

COASTAL CONSERVANCY

Staff Recommendation
April 18, 2024

TIDEWATER DAY USE AREA EXPANSION PROJECT

Project No. 03-105-02
Project Manager: Virgilio Cuasay

RECOMMENDED ACTION: Authorization to disburse up to \$3,000,000 to the East Bay Regional Park District to undertake the Tidewater Day Use Area Expansion Project, consisting of constructing public access amenities and park features on eight acres of former industrial land to expand the Tidewater Day Use Area of Martin Luther King, Jr. Regional Shoreline in Oakland, Alameda County.

LOCATION: Martin Luther King, Jr. Regional Shoreline, Oakland, Alameda County

EXHIBITS

- Exhibit 1: [Project Location Map](#)
Exhibit 2: [Project Photos](#)
Exhibit 3: [Project Letters](#)
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RESOLUTION AND FINDINGS

Staff recommends that the State Coastal Conservancy adopt the following resolution and findings.

Resolution:

The State Coastal Conservancy hereby authorizes a grant of an amount not to exceed three million dollars (\$3,000,000) to the East Bay Regional Park District (“the grantee”) to undertake the Tidewater Day Use Area Expansion Project, consisting of constructing public access amenities and park features on eight acres of former industrial land to expand the Tidewater Day Use Area of Martin Luther King, Jr. Regional Shoreline in Oakland, Alameda County.

Prior to commencement of the project, the grantee shall submit for the review and written approval of the Executive Officer of the Conservancy (Executive Officer) the following:

1. A detailed work program, schedule, and budget.
2. Names and qualifications of any contractors to be retained in carrying out the project.

3. A plan for acknowledgement of Conservancy funding.
4. Evidence that all permits and approvals required to implement the project have been obtained.

In addition, to the extent appropriate, the grantee shall incorporate the guidelines of the Conservancy's "Coastal Access Project Standards".

Findings:

Based on the accompanying staff recommendation and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed authorization is consistent with Chapter 4.5 of Division 21 of the Public Resources Code, regarding the San Francisco Bay Area Program.
2. The proposed project is consistent with the current Conservancy Project Selection Criteria.

STAFF RECOMMENDATION

PROJECT SUMMARY:

Staff recommends the Conservancy authorize a grant of up to \$3,000,000 to the East Bay Regional Park District (the Park District) to undertake the Tidewater Day Use Area Expansion Project, consisting of constructing public access amenities and park features on eight acres of former industrial land to expand the Tidewater Day Use Area of Martin Luther King, Jr. Regional Shoreline in Oakland, Alameda County (Exhibit 1).

The Tidewater Day Use Area is located next to some of Oakland's most underserved communities. According to Statewide Parks Program Community FactFinder, the site is virtually surrounded by disadvantaged communities (DACs) and severely disadvantaged communities (SDACs). It is less than a half mile from a DAC and approximately one mile away from an SDAC. These communities also meet the thresholds as a DAC according to CalEnviroScreen 4.0. According to the tool, the community's residents suffer from high rates of poverty and unemployment and are exposed to several hazardous environmental factors. The expanded park space will be a valuable resource and help offset the inequities faced by the surrounding communities. It will be a safe and affordable place for people with limited means to be physically active outdoors, contributing to the community's overall well-being.

The project has been designed to engage children and adults in physical activity and play. Features will include: nature play structures and a natural playground, an outdoor classroom, family picnic sites, a multi-use open lawn, and new overlooks toward San Francisco Bay (Exhibit 1, Figure 3). In addition to the play features, the project will add new internal trails and re-pave a segment of the San Francisco Bay Trail. It will also add a staging area, including a new parking lot, a boat storage area, water fountains, and a new restroom facility.

The project also entails planting over half of the area with over 200 trees, over 800 shrubs and perennials, and four species of grasses, comprised of over 90 percent native species and a small number of non-native drought-tolerant trees. The Park District plans to use biofiltration sod in

bioswales that will be constructed to help slow, collect, infiltrate, and filter stormwater, reducing the amount of pollution entering the San Francisco Bay.

The Park District began Phase 1 of the project while seeking funding for full implementation. Phase 1 included removing the existing hardscape and legacy debris (Exhibit 3, Figure 1) from the former industrial site and replacing them with permeable surfaces (Exhibit 3, Figure 2), relocating utilities, and importing fill.

Phase 2 project tasks include the following:

1. Completing final designs and obtaining permits.
2. Extending the road through the existing gravel parking lot.
3. Constructing a new staging area (including a larger, paved parking lot, a boat storage area, water fountains, and restrooms), and re-paving 0.1 mile of Bay Trail.
4. Constructing the planned recreational features (play structures, outdoor classroom, picnic sites, etc.) and 0.5 mile of internal trails (non-Bay Trail).
5. Planting trees, shrubs, and grasses.

