CITY OF ALAMEDA RESOLUTION NO._____

APPROVING NEGATIVE DECLARATION AND TENTATIVE MAP #8337 FOR A 99 LOT SUBDIVISION LOCATED ALONG THE OAKLAND INNER HARBOR TIDAL CANAL FROM APPROXIMATELY 1,800 FEET NORTHWEST OF THE PARK STREET BRIDGE TO APPROXIMATELY 2,300 FEET SOUTH OF HIGH STREET

WHEREAS, the U.S. Army Corps of Engineers (the "Army Corps") excavated, dredged, and created the Oakland Inner Harbor Tidal Canal (the "Tidal Canal") between 1882-1905, which is a waterway approximately 1.8 miles long and 400 feet wide and connects the Oakland Estuary with the San Leandro Bay from approximately 1,800 feet northwest of the Park Street Bridge to approximately 2,300 feet south of High Street Bridge. The Army Corps has retained fee title ownership of the Tidal Canal since its creation. The southern edge of the Alameda side of the Tidal Canal now includes uplands and bulkheads that have been utilized to varying degrees by adjacent private property owners; and

WHEREAS, in 1990, the U.S. Congress authorized the Army Corps to transfer the Tidal Canal at no cost to the cities of Alameda and Oakland through the Water Resources Development Act ("WRDA") of 1990, as amended by WRDA 1996, 2007, and 2014; and

WHEREAS, starting in 2000, the Army Corps instituted a moratorium on issuing regulatory permits or real estate licenses for any repairs, upgrades, improvements or new construction along the Tidal Canal, with the exception of emergency repairs, (the "Permitting Moratorium") to encourage the City of Alameda (the "City") to accept the Alameda side of the Tidal Canal. The Permitting Moratorium has prevented repairs and improvements to existing structures along the waterfront, which has negatively affected adjacent property owners and has limited the City's ability to enforce code requirements along the Tidal Canal; and

WHEREAS, the Army Corps has agreed to take all reasonable steps necessary to effectuate the transfer, including filing a tentative map application under the Subdivision Map Act (CA Gov. Code §§66410-66413.5) to divide the Tidal Canal into approximately 99 individual parcels to facilitate the transfer to the City and the immediate subsequent sale of portions of the Alameda side of the Tidal Canal to private purchasers. The Army Corps also has agreed to lift the Permitting Moratorium on the Alameda side of the Tidal Canal once the property is transferred out of federal ownership; and

WHEREAS, an application was made on June 1, 2016, by City staff on behalf of the Army Corps requesting approval to subdivide 99 lots out of the approximately 85-acre Tidal Canal; and

WHEREAS, out of the 99 lots, the Army Corps desires to transfer Parcels 2 and 4 through 96 to the City (the "Subject Property") and to reserve and retain ownership of Unsurveyed Remainder (Area 1) (Oakland side of the Tidal Canal), 3 (property adjacent to the federally-owned Navy Operational Support Center), and 97 through 99 (footings for the

High Street Bridge, the Miller-Sweeney Bridge and the Fruitvale Rail Bridge and the Park Street Bridge) as depicted in the Tentative Map included as Exhibit A; and

WHEREAS, on June 1, 2016, the City published a Draft Initial Study/Negative Declaration ("IS/ND") for the OIHTC Project in accordance with the California Environmental Quality Act ("CEQA"), which addresses all potential environmental impacts associated with the proposed transfer and subsequent transfers into private ownership; amendments to the E, Estuary District; and the proposed subdivision map application. The Negative Declaration is provided as Exhibit B; and

WHEREAS, the Planning Board held a public hearing on this application on July 11, 2016 and unanimously recommended that the City Council approve the Tentative Map.

NOW THEREFORE BE IT RESOLVED that the City of Alameda City Council hereby makes the following findings concerning the Negative Declaration:

1. A Draft Negative Declaration for the OIHTC Project has been prepared and circulated for public review in accordance with the California Environmental Quality Act (CEQA).

2. The Draft Negative Declaration addresses all potential environmental impacts associated with the proposed zoning amendment, tentative map approval and proposed transfer and subsequent transfers into private ownership.

3. The City Council has reviewed the Draft Negative Declaration and finds that the proposed project will not result in any significant impacts on the physical environment.

NOW THEREFORE BE IT FURTHER RESOLVED that the City Council of the City of Alameda hereby makes the following findings concerning the proposed subdivision map:

1. **The proposed subdivision is in conformance with the General Plan and Zoning for this site.** The proposed subdivision does not include any proposed construction or development. Future uses of the Subject Property would be consistent with the designated uses identified in the E, Estuary District and would be restricted to water -dependent uses, subject to future discretionary review and approval by the City.

2. **Subdividing the property will facilitate subsequent transfer allowing proper City code enforcement**. The property is being subdivided into 99 parcels to facilitate future sales to private purchasers to clear title issues and to allow City code enforcement, which is currently prevented under the Permitting Moratorium.

3. **There will be no development of the site.** The proposed project does not involve any construction or development. Any future improvements proposed by the

subsequent owners of the property will require a future discretionary approval from the City and will be subject to separate CEQA review.

4. **The proposed subdivision will not cause environmental damage or substantially and avoidably injure fish or wildlife or their habitat.** The project does not involve any ground disturbance and will not cause any potentially significant environmental impacts as confirmed in the IS/ND, published by the City on June 1, 2016. The public comment period for the IS/ND closed on June 30, 2016, and there were no public comments challenging the conclusions reached in the IS/ND.

5. **The proposed subdivision will not conflict with easements acquired by the public at large for access through or use of property within the subdivisions.** All existing public access easements are to be retained.

6. **The design of the subdivision will not cause serious public health problems**. The project does not involve any ground disturbance and will not cause any potentially significant environmental impacts as confirmed in the IS/ND.

NOW THEREFORE BE IT FURTHER RESOLVED that the City of Alameda City Council hereby adopts the Negative Declaration and approves Tentative Map #8337 which would establish 99 lots subject to compliance with the following condition:

1. The Final Map shall show all existing and proposed easement locations, uses and recording information. The Owner's Statement shall list all easements to be dedicated and the Certificate of City Clerk shall list all public easements to be abandoned, if any, with recording information as part of the Final Map.

NOTICE: No judicial proceedings subject to review pursuant to California Code of Civil Procedure Section 1094.5 may be prosecuted more than ninety (90) days following the date of this decision plus extensions authorized by California Code of Civil Procedure Section 1094.6.

NOTICE: The time limit within which to commence any lawsuit or legal challenge to any quasi-adjudicative decision made by the City of Alameda is governed by Section 1094.6 of the Code of Civil Procedure, unless a shorter limitation period is specified by any other provision, including without limitation Government Code section 65009 applicable to many land use and zoning decisions, Government Code section 66499.37 applicable to the Subdivision Map Act, and Public Resources Code section 21167 applicable to the California Environmental Quality Act (CEQA). Under Section 1094.6, any lawsuit or legal challenge to any quasi-adjudicative decision made by the City must be filed no later than the 90th day following the date on which such decision becomes final. Any lawsuit or legal challenge, which is not filed within that 90-day period, will be barred. Government Code section 65009 and 66499.37, and Public Resources Code section 21167, impose shorter limitations periods and requirements, including timely service in addition to filing. If a person wishes to challenge the above actions in court, they may be limited to raising only

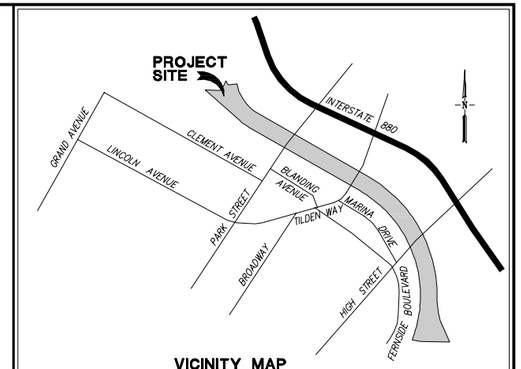
those issues they or someone else raised at the meeting described in this notice, or in written correspondence delivered to the City of Alameda, at or prior to the meeting. In addition, judicial challenge may be limited or barred where the interested party has not sought and exhausted all available administrative remedies.

Exhibit A

TENTATIVE MAP
TRACT 8337 - OAKLAND INNER HARBOR
CITY OF ALAMEDA, ALAMEDA COUNTY, CALIFORNIA
FOR: CITY OF ALAMEDA

LEGEND

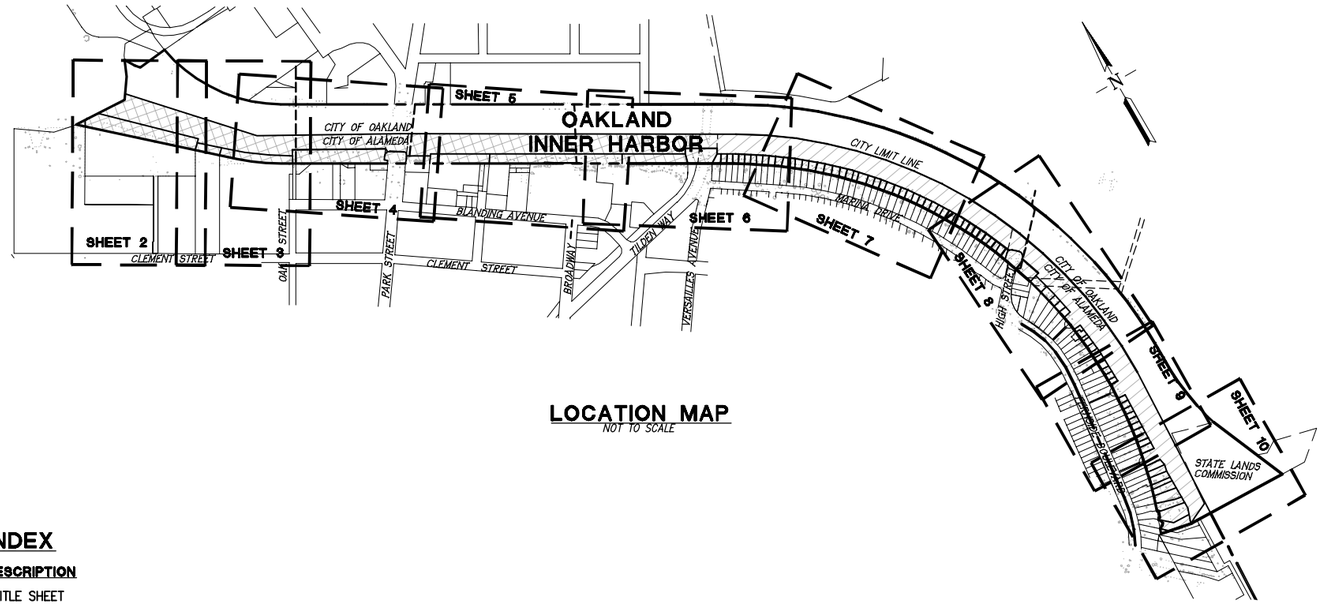
PROPOSED	DESCRIPTION	EXISTING
	TRACT BOUNDARY	
	LOT LINE	
	CITY LIMIT LINE	
	ESTUARY ZONING	



VICINITY MAP
NOT TO SCALE

ABBREVIATIONS

APN	ASSESSOR'S PARCEL NUMBER
OR	OFFICIAL RECORDS
SF	SQUARE FEET



LOCATION MAP
NOT TO SCALE

GENERAL NOTES

1. OWNER: U. S. ARMY CORPS OF ENGINEERS, 1455 MARKET STREET, 16TH FLOOR, SAN FRANCISCO, CA 94103, (415) 503-6988
2. SUBDIVIDER: CITY OF ALAMEDA, 2263 SANTA CLARA AVENUE, ROOM 280, ALAMEDA, CA 94501, (510) 747-4763, CONTACT: MR. ANDRICO PENICK
3. CIVIL ENGINEER: RUGGERI-JENSEN-AZAR, 4690 CHABOT DRIVE, SUITE 200, PLEASANTON, CA 94588, (925) 227-9100, CONTACT: MR. EDDIE SIEU
4. ASSESSOR'S PARCEL NUMBER: NOT APPLICABLE
5. PROPERTY DESCRIPTION: OAKLAND INNER HARBOR AS SHOWN ON THE RECORD OF SURVEY (R/S NO. 1245) FILED IN BOOK 18 OF RECORD OF SURVEYS AT PAGE 63, RECORDS OF ALAMEDA COUNTY.
6. CURRENT USE: WATER ORIENTED USES
7. PROPOSED USE(S): NO CHANGES IN USE(S) ARE PROPOSED
8. EXISTING ZONING: ESTUARY PORTION AND PORTION UNDEFINED
9. PROPOSED ZONING: ESTUARY OVER AREA WITH UNDEFINED ZONING
10. GROSS SITE AREA: 41.2± ACRES
11. TOTAL NUMBER OF PROPOSED LOTS: 99
12. TOPOGRAPHIC INFORMATION SHOWN HEREON IS BASED ON AERIAL TOPOGRAPHIC SURVEY PREPARED SEPTEMBER 2015.
13. NO IMPROVEMENTS, STREET UTILITIES, LANDSCAPING OR GRADING IS PROPOSED WITH THIS SUBDIVISION.
14. NO PUBLIC AREAS ARE PROPOSED FOR DEDICATION.
15. THE BOUNDARY INFORMATION SHOWN HEREIN IS PRELIMINARY AND IS ONLY BASED ON RECORD INFORMATION WITHOUT THE BENEFIT OF A FIELD SURVEY. A FINAL MAP WILL BE PREPARED IN SUBSTANTIAL CONFORMANCE TO THE APPROVED TENTATIVE MAP AND THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND WILL BE BASED ON A FIELD SURVEY CONFORMING TO THE REQUIREMENTS OF THE LAND SURVEYORS ACT. THE FINAL MAP WHEN FILED FOR RECORD WITH THE ALAMEDA COUNTY RECORDER WILL LEGALLY CREATE THE LOTS SHOWN WITHIN THE FINAL MAP.

SHEET INDEX

RJA
RUGGERI-JENSEN-AZAR
ENGINEERS ▪ PLANNERS ▪ SURVEYORS
4690 CHABOT DRIVE, SUITE 200 PLEASANTON, CA 94588
PHONE: (925) 227-9100 FAX: (925) 227-9300

DATE: SEPTEMBER 8, 2016 JOB NO. 151094 SHEET 1 OF 10

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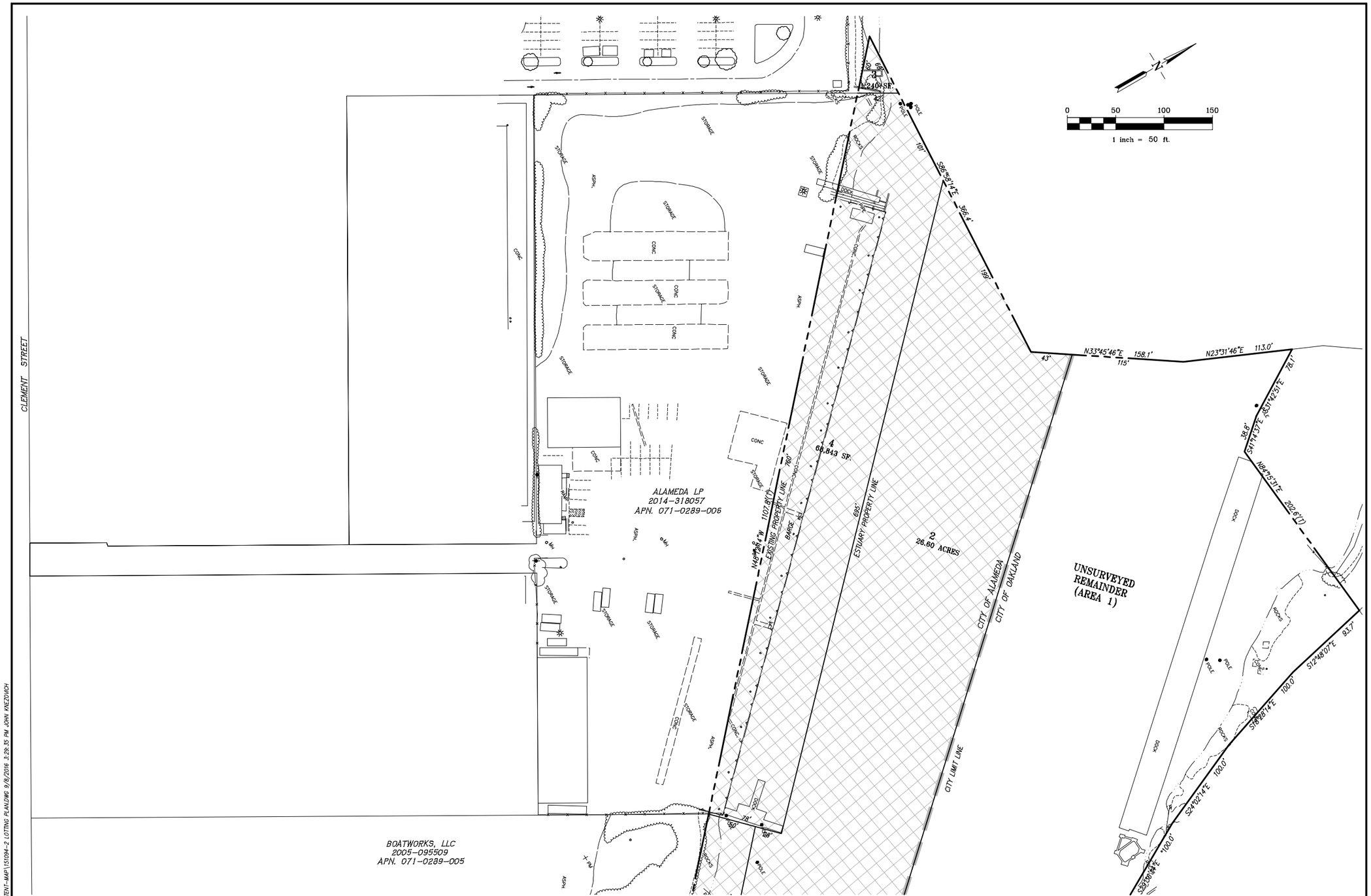

SEE SHEET 3

LOTTING PLAN
TRACT 8337 - OAKLAND INNER HARBOR

CITY OF ALAMEDA, ALAMEDA COUNTY, CALIFORNIA
FOR: THE CITY OF ALAMEDA

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DATE: SEPTEMBER 8, 2016 JOB NO. 151094 SHEET 2 of 10

SEE SHEET 2

ALAMEDA LP
2014-318057
APN. 070-0289-006

BOATWORKS, LLC
2005-095509
APN. 070-0289-005

BOATWORKS, LLC
PCL 1, 2012-283517
APN. 070-0290-001

BECK TRUST
PCL 2, 2007-184667
APN. 071-0290-029

BECK TRUST
PCL 1, 2012-283517
APN. 071-0290-029

BECK TRUST
PCL 9, 2007-184667
APN. 071-0290-029

BECK TRUST
PCL 1, 2007-184667
APN. 071-0290-029

CLEMENT STREET

OAK STREET

BLANDING AVENUE

EXISTING PROPERTY LINE

CITY LIMIT LINE

ESTUARY PROPERTY LINE

CITY OF ALAMEDA

CITY OF OAKLAND

5
8,468 SF.

6
25,898 SF.

2
26.60 ACRES

UNSURVEYED
REMAINDER
(AREA 1)

APPROXIMATE LOCATION
EXISTING 24" EBMUD WATERLINE

0 50 100 150
1 inch = 50 ft.

SEE SHEET 4

LOTTING PLAN
TRACT 8337 - OAKLAND INNER HARBOR

CITY OF ALAMEDA, ALAMEDA COUNTY, CALIFORNIA
FOR: THE CITY OF ALAMEDA

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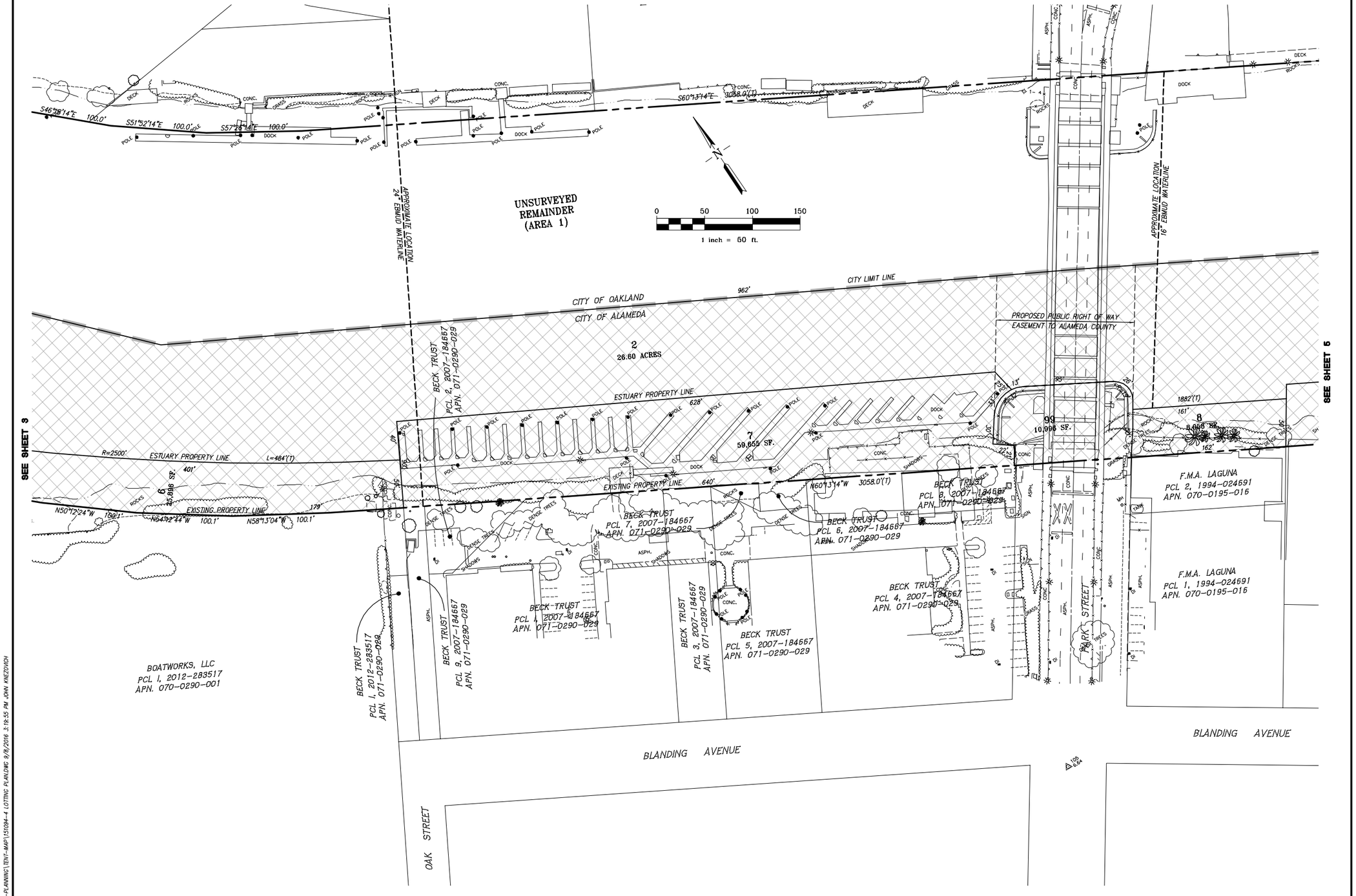

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DATE: SEPTEMBER 8, 2016 JOB NO. 151094 SHEET 4 of 10

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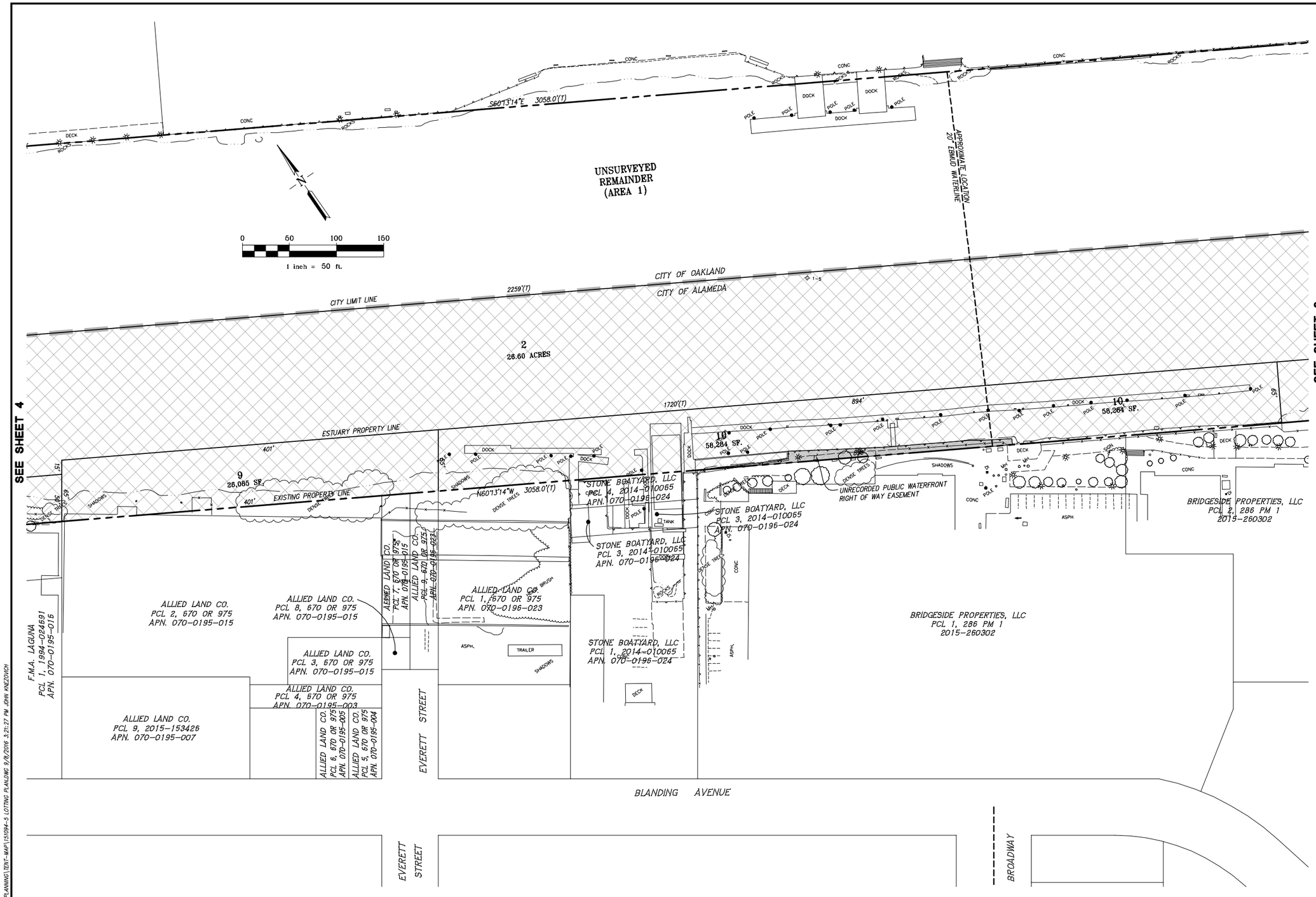

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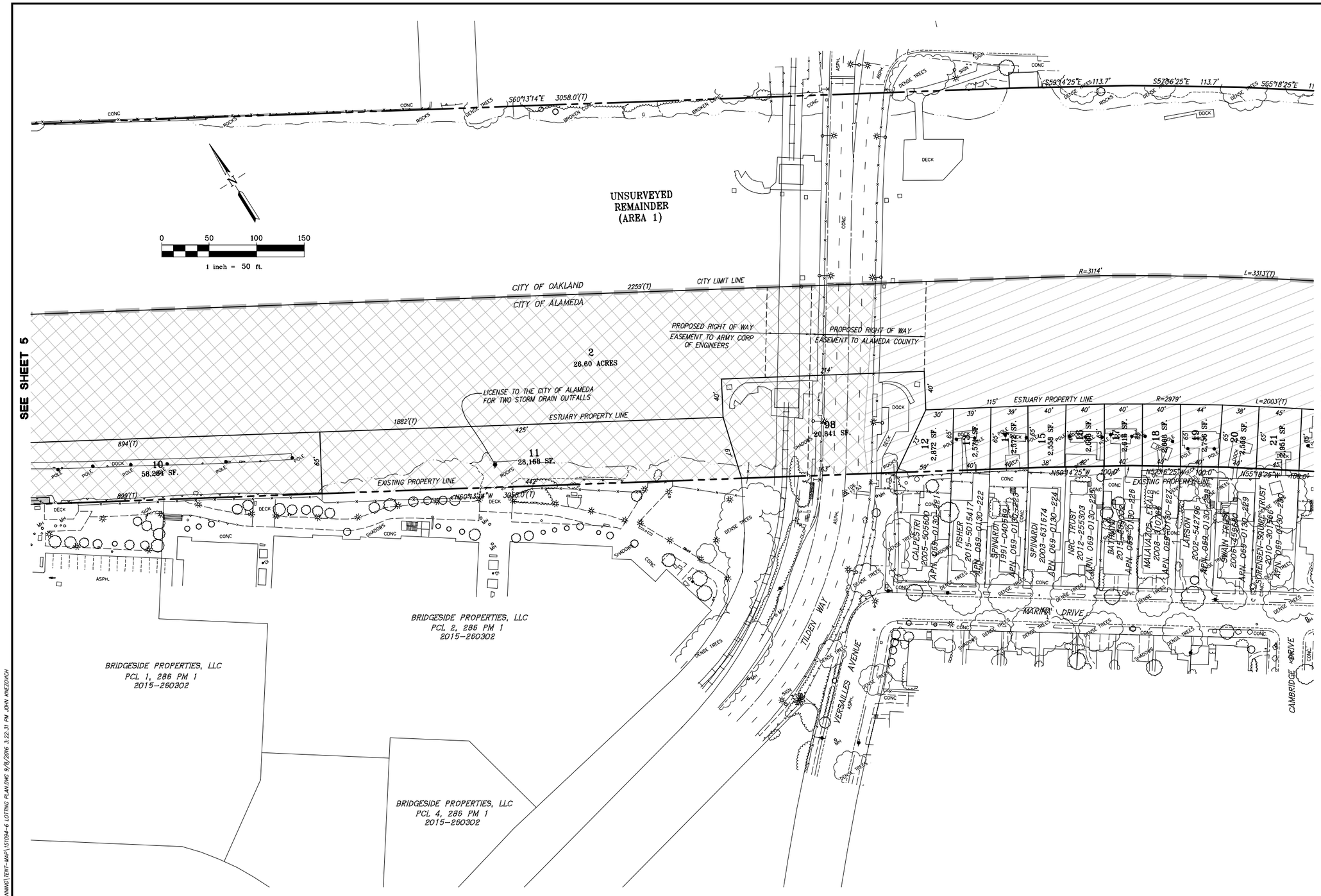

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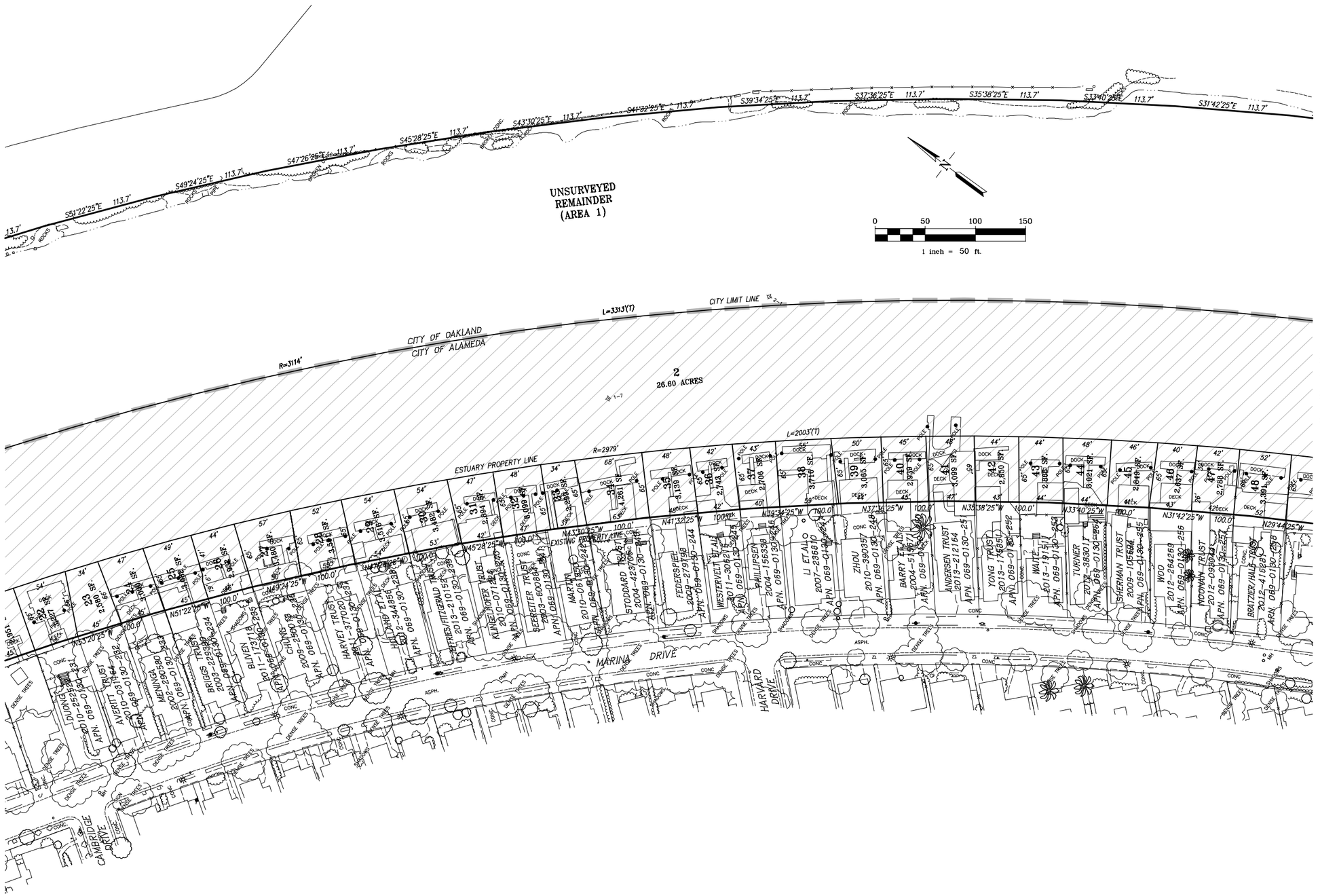

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DATE: SEPTEMBER 8, 2016 JOB NO. 151094 SHEET 7 OF 10

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LOTTING PLAN
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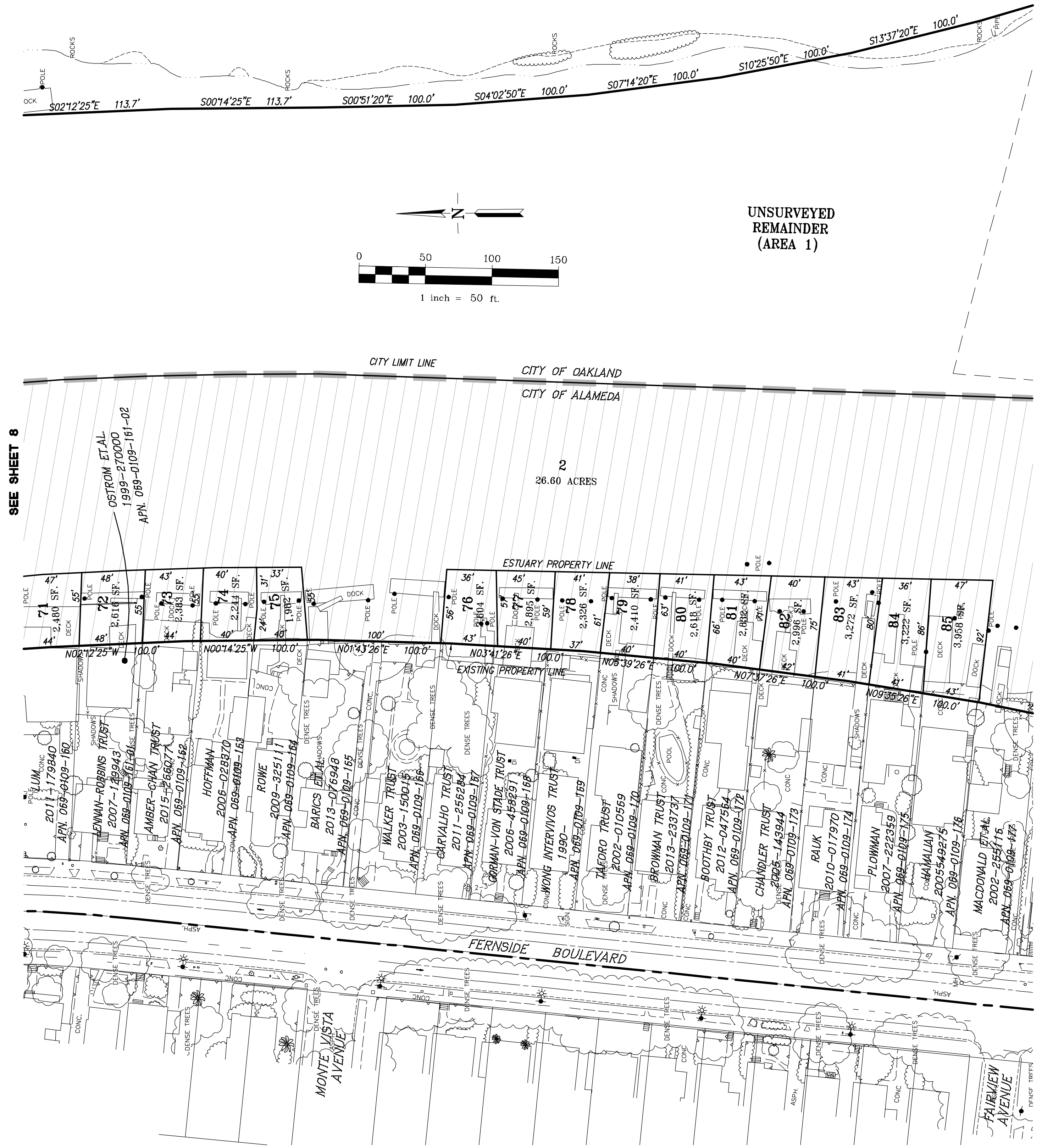

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DATE: SEPTEMBER 8, 2016 JOB NO. 151094 SHEET 9 OF 10

SEE SHEET 9

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N70°34'34"W	7.9'
L2	N17°51'18"E	9.3'
L3	N72°08'42"W	3.0'
L4	N17°51'18"E	35.7'
L5	N72°10'11"W	12.2'
L6	N19°25'26"E	15.1'
L7	N46°45'59"W	21.4'
L8	N43°14'01"E	9.5'
L9	N46°45'59"W	11.9'
L10	N43°14'01"E	20.5'
L11	N46°45'59"W	4.9'
L12	N43°14'01"E	22.1'
L13	N44°58'02"W	6.2'
L14	N21°23'26"E	35.7'

LOTTING PLAN
TRACT 8337 - OAKLAND INNER HARBOR

CITY OF ALAMEDA, ALAMEDA COUNTY, CALIFORNIA
FOR: THE CITY OF ALAMEDA

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EXHIBIT B

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

LIST OF FIGURES

LIST OF TABLES

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.

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

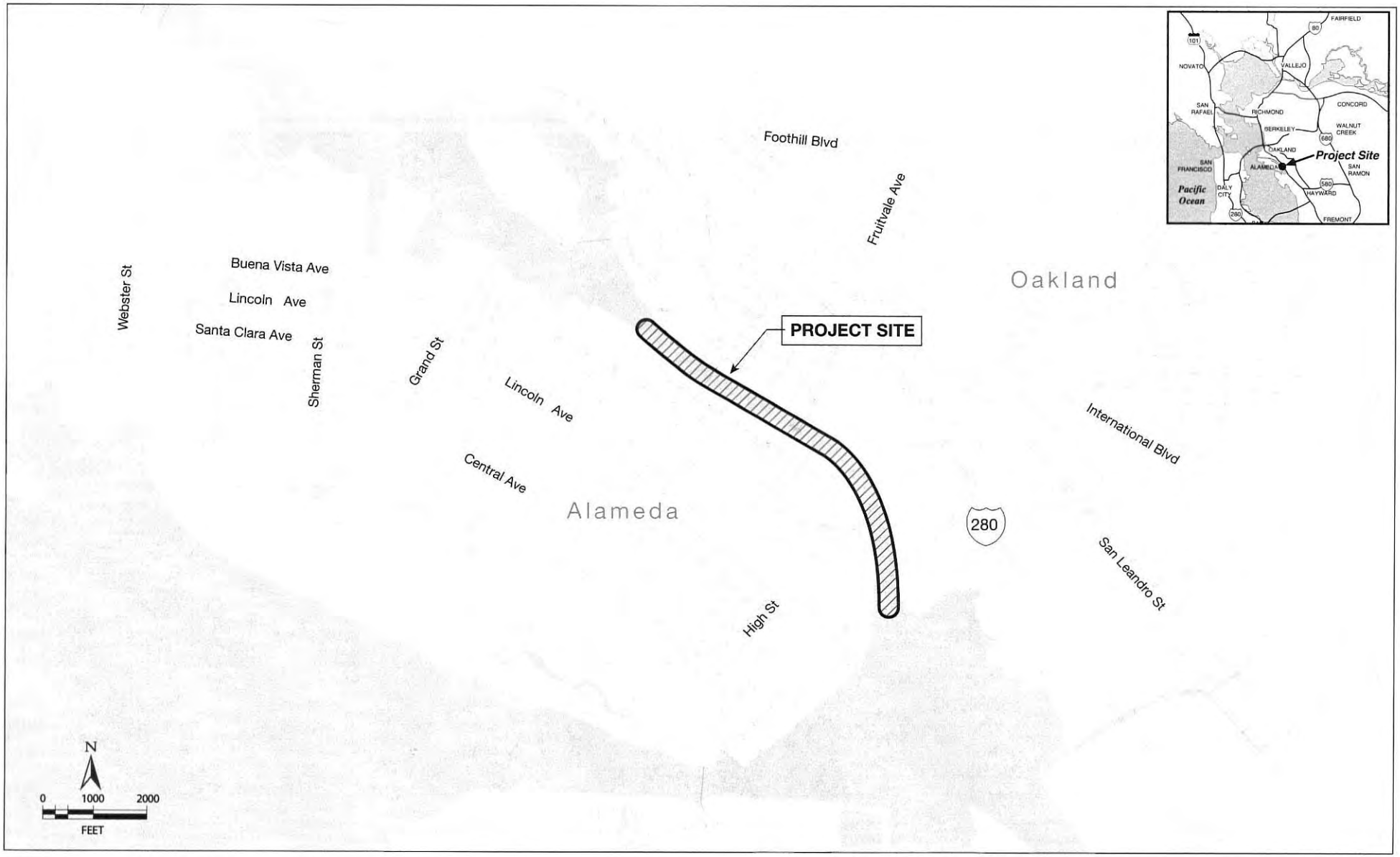

Figure 1

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.

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[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.

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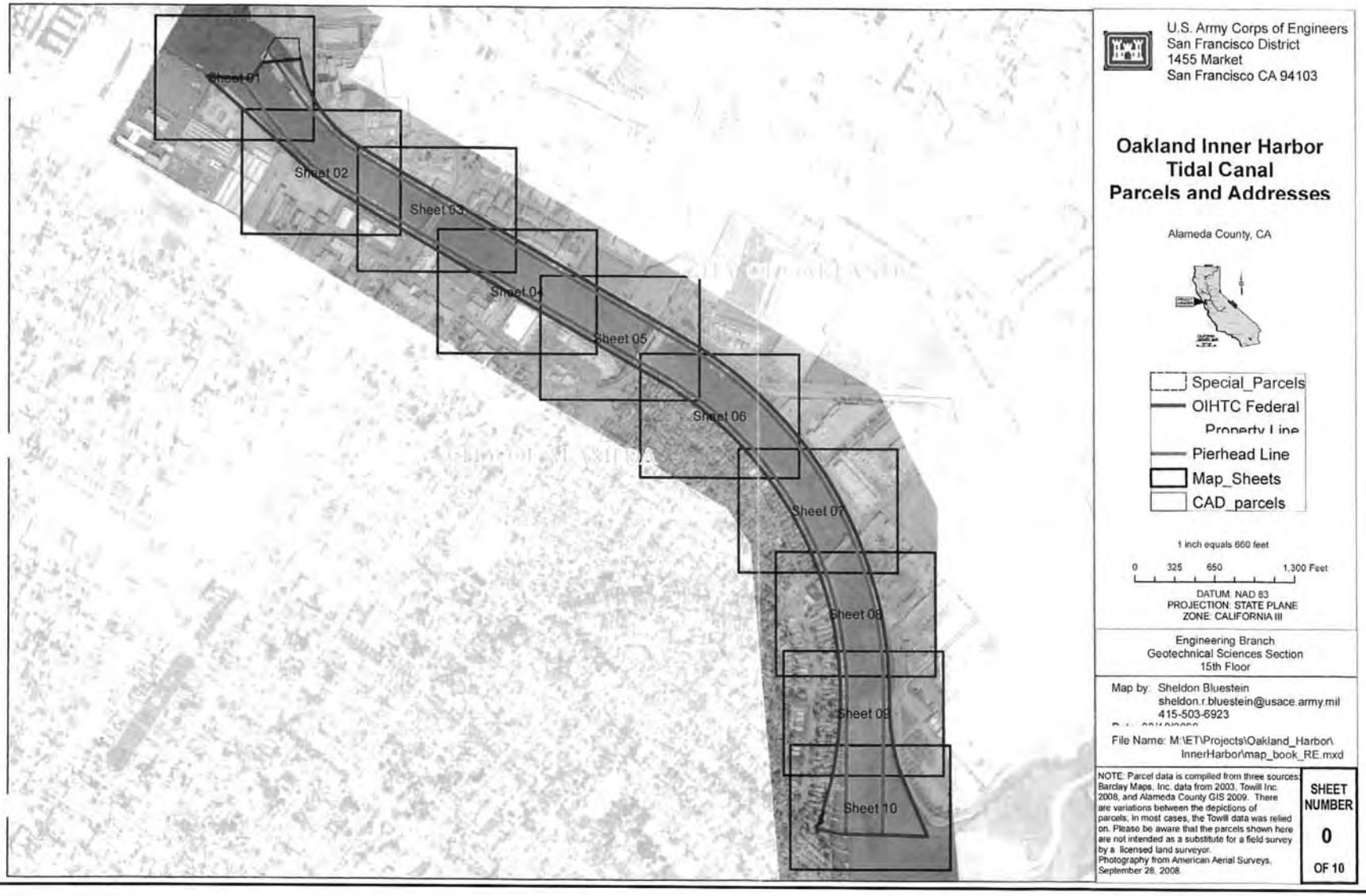


Figure 3

Project Overview and Key to Section Sheets

Source: U.S. Army Corps of Engineers

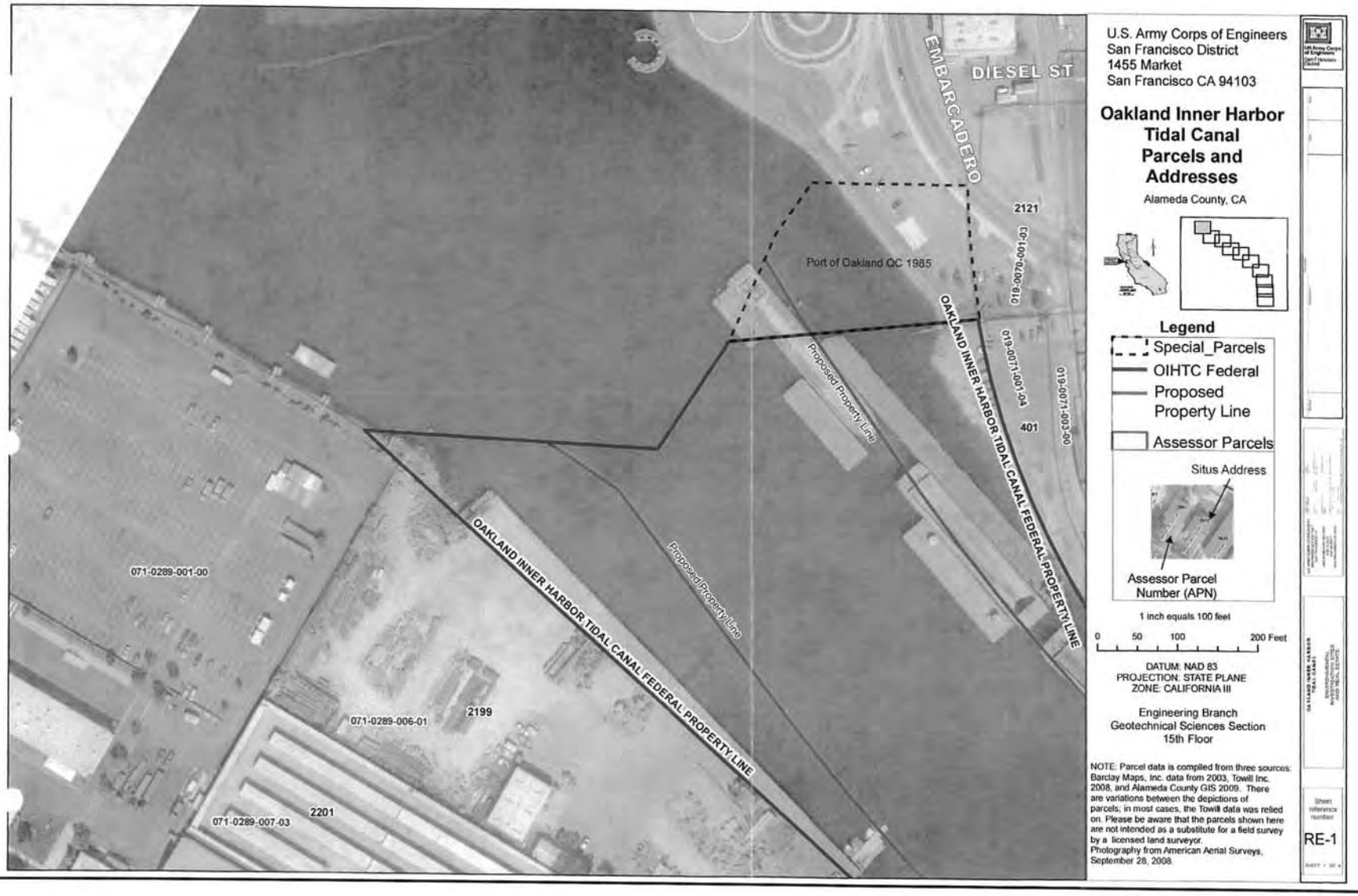


Figure 4

Enlarged Aerial Section View: Sheet 1

Source: U.S. Army Corps of Engineers

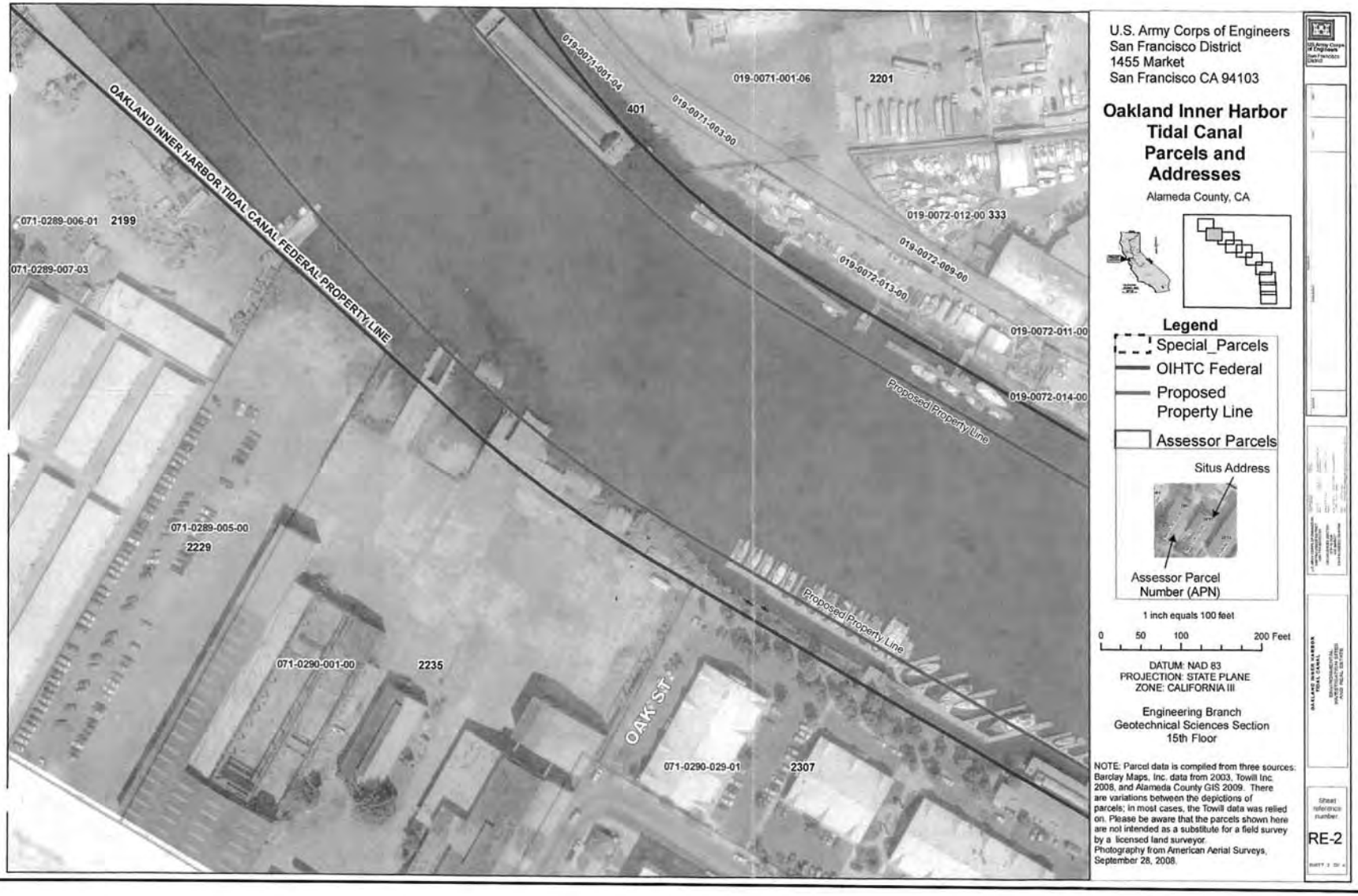


Figure 5

Enlarged Aerial Section View: Sheet 2

Source: U.S. Army Corps of Engineers

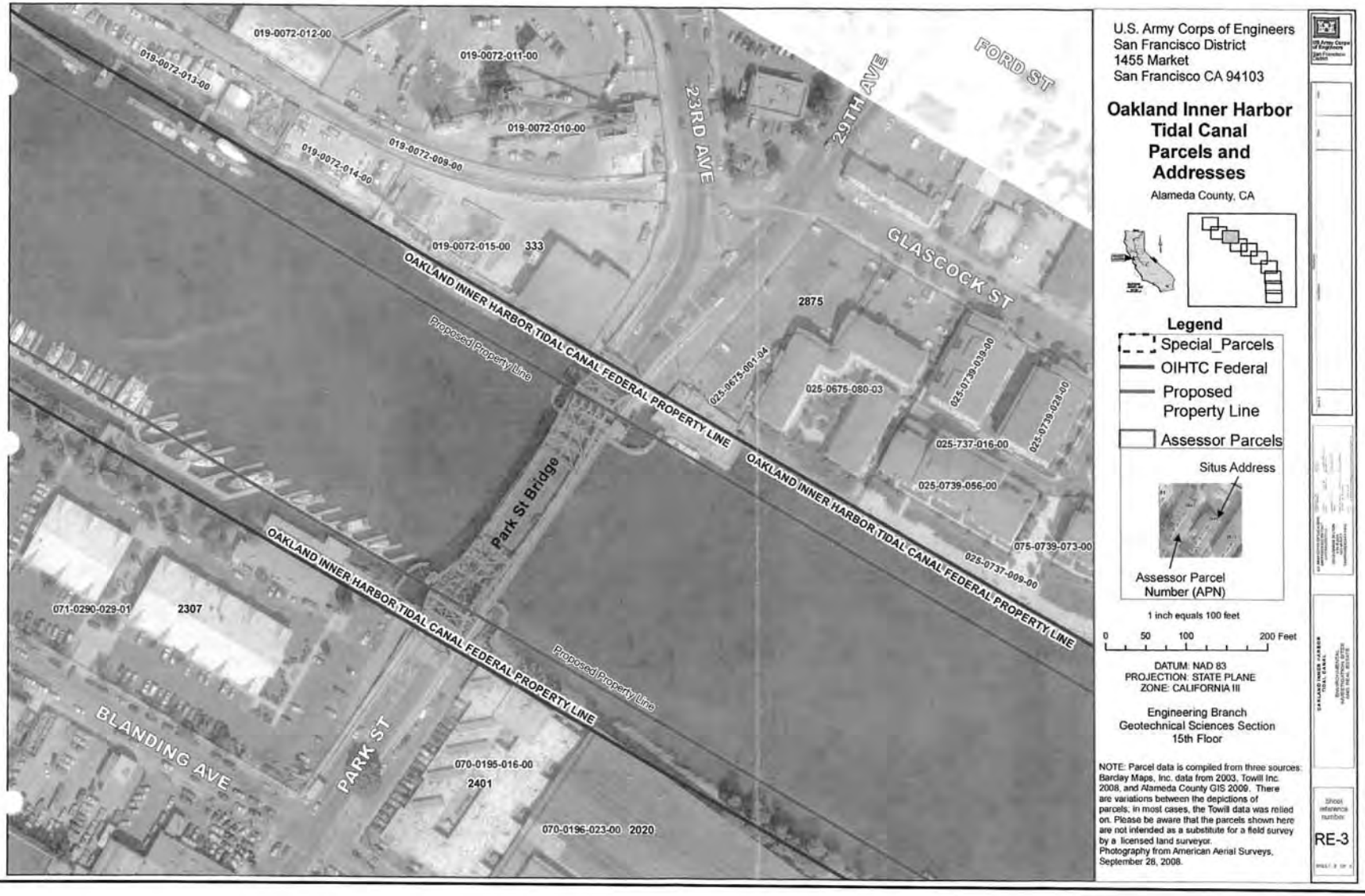


Figure 6

Enlarged Aerial Section View: Sheet 3

Source: U.S. Army Corps of Engineers

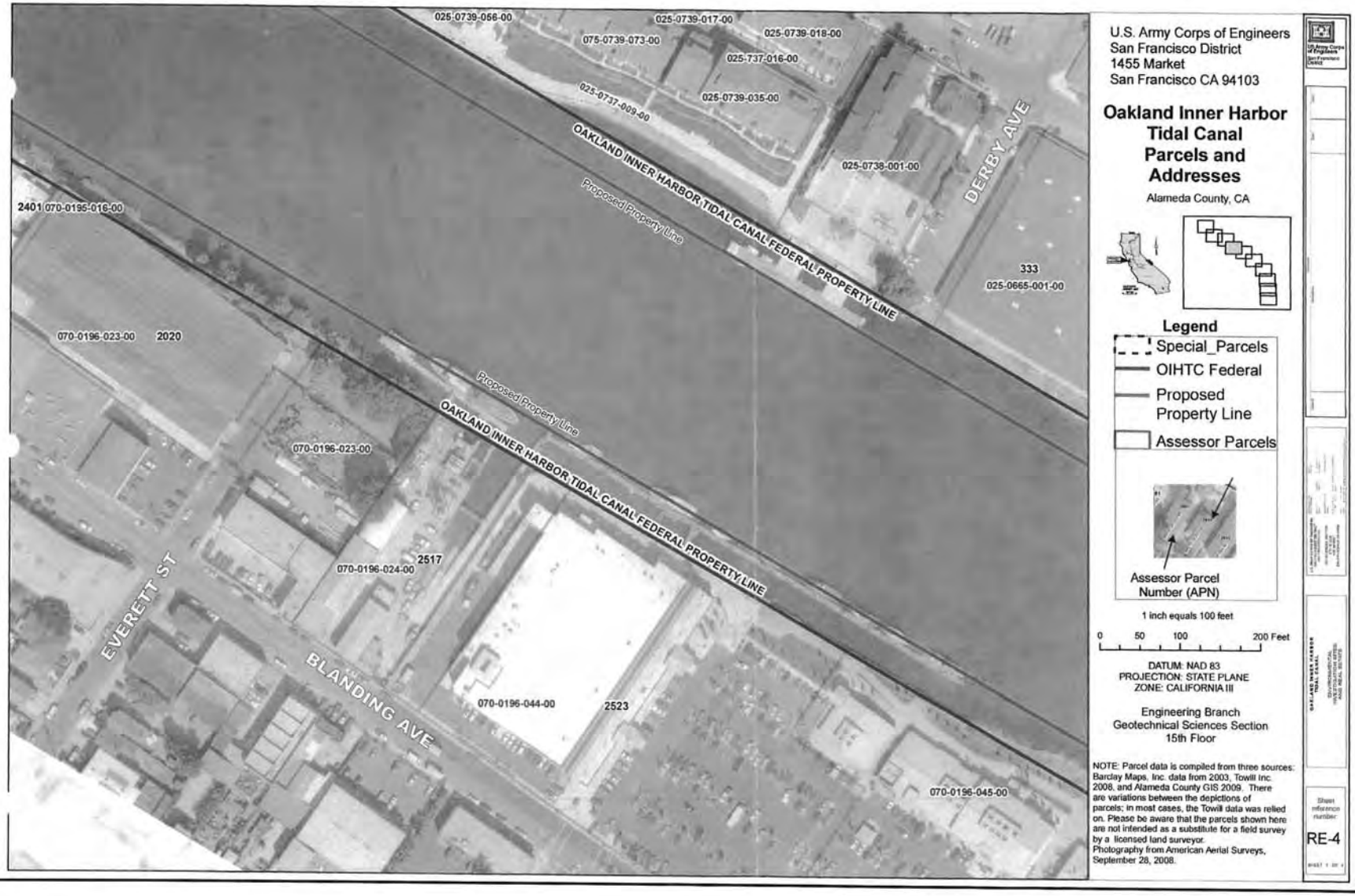


Figure 7

Enlarged Aerial Section View: Sheet 4

Source: U.S. Army Corps of Engineers

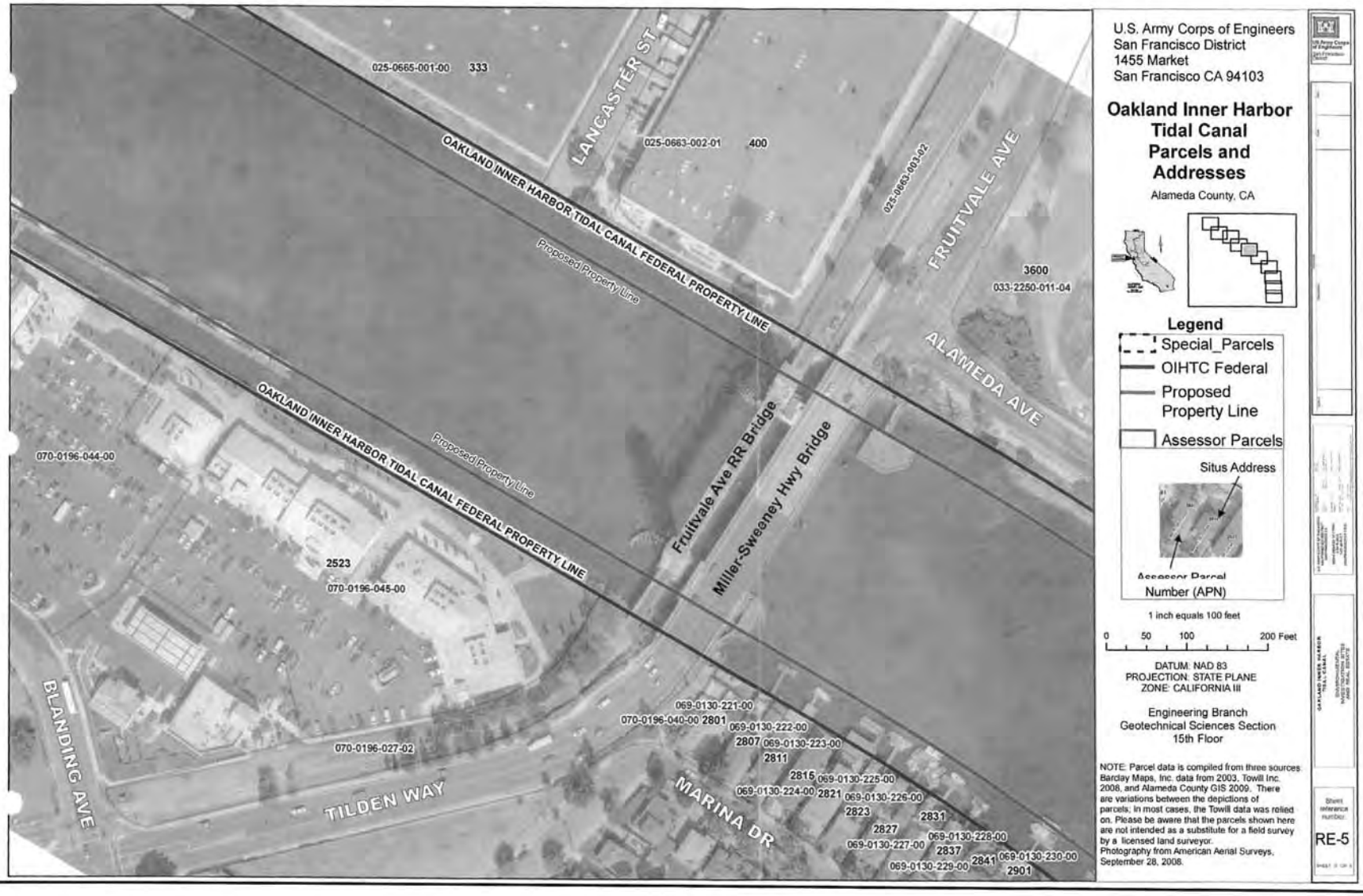


Figure 8

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

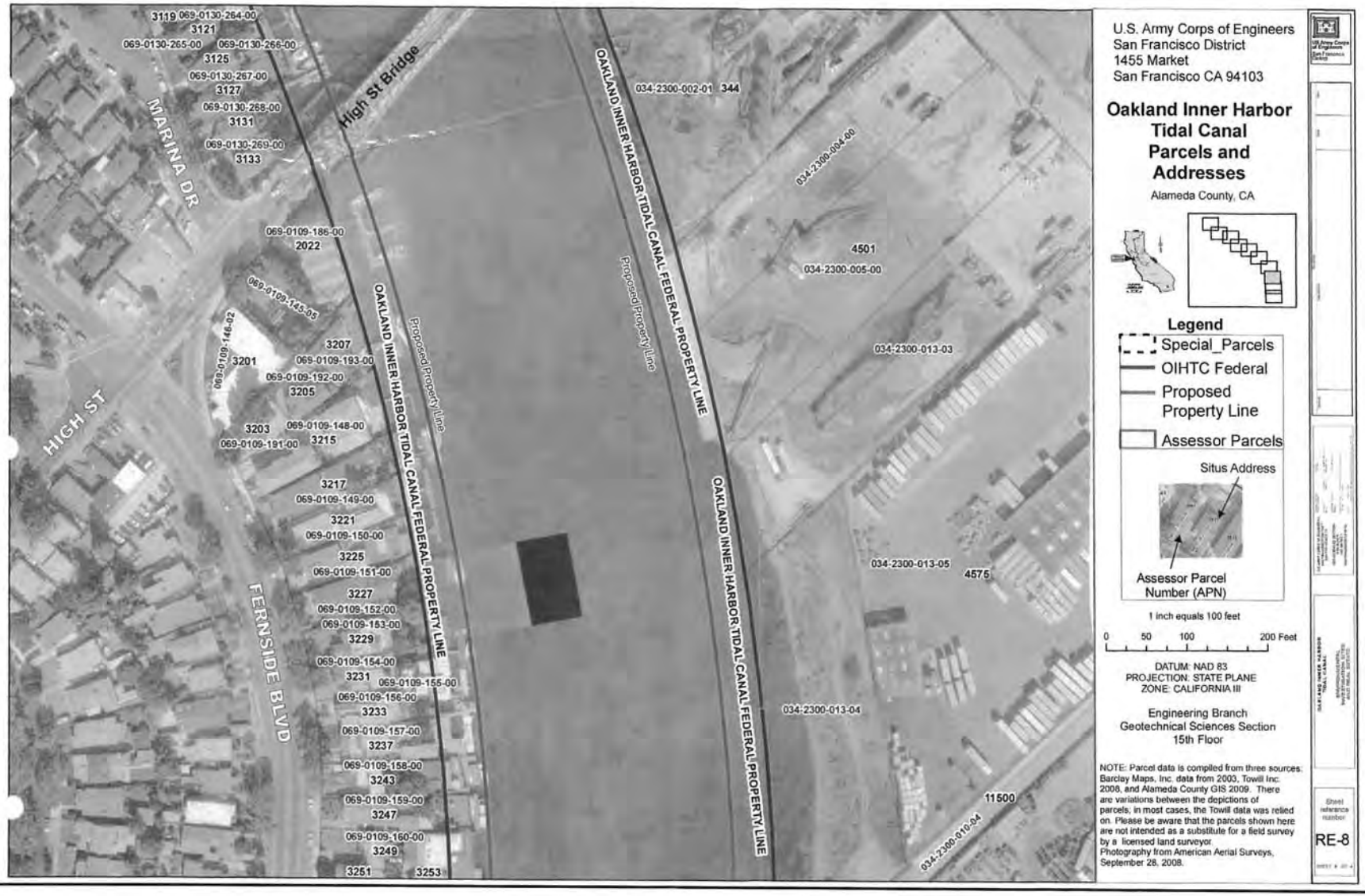


Figure 11

Enlarged Aerial Section View: Sheet 8

Source: U.S. Army Corps of Engineers

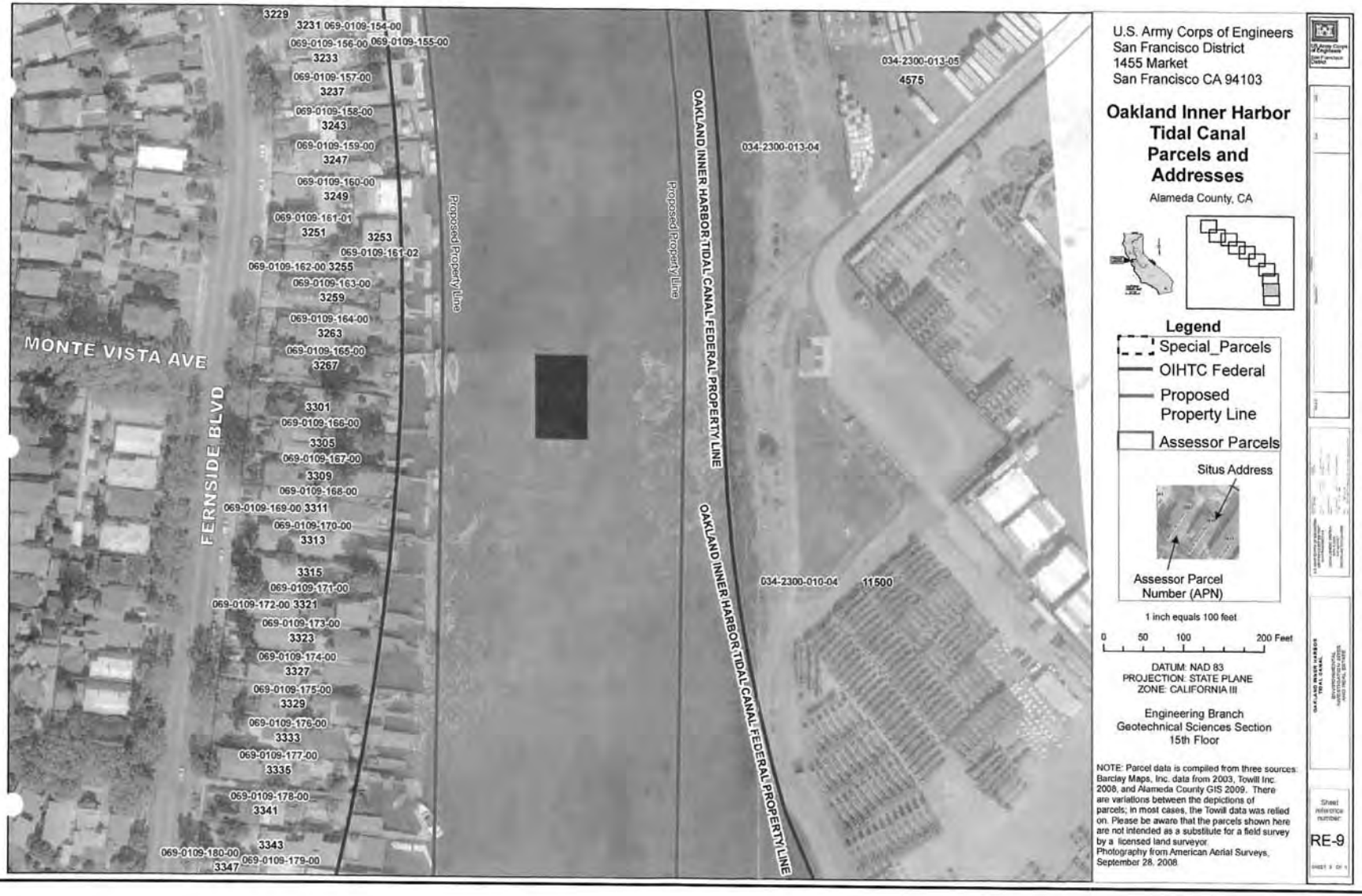


Figure 12

Enlarged Aerial Section View: Sheet 9

Source: U.S. Army Corps of Engineers

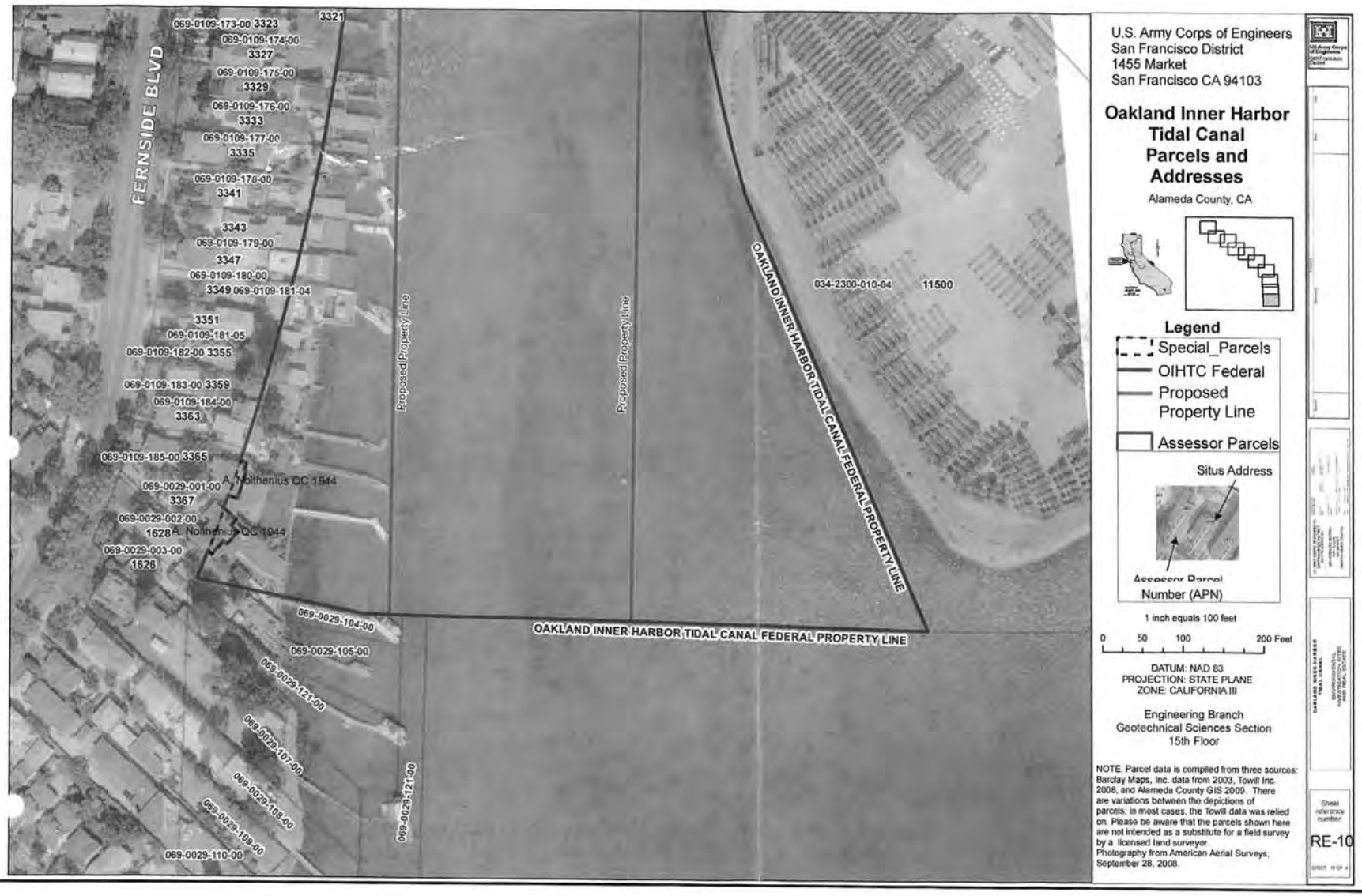
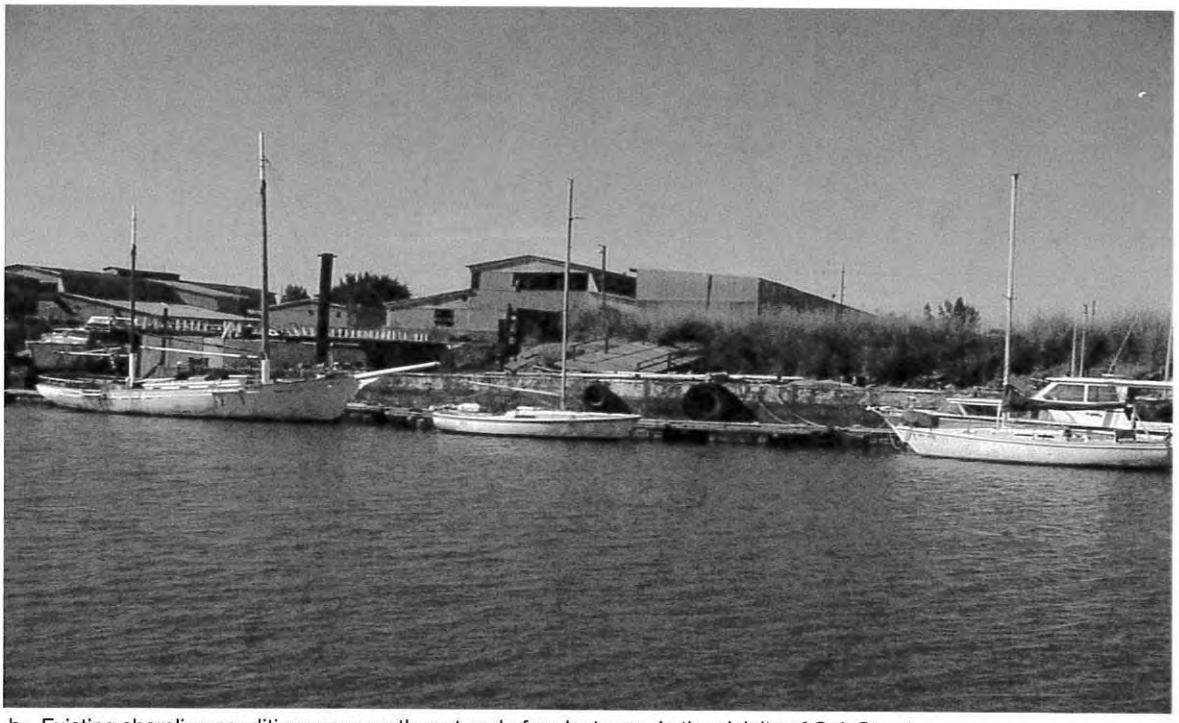


Figure 13

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.

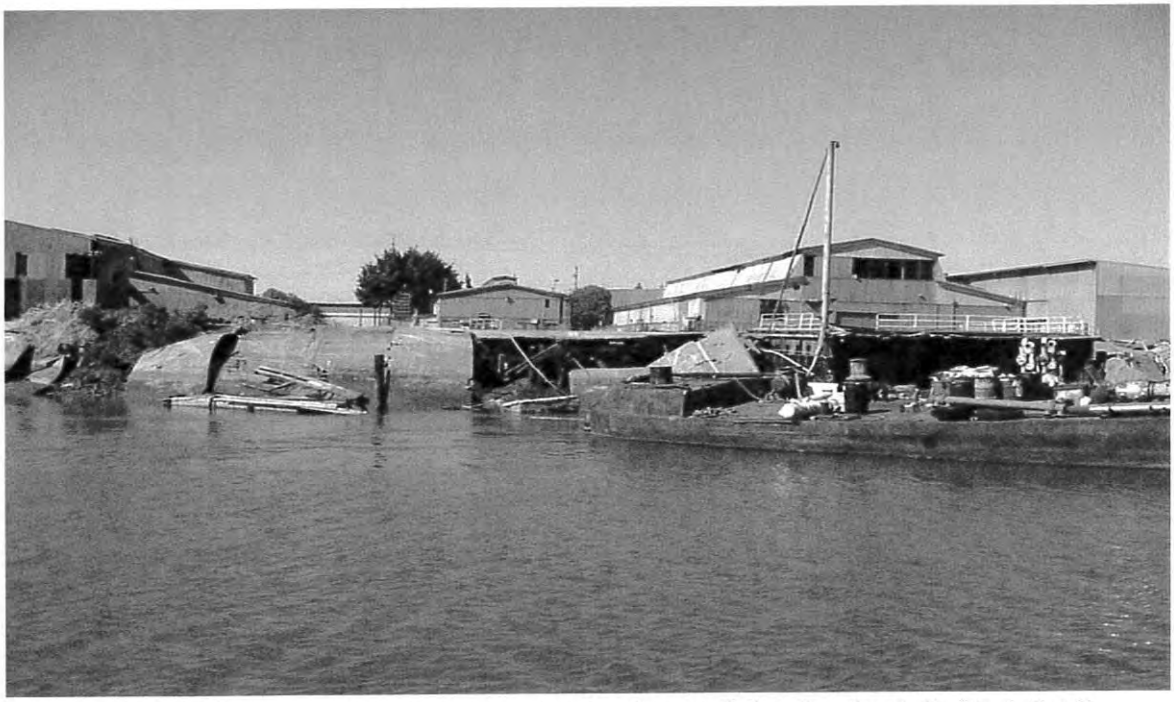


b - Existing shoreline conditions near northwest end of project area, in the vicinity of Oak Street.

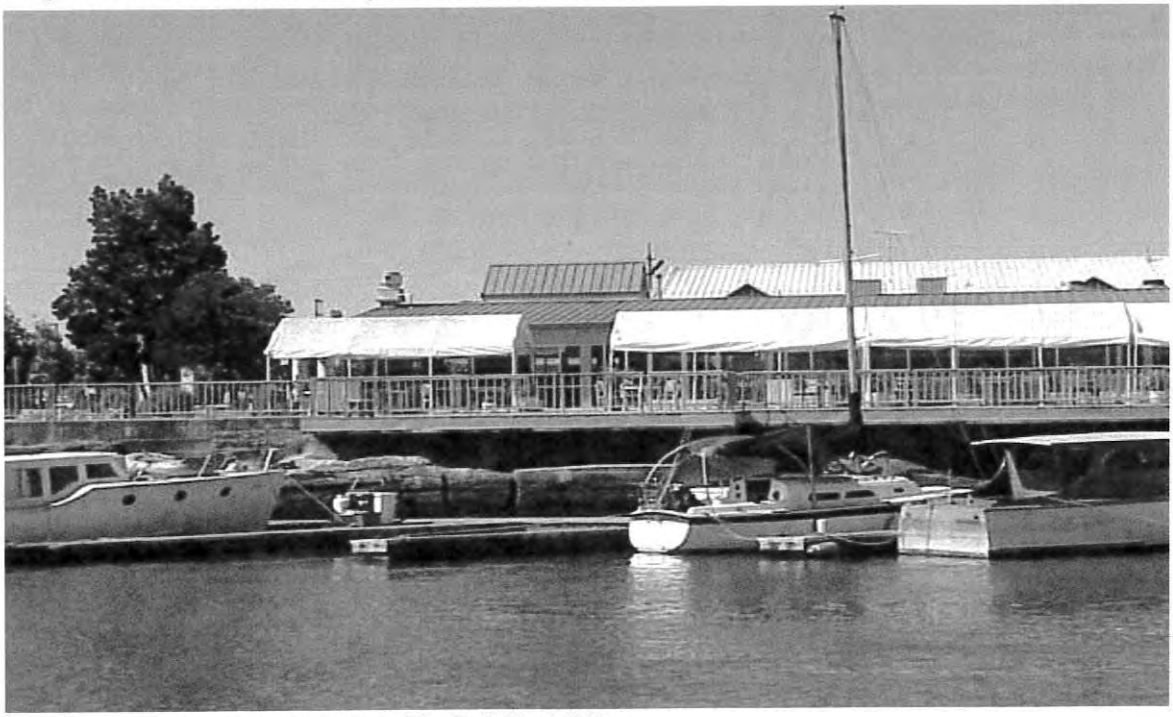
Figure 14

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.

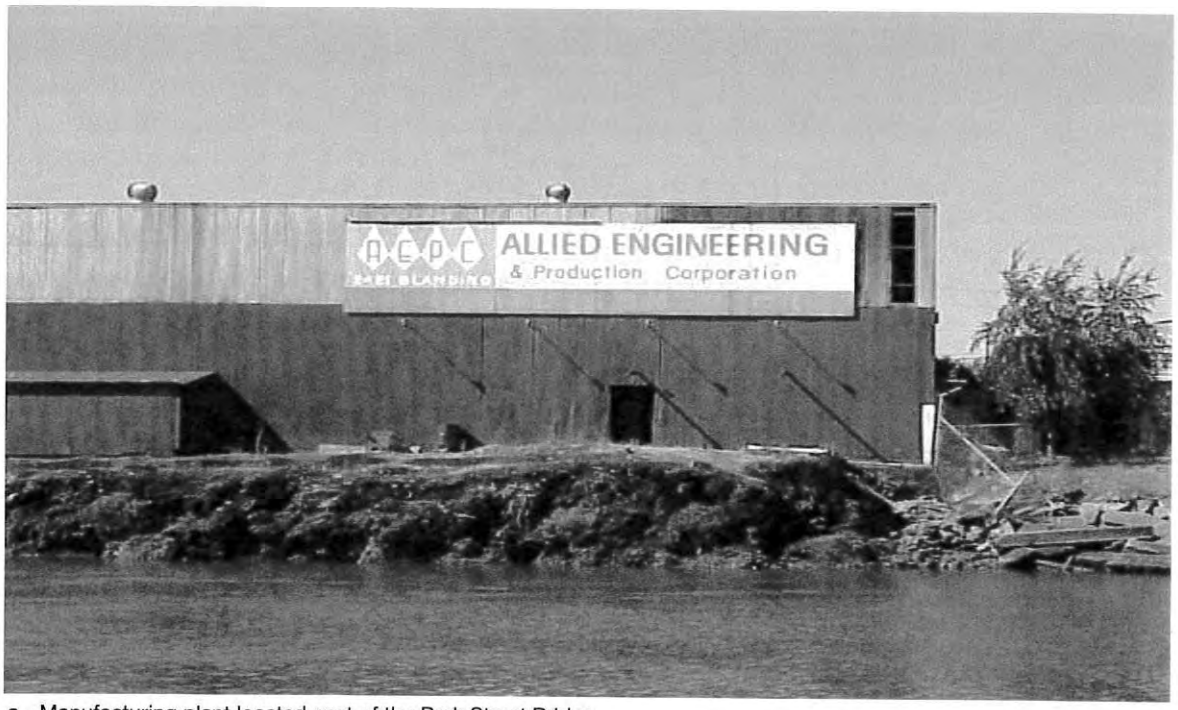


b - Aroma Restaurant, located just west of the Park Street Bridge.

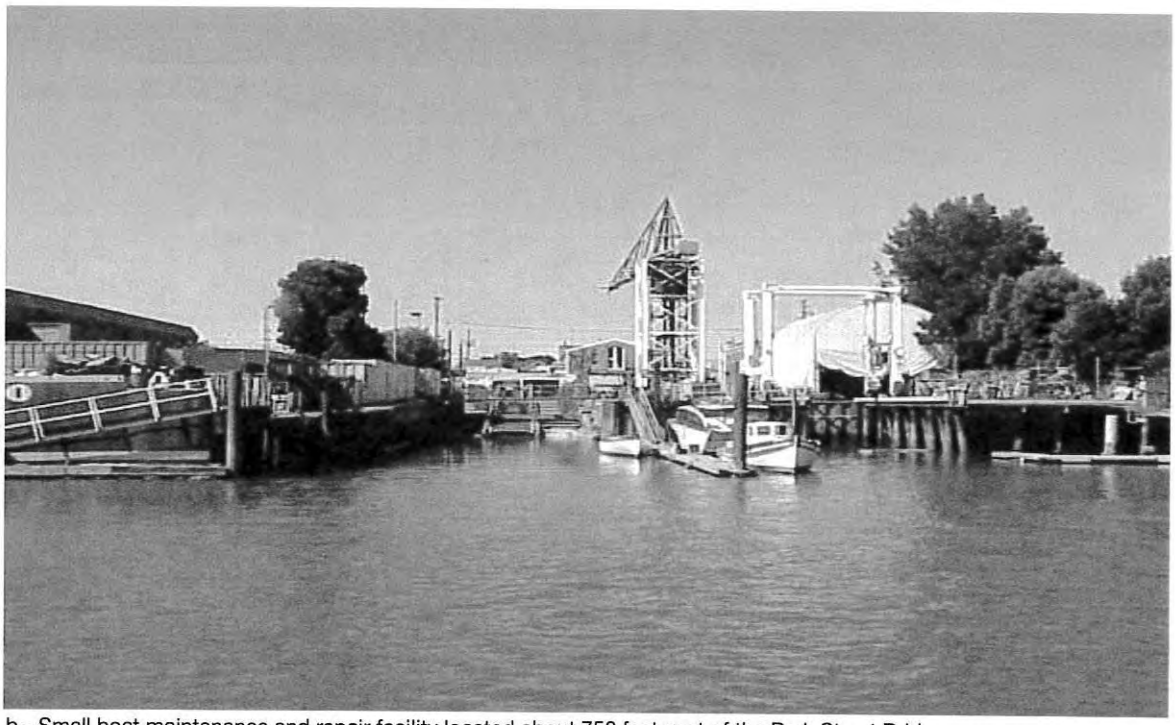
Figure 15

Existing Conditions in the Project Area

Source: U.S. Army Corps of Engineers



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

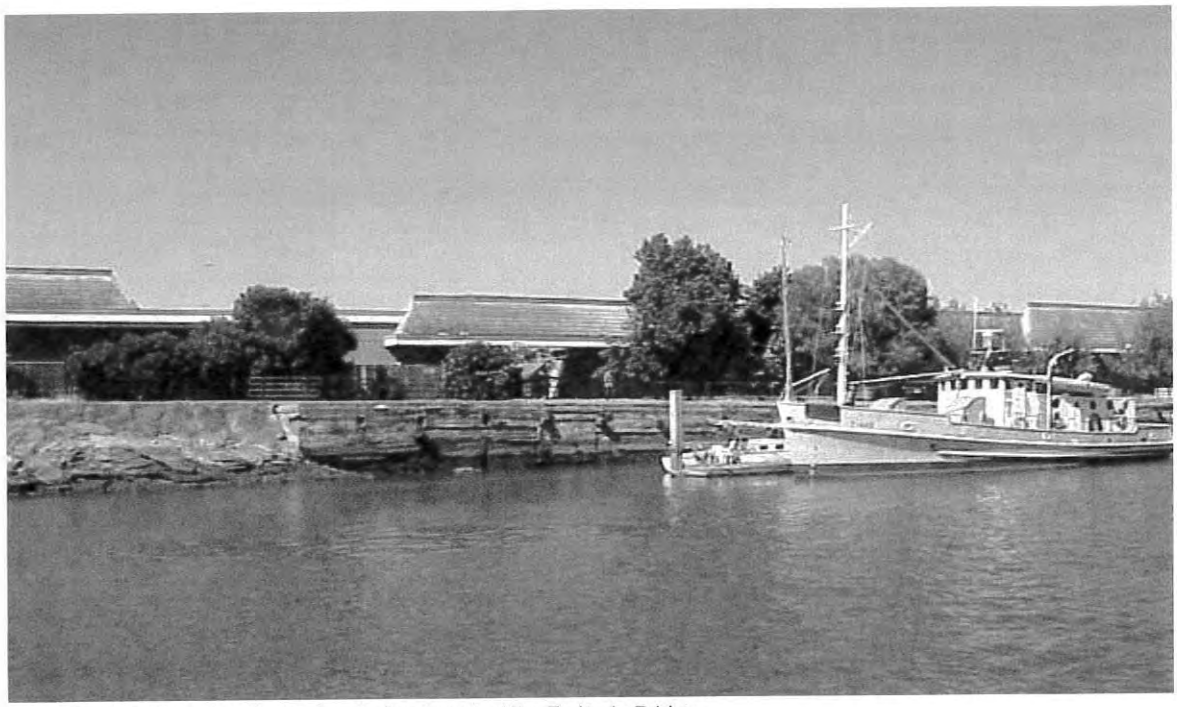


b - Small boat maintenance and repair facility located about 750 feet east of the Park Street Bridge.

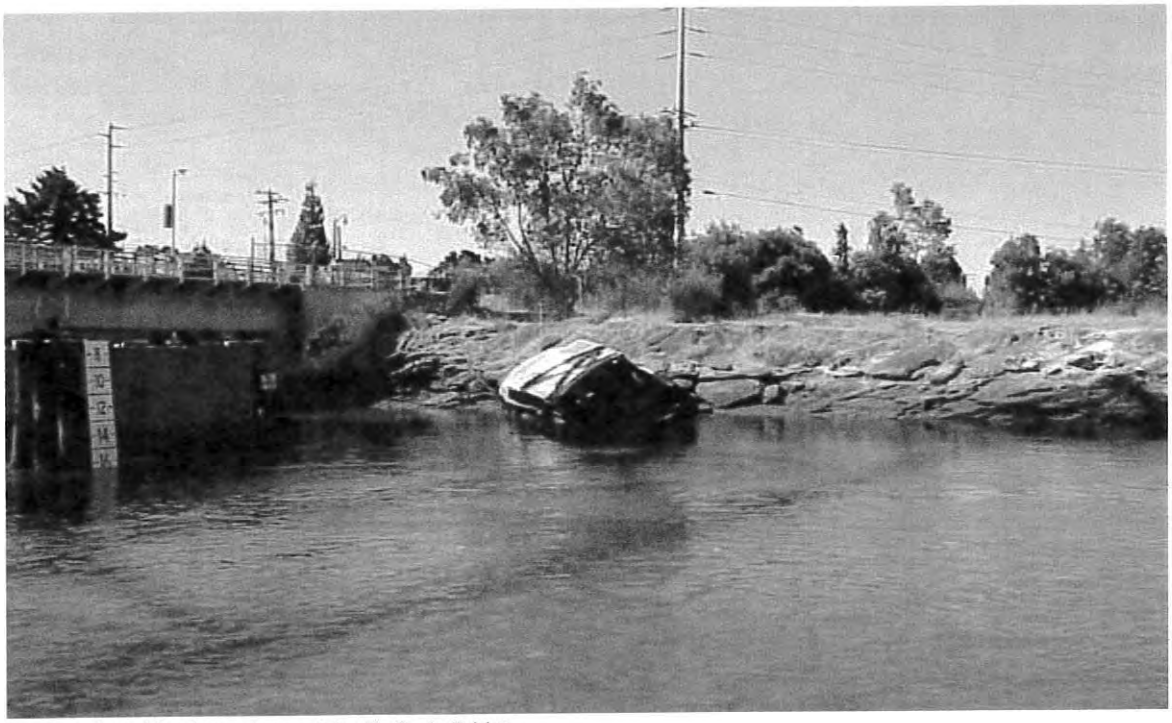
Figure 16

Existing Conditions in the Project Area

Source: U.S. Army Corps of Engineers



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

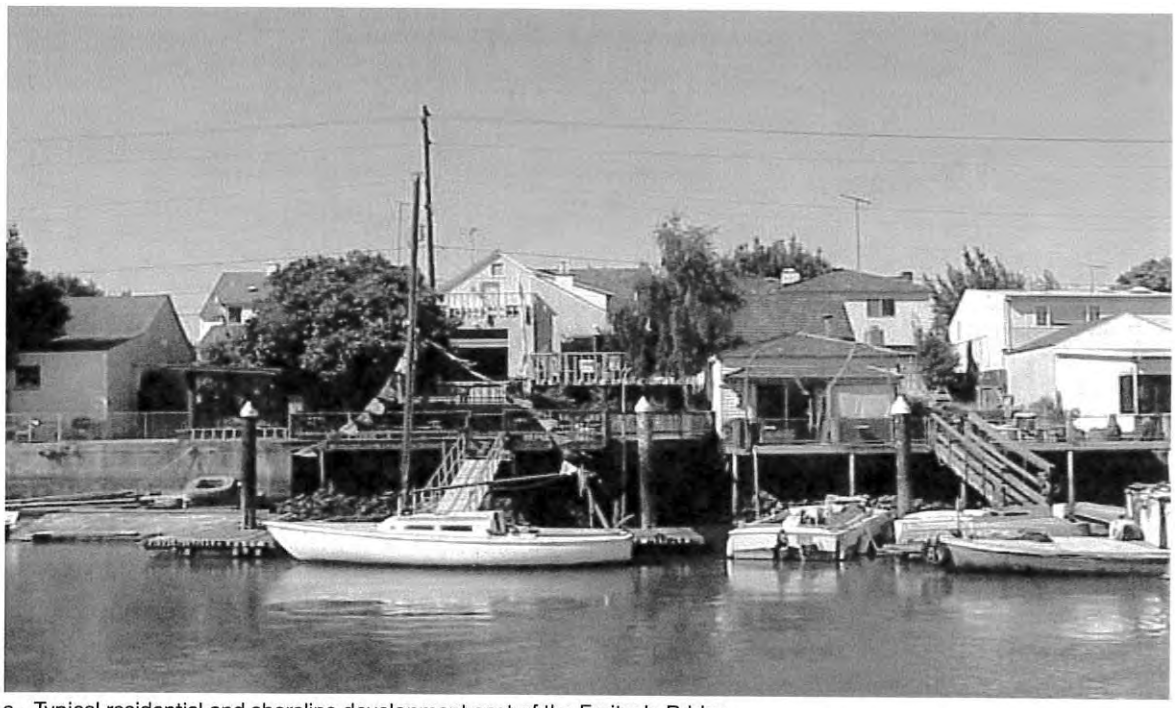


b - Abandoned boat near base of the Fruitvale Bridge.

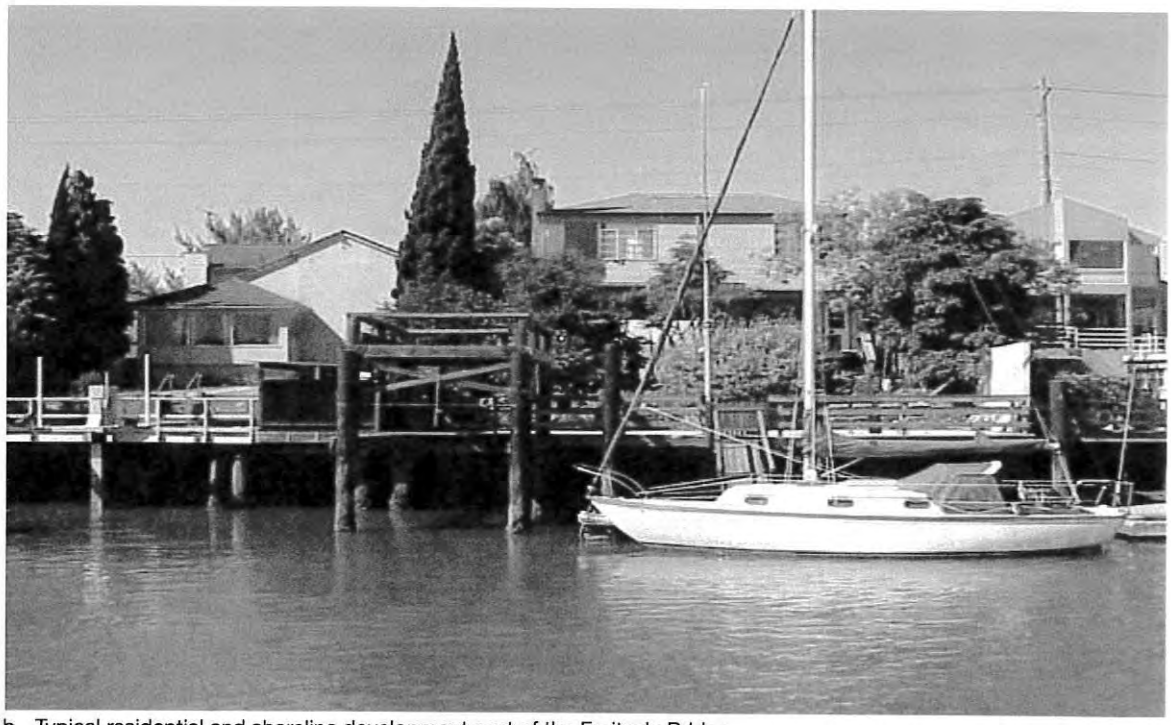
Figure 17

Existing Conditions in the Project Area

Source: U.S. Army Corps of Engineers



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

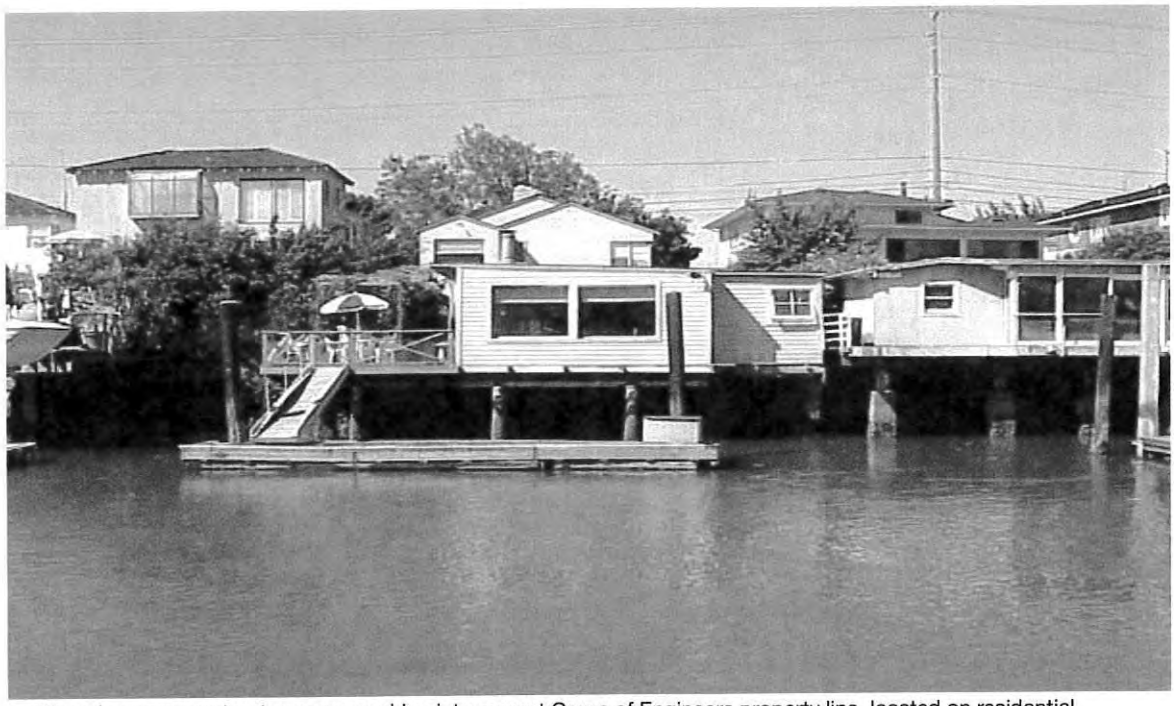


b - Typical residential and shoreline development east of the Fruitvale Bridge.

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.

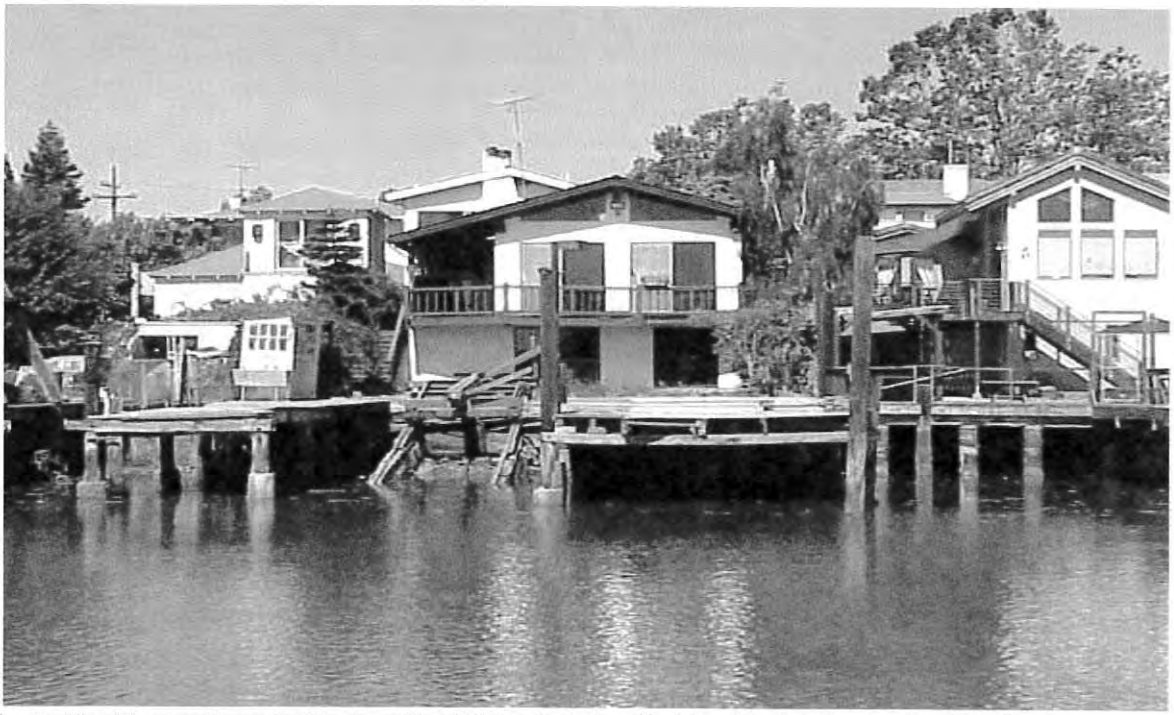
b - Apartment or condominium complex located just east of the High Street Bridge.

Figure 19

Existing Conditions in the Project Area

Source: U.S. Army Corps of Engineers

a - Residential properties east of the High Street Bridge, in the vicinity of Monte Vista Avenue.



b - Residential properties east of the High Street Bridge, including dilapidated dock, in the vicinity of FairviewAvenue.

Figure 20

Existing Conditions in the Project Area

Source: U.S. Army Corps of Engineers

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

☐ Aesthetics	☐ Agricultural Resources	☐ Air Quality
☐ Biological Resources	☐ Cultural Resources	☐ Geology / Soils
☐ Greenhouse Gas Emissions	☐ Hazards & Haz. Materials	☐ Hydrology / Water Quality
☐ Land Use / Planning	☐ Mineral Resources	☐ Noise
☐ Population / Housing	☐ Public Services	☐ Recreation
☐ Transportation / Traffic	☐ Utilities / Service Systems	
☐ Mandatory Findings of Significance		

DETERMINATION:

On the basis of the initial evaluation:

☒ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on the attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

[signature on filed document]
Signature

May 20, 2016
Date

Andrico Q. Penick, Assistant City Attorney
Printed name

City of Alameda
For

EVALUATION OF ENVIRONMENTAL IMPACTS:

I. AESTHETICS — *Would the project:*

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☒	☐

Explanation: Although the Oakland side of the Canal is developed with industrial uses that include large warehouse buildings and manufacturing plants with stacks, towers, silos, conveyors, and other large industrial equipment, many viewers may nonetheless find that the open water of the Canal provides an inherently scenic view. Some viewers likely consider views along the Canal scenic by virtue of the expansiveness of the vista that the open waterway provides. Although aesthetic concerns are inherently subjective, many people find open water vistas to be scenic and desirable, even with extensive shoreline development. Therefore, for purposes of this discussion, views of and from the Canal are considered to constitute a scenic vista.

The proposed project would not have a substantial adverse effect on this scenic vista because no new development would be authorized by the proposed property transfer. While the transfer and associated lifting of the Corps' permitting moratorium is expected to lead to future proposals for improvements within the affected properties, there are no current plans for development at specific properties along the Canal. Any future development proposals will be subject to discretionary review by the City and pertinent regulatory agencies such as the RWQCB and BCDC, and will also require separate compliance with CEQA.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒

Explanation: There are no State-designated scenic highways in the vicinity of the project site.[4]

[4] California Department of Transportation, Officially Designated State Scenic Highways, accessed April 13, 2016 at: http://www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways/scenic_hwy.htm.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) *Substantially degrade the existing visual character or quality of the site and its surroundings?*	☐	☐	☒	☐

Explanation: The proposed project would not authorize new development, and therefore would not have potential to substantially degrade the visual character of the Canal. The only reasonably anticipated visual changes that could occur following implementation of the project would be potential future improvements to dilapidated shoreline structures such as docks and piers, which would have a beneficial effect on shoreline aesthetics in the immediate vicinity. It would be speculative to identify any other potential changes, which, in any event, would be subject to separate discretionary approval and environmental review pursuant to CEQA.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
d) *Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?*	☐	☐	☐	☒

Explanation: No new sources of lighting or glare are expected to result from approval of the project.

II. AGRICULTURAL RESOURCES — *In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the State's inventory of forest land, including the Forest and Range Assessment Project and the Forestry Legacy Assessment Project, and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:*

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) *Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?*	☐	☐	☐	☒

Explanation: The Canal is designated as Water and all surrounding lands are designated "Urban and Built-Up Land" on the maps prepared pursuant to the Farmland Mapping and Monitoring Program (FMMP) by the Department of Conservation (DOC), a department of the California Resources Agency.[5] The DOC updates the maps every two years; the most recent map was prepared in 2012 and published in 2014. Since the project site does not contain any Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, there is no potential for conversion of these types of farmlands.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
b) *Conflict with existing zoning for agricultural use, or a Williamson Act contract?*	☐	☐	☐	☒

Explanation: The project property is not zoned for agricultural use or under a Williamson Act contract.

[5] California Department of Conservation, Division of Land Resource Protection, Farmland Mapping and Monitoring Program, "Alameda County Important Farmland 2012" (map), April 2014.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) *Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined in Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?*	☐	☐	☐	☒

Explanation: The project site is not zoned as forest land and there is no forest land on the site. The proposed project would therefore have no impact on forest or timber land.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
d) *Result in the loss of forest land or conversion of forest land to a non-forest use?*	☐	☐	☐	☒

Explanation: Public Resources Code Section 12220(g) defines forest land as land that can support 10-percent native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits. There is no forest land on the project site as defined in Public Resources Code Section 12220(g).

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
e) *Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?*	☐	☐	☐	☒

Explanation: The project site does not contain farmland or forest land, and implementation of the proposed project would therefore have no potential to convert such lands to other uses.

III. AIR QUALITY — *Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:*

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	☒

Explanation: The Bay Area Air Quality Management District (BAAQMD) adopted its 2010 Bay Area Clean Air Plan (CAP) in accordance with the requirements of the California Clean Air Act (CCAA) to implement all feasible measures to reduce ozone; provide a control strategy to reduce ozone, particulate matter, air toxics, and greenhouse gas (GHG) emissions in a single, integrated plan; and establish emission control measures to be adopted or implemented in the 2010 through 2012 timeframe. The BAAQMD is currently in the process of updating the CAP, but has not yet released a draft for public review. The primary goals of the 2010 Bay Area CAP are to:

- Attain air quality standards;
- Reduce population exposure and protect public health in the Bay Area; and
- Reduce GHG emissions and protect the climate.

When a public agency contemplates approving a project where an air quality plan consistency determination is required, BAAQMD recommends that the agency analyze the project with respect to the following questions: (1) Does the project support the primary goals of the air quality plan; (2) Does the project include applicable control measures from the air quality plan; and (3) Does the project disrupt or hinder implementation of any 2010 CAP control measures? If the first two questions are concluded in the affirmative and the third question concluded in the negative, the BAAQMD considers the project consistent with air quality plans prepared for the Bay Area.

Any project that would not support the 2010 CAP goals would not be considered consistent with the 2010 CAP. The recommended measure for determining project support of these goals is consistency with BAAQMD CEQA thresholds of significance. If a proposed project would not exceed the BAAQMD significance thresholds, it is considered to support the primary goals of the 2010 CAP. As discussed in more detail in Section III(b), the Tidal Canal transfer would not exceed the BAAQMD CEQA thresholds of significance.

The proposed project would not interfere with the primary goals of the 2010 CAP and none of the adopted 2010 CAP control measures, which generally pertain to stationary sources of pollutants and transportation control measures, would not be applicable to the project. Therefore, the project would not conflict with or obstruct implementation of the 2010 CAP.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☒	☐

Explanation: The project would be located in a region that experiences occasional violations of standards set by the U.S. Environmental Protection Agency (EPA) for ozone (O_3), respirable particulate matter equal to or less than 10 microns (PM_{10}), and fine particulate matter equal to or less than 2.5 microns ($PM_{2.5}$). However, the project would not authorize or result in construction or operation of new development, and therefore would not have the potential to contribute substantially to these violations.

Although it is reasonably foreseeable that future proposals would be made to improve existing deteriorated docks, piers, and other shoreline structures once the Corps' permitting moratorium is removed following project implementation, such work would be limited in scope and would be subject to subsequent discretionary review.

BAAQMD's June 2010 CEQA guidelines include screening criteria that are indicative of a project's potential to exceed the thresholds of significance for criteria air pollutants. The screening criteria are not in themselves thresholds of significance. Consequently, projects exceeding the screening criteria may not have significant air quality impacts, but quantified modeling of air emissions is recommended for such projects so that an accurate assessment of potential impacts can be made.

The screening criteria are keyed to different kinds of land use development projects that entail the construction and operation of buildings. The construction criteria are based on the potential area of land disturbance, because it is during site grading and paving activities that the majority of construction emissions are generated. For most of the land use types for which BAAQMD has established screening criteria based on area of disturbance, the threshold for potential construction-related impacts is 277,000 square feet. By comparison, any repairs of docks or other shoreline improvements that could occur following transfer of the Canal property would be expected to be limited to a disturbance area of a few hundred square feet, though in most cases it would be far less. Therefore, any short-term emissions that could result from dock repairs would be far below the threshold at which a quantified analysis is recommended, and would not have any potential to violate air quality standards. No operational emissions would result from implementation of the project.

As noted above, the BAAQMD screening criteria for construction impacts are based on potential emissions of criteria air pollutants, and projects that do not exceed the thresholds are deemed to have a less-than-significant impact on air quality. However, even for projects that are below the screening criteria, BAAQMD recommends implementation of its Basic Construction Mitigation Measures to control fugitive dust emissions, which also contribute to reduced air quality.

The project does not propose or authorize any construction. Reasonably foreseeable construction associated with dock repair would be subject to separate discretionary review and any potentially significant impacts associated with construction of future repairs would be addressed in subsequent CEQA review for those repairs. No long-term operational traffic would be generated by the project. Therefore, the proposed project would have a less-than-significant impact on air quality due to long-term operational CO exhaust emissions.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) *Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?*	☐	☐	☒	☐

Explanation: As discussed in Section III(b), the proposed project would not result in the generation of long-term operational emissions of criteria air pollutants. Therefore, the project would not contribute to cumulative air quality effects. Furthermore, BAAQMD's thresholds of significance were developed to identify a cumulatively considerable contribution to a significant regional air quality impact, and the BAAQMD *CEQA Air Quality Guidelines* state that projects that would have a less-than-significant project-level impact on air quality would also have a less-than-significant cumulative impact.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
d) *Expose sensitive receptors to substantial pollutant concentrations?*	☐	☐	☐	☒

Explanation: According to BAAQMD's *CEQA Air Quality Guidelines and Air Toxics New Source Review Program Health Risk Screening Analysis Guidelines*, health effects from carcinogenic air toxics are usually described in terms of individual cancer risk. Individual cancer risk is the likelihood that a person exposed to concentrations of toxic air contaminants (TACs) such as diesel particulate matter (DPM) over a 70-year lifetime will contract cancer, based on the use of standard risk-assessment methodology.[6] The maximally exposed individual represents the worst-case risk estimate, based on a theoretical person continuously exposed for 30 years at the point of highest compound concentration in the air. This is a highly conservative assumption, since most people do not remain at home all day and on average residents change residences every 11 to 12 years. In addition, this assumption assumes that residents are experiencing outdoor concentrations for the entire exposure period. While the project could enable future proposals for shoreline repair that could generate short-term emissions from diesel-fueled equipment, the exact emission levels are speculative at this time and likely would be limited in

[6] Bay Area Air Quality Management District. Air Toxics New Source Review Program Health Risk Screening Analysis Guidelines. January 2010. http://www.baaqmd.gov/~/media/Files/Engineering/Air%20Toxics%20Programs/hrsa_guidelines.ashx

both volume and duration, and would be reviewed as part of a separate discretionary review process.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
e) *Create objectionable odors affecting a substantial number of people?*	☐	☐	☐	☒

Explanation: Though offensive odors from stationary and mobile sources rarely cause any physical harm, they still remain unpleasant and can lead to public distress, generating citizen complaints to local governments. The occurrence and severity of odor impacts depend on the nature, frequency, and intensity of the source; wind speed and direction; and the sensitivity of receptors. Generally, odor emissions are highly dispersive, especially in areas with higher average wind speeds. However, odors disperse less quickly during inversions or during calm conditions, which hamper vertical mixing and dispersion.

The proposed project does not include any construction or development. Accordingly, there would be no objectionable odors associated with the project. It is possible that future improvements may be proposed as a result of this project that would involve diesel-fueled equipment generating exhaust. The extent of such construction and associated equipment and exhaust is speculative at this time and would be subject to subsequent discretionary review.

IV. BIOLOGICAL RESOURCES — *Would the project:*

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) *Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?*	☐	☐	☐	☒

Explanation: The Tidal Canal is hydrologically connected to the Central Bay of San Francisco Bay, which is a highly dynamic marine region due to strong tidal currents. The benthic substrate in the Central Bay is comprised of course to fine sediments and rocky outcrops. The dominant benthic species in the Central Bay is the clam *Macoma balthica*, particularly in the intertidal areas. Common sub-tidal species include the mollusks *Mya arenaria, Gemma, Musculista senhousia,* and *Venerupis phillipinarum*; the amphipods *Ampelisca abdita, Grandierella japonica,* and *Corophium* sp.; and the polychaetes *Streblospio benedicti, Glycinde* sp., and *Polydora* sp. In its Environmental Assessment prepared by the Corps for the proposed transfer of the Tidal Canal (which included transfer of the Oakland side of the Canal, which is a larger project

not addressed in this Initial Study), the Corps concluded that the project would have almost no long-term effects on benthic species.[7]

The Oakland Harbor is designated as Essential Fish Habitat by the National Marine Fisheries Service for five Evolutionary Significant Units (ESU) of salmonids: the endangered Sacramento winter-run chinook salmon ESU (*Oncorhynchus tshawytscha*), the threatened Central Valley spring-run chinook salmon ESU (*Oncorhynchus tshawytscha*), the threatened Central California Coast steelhead ESU (*Oncorhynchus mykiss*), the threatened Central Valley steelhead ESU (*Oncorhynchus mykiss*), and the Central Valley fall/late fall-run chinook salmon ESU (*Oncorhynchus tshawytscha*), a candidate species. While these species are reported as possibly occurring in small numbers in the Oakland Harbor during their migration seasons, they are not found in the Canal.[8] The proposed project does not involve any construction and would not affect sensitive fish species or other biological resources in the area. The level of impacts associated with subsequent repairs proposed along the waterfront is speculative at this time and would be analyzed (and mitigated, as necessary) during a subsequent CEQA review process.

Based on the above information, the proposed project would have no impact on special-status species.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
b) *Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?*	☐	☐	☐	☒

Explanation: Being a marine environment, there is no riparian habitat present on or in proximity to the project site. The shoreline of the Canal is largely comprised of hardened bulkheads, rip-rap, or pilings and docks above sloped earthen banks. As noted in Section IV(a), above, the Oakland Harbor is designated as Essential Fish Habitat for five salmon species, but they have not been found in the Canal. The proposed project does not involve any construction and will not affect any riparian or other sensitive natural community. The extent of impacts associated with future repairs of shoreline docks and other shoreline improvements are speculative at this time and, while not expected to adversely affect any sensitive natural community, would be analyzed (and mitigated, as necessary) during a subsequent discretionary review process.

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[7] U.S. Army Corps of Engineers, *Draft Environmental Assessment: Oakland Inner Harbor Tidal Canal Surplus Property Divestiture, Alameda County, Fiscal Year 2014*, June 2014(a).

[8] *Ibid.*

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) *Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?*	☐	☐	☐	☒

Explanation: The proposed Canal transfer would not authorize any removal or filling of wetlands or other waters subject to regulation by the U.S. Army Corps of Engineers or Regional Water Quality Control Board under Section 404 of the Clean Water Act. Any such actions would require separate review and approval by these agencies, the City of Alameda, and the San Francisco Bay Conservation and Development Commission.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
d) *Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with any established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?*	☐	☐	☐	☒

Explanation: See Section IV(a) regarding migratory salmon species. There is no other suitable habitat on or in the vicinity of the project site with the potential to function as a migratory wildlife corridor.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
e) *Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?*	☐	☐	☐	☒

Explanation: The proposed project would not entail or authorize the removal of any trees and would not have any adverse effects on biological resources. Therefore, the project would not conflict with any local policies or ordinances protecting biological resources.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒

Explanation: There is no adopted habitat conservation plan (HCP) applicable to the City of Alameda.

V. CULTURAL RESOURCES — *Would the project:*

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	☐	☐	☐	☒

Explanation: In order to be considered a significant historical resource as defined in Section 15064.5 of the *CEQA Guidelines*, a building must be at least 50 years old. In addition, Section 15064.5 defines an historical resource as, "... a resource listed in, or determined to be eligible for listing in, the California Register of Historical Resources," properties included in a local register of historical resources, or properties deemed significant pursuant to criteria set forth in *Public Resources Code* Section 5024.1(g). According to *CEQA Guidelines* Section 15064.5(a)(3), a lead agency can determine that a resource is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California, provided that the determination is supported by substantial evidence in light of the whole record.

In order to be eligible for listing in the California Register of Historical Resources, a property must meet at least one of the following criteria:

- Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
- Is associated with the lives of persons important in our past;
- Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values;
- Has yielded, or may be likely to yield, information important in prehistory or history.[9]

[9] California Resources Agency, *CEQA Guidelines*, Section 15064.5(a)(3), as amended October 23, 2009.

The following evaluation of historic resources within and adjacent to the Tidal Canal is excerpted, with minor edits, from an Environmental Assessment (EA) prepared for the proposed project by the Corps, pursuant to the National Environmental Policy Act (NEPA).[10] The Corps' EA covers a larger project than the project evaluated in this Initial Study; it includes transfer of the Oakland side of the Tidal Canal to the City of Oakland or another public agency (currently anticipated to be the East Bay Regional Parks District). Insofar as the Corps' findings apply to the proposed Canal (Alameda side) transfer to the City of Alameda, those findings remain valid for this environmental review conducted in accordance with the requirements of CEQA and are included below.

The Corps is required to comply with the historic preservation laws and regulations when an undertaking is proposed for a federally authorized project. It is the Corps' responsibility to make a reasonable and good-faith effort to identify historic properties (properties eligible for, or listed in the National Register of Historic Places), within an Area of Potential Effects (APE) that may be affected by the proposed project. Historic properties include, for example, archaeological sites, historic structures, submerged shipwrecks and traditional cultural properties that are determined eligible for listing in the National Register of Historic Places (NRHP). An APE is a geographical area in which a project may cause (directly or indirectly) changes in the character or use of a historic property.

A review of project documents, and consideration of any previously identified historic properties as well as those cultural resources not yet evaluated for the NRHP, will generally be sufficient to determine whether there are potential project effects to such resources. The Corps provides a determination to the State Historic Preservation Officer (SHPO) in accordance with 36 CFR Part 800, the regulations implementing Section 106 of the National Historic Preservation Act, as amended (NHPA). Section 106 provides the guidelines by which federal agencies meet statutory responsibilities for historic preservation concerns and the needs of federal undertakings.

Because the Oakland Inner Harbor has not been repeatedly been dredged, and no new channel or ground-disturbing activities are proposed, the Corps believes it is reasonable not to conduct aquatic or terrestrial surveys for these previously disturbed parts of the APE. In keeping with Corps planning guidance for projects that do not involve new work, the Corps relied on existing information in the project and cultural resources files. The files revealed that from the 1970's through the 1990's the Corps funded archaeological surveys designed to inventory historic resources for their operating projects in the Oakland Inner Harbor for navigation, maintenance dredging, dredged-material disposal, and for construction.

Dredging in the Federal channel (Canal) is an ongoing aquatic maintenance activity. No known historic properties are located within the Federal channel. Historic research indicates that the Oakland Estuary was the location of many historic shipwrecks dating from the 19th Century. Many ships were abandoned, at the end of the Inner Harbor, following the Gold Rush when the maritime trade significantly declined (Corps 1984). During the 1930's a Works Progress Administration (WPA)-sponsored project removed obstacles to navigation and cleaned navigable waters of visible obstacles. As discussed in Section VIII(b), a geophysical bathymetric survey of the Canal conducted by the Corps in 2014 identified approximately 30 sunken boats were located on the Canal floor, ranging from wooden rowboats to metal tugboats, and additional decayed remains of other boats are scattered throughout the Canal. In the last five years, the U.S. Coast Guard (USCG) promptly marked the sunken Tug Respect with buoys, which is located just west of Park Street Bridge. Its location is also marked on the National Oceanic and Atmospheric Administration (NOAA) navigation chart of that area. There is also

[11] In anthropological literature, the Costanoans are often referred to as the Ohlone.

the Tug Captain AI, one other sunken vessel, and two barges sunk in the same area not marked. The Corps removed two vessels, the M/V Elizabeth A and the Submarine Chaser Hooker.

The Corps conducted an updated records search and survey for historic resources in February 2003 and in September 2006. No historic properties listed in the NRHP were identified within the project APE. Previous environmental documents (Corps 1980, 1988; Corps and Port of Oakland 1999) identified no Native American resources in or near the OIHTC and did not find any sites, areas, or materials important to Native Americans for religious, spiritual, economic or traditional uses. No areas within the OIHTC are known to be used for gathering, collecting, or conducting ceremonies by either groups or individuals on land within or adjacent to the APE appear to be present.

There are two historic properties adjacent to the project APE. The Park Street Bridge and the High Street Bridge are eligible for the NRHP. The bridges are currently owned by Alameda County and within the jurisdiction of the local authorities. The Fruitvale Avenue Railroad Bridge is currently owned by the Corps. These bridges will not be affected by the federal action..

The Fruitvale Avenue Railroad Bridge is being evaluated for eligibility to the NRHP. Federal criteria are used for evaluating the significance of cultural resources. The federal significance criteria for defining cultural resource significance and eligibility for listing on the NRHP are established by the National Park Service (36 C.F.R. § 60.4). These criteria pertain to projects with federal funding and or jurisdiction. For the purposes of this project the Fruitvale Avenue Railroad Bridge is considered eligible under Criterion C.

The Cities of Oakland and Alameda are Certified Local Agencies with approved City Development Plans that include historic preservation. The cities are responsible for the CEQA-level environmental compliance for projects prior to making discretionary approvals on projects.

The proposed project would not directly impact or adversely affect any potential prehistoric or historical resources within the APE. Based on the current project description, the proposed project would not result in adverse effects or significant impacts to any of the resources located in the project area; therefore, no further investigation or treatment of these resources is recommended.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
b) *Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?*	☐	☐	☐	☒

Explanation: The San Francisco Bay area was occupied by Native Americans as far back as 3,000 to 4,000 years ago. Prior to European contact, the project area was inhabited by the Penutian-speaking Bay Miwok (referred to as "Costanoans" by the Spanish) tribe of Native Americans.[11] By the 19th century, forced missionization and the epidemic spread of western diseases had reduced the Bay Miwok population significantly, resulting in the disappearance of local tribelets, such as the Chochenyo, who inhabited the area now comprising the Alameda Northern Waterfront. Buried Native American artifacts, including remnants of former

settlements, have been encountered throughout the Bay Area, particularly adjacent or in proximity to water sources, and could potentially be present at the project site.

In compliance with Assembly Bill (AB) 52, approved by the State Legislature in 2014, the City contacted the California Native American Heritage Commission (NAHC) to identify Native American tribes that may have tribal cultural resources in the project area. The NAHC responded, identifying the following tribal groups as having traditional lands or cultural places within Alameda County: the Amah Mutsun Tribal Band of Mission San Juan Bautista, Indian Canyon Mutsun Band of Coastanoan, Muwekma Ohlone Indian Tribe of the SF Bay Area, the Ohlone Indian Tribe, and the Coastanoan Rumsen Carmel Tribe. Letters were sent to the designated representatives of these tribes seeking their input regarding tribal cultural resources that may be located in or adjacent to the Canal. At the time of publication of this Initial Study, no responses from the contacted tribes had been received by the City. [CONFIRM]

While it is possible that buried prehistoric cultural materials may be present in the project area, the potential to adversely affect any such resources, were they to exist, would be nonexistent because the project does not involve any ground-disturbing activities. Any subsequent improvements proposed along the waterfront involving subsurface disturbance likely would occur within areas of prior disturbance. The level of impacts associated with subsequent repairs proposed along the waterfront is speculative at this time and would be analyzed (and mitigated, as necessary) during a subsequent CEQA review process.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) *Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?*	☐	☐	☐	☒

Explanation: Paleontological resources are the fossilized remains of vertebrate or invertebrate organisms from prehistoric environments found in geologic strata. They are valued for the information they yield about the history of the earth and its past ecological settings. They are most typically embedded in sedimentary rock foundations, and may be encountered in surface rock outcroppings or in the subsurface during site grading. The project area is underlain by latest Pleistocene to Holocene dune sand, a form of alluvium.[12] Pleistocene alluvium is ranked as highly sensitive for significant paleontological resources (the Pleistocene is the first epoch of the Quaternary period).[13] The project does not involve any subsurface disturbance and accordingly, there is no potential for encountering paleontological resources in connection with this project. Any subsequent improvements proposed along the waterfront involving subsurface disturbance likely would occur within areas of prior disturbance. The level of impacts associated with subsequent repairs proposed along the waterfront is speculative at this time and would be analyzed (and mitigated, as necessary) during a subsequent discretionary review process.

[12] U.S. Geological Survey, Preliminary Maps of Quaternary Deposits and Liquefaction Susceptibility, Nine-County San Francisco Bay Region, California [map], 2000.

[13] Kenneth L. Finger Ph.D., Consulting Paleontologist, Letter report to Michelle Touton, Archeo-Tec Re: Paleontological Records Search: Masonic Homes Flatlands Project, Union City, Alameda County, November 21, 2009.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☐	☒

Explanation: See Section V(b), above.

VI. GEOLOGY AND SOILS — *Would the project:*

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☐	☒

Explanation: There is no known active earthquake fault located on or near the project site. The nearest seismically active fault is the Hayward fault, located more than 3 miles east of the project area, while the San Andreas fault lies about 17 miles to the west.[14] There is therefore no potential for fault rupture at the project site.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
ii) Strong seismic ground shaking?	☐	☐	☒	☐

Explanation: The San Francisco Bay Area is recognized by geologists and seismologists as one of the most seismically active region in the United States. Similar to most urban locations throughout the Bay Area, the project site is potentially subject to moderate to high seismic ground shaking during an earthquake on one of the major active earthquake faults that transect the region. Major earthquakes have occurred on the Hayward, Calaveras, and San Andreas

[14] U.S. Geological Survey, Earthquakes and Faults in the San Francisco Bay Area (1970-2003) [map], August 2004.

faults during the past 200 years, and numerous minor earthquakes occur along these faults every year. At least five known earthquakes of Richter magnitude (RM) 6.5, four of them greater than RM 7.0, have occurred within the San Francisco Bay Area within the last 150 years. This includes the great 1908 San Francisco earthquake (moment magnitude 7.8) and the 1989 Loma Prieta earthquake (RM 6.9).

According to a 2014 analysis by the Working Group on California Earthquake Probabilities (WGCEP), an expert panel co-chaired by U.S. Geological Society seismologists, there is a 72 percent probability that an earthquake of magnitude 6.7 or greater will occur in the San Francisco Bay Area in the next 30 years and a 20 percent probability that an RM 7.5 earthquake will occur (starting from 2014).[15] The WGCEP estimates there is a 14.3-percent chance of an RM 6.7 quake occurring on the Hayward fault in the next 30 years. It is therefore likely that a major earthquake will be experienced in the region during the life of the project that could produce strong seismic ground shaking at the project site. However, this is an existing risk to all structures in the San Francisco Bay Area, which would not be exacerbated by the proposed project. The project would not authorize construction of new structures or increase the population of people in the project area, and would therefore not result in a new or increase significant risk to people or structures from exposure to seismic ground shaking. Although repairs to existing docks and other shoreline improvements may be undertaken by some property owners along the Canal following approval of the project, this work would be analyzed under a separate discretionary review, would not generally increase the risk from seismic shaking, and could improve the ability of repaired structures to withstand such shaking.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☐	☒

Explanation: Liquefaction occurs when clean, loose, saturated, uniformly graded, fine-grained soils are exposed to strong seismic ground shaking. The soils temporarily lose strength and cohesion due to buildup of excess pore water pressure during earthquake-induced cyclic loading, resulting in a loss of ground stability that can cause building foundations to fail. Soil liquefaction may also damage roads, pavements, pipelines, and underground cables. Soils susceptible to liquefaction include saturated, loose to medium dense sand and gravel, low-plasticity silt, and some low-plasticity clay deposits.

The Alameda uplands flanking the Tidal Canal are mapped by the U.S. Geological Survey as having a moderate potential for liquefaction.[16] However, this is a pre-existing condition at the project site that the proposed project would not alter. No new construction is proposed that could be adversely affected by soil liquefaction or failure of other soils susceptible to seismic failure. The Canal itself is not identified as a liquefaction zone. Therefore, the project would not increase the hazard related to seismic-related ground failure, including liquefaction.

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[15] Edward H. Field and Members of the 2014 Working Group on California Earthquake Probabilities, U.S. Geological Survey, California Geological Survey, *UCERF3: A New Earthquake Forecast for California's Complex Fault System*, USGS Open File Report 2015-3009, 2015.

[16] U.S. Department of Interior, U.S. Geological Survey, Preliminary Maps of Quaternary Deposits and Liquefaction Susceptibility, Nine-County San Francisco Bay Region, California, Open File Report 00-444, 2000.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
iv) Landslides?	☐	☐	☐	☒

Explanation: The area surrounding the Canal is generally level, with minor variations in elevations. There are no significant slopes in the project vicinity that could be subject to landslides. Furthermore, the project would not authorize construction of new structures or increase the population of people in the project area, and would therefore not result in a new or increase significant risk to people or structures from exposure to landslides.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐

Explanation: The project does not involve any subsurface disturbance and accordingly, there is no potential for substantial soil erosion or loss of topsoil associated with the project. Once the Corps' permitting moratorium is removed following project implementation, repair of existing deteriorated docks, piers, and other shoreline structures may be proposed that could disturb upland soils and cause erosion. The level of impacts associated with subsequent repairs proposed along the waterfront likely would be limited in nature and would be analyzed (and mitigated, as necessary) during a subsequent discretionary review process.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	☐	☐	☐	☒

Explanation: The proposed project would not authorize construction of new structures; any future construction of new structures would be subject to separate environmental review. The project therefore has no potential to increase the hazard related to unstable subsurface conditions.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	☐	☐	☐	☒

Explanation: The proposed project would not authorize construction of new structures; any future construction of new structures would be subject to separate environmental review. The project therefore has no potential to increase the hazard related to expansive soils.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☒

Explanation: The project area is served by a municipal sewer system, and the proposed project would not require the use of a septic or alternative wastewater disposal system.

VII. GREENHOUSE GAS EMISSIONS — *Would the project:*

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐

Explanation: GHGs refer to gases that trap heat in the atmosphere and contribute to global warming. The primary GHGs are carbon dioxide (CO_s), methane (CH_4), nitrous oxide (NO_x), sulfur hexafluoride (SF_6), perfluorocarbons (PFCs), hydrofluorocarbons (HFCs), and water vapor (H_2O). The majority of GHG emissions in the Bay Area come from transportation (39.7 percent), followed by industrial/commercial sources (35.7 percent) and electricity generation (14.0 percent). Construction equipment and other off-road equipment contribute 1.5 percent of the total GHG emissions.[17]

[17] Bay Area Air Quality Management District, *Bay Area Emissions Inventory, Summary Report: Greenhouse Gases, Base Year 2011*, Table F: 2011 Bay Area GHG Emissions by Sector, updated January 2015.

As discussed in Section III(b), no operational air emissions, including emissions of GHGs, would be generated by the project. While there are no established thresholds of significance for construction emissions of GHGs, as is the case with criteria pollutants, the greatest potential for construction emissions of GHGs is during grading and paving activities and, consequently, the larger the area of disturbance, the greater the emissions of GHGs. Due to the very limited areas of disturbance that are anticipated during shoreline repairs that could occur following project approval, a quantified analysis of construction emissions of GHGs was deemed unwarranted. A quantified analysis would also be impractical, due to the lack of specific information about the locations and nature of repairs that may be made. The specific level of GHG impacts associated with the construction of subsequent repairs proposed along the waterfront with potentially significant impacts would be analyzed (and mitigated, as necessary) during a subsequent CEQA review process.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
b) *Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?*	☐	☐	☐	☒

Explanation: In 2008 the City of Alameda adopted the *City of Alameda Local Action Plan for Climate Protection*, which provides a strategy for reducing emissions of GHGs in the City.[18] The Local Action Plan establishes an overall goal of reducing community-wide GHG emissions by 25 percent below 2005 levels by 2020 and sets forth specific initiatives for achieving this goal that are organized into the following four categories: 1) transportation and land use; 2) energy; 3) waste and recycling; and 4) community outreach and education.

None of the Local Action Plan initiatives would apply directly to the proposed project, which would not entail or authorize new uses or construction of new structures. Therefore, the project would not conflict with the Local Action Plan.

VIII. HAZARDS AND HAZARDOUS MATERIALS — *Would the project:*

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) *Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?*	☐	☐	☒	☐

Explanation: The proposed project would not involve the routine transport, use, or disposal of hazardous materials. The project would not authorize any new development or expansion of existing uses, any of which would be subject to separate discretionary review and compliance

[18] City of Alameda, *City of Alameda Local Action Plan for Climate Protection*, adopted February 5, 2008.

with CEQA. The level of impacts associated with the construction of subsequent repairs proposed along the waterfront is speculative at this time and would be analyzed (and mitigated, as necessary) during a subsequent discretionary review process. It is anticipated that while small, containerized quantities of hazardous materials such as solvents, cleaners, architectural coatings, and similar substances could be used by property owners making repairs to docks or other shoreline facilities, this would not be routine use and the small quantities involved would be far below reporting thresholds; such use would not pose a significant threat to the environment.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
b) *Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?*	☐	☐	☒	☐

Explanation: The Corps conducted a variety of geophysical and environmental investigations of the Canal in preparation for divesting the property from federal ownership, including a draft Phase I Environmental Site Assessment (ESA),[19] a draft Environmental Assessment in compliance with NEPA,[20] and a Phase I and II Baseline Study.[21] The results of these investigations are summarized below .[22]

As noted above, the proposed Canal transfer would not involve use or transport of significant quantities of hazardous materials. The primary potential for release of hazardous materials into the environment would therefore come from potential disturbance of hazardous materials that may already be present in the water, bottom sediments, or shoreline soils of the Canal. Daily tidal flushing within the Canal eliminates the potential for material buildup of locally sourced contaminants in Canal water. Accordingly, the water medium was not sampled during the Corps' investigations. The scouring action from the regular tidal flushing also prevents the substantial accumulation of sediment on the Canal bottom. Therefore, soil samples were collected using a Ponar grab sampler in areas where there was sufficient sediment accumulation.

Shoreline soil could be influenced by contaminant deposition from both Canal water and onshore activities. Because of tidal flushing, the water's contribution to shoreline soil contamination would be limited to immediately after an aquatic spill, especially of petroleum or other floatable substances. Onshore activities can affect the contaminant status of shoreline soil through several mechanisms: accidental or intentional releases (dumping), runoff from the land surface, and discharges from storm drains and other pipelines.

The Canal is a public waterway and is subject to potential contamination from passing vessels and from potential spills resulting from the refueling of craft from privately owned docks that extend into the canal. A refueling station (Park Street Landing) exists on adjacent property.

[19] U.S. Army Corps of Engineers, *Draft Oakland Inner Harbor Tidal Canal (OIHTC), Site Investigation, Final*, June 2014(b).

[20] U.S. Army Corps of Engineers, *op. cit.*, June 2014(a).

[21] U.S. Army Corps of Engineers, *Phase I and II Baseline Study: Oakland Inner Harbor Tidal Canal, Final*, July 2014.

[22] Russell Resources, Inc., *Summary Report on Oakland Inner Harbor Tidal Canal Environmental Contaminant Issues*, May 12, 2015.

There is also potential for contamination of the Canal from spills and discharges that occur outside the Canal boundaries that can be introduced into the Canal through tidal action, and from adjacent properties via stormwater discharge.

Onshore activities on the Oakland shoreline are highly unlikely to affect Alameda's shoreline. The greatest potential for shoreline contamination along the Alameda side of the Canal is in the area northwest of the Fruitvale Bridge, which is developed with commercial and industrial uses. The shoreline southeast of this bridge is developed exclusively with residential land uses. Because of the importance of onshore activities to the contaminant status of shoreline soil, the residential shoreline is expected to be relatively less contaminated than the commercial/industrial portion and, consequently, the collection of soil samples was more focused on the commercial/industrial shoreline.

Phase I Environmental Site Assessment

The Phase I ESA included a review of publicly available local, State, and federal environmental databases that identified the history of industrial activity along the Alameda side of the Canal shoreline west of the Fruitvale Bridge. Table HM–1 provides a representative but non-exhaustive list of parcels and addresses with historical industrial activity in the area. The types of industrial activities listed in the table are often associated with residual environmental contamination.

Table HM–1

Historical Industrial Activity in the Project Area

Industrial Activity	Potential Contaminants	Address	Parcel No.
Ship building	Anti-corrosion coatings, anti-fouling coatings, paints, lubricants, fuels	2033 Clement Ave.	71-257-3-1
		2199 Clement Ave.	71-289-6-1
		2229 Clement Ave.	71-289-5
		2235 Clement Ave.	71-290-1
		2517 Blanding Ave.	70-196-24
Creosote piles manufacturing	Creosote	2199 Clement Ave.	71-289-6-1
Bulk fuel storage	Petroleum	2301 Blanding Ave.	~71-290-29-1
Metal plating	Metals, acids, cyanide	1829 Blanding Ave.	71-288-1-2
Drum Disposal	[undetermined]	2425 Blanding Ave.	~70-195-16
Lumber yard	Wood preservatives	2517 Blanding Ave.	70-196-24
		2631 Blanding Ave.	~70-196-45
		2639 Blanding Ave.	~70-196-45
		2691 Blanding Ave.	~70-196-27-2

Phase II Environmental Site Assessment

The Phase II ESA reports on the Corps' investigation of the Canal, which had three principal components: bathymetry, sediment, and shoreline soil, each of which is discussed below. Sediment and soil collection was conducted by Corps personnel. Bathymetry and sample analysis was conducted by third-party contractors of the Corps.

Bathymetry

A geophysical bathymetric survey of the Canal was conducted to map the contours of the Canal floor, to determine the depth of sediment that has accumulated since the Canal's initial construction, and to locate the position of buried pipelines and anomalies such as sunken vessels and/or debris. The survey consisted of side-scan sonar, which was used to produce a mosaic of acoustic images of canal-floor objects; a magnetometer survey to produce locations and contour maps of buried ferrous objects; and sub-bottom profiling to determine the sediment thickness and the geologic layers beneath the Canal bottom.

The geophysical survey found that the Canal bottom is hard and well scoured, with little sediment. The bathymetry of the Canal has changed little from when it was originally dredged in the late 1800s. Tidal scour prevents appreciable accumulation of sediments on the Canal's bottom.

The side-scan sonar and magnetometer surveys located acoustic images of sunken boats, fallen pilings, abandoned tires, and seafloor debris along the Canal bottom. Approximately 30 sunken boats were located on the Canal floor, ranging from wooden rowboats to metal tugboats. The remains of many more sunken boats are scattered throughout the Canal, but are difficult to identify because of their varying stages of decay. Of particular note is an approximately 100-foot by 700-foot rectangular area of sunken tires immediately offshore of the Dutra Wharf (approximately near parcels 71-289-6-1 and 71-289-5).

None of the anomalies pose a hazard to navigation, and there is little likelihood that any contaminants associated with them would impact environmental receptors after extended residence on the Canal bottom. However, if anomalies were retrieved from the Canal bottom, special measures may be needed for proper disposal, due to asbestos or lead-based paints, for example.

Sediment Characterization

Sediment samples were collected from about two dozen locations along the bottom of Canal. None of the locations were near the City's shoreline, except one (near parcel 70-196-23). Sediments samples were analyzed for petroleum, metals, and various other classes of organic contaminants, including polychlorinated biphenyls (PCBs), semi-volatile organic compounds, and chlorinated herbicides. The analytical results of the sediment that could be sampled from locations near the centerline of the Canal do not indicate material levels of contamination.

Shoreline Soil Characterization

Soil samples were collected from nine locations along the City's shoreline: six from the commercial/industrial area northwest of the Fruitvale Bridge (near parcels 71-289-1, 71-289-5, 70-195-16, 70-196-23 (two samples), and 70-196-45), and three from the residential area, southeast of the bridge (near parcels 69-130-222, 69-130-230, and 69-109-186). The soil analyses were similar to those for the sediment samples. Unlike the sediment samples, the shoreline soil samples were also analyzed for volatile organic compounds but, inexplicably, neither chlorinated herbicides nor PCBs.

The Corps based the soil sample locations on previous and current land usage of adjacent properties. However, many of the areas of historical industrial activity listed in Table HM–1, above, do not have associated samples. Additionally, due to the lack of accumulated sediment on the Canal bottom, the sediment sample results do not provide useful inferences regarding shoreline conditions.

Comparison of Soil in Commercial/Industrial and Residential Areas

Although the Phase II ESA considers the soil samples from the three residential locations not to represent ambient conditions, they are useful as a contrast to areas of known industrial activity. Soil samples from the six locations in the commercial/industrial area northwest of the Fruitvale Bridge were markedly more contaminated than those from the three locations in the residential area southeast of the bridge. Contaminant differences were most apparent with heavy metals:

- Antimony: samples from all six commercial/industrial area locations had higher concentrations than the highest level seen at any of the residential area locations.
- Chromium, nickel, and selenium: five of the six commercial/industrial area locations had higher concentrations than the highest level seen at any of the residential area locations.
- Copper and molybdenum: four of the six commercial/industrial area locations had higher concentrations than the highest level seen at any of the residential area locations.
- Cobalt, lead, and zinc: three of the six commercial/industrial area locations had higher concentrations than the highest level seen at any of the residential area locations.

A similar, but less pronounced, relationship occurred for petroleum contamination in soil samples. Four of the six commercial/industrial area locations for diesel and three locations for motor oil had higher concentrations than the highest level seen at any of the residential area locations. The observed soil contamination by petroleum and heavy metals is consistent with industrial wastes from these types of operations.

Comparison of Soil with Regulatory Benchmarks

The Phase II ESA compared soil sample analytical results with federal Preliminary Remediation Goals (PRGs) established in 2004 by the U.S. Environmental Protection Agency (USEPA), which revealed the following:

- Chromium: two of the six northwestern, industrialized locations exceeded the industrial PRG.
- Arsenic and lead: one of the six northwestern locations exceeded the industrial PRGs.

No southeastern, residential soil samples had concentrations higher than industrial PRGs, but one sample location exceeded the residential PRG for lead.

The soil samples were taken prior to new regulatory benchmarks, which are now applicable to the Canal. In addition to USEPA's newer 2014 Regional Screening Levels replacing the 2004 PRGs at the federal level, more stringent California 2013 Environmental Screening Levels (ESLs) would be applicable to any proposed ground-disturbing activities. Soil contaminant levels compare less favorably to the new ESL benchmarks than to the 2004 PRGs. Unlike federal PRGs, ESLs are established for petroleum products, too. Comparison to the applicable ESLs revealed the following:

- Nickel: four of the six northwestern, industrialized locations exceeded industrial ESL.

- Copper, lead, zinc, and diesel: three northwestern locations exceeded the industrial ESLs.
- Motor oil: two northwestern locations exceeded the industrial ESLs.
- Arsenic, chromium, cobalt, and molybdenum: one northwestern location (each) exceeded the industrial ESLs.

No southeastern, residential soil samples exceeded industrial ESLs, but one sample location exceeded the residential ESLs for lead and motor oil, although relatively low levels were observed.

Contaminants (petroleum and heavy metals) in soil samples from multiple locations along the City's commercial/industrial shoreline northwest of the Fruitvale Bridge are at higher concentrations than screening levels for industrial land use. The shoreline soil contamination is presumed to be due to historical industrial activities at onshore properties. Soil samples from along the residential shoreline (southeast of the Fruitvale Bridge) are much cleaner, with only one location having residential screening levels exceeded by relatively low levels of lead and motor oil.

Due to the large project area and the limited amount of soil and sediment sampling, the sampling results do not rule out the presence of contamination in areas not sampled. The Corps' investigation reports do not include analytical results for PCBs in shoreline soil.

The Phase II ESA concluded the soil sample results did not indicate an imminent threat to human health or the environment and that the current federal property adjacent to the Canal could be transferred without further characterization. However, if contaminated soil was disturbed in the future and excavated for disposal elsewhere, regulatory constraints would restrict disposal options.

The results of the Corps investigations indicated that low levels of metals or petroleum hydrocarbon contamination were present in soils at some locations, predominantly in the northwest commercial/industrial shoreline area. Because there is currently no indication that substantial pollutant concentrations are present in the project area, and because shoreline disturbance is not planned at this time, the proposed Canal transfer should not result in exposure of people to substantial concentrations of hazardous materials. Once the Corps' permitting moratorium is removed following project implementation, repair of existing deteriorated docks, piers, and other shoreline structures may be proposed that could disturb contaminated soils. The level of impacts associated with subsequent repairs proposed along the waterfront likely would be limited in nature and any potentially significant impacts would be analyzed (and mitigated, as necessary) during a subsequent CEQA review process.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) *Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?*	☐	☐	☐	☒

Explanation: The proposed project would not emit hazardous emissions, handle hazardous materials, or generate hazardous waste. There would be no project impact on schools related to

hazardous materials. Furthermore, although there is a school approximately 0.3 mile from the project site (Edison Elementary School, 2700 Buena Vista Avenue), there are no schools within one-quarter mile of the project site.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☒	☐

Explanation: As discussed in more detail in Section VIII(b), above, the Phase I ESA performed for the project included a search of multiple federal and State agency databases for hazardous materials release sites, hazardous materials use and storage sites, or hazardous waste generation, including those compiled pursuant to Government Code Section 65962.5. Although there are properties within the project area that are listed on regulatory databases due to historical storage or use of hazardous materials, presence of underground storage tanks, etc., the Phase II ESA did not identify current hazards in the project are related to hazardous materials. Please see Section VIII(b) for additional information.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
e) For a project within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒

Explanation: Although Oakland International Airport is located less than 1 mile south of the Canal, the proposed property transfer would not expose people living and working in the area to a new hazard from airport operations.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒

Explanation: There are no private airstrips in the vicinity of the project site.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒

Explanation: The proposed property transfer does not have the potential to impair implementation of emergency evacuation or emergency response plan.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
h) Expose people or structures to significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	☒

Explanation: The project is located in a fully built-out area with industrial, commercial, and residential development in the vicinity of the site. There are no wildlands in the project area, and therefore there is no potential for the proposed project to result in the exposure of people or structures to wildland fires.

IX. HYDROLOGY AND WATER QUALITY — *Would the project:*

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?	☐	☐	☒	☐

Explanation: While urban development has a high potential to adversely affect water quality in surface water bodies, due to the concentration and characteristics of water pollution sources in the urban environment, the proposed project would not include or authorize new development. Therefore, for the most part, the project would have no effect on water quality and would have no potential to violate water quality standards or waste discharge requirements.

Protection of surface water quality is regulated by the U.S. Environmental Protection Agency (EPA) pursuant to the federal Clean Water Act (CWA), which prohibits certain discharges of stormwater containing pollutants except in compliance with a National Pollutant Discharge Elimination System (NPDES) permit. In California, the EPA has authorized the State Water Resources Control Board (SWRCB) to administer the NPDES stormwater permitting program.

Water quality is regulated by two categories of NPDES permits addressing two types of stormwater discharges: operational and construction. For operational discharges, the SWRCB has established two permitting programs, one for industrial dischargers, and the other is a general stormwater discharge permit issued to municipalities, generally referred to as a Municipal Regional Stormwater Permit (MRP). Cities and counties in the San Francisco Bay Area are covered under a single MRP, NPDES Permit No. CAS612008 issued to Bay Area jurisdictions by the San Francisco Bay Regional Water Quality Control Board (RWQCB) (NPDES Order No. R2-2009-0074). This revised MRP was issued on October 14, 2009 and replaced the previous permit originally issued in February 2003 with substantial new requirements for development and redevelopment projects. Because the proposed project would not include new development, it would not require coverage under the MRP, and requirements of the MRP are not discussed further here.

However, approval of the proposed Tidal Canal transfer is likely to lead to some shoreline property owners adjacent to the Canal to initiate repairs to docks and other shoreline facilities. Some repairs could potentially involve some disturbance to the banks of the Canal, which could lead to erosion of soils, which could adversely affect water quality in the Canal. Potential impacts to water quality from construction activities are regulated by the NPDES Construction General Permit (CGP) Order 2009-0009-DWQ, administered by the RWQCB. Order 2009-0009-DWQ requires project sponsors to implement construction Best Management Practices (BMPs) at the project site and comply with numeric action levels (NALs) in order to achieve minimum federal water quality standards. The CGP requires control of non-stormwater discharges as well as stormwater discharges. Measures to control non-stormwater discharges such as spills, leakage, and dumping must be addressed through structural as well as non-structural BMPs.

Coverage under the CGP is required for projects that would disturb 1 acre or more of land. Any future potential construction/repair activities that involved the disturbance of greater than 1 acre of land would require coverage under the CGP. Future projects entailing new construction or disturbance of a large area of land would require separate discretionary review by the City and would require separate environmental review pursuant to CEQA. The level of impacts associated with subsequent repairs proposed along the waterfront likely would be limited in nature and any potentially significant impacts would be analyzed (and mitigated, as necessary) during a subsequent CEQA review process.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
b) *Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level that would not support existing land uses or planned uses for which permits have been granted)?*	☐	☐	☐	☒

Explanation: The proposed Tidal Canal transfer would have no effect on groundwater recharge or groundwater supplies.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) *Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?*	☐	☐	☐	☒

Explanation: The proposed project would not create any new impervious surfaces in the project area or otherwise alter the existing drainage patterns on the project site. The potential for erosion to adversely affect water quality during shoreline repairs is discussed in Section IX(a), above.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
d) *Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?*	☐	☐	☐	☒

Explanation: The project would not alter the course of a stream or river and would not alter the existing drainage pattern of the site. There is therefore no potential for the project to increase the risk of on- or off-site flooding.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
e) *Create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?*	☐	☐	☒	☐

Explanation: The proposed project would not create any new impervious surfaces in the project area and, therefore, would not increase the volume or rate of stormwater runoff in the area. Although there is a potential for minor amounts of pollutants (e.g., fuel, paint, architectural coatings, solvents, etc.) to be spilled during the repair of docks and other shoreline facilities, which could be washed into the Canal, this would not be a substantial source of polluted runoff.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
f) Otherwise substantially degrade water quality?	☐	☐	☐	☒

Explanation: The project's potential to degrade water quality is discussed in Sections IX(a) and IX(e). The project would not otherwise have the potential to substantially degrade water quality.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☐	☒

Explanation: While the Tidal Canal itself lies within the 100-year flood zone, the upland properties adjacent to the Canal are mapped as Zone X by the Federal Emergency Management Agency (FEMA), which is the designation assigned to areas that have been determined to be outside of the 0.2 percent annual chance flood plain (i.e., the 500-year flood plain).[23] In any event, the project would not create new housing.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	☐	☐	☐	☒

Explanation: As discussed in Section IX(g), above, the project site is not located within a 100-year or 500-year flood hazard area. In addition, the project would not create new structures.

[23] Federal Emergency Management Agency, Flood Insurance Rate Map, Alameda County, California and Incorporated Areas, Community Panel Number 06001C0088G, effective August 3, 2009.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
i) Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☐	☒

Explanation: The proposed project would not develop new structures or increase the resident or worker population in the project area. It would therefore have no potential to expose people or structures to risks associate with inundation from a dam failure.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
j) Inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒

Explanation: Tsunamis (seismic sea waves) are long-period waves that are typically caused by underwater disturbances (landslides), volcanic eruptions, or seismic events. Areas that are highly susceptible to tsunami inundation tend to be located in low-lying coastal areas such as tidal flats, marshlands, and former bay margins that have been artificially filled but are still at or near sea level. While the Tidal Canal itself is within a tsunami inundation area, the adjacent uplands are not located within a tsunami inundation area, as mapped by the California Emergency Management Agency.[24] Furthermore, there are no aspects of the project that would increase the risk of inundation by tsunami.

A seiche is a free or standing wave oscillation(s) of the surface of water in an enclosed or semi-enclosed basin that may be initiated by an earthquake. Given its location adjacent to San Francisco Bay, the potential for a seiche run-up at the project site would not be greater than the potential for inundation by tsunami. In addition, there are no aspects of the project that would increase the risk of inundation by seiche in the project area.

Debris flows, mudslides, and mudflows begin during intense rainfall as shallow landslides on steep slopes. The rapid movement and sudden arrival of debris flows can pose a hazard to life and property during and immediately following a triggering rainfall. The project area is essentially flat, as is the surrounding area. There is therefore no potential for mudslides or debris flows.

[24] California Emergency Management Agency, Tsunami Inundation Map for Emergency Planning, State of California, San Francisco Bay Area, December 9, 2009.

X. LAND USE AND PLANNING — *Would the project:*

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Physically divide an established community?	☐	☐	☐	☒

Explanation: The project area is currently fully developed with a variety of commercial, industrial, and residential uses. Although there is one large vacant parcel within the project area, the proposed project would not develop this site and would not authorize any new development elsewhere in the project area. The project would not include any new construction such as new off-site roadways that could physically divide an existing neighborhood, nor would it otherwise create any barriers to existing circulation within the community. Therefore, implementation of the proposed project would not physically divide an established community.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purposed of avoiding or mitigating an environmental effect?	☐	☐	☐	☒

Explanation: Existing Alameda properties bordering the Tidal Canal are within a wide variety of zoning districts and General Plan land use designations (see Sections 6 and 7 on page 1), including residential, commercial, industrial, and open space designations. The Canal itself is located within two zoning districts: west of the Fruitvale Bridge, it is within the E (Estuary) zoning district; east of the bridge it is assigned the O (Open Space) district. The Canal does not have a General Plan land use designation. Because the proposed project would not authorize any new uses or new development, there is no potential for the project to conflict with the General Plan or Zoning Ordinance, and a detailed review of these documents was not performed as part of this environmental review.

The proposed project would include extension of the E (Estuary) zoning district to the portion of the Canal east of the Fruitvale Bridge, to cover all of the parcels within the Alameda side of the Tidal Canal. In addition, the project would amend the development standards for the Estuary zoning district to allow only docks, piers, boathouses, and other water-dependent uses as new uses, subject to subsequent discretionary review 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.

Therefore, the proposed project would not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purposed of avoiding or mitigating an environmental effect.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) *Conflict with any applicable habitat conservation plan or natural community conservation plan?*	☐	☐	☐	☒

Explanation: There is no adopted habitat conservation plan (HCP) applicable to the City of Alameda.

XI. MINERAL RESOURCES — *Would the project:*

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) *Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?*	☐	☐	☐	☒

Explanation: No regionally significant mineral deposits have been mapped on or in the vicinity of the project site. The site is within a large area classified as Mineral Resource Zone MRZ-1 by the California Department of Conservation's Division of Mines and Geology (DMG).[25] The MRZ-1 designation is assigned to areas where sufficient data exists for a determination that no significant mineral deposits exist, or where it is judged that there is little likelihood for their presence. Furthermore, the site is in a fully developed, urbanized area where mineral extraction would not be practical. Therefore, the project would not have an effect on the availability of mineral resources.

[25] California Department of Conservation, Division of Mines and Geology, Generalized Mineral Land Classification Map of the South San Francisco Bay Production-Consumption Region (Plate 1 of 29), 1996.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
b) *Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?*	☐	☐	☐	☒

Explanation: The Alameda General Plan does not identify any local mineral resources within the City. In any event, the project site area is developed with residential, commercial, and industrial uses, where extraction of mineral resources, were they to exist, would not be feasible. There is no potential for the project to have an adverse effect on the availability of significant mineral resources.

XII. NOISE — *Would the project result in:*

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) *Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?*	☐	☐	☒	☐

Explanation: Noise standards in the City of Alameda are established in the Health and Safety Element to the *City of Alameda General Plan* as well as the Alameda Municipal Code. The Health and Safety Element sets the most stringent standards for residential uses, where noise environments of 60 decibels (dB) CNEL[26] or less are considered "normally acceptable" and noise environments of between 60 dB and 70 dB CNEL are considered "conditionally acceptable," requiring noise insulation features for new development. The standards also include thresholds for "normally unacceptable" and "clearly unacceptable" noise levels, and provide less stringent noise thresholds for various non-residential land uses.

Chapter 4-10, "Noise Control," of the Alameda Municipal Code also regulates noise in the community. Section 4-10.4 (Exterior Noise Standards) lists exterior noise standards for various noise-sensitive receiving land uses (single- or multi-family residential, schools, hospitals, churches, public libraries, and commercial uses) as measured at the receiving land use. Section 4-10.7 includes exceptions to these noise standards, including, "noise sources associated with construction provided the activities take place between the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday or 8:00 a.m. to 5:00 p.m. on Saturdays."

[26] The Community Noise Equivalent Level (CNEL) is a descriptor of environmental noise based on the 24-hour average sound level, with additional weighting of sound levels during the more sensitive evening and nighttime periods.

The project does not involve any subsurface disturbance or other construction or demolition activity, and does not involve any new operational activities and, accordingly, there is no potential for construction or operational noise impacts associated with the project.

Dock repairs and other shoreline facility repairs that could occur following project approval would be subject to separate discretionary review and approval and subject to the restrictions on construction hours. Noise from construction activities that occur within the allowed construction hours is considered to comply with the City's noise ordinance. Based on the above considerations, the project would not result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
b) *Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?*	☐	☐	☒	☐

Explanation: The proposed project would not generate perceptible amounts of groundborne vibration.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) *A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?*	☐	☐	☐	☒

Explanation: No permanent noise would be generated by the proposed project. Please see Section XII(a), above, for potential impacts associated with future repairs proposed along the waterfront.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
d) *A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?*	☐	☐	☐	☒

Explanation: The project's potential noise impacts are addressed in Sections XII(a) and (c), above. The project would not require or authorize major new construction or other potential sources of substantial temporary noise.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

Explanation: Although Oakland International Airport is located less than 1 mile south of the Canal, the proposed property transfer would not introduce new residents or workers to the area, and therefore would not expose people living and working in the area to excessive noise levels from airport operations.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

Explanation: There are no private airstrips in the vicinity of the project.

XIII. POPULATION AND HOUSING — *Would the project:*

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☐	☒

Explanation: The proposed project would not create new housing and would not construct new infrastructure. Therefore, it would have no potential to induce population growth.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

Explanation: The project would not displace any existing housing; the project would have no effect on housing.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

Explanation: See Section XIII(b), above.

XIV. PUBLIC SERVICES - *Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the following public services:*

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Fire protection?	☐	☐	☐	☒

Explanation: Fire response to the project site would be provided by the Alameda Fire Department (AFD), which operates four stations located throughout the City (a fifth station was closed in 2009). The AFD responds to approximately 14,000 alarms each year, about 71 percent of them for emergency medical service.[27] In 2015 the Department had a Citywide average response time 4 minutes and 23 seconds. First response in the event of a fire or medical emergency would be provided by Fire Station No. 1, located at 2401 Encinal Avenue.

The proposed project would not cause a substantial increase in demand for fire protection or emergency medical response services. It would not authorize construction of new structures,

[27] Alameda Fire Department, Response Data, accessed April 20, 2016 at: https://alamedaca.gov/fire/response-data.

and would therefore have no effect on fire protection services, and it would not increase the population of the project area.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Police protection?	☐	☐	☐	☒

Explanation: Police protection would be provided to the project by the Alameda Police Department (APD), which operates out of a central station at 1555 Oak Street. The APD has a force of 88 sworn officers and 32 non-sworn full-time personnel.[28] The APD's service area is divided into five patrol sectors; the project area is located in Sector 3.

The proposed project would not increase the population of Alameda, would not develop any new land uses, and would not generate new employees. Therefore, the proposed project would be expected to have no effect on demand for police protection services.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Schools?	☐	☐	☐	☒

Explanation: The project would not create new housing and would not increase the population of the City of Alameda. There is therefore no potential for the project to adversely affect schools.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Parks?	☐	☐	☐	☒

Explanation: As noted in Section IX(c), above, the project would not increase the population of Alameda, and therefore the project would have no effect on the demand for park services.

[28] City of Alameda Police Department, About the Alameda Police Department, accessed April 22, 2016 at: https://alamedaca.gov/police/about-alameda-police-department.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Other public facilities?	☐	☐	☐	☒

Explanation: As noted in Section IX(c), above, the project would not increase the population of Alameda, and therefore the project would have no effect on the demand for other public facilities such as libraries.

XV. RECREATION –

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☒

Explanation: As discussed in Section IX(c), above, the project would not increase the population of Alameda, and therefore it would have no effect on existing parks or other recreational facilities.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☐	☒

Explanation: The proposed project does not include construction of any recreational facilities.

XVI. TRANSPORTATION/TRAFFIC — *Would the project:*

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) *Conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation, including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?*	☐	☐	☒	☐

Explanation: The proposed project would not increase the population of Alameda, would not develop any new land uses, and would not generate new employees. Therefore, the project would generate no operational traffic and would have no long-term effect on the existing circulation system in the City of Alameda or in the greater Bay Area. While some short-term traffic could be generated by property owners making future repairs to their shoreline facilities, the level of traffic impacts likely would be limited both in magnitude and duration, and would not be expected to have a noticeable effect on the existing circulation system or conflict with the City's traffic standards. The exact level of impacts associated with future improvements along the waterfront is speculative and would be analyzed as part of a separate discretionary review process.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
b) *Conflict with an applicable congestion management program, including but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?*	☐	☐	☐	☒

Explanation: The Alameda County Congestion Management Agency (CMA) is responsible for ensuring local government conformance with the Congestion Management Program (CMP) applicable to the City of Alameda. The threshold for CMP analysis in Alameda County is 100 peak-hour trips. There is no potential for the limited amount of short-term, repair-related traffic that could result from project approval to generate 100 peak-hour trips. Therefore, the project would not conflict with the Alameda County CMP.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	☒

Explanation: The proposed project would have no effect on air traffic patterns.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	☒

Explanation: The proposed project would not create new offsite roads or intersections or alter existing offsite roadways. Any dock or other shoreline facility repairs that would be made following project implementation would occur entirely within existing properties, requiring no modifications to existing access to the properties or internal circulation within the properties. There is no potential for the project to create new traffic hazards or increase existing traffic hazards.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Result in inadequate emergency access?	☐	☐	☐	☒

Explanation: For the reasons discussed in Section XVI(d), above, the project would have no effect on emergency access.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety to such facilities?	☐	☐	☐	☒

Explanation: As discussed in Section XVI(a), above, the project would generate no operational traffic. The amount of short-term construction traffic that could be generated by property

owners and/or their contractors likely would be limited and would be analyzed during a separate discretionary review process. There are no aspects to the proposed project with the potential to conflict with adopted policies, plans, or programs pertaining to public transit, bicycle, or pedestrian facilities, or to decrease the performance or safety of such facilities.

XVII. UTILITIES AND SERVICE SYSTEMS — *Would the project:*

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☐	☒

Explanation: The proposed project would generate no wastewater, and therefore would have not potential to exceed applicable wastewater treatment requirements.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒

Explanation: The proposed project would not consume water, other than a negligible amount, potentially, associated with future temporary repairs to shoreline improvements such as docks and piers. This use of water would be for clean-up of construction/repair work, and would not be an ongoing or recurring demand. Such consumption would represent an infinitesimally small percentage of existing water consumption in the City; there would be no potential for this incremental, short-term demand to require construction of new or expanded water or wastewater treatment facilities.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒

Explanation: The proposed project would not affect existing stormwater drainage facilities. It would not create new impervious surfaces or otherwise affect long-established drainage

patterns within the project area. The project would not cause any increase in the generation of stormwater. It would therefore have no effect on stormwater drainage facilities.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☐	☒

Explanation: As discussed in Section XVII(b), above, the project would have no effect on water demand and, therefore, the project would have no effect on water supplies.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☒	☐

Explanation: See Section XVII(b), above.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☐	☒

Explanation: The project would not authorize any new development or new solid waste disposal. There is no potential for the proposed Canal transfer to generate solid waste that would exceed the existing permitted capacity of Altamont Landfill. The level of solid waste impacts associated with the construction of subsequent repairs proposed along the waterfront is speculative at this time and any potentially significant impacts would be analyzed (and mitigated, as necessary) during a subsequent CEQA review process. However, it is anticipated that the majority of waste generated by subsequent repairs along the waterfront would most likely consist of wood and / or concrete debris that could be recycled or composted.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
g) Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☒	☐

Explanation: Projects that would cost $100,000 or more to construct must divert at least 50 percent of all construction and demolition (C&D) debris generated by the project, as set forth in the City's Waste Management Plan Ordinance.[29] Applicants for permits for construction, demolition, and renovation projects that will cost less than $100,000 will be encouraged to divert at least 50 percent of all construction and demolition (C&D) debris generated by the project, and will be required to make a good-faith effort toward this goal. Applicants for repairs or renovations to docks and other shoreline facilities will be subject to this ordinance, and while such repairs are expected to be well below the threshold requiring 50-percent diversion of C&D waste, they will be required to make a good-faith effort to achieve this level of diversion. Permit applicants will be expected to comply with applicable State and federal regulations pertaining to solid waste, and there is no reason to expect that approval of the proposed Canal transfer will result in any conflicts with applicable regulations.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE –

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☐	☒	☐

Explanation: The project would not authorize any new development or ground-disturbing activities. The level of impacts associated with the construction of subsequent repairs proposed along the waterfront is speculative at this time and any potentially significant impacts would be analyzed (and mitigated, as necessary) during a subsequent CEQA review process. Accordingly, the project would not adversely affect biological resources, including fish habitat or fish populations. The possibility for damage to historic or prehistoric cultural resources associated with subsequent improvements along the waterfront is remote and would be

[29] City of Alameda, Municipal Code, Chapter XXI, Article VI, Section 21-24.

analyzed during a subsequent discretionary review process. Potential impacts to such resources associated with the project would be less than significant.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
b) *Does the project have impacts that are individually limited but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)*	☐	☐	☒	☐

Explanation: No significant cumulative impacts were identified for the proposed project. As indicated above, once the Corps' permitting moratorium is removed following project implementation, repair of existing deteriorated docks, piers, and other shoreline structures may be proposed that could disturb cause potentially significant impacts. The level of impacts associated with subsequent repairs proposed along the waterfront likely would be limited in nature and any potentially significant impacts would be analyzed (and mitigated, as necessary) during a subsequent CEQA review process.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) *Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?*	☐	☐	☒	☐

Explanation: The project does not authorize any ground disturbance that would cause a substantial adverse effect on human beings. The level of impacts associated with subsequent repairs proposed along the waterfront is speculative at this time and any potentially significant impacts would be analyzed (and mitigated, as necessary) during a subsequent CEQA review process.

REPORT PREPARATION

This Initial Study/Mitigated Negative Declaration was prepared by Douglas Herring & Associates, with assistance from the City of Alameda.

* * * * *

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Council of the City of Alameda in a regular meeting assembled on the 20th day of September, 2016, by the following vote to wit:

AYES

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the seal of said City this 21st day of September, 2016.

_____
Lara Weisiger, City Clerk
City of Alameda

APPROVED AS TO FORM:

_____
Janet C. Kern, City Attorney
City of Alameda