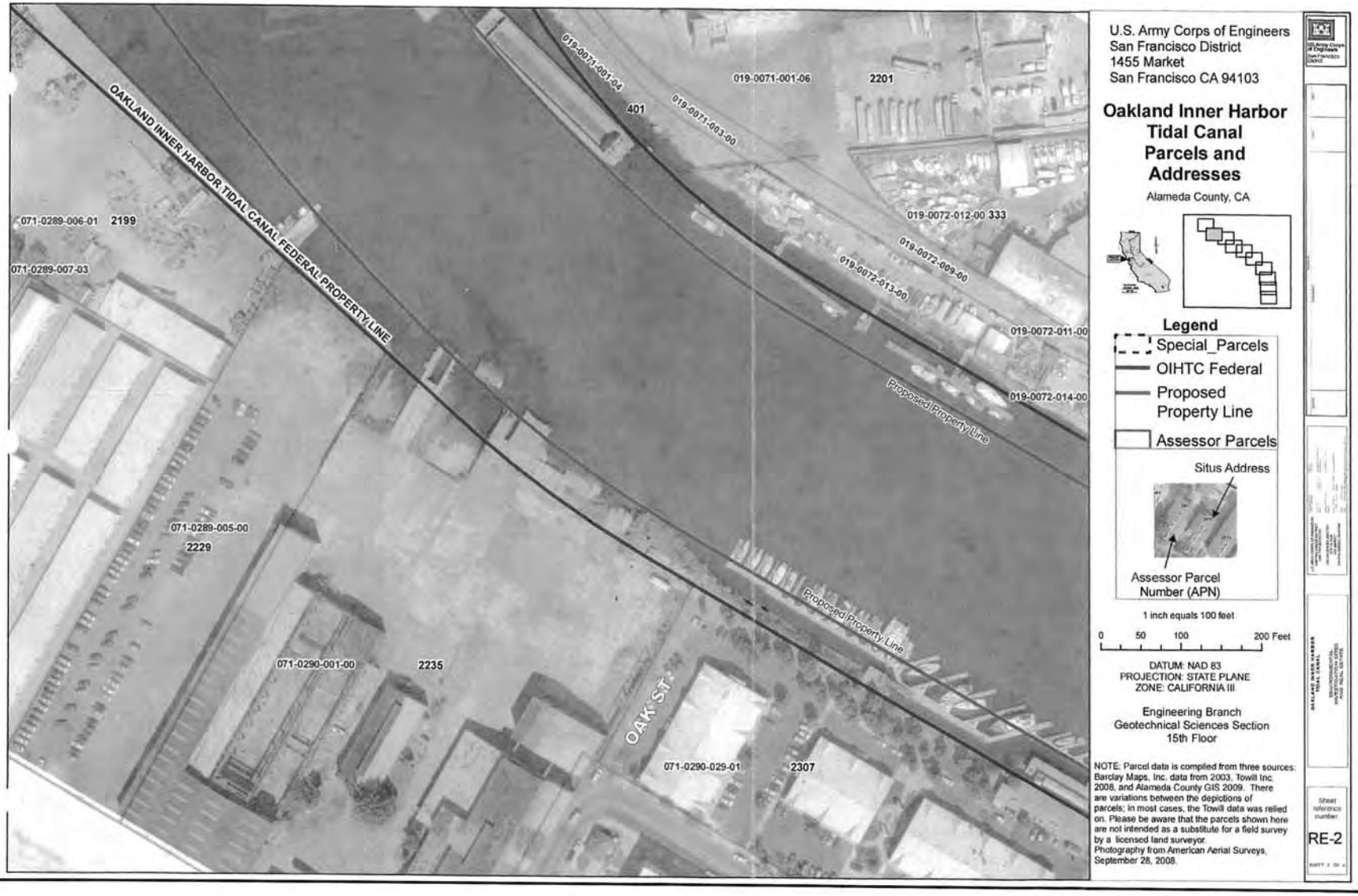


Figure 5

Enlarged Aerial Section View: Sheet 2

Source: U.S. Army Corps of Engineers

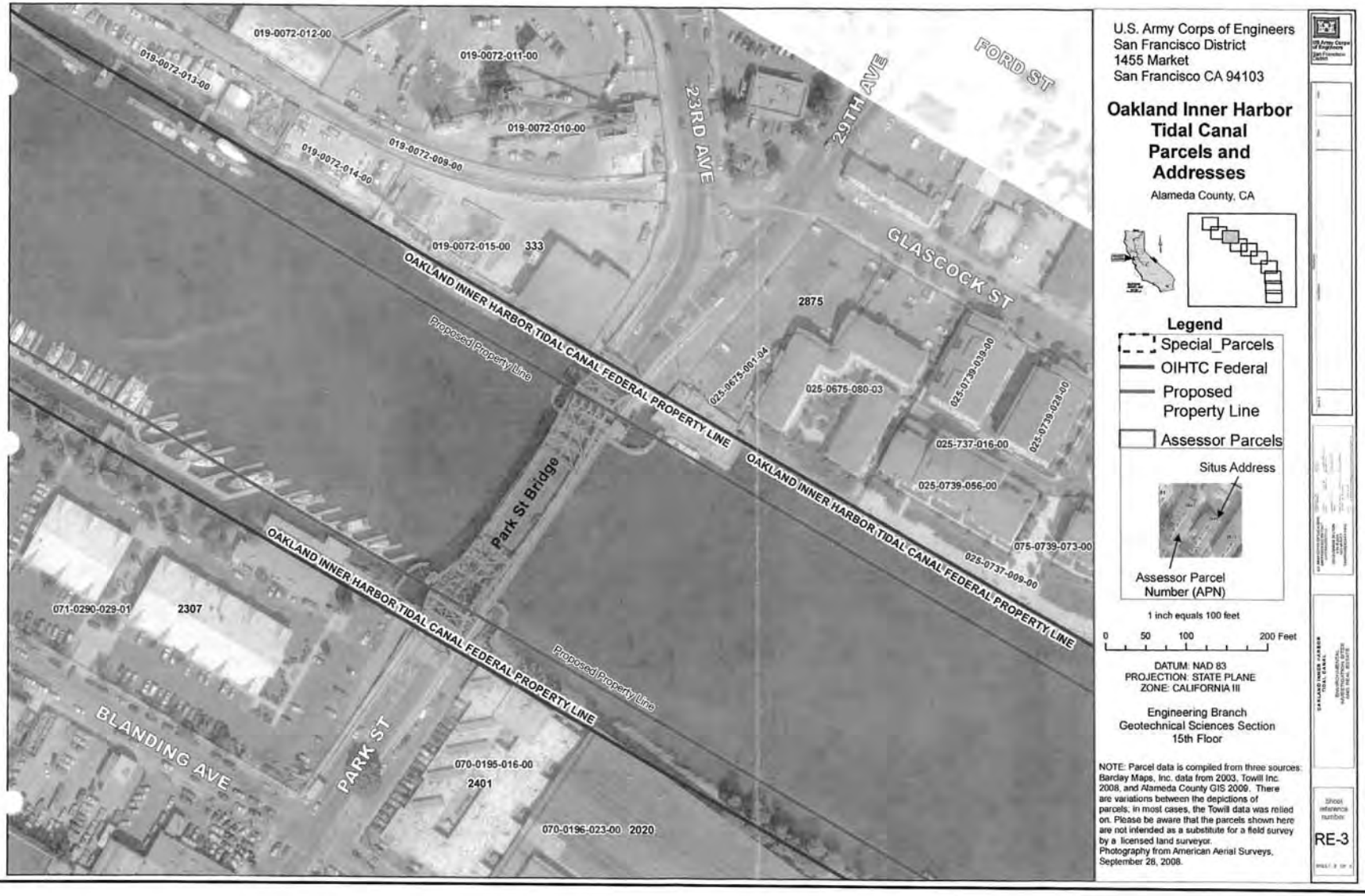


Figure 6

Enlarged Aerial Section View: Sheet 3

Source: U.S. Army Corps of Engineers

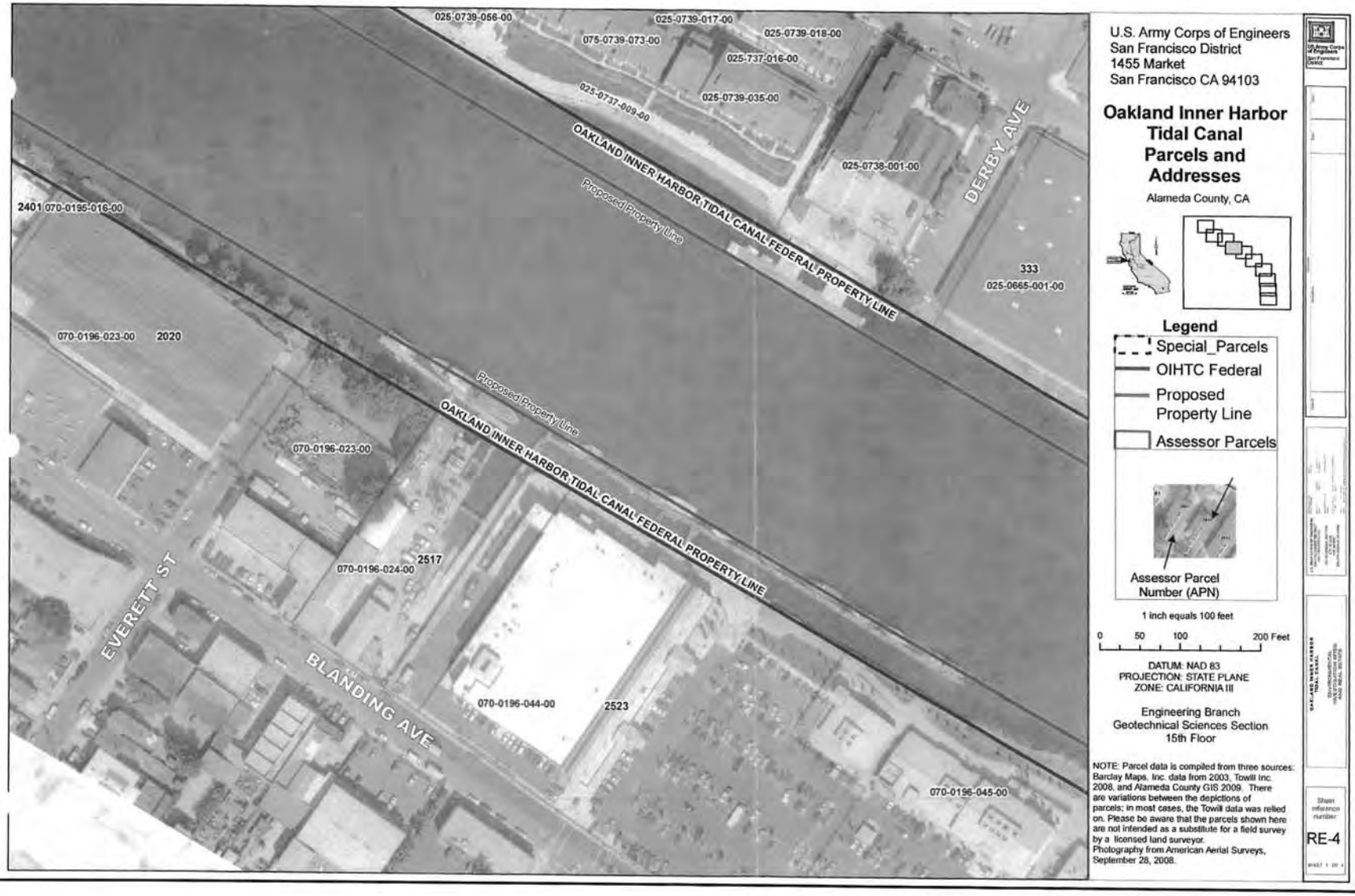


Figure 7

Enlarged Aerial Section View: Sheet 4

Source: U.S. Army Corps of Engineers

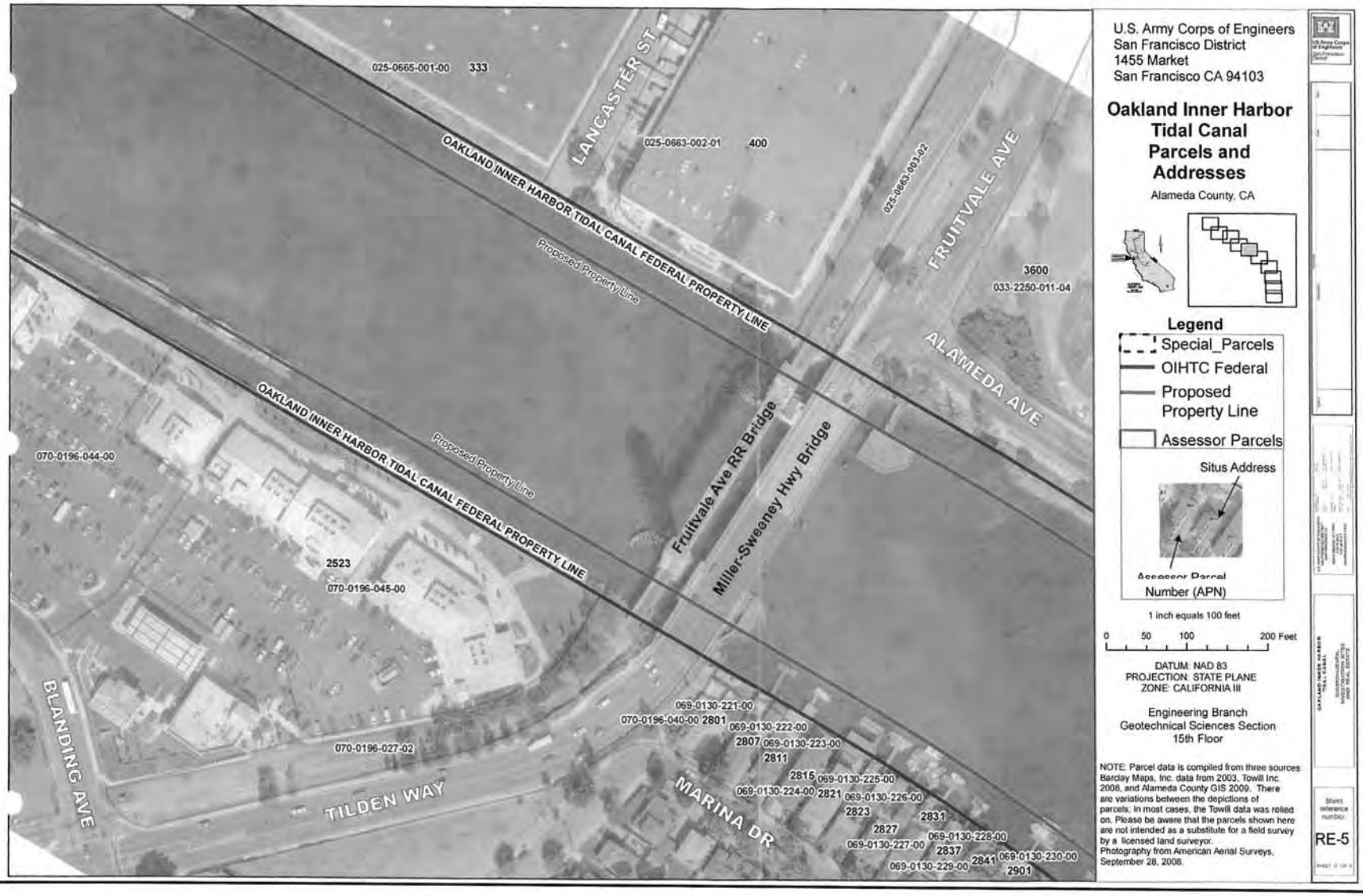


Figure 8

Enlarged Aerial Section View: Sheet 5

Source: U.S. Army Corps of Engineers

Figure 9

Enlarged Aerial Section View: Sheet 6

Source: U.S. Army Corps of Engineers

Figure 10

Enlarged Aerial Section View: Sheet 7

Source: U.S. Army Corps of Engineers

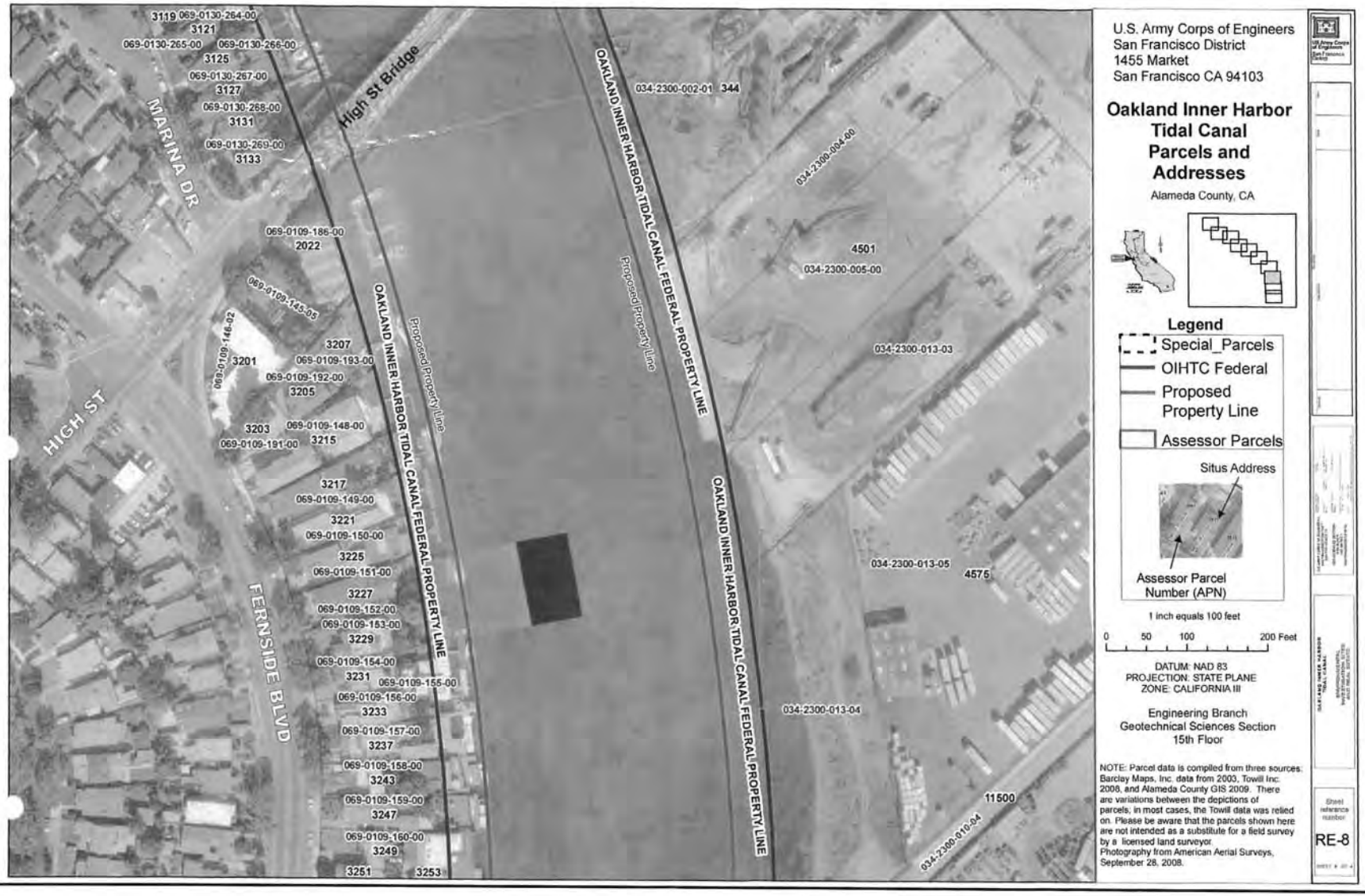


Figure 11

Enlarged Aerial Section View: Sheet 8

Source: U.S. Army Corps of Engineers

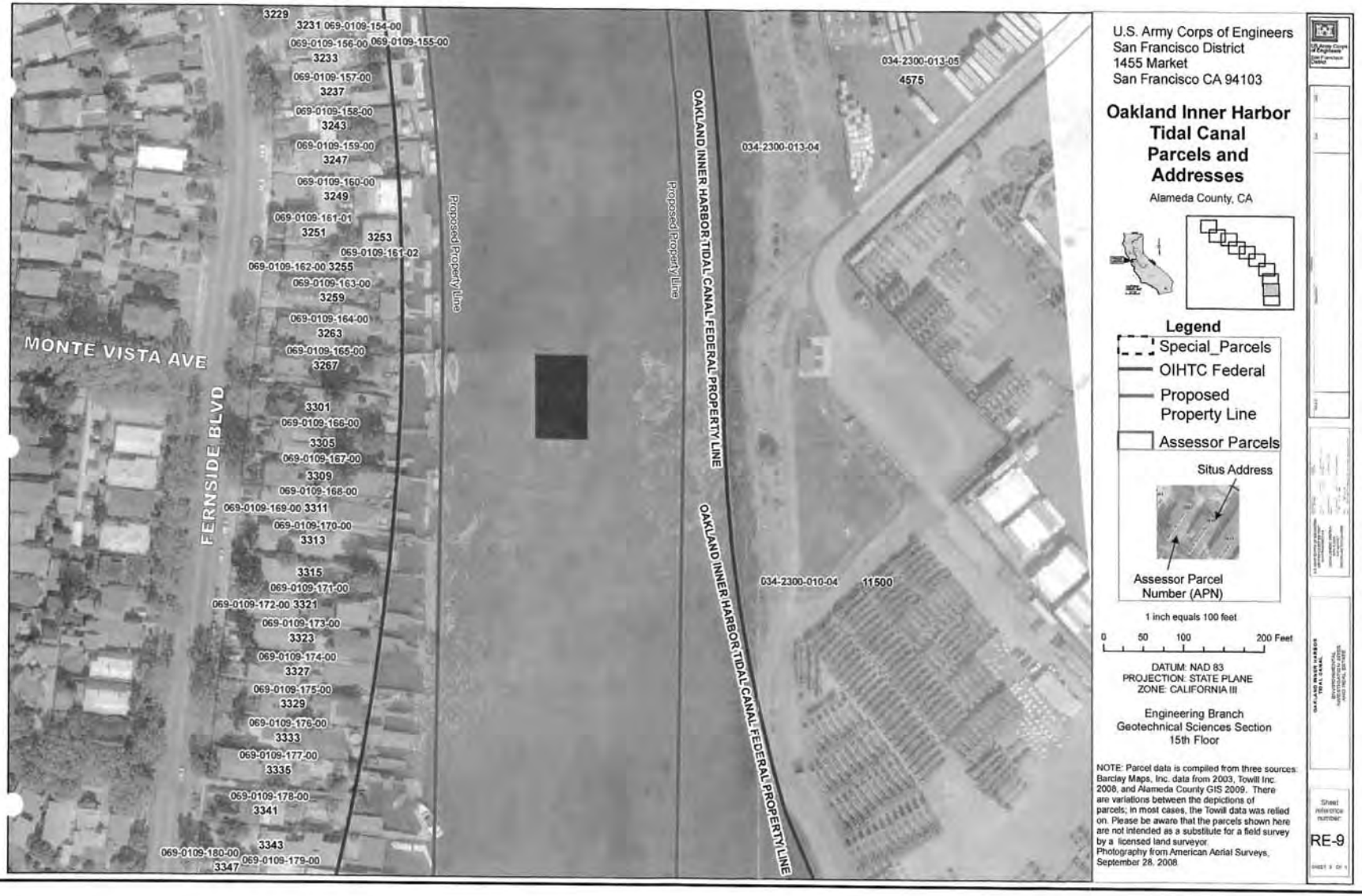


Figure 12

Enlarged Aerial Section View: Sheet 9

Source: U.S. Army Corps of Engineers

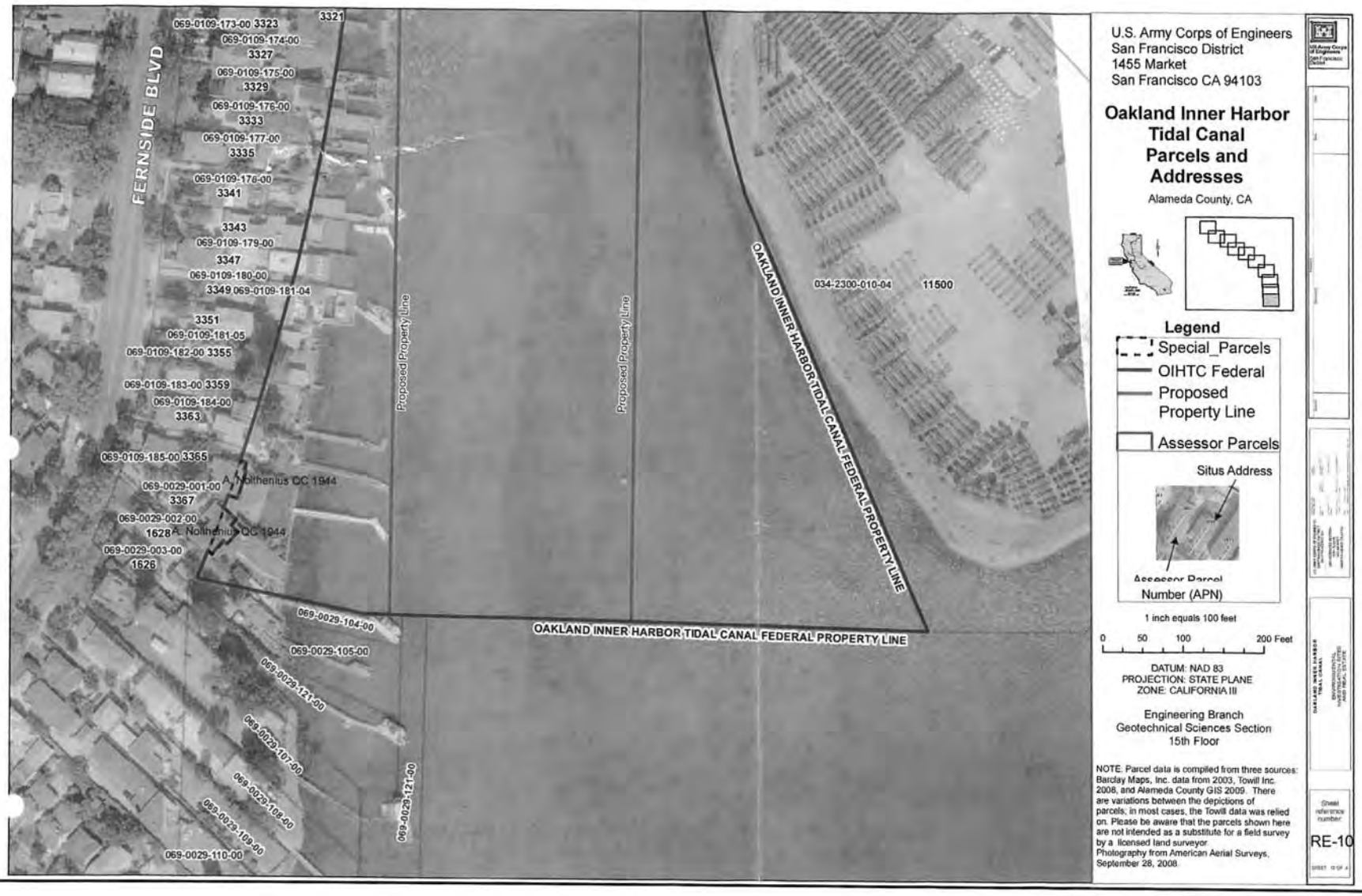
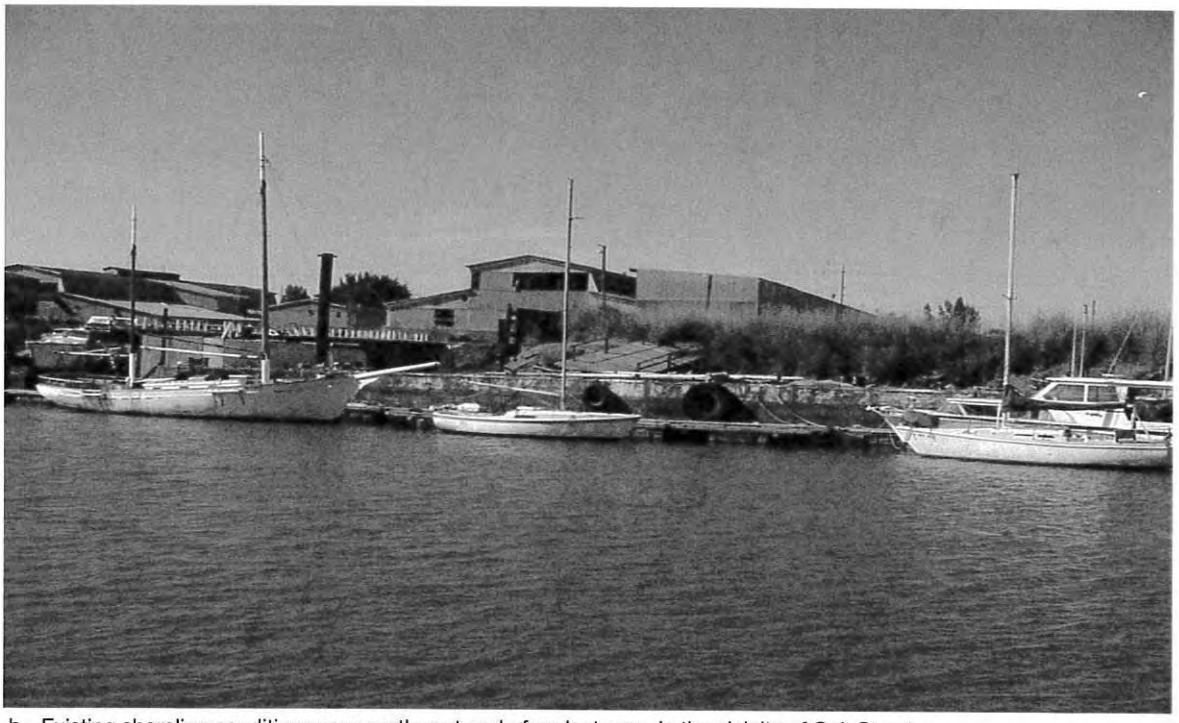


Figure 13

Enlarged Aerial Section View: Sheet 10

Source: U.S. Army Corps of Engineers

a - Existing shoreline conditions at northwest end of project area, in the vicinity of Walnut Street.

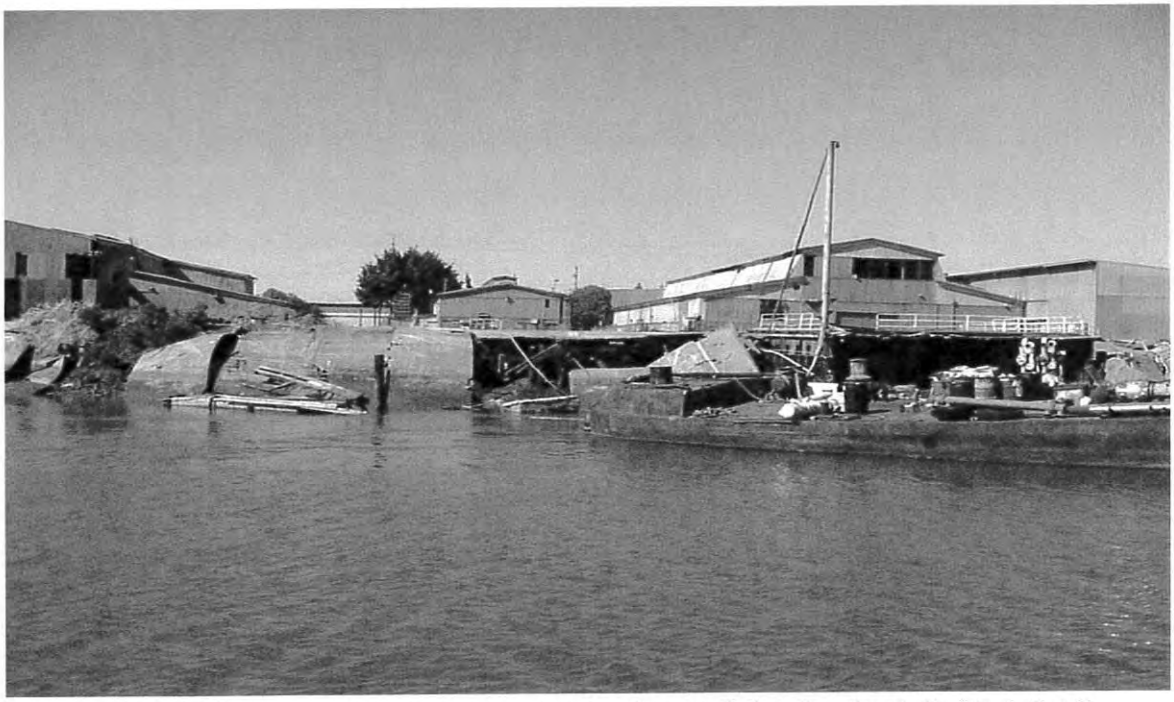


b - Existing shoreline conditions near northwest end of project area, in the vicinity of Oak Street.

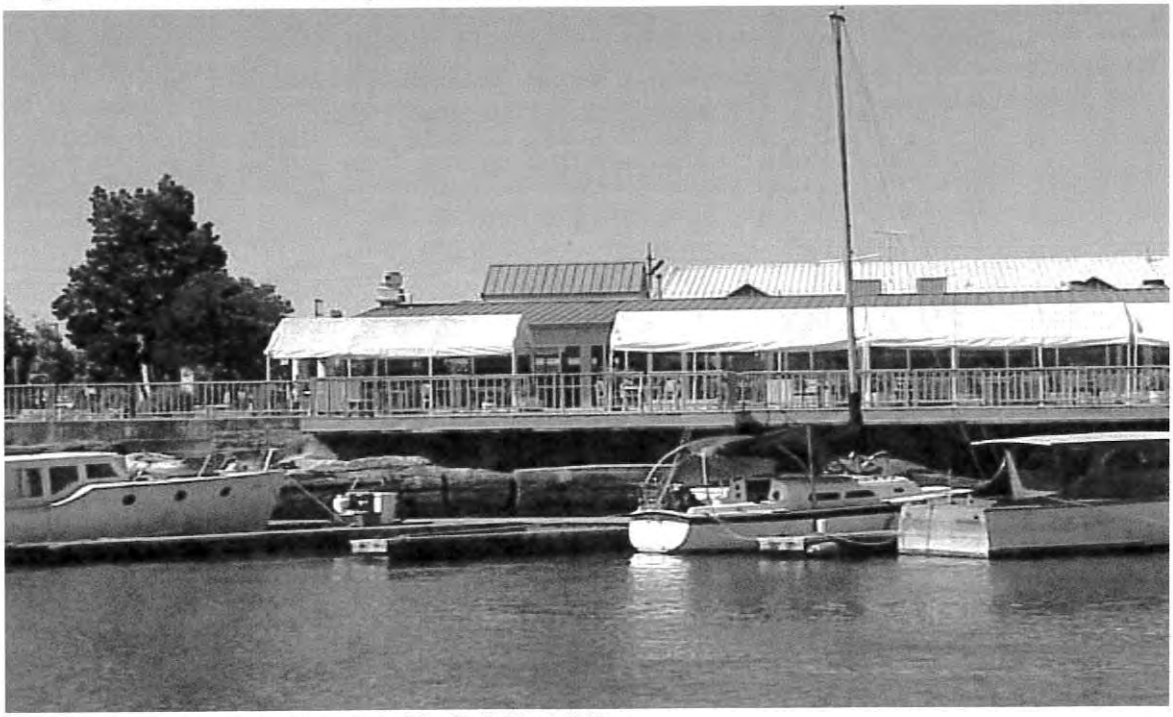
Figure 14

Existing Conditions in the Project Area

Source: U.S. Army Corps of Engineers



a - Collapsed dock at Nelson's Marine property, currently undergoing remediation. Abandoned ship (Elizabeth A.) in foreground has since been removed by the U.S. Coast Guard.

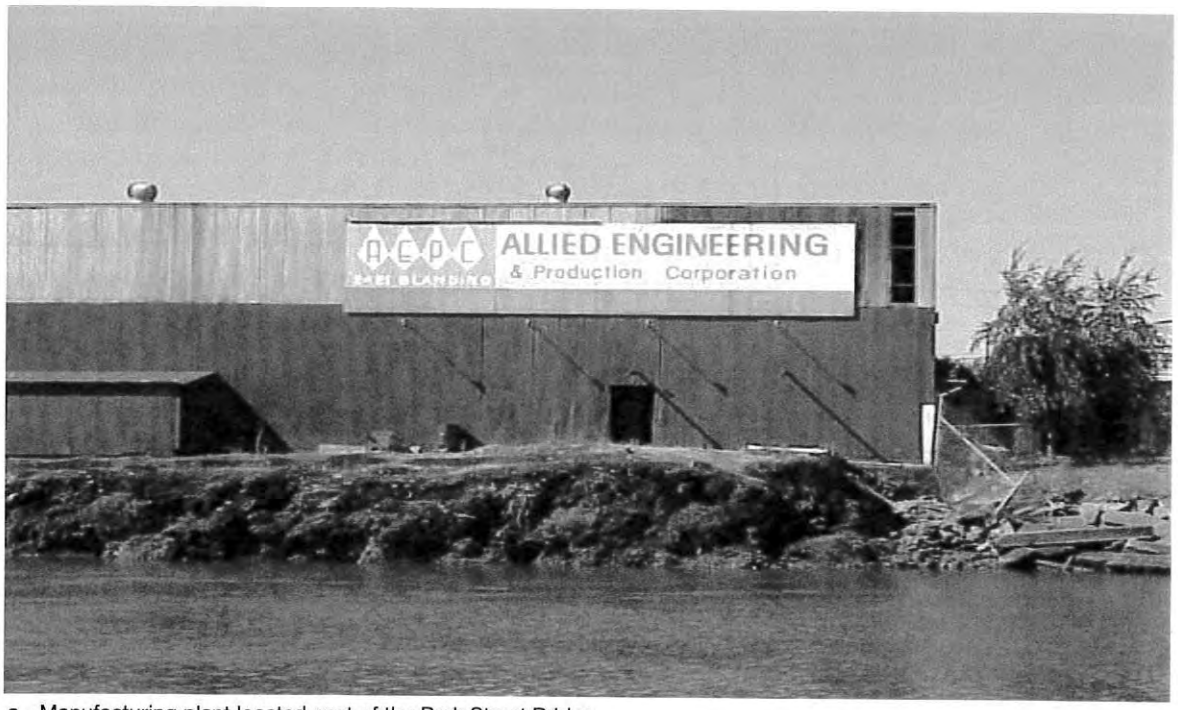


b - Aroma Restaurant, located just west of the Park Street Bridge.

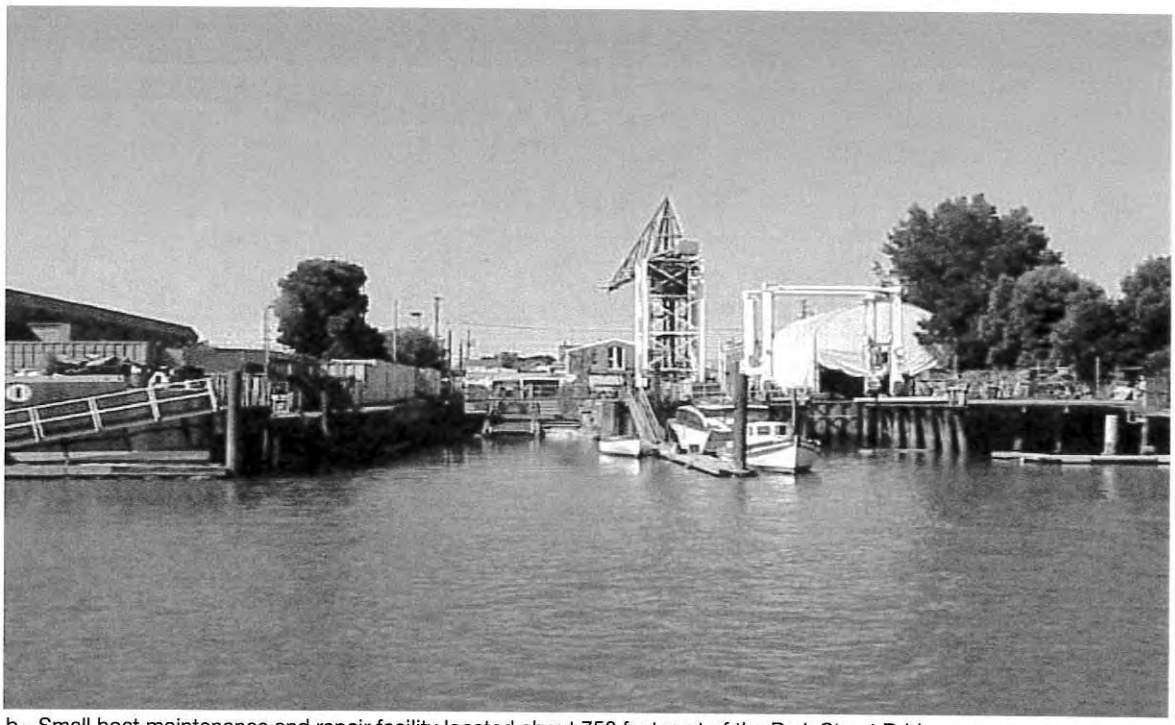
Figure 15

Existing Conditions in the Project Area

Source: U.S. Army Corps of Engineers



a - Manufacturing plant located east of the Park Street Bridge.

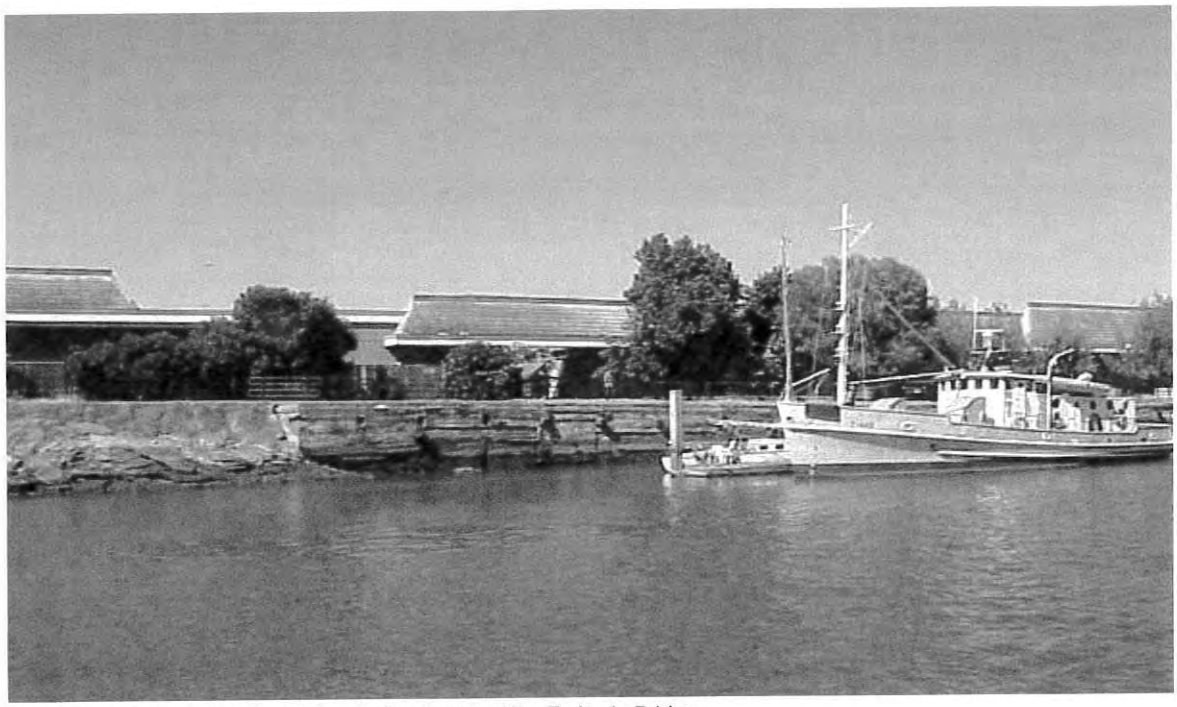


b - Small boat maintenance and repair facility located about 750 feet east of the Park Street Bridge.

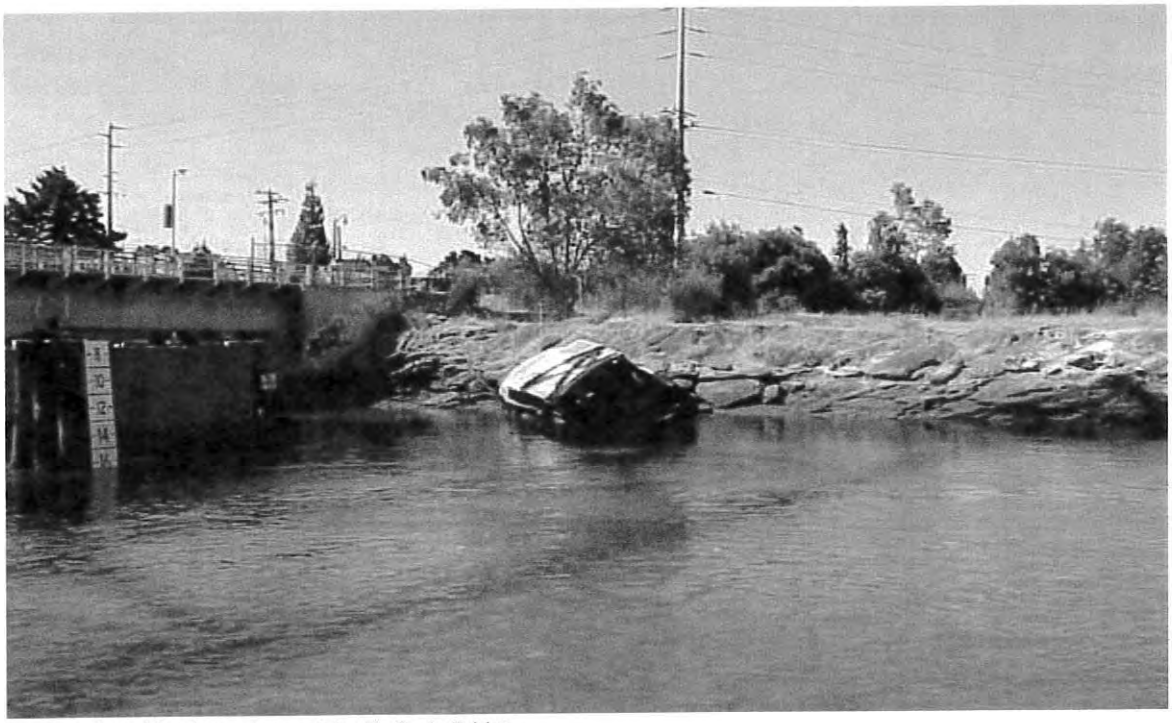
Figure 16

Existing Conditions in the Project Area

Source: U.S. Army Corps of Engineers



a - Bridgeside Shopping Center, located just west of the Fruitvale Bridge.

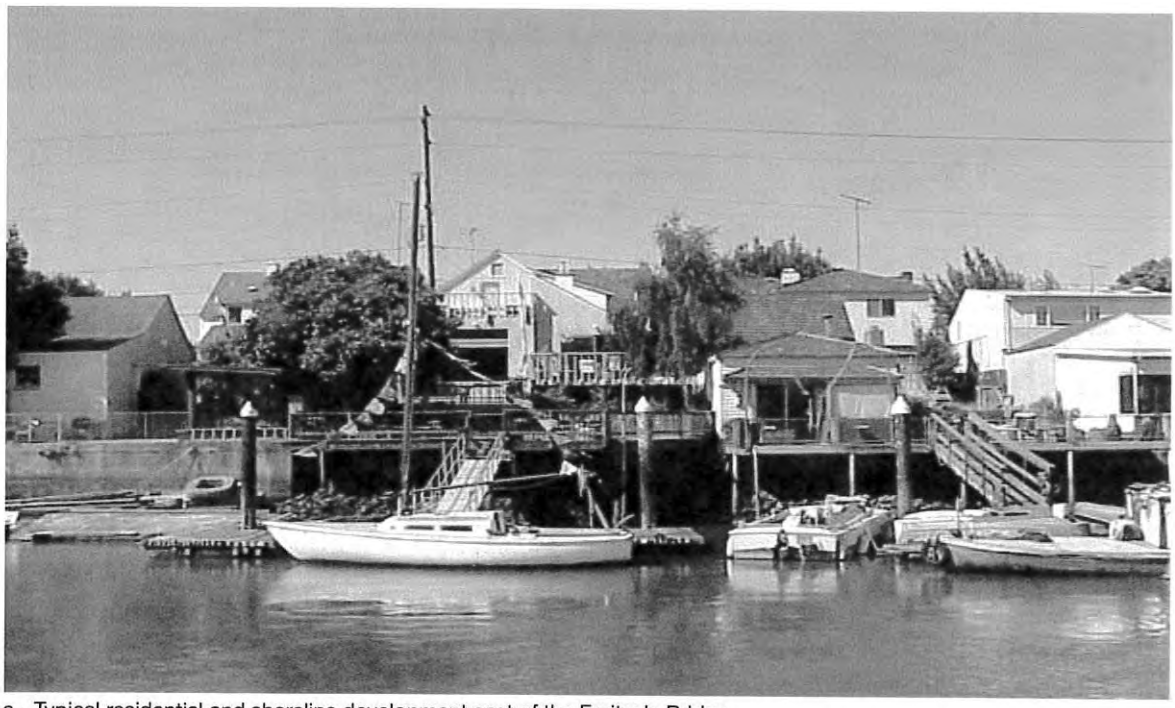


b - Abandoned boat near base of the Fruitvale Bridge.

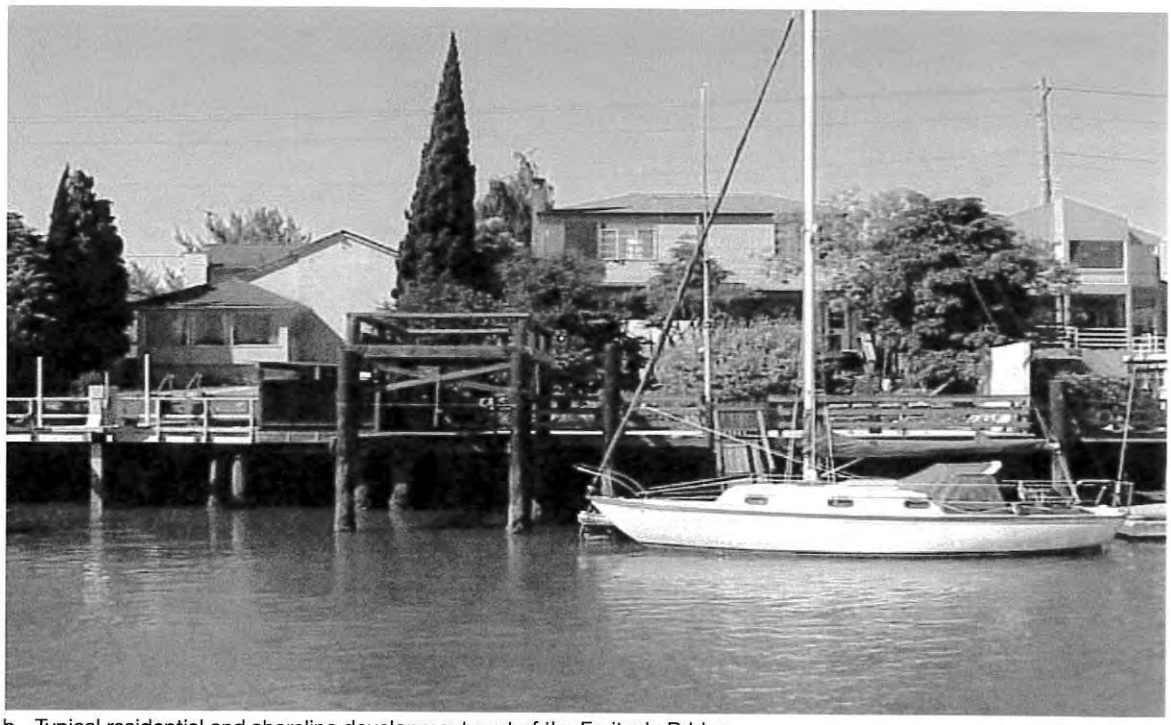
Figure 17

Existing Conditions in the Project Area

Source: U.S. Army Corps of Engineers



a - Typical residential and shoreline development east of the Fruitvale Bridge.

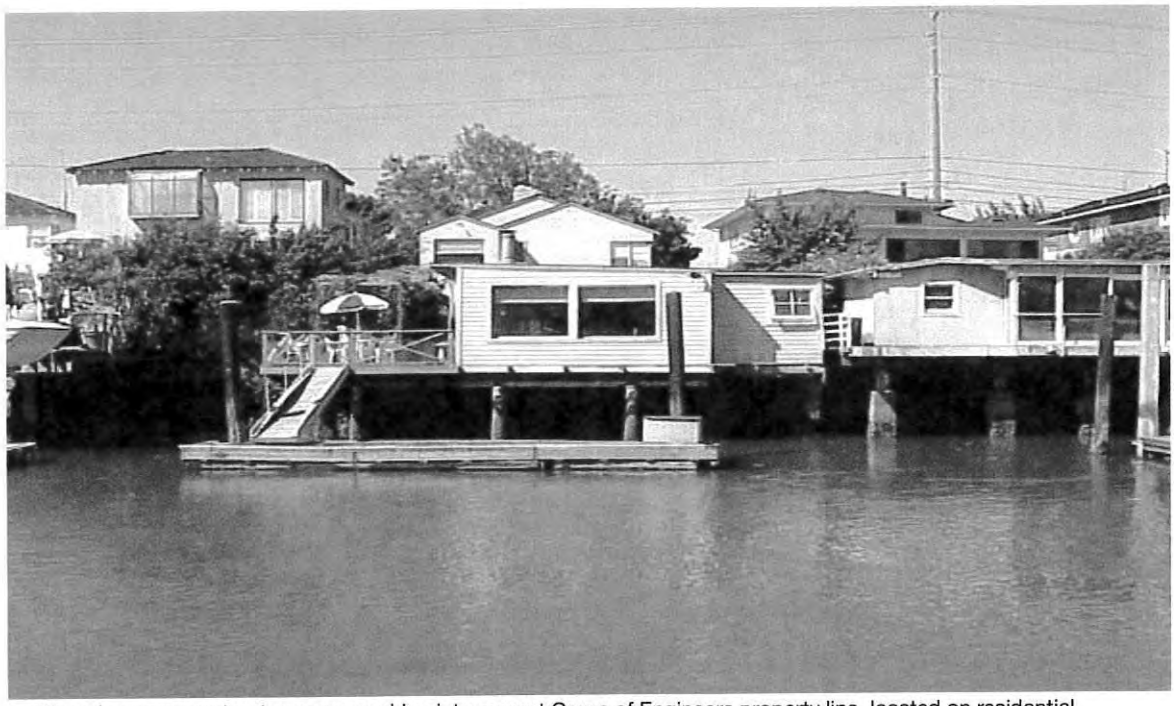


b - Typical residential and shoreline development east of the Fruitvale Bridge.

Figure 18

Existing Conditions in the Project Area

Source: U.S. Army Corps of Engineers



a - Closed accessory structures encroaching into current Corps of Engineers property line, located on residential properties east of the Fruitvale Bridge in the vicinity of Harvard Drive.

b - Apartment or condominium complex located just east of the High Street Bridge.

Figure 19

Existing Conditions in the Project Area

Source: U.S. Army Corps of Engineers