The project is designed to be resilient to sea level rise. See “Project benefits will be sustainable or resilient over the project lifespan” below.

Project staff engaged stakeholder groups in the planning process. See “Project planned with meaningful community engagement and broad community support” below.

The Park District’s consultant contacted tribes with interest in the area as identified by the Native American Heritage Commission in 2017 and 2018, but they did not receive any responses. During final planning, which is expected to be completed by October 2024, the team will reach out to the tribes and individuals again to discuss the interpretative themes, the planting palette, and potentially, art or sculpture.

Site Description:

The Tidewater Day Use Area is part of Martin Luther King, Jr. Regional Shoreline in Oakland (Exhibit 1, Figure 2). The Park District-owned site contains the Tidewater Boating Center (Exhibit 3, Figure 3), which consists of a boathouse, training area, boat storage facility, and offices of the Park District’s Recreation Department. It has a public ADA-accessible paddle craft dock that is a trailhead on the San Francisco Bay Area Water Trail, providing boating access to the San Leandro Bay and Oakland Estuary (part of San Francisco Bay). The site provides access to the San Francisco Bay Trail (Exhibit 3, Figure 4) and has a picnic table and turf sites for picnicking, shoreline access for fishing, and a restroom. Under a previous grant, the Conservancy funded construction of public access and recreation improvements at the Tidewater Day Use Area, including construction of 0.4 mile of Bay Trail, restrooms, 1.4 acres of turf with trees and irrigation, picnic areas, pathways, replacement of the access road, the addition of utilities under the access road, and a parking lot. Work was completed in 2009.

The Park District purchased the 8-acre expansion area in 1980 but was not ready to develop it into parkland until 2017. The District leased the site for use as a tractor-trailer storage facility

between 1980 and 2017. Since 2017, the Park District has removed a large carport-like aluminum structure that once housed tractor-trailers, removed pavement, relocated utilities, and imported fill to prepare for construction. The expansion area remains fenced off from the public because of safety issues related to its former use.

Grant Applicant Qualifications:

East Bay Regional Park District is highly capable of administering grant funds and similar projects. The Park District has a dedicated Grants Department comprised of a Grants Manager, Administrative Analyst, and Account Clerk. The Grants Department is currently administering over 200 grants valued at nearly \$250 million, including a \$532,800 Coastal Conservancy grant for wildfire risk mapping and a \$490,000 Coastal Conservancy grant for McCosker Creek Restoration. The project manager who will manage the contractor during the construction process has worked with the Park District for the last seven years in the Design and Construction Department. He recently managed the development of a staging area in Pleasanton Ridge Regional Park and construction of the San Francisco Bay Trail along Doolittle Drive at Martin Luther King, Jr. Regional Shoreline. The Park District is committed to maintaining the facility in perpetuity.

CONSISTENCY WITH CONSERVANCY'S PROJECT SELECTION CRITERIA:

The proposed project is consistent with the Conservancy's Project Selection Criteria, last updated on September 23, 2021, in the following respects:

Selection Criteria

1. Extent to which the project helps the Conservancy accomplish the objectives in the Strategic Plan.

See the "Consistency with Conservancy's Strategic Plan" section below.

2. Project is a good investment of state resources.

The project is feasible, and the budget is reasonable. It leverages non-state resources, including regional bond funds and federal funds. It is consistent with the City of Oakland's Central Estuary Area Plan and the California Natural Resources Agency's Outdoors for All Initiative.

The project is consistent with the following Outdoors for All Initiative strategies:

- **Strategy 1.1.2:** Create priorities for park-poor communities and disability accessibility within existing funding sources for open space acquisition, development, enhancement, and/or maintenance, including trails and community infrastructure (e.g., restrooms, water fountains, picnic tables and benches, shade structures, lighting, public art, sports facilities, access points and recreational infrastructure for beaches and waterways, and motorized wheelchair charging outlets and other features for people with disabilities) that support healthy, safe, frequent, and culturally relevant recreation for all ages and abilities.
- **Strategy 1.4.1:** Seek opportunities to leverage available funding to acquire and/or restore land which creates access to nature for underserved communities, preserves biodiversity, protects waterways, and provides nature-based solutions for climate

resilience. For example, construct trails and other features that integrate best with natural environments and locate them to minimize wildlife impacts.

3. Project benefits will be sustainable or resilient over the project lifespan.

Site improvements are designed to be resilient to two feet of sea level rise during a 100-year flood event, or four feet of sea level rise with no flood event. Core use areas have been sited outside of the flood zone while lower areas will allow for inundation and natural migration of habitat up from San Francisco Bay over time. In addition, the team designed the trail network to provide a bypass that can be used when sea level rise begins to impair passage along the existing San Francisco Bay Trail.

4. Project delivers multiple benefits and significant positive impact.

According to CalEnviroScreen 4.0, in addition to having low incomes and education levels, residents in the project’s census tract are exposed to poor air quality and suffer from high rates of asthma and cardiovascular disease. The expanded park space will help offset the inequities faced by the surrounding communities by providing a safe and affordable place for people with limited means to be physically active outdoors. The project will contribute to alleviating multiple stressors within the surrounding communities by addressing the need for additional recreational amenities, access to parks and open space, habitat enhancement and other environmental benefits. The increase in tree canopy will create shaded areas along the shoreline, providing an oasis from the urban heat island effect. The trees, shrubs, plants, and grasses will also sequester carbon and filter stormwater.

5. Project planned with meaningful community engagement and broad community support.

Community engagement work included a programming needs assessment for the Tidewater area, followed by multiple public workshops and on-line and print surveys. The needs assessment gathered feedback about the desired programming, whereas the workshops and surveys gathered input on the amenities. The initial public input workshop gave the public a chance to suggest amenities they wanted at the park. During this workshop, residents suggested several amenities that have been included in the design, such as a nature play area, picnic sites (including grills), improved parking, trails, native plants, interpretive signs, and overlooks to double as viewing spots for local rowing competitions.

PROJECT FINANCING

Coastal Conservancy	\$3,000,000
East Bay Regional Park District Measure WW (secured)	\$2,000,000
California State Parks Land and Water Conservation Fund (secured)	\$1,000,000
Wildlife Conservation Board (pending)	\$2,650,000
Other Sources (pending)	\$6,850,000
Project Total	\$15,500,000

Conservancy funding is anticipated to come from a Fiscal Year 2022/23 appropriation from the General Fund to the Conservancy for the purpose of “urgent sea-level rise adaptation and coastal resilience needs using nature-based solutions or other strategies.”(Budget Act 2022, SB 154 as amended by the Budget Act of 2023, SB 101). The coastal resilience funds are available as described in Section 52 of Chapter 258 of the Statutes of 2021, which sets forth a detailed description of the purposes of the climate resilience funds. The proposed project is consistent with this funding source because it is a project for the purpose of the San Francisco Bay Area Conservancy Program (Chapter 4.5 of Division 21 of the Government Code), as described further below.

The Park District has committed \$2,000,000 of its own Measure WW funds for the project, as well as securing \$1,000,000 from the federal Land and Water Conservation Fund, administered by California State Parks. In addition to the pending application to the Wildlife Conservation Board (review ongoing) listed above, the Park District has submitted applications to the California Natural Resources Agency’s Urban Greening Program (review on hold due to state budget deficit) and the California State Parks’ Statewide Parks Program (review ongoing).

Unless specifically identified as “Required Match,” the other sources of funding and in-kind contributions described above are estimates. The Conservancy does not typically require matching funds or in-kind services, nor does it require documentation of expenditures from other funders or of in-kind services. Typical grant conditions require grantees to provide any funds needed to complete a project.

CONSISTENCY WITH CONSERVANCY’S ENABLING LEGISLATION:

The proposed project is consistent with Chapter 4.5 of Division 21 of the Public Resources Code, Sections 31162 et seq. regarding the San Francisco Bay Area Program, which authorizes the Conservancy to undertake projects and award grants in the nine-county San Francisco Bay Area that will help achieve the goals of the San Francisco Bay Area Conservancy Program.

- Section 31162(a) authorizes the Conservancy to award grants for projects that improve public access to, within, and around the bay, coast, ridgetops, and urban open spaces, consistent with the rights of private property owners, and without having a significant adverse impact on agricultural operations and environmentally sensitive areas and wildlife through completion of regional and local trail systems and through the provision of related facilities, such as picnic areas and staging areas. The proposed project will improve 0.1 mile of Bay Trail and provide related facilities and amenities, including picnic areas and a staging area, improving access to San Leandro Bay at Martin Luther King, Jr. Regional Shoreline.
- Section 31162(b) authorizes the Conservancy to award grants for projects that protect, restore, and enhance natural habitats and connecting corridors, watersheds, scenic areas, and other open-space resources of regional importance. The proposed project will construct a native upland habitat area, with tasks involving the planting of trees, shrubs, and grasses, which will enhance open space resources at the shoreline.
- Section 31162(d) authorizes the Conservancy to award grants for projects that promote, assist, and enhance open space and natural areas that are accessible to urban

populations for recreational and educational purposes. The proposed project will expand the Tidewater Day Use Area, providing additional natural areas and open space to East Oakland communities for recreational purposes.

CONSISTENCY WITH CONSERVANCY'S [2023-2027 STRATEGIC PLAN](#):

Consistent with **Goal 1.1.1, Commit Funding to Benefit Systemically Excluded Communities**, the proposed project will benefit DACs and SDACs by providing play areas, shade, and access to nature in an environmentally degraded and park-poor urban area.

Consistent with **Goal 2.4.2, Build Trails**, the proposed project will construct 0.5 mile of new trails and re-pave 0.1 mile of Bay Trail