



Oakland Inner Harbor
Tidal Canal
City Council Presentation
April 2017

Oakland Inner Harbor Tidal Canal Tidal Canal Staff Presentation

- Introductions

City Council is being asked to:

- Accept the Status Report on Phase I of the Tidal Canal Project
- Provide Direction to Staff on Moving Forward with Phase II and Phase III of the Project

Brief Background

- The Oakland Inner Harbor Tidal Canal ("Tidal Canal") is a 1.8 mile long, 400 feet wide man made water way between Alameda and Oakland – until recently federally owned (Army Corps).
- In 1990 the Army Corps offered half of the Tidal Canal (split down the middle) to the City of Oakland and the other half to the City of Alameda.
- Alameda declined the offer. However in March 2015 the City Council acknowledged directed the City Attorney to work with the Army Corps and adjacent property owners to develop a transfer strategy.

Phase I Plan

- The City Attorney gathered a multi-discipline team consisting of City staff and outside consultants to move the Project forward.
- The City Attorney determined that the best way to fulfill the conditions set by the City Council was to: (i) structure the transaction so that the City is in the chain of title for the shortest period possible; and (ii) require 100% participation of the residential lots in the subsequent transfer.

Phase I Tasks

- Began negotiations with the Army Corps.
- Conducted outreach to the residential property owners directly and through their homeowners association.
- Conducted outreach to regulating agencies with jurisdiction over the area, including Bay Conservation and Development Commission (“BCDC”), the SF Regional Water Quality Control Board (“RWQCB”) and State Lands.

Phase I – Major Tasks

- An amendment to the Estuary Zoning District;
- Environmental review under both the California Environmental Quality Act (“CEQA”) by the City and National Environmental Policy Act (“NEPA”) by the Army Corps; and
- Negotiating a Memorandum of Understanding with the Army Corps and lifting of the Army Corps’ permitting moratorium which had been in effect since 2000.

Phase I – Major Tasks (con't)

- Negotiating a Quitclaim Deed from the Army Corps to the City acceptable to both parties;
- Preparing a Tentative and Final Map to subdivide the Tidal Canal;
- Preparing Purchase and Sale Agreements and Quitclaim Deeds for ninety (90) individual buyers; and
- Coordinating the simultaneous closing of 91 transactions with the title company, Alameda County Recorder and Alameda County Assessor.

Phase I Complete

- With the strong financial and political support of the City Council and the support of the community we were able to complete Phase I and closed escrow on February 15, 2017.
- 6 of the 8 commercial lots and all 84 residential lots sold.
- The purchase price for the residential lots was \$10,000 per lot plus \$1,000 in closing costs.
- The purchase price for the commercial lots ranged from \$20,000 - \$280,000 with the buyers paying all closing costs.
- The purchase prices were fair market value based upon independent appraisal.

Phase I Complete

- Overall, the City incurred and paid third-party out of pockets expenses of approximately \$530,000 and received gross revenue of approximately \$1,500,000. The net revenue to the City is just under one million dollars.
- *(This figure does not include internal staff time costs.)*

Phase I Benefits

- **Permitting Moratorium Lifted:** Property owners can now apply for permits to repair and replace their docks.
- **Health & Safety Issue:** City and other regulatory agencies can now do code enforcement and issue permits.
- **Clear Title to Docks and Piers:** Removes confusion over what rights property owners had for their private docks and piers on government property.

Phase II Plan Goals

- Cleaning up the encroachments on the three (3) public access points.
- Disposition of the submerged property (now owned by the City) adjacent to those public access points.
- Keeping open reasonable and feasible options for increasing public access into the water at one or more of these points.
- Clearing title to the docks and piers that have been built and used by the adjacent property owners, consistent with the above stated goals.

Public Access Points

- City of Alameda owns 3 public access points along Fernside that are outside the Project Area.
- These areas are 10 feet wide, 100 feet long and bulb out into a semi-circle that is 35 feet wide.
- They have existed for a long time and over time there have been encroachments onto the City's property.
- At the July 11th Planning Board Meeting, recommended that there be a 35 foot wide easement over water adjacent to the public access points to allow for future floating docks.
- I have already spoken to each of the affected property owners.
- They are disappointed but are willing to consider creative ideas and to working with the City staff on a solution. You may hear from some of them tonight.

BR 27 PL 12

STUART S. HANLEY, owner of the land designated and shown on the above map hereby certifies to the correct and filing of said map, and that same hereinafter be designated as follows on the said map to the public as this thoroughfare.

Witness my hand and seal this 26th day of August, 1912. *Stuart S. Hanley*



STATE OF CALIFORNIA, COUNTY OF ALAMEDA. On this 26th day of August, in the year of our Lord One Thousand Nine Hundred and Twenty, before me, JAMES T. PATRICK, County Clerk, and duly commissioned and sworn, appeared STUART S. HANLEY, known to me to be the person described in and whose name is subscribed to the within instrument, and the administrator of his estate, and I do hereby certify that after a careful examination of the said map, and after a careful examination of the tax rolls of Alameda County, State of California, and year in this certificate first above written.

Witness my hand and seal this 26th day of August, 1912. *James T. Patrick*

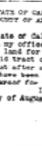
WYOMON S. SIMMONS, Notary Public of the land designated on the above map, hereby certifies to the correct and filing of said map, and that same hereinafter be designated as follows on the said map to the public as this thoroughfare.

Witness my hand and seal this 26th day of August, 1912. *Wyomon S. Simmons*



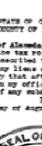
STATE OF CALIFORNIA, COUNTY OF SAN FRANCISCO. On this 27th day of August, in the year of our Lord One Thousand Nine Hundred and Twenty, before me, JAMES T. PATRICK, County Clerk, and duly commissioned and sworn, appeared WYOMON S. SIMMONS, known to me to be the person described in and whose name is subscribed to the within instrument, and the administrator of his estate, and I do hereby certify that after a careful examination of the said map, and after a careful examination of the tax rolls of Alameda County, State of California, and year in this certificate first above written.

Witness my hand and seal this 27th day of August, 1912. *Wyomon S. Simmons*



STATE OF CALIFORNIA, COUNTY OF ALAMEDA. I, S. P. GARDNER, County Auditor of Alameda County, in my office and to-wit: I have examined all the tax rolls of said County for the purpose of ascertaining whether there exist any lines on said rolls of land the parcels of which are described in and whose name is subscribed to the within instrument, and I do hereby certify that after a careful examination of the tax rolls of Alameda County in my office I have been unable to find any line on said rolls of land or any subdivision thereof for the year 1911 or any subdivision thereof for the year 1912.

Witness my hand and seal this 26th day of August, 1912. *S. P. Gardner*



STATE OF CALIFORNIA, COUNTY OF ALAMEDA. I, J. J. HERRICK, County Auditor of Alameda County, in my office and to-wit: I have examined all the tax rolls of said County for the purpose of ascertaining whether there exist any lines on said rolls of land the parcels of which are described in and whose name is subscribed to the within instrument, and I do hereby certify that after a careful examination of the tax rolls of Alameda County in my office I have been unable to find any line on said rolls of land or any subdivision thereof for the year 1911 or any subdivision thereof for the year 1912.

Witness my hand and seal this 30th day of August, 1912. *J. J. Herrick*



STATE OF CALIFORNIA, COUNTY OF ALAMEDA. I, J. S. HERRICK, County Auditor of Alameda County, in my office and to-wit: I have examined all the tax rolls of said County for the purpose of ascertaining whether there exist any lines on said rolls of land the parcels of which are described in and whose name is subscribed to the within instrument, and I do hereby certify that after a careful examination of the tax rolls of Alameda County in my office I have been unable to find any line on said rolls of land or any subdivision thereof for the year 1911 or any subdivision thereof for the year 1912.

Witness my hand and seal this 30th day of August, 1912. *J. S. Herrick*



This map is enough for filing showing a class title as per certificate of title made by the County Clerk, Alameda County, California, dated the 30th day of August, 1912, which certificate of title is deposited with me for reference this 30th day of August, 1912.

Witness my hand and seal this 30th day of August, 1912. *J. S. Herrick*

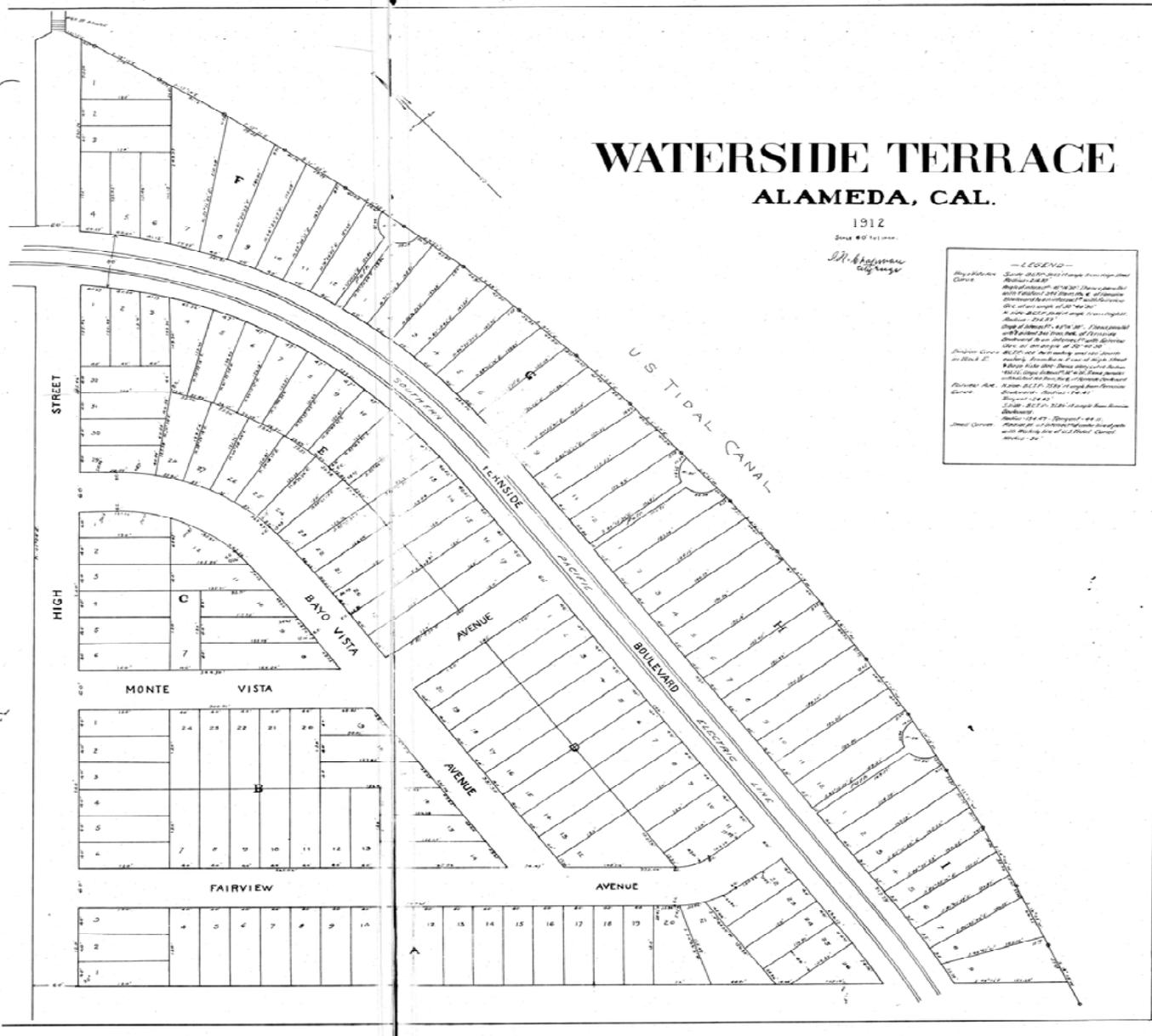
O. 77747. EUGENE S. ROBERTSON, County Clerk of Alameda County, California, dated the 30th day of August, 1912, which certificate of title is deposited with me for reference this 30th day of August, 1912. *Eugene S. Robertson*

WATERSIDE TERRACE ALAMEDA, CAL.

1912
SHEET NO. 10
W. H. Johnson

— LEGEND —

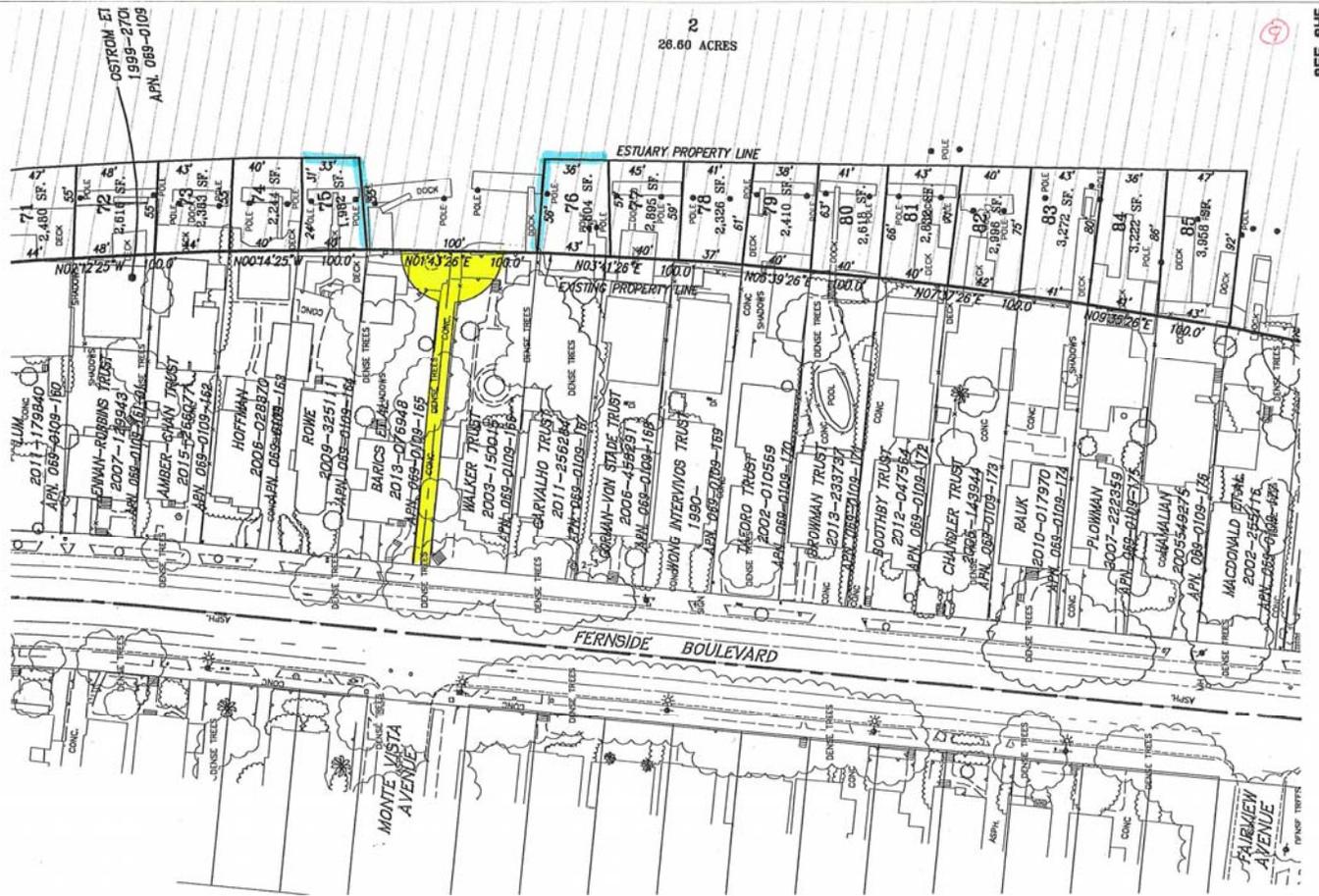
Right of Way	Shaded in yellow
City	Shaded in blue
Water	Shaded in green
Highway	Shaded in red
Street	Shaded in black
Canal	Shaded in white
Other	Shaded in grey



Public Access Point - West



Public Access Point - Middle



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Phase II Plan

- Add back onto the Final Map the six (6) submerged residential lots which would be subject to a 35-foot wide public access easement (that is 17.5 feet on either side of the new property line) – existing encroachment could remain until area need for public use.
- Construct fencing along bulkhead (for safety) and along property line to separate City-owned public access point property from private property.
- Repave or patch the pathways.

Phase II Plan

- Negotiate with the six (6) affected adjacent property owners to explain plan for clearing encroachments and disposition.
- Address a significant improvement (pool) that encroaches into the public access point.
- Address landscaping that encroaches into the public access point.
- Hold the two (2) remaining commercial lots (Lots 5 & 6) until a suitable buyer comes along.

Phase II Plan

Public Meetings and Approvals

- Planning Board, Rec & Park Commission and City Council action required for these actions.
- BCDC approval will also be required in order to make the improvements contemplated under Phase II.
- All of these recommendations and approvals would occur at noticed and agendized public meetings.

Phase III Plan – Public Dock

- Members of the community have expressed a desire for an additional public dock possibly located along the Tidal Canal.
- Staff envisions Phase III as a community driven planning process, to be facilitated by the Recreation and Parks and Community Development Departments through public meetings to gather community consensus:
 - Best location
 - Types of amenities
 - Size, composition and intended use
 - Return to the City Council for their consideration and further direction.

Next Move

- In September 2016, the City Council gave direction to complete Phase I and to come back with a plan for Phases II & III.
- In March 2017, the City Council allocated \$1.1 million dollars (proceeds from Phase I sales) to fund Phases II & III.
- If the City Council approve the plan, City staff will get to work to try to achieve the stated goals of the Council.
- This Project won't solve every problem along the Tidal Canal, but we have come a long way and we have much left to do.

Discussion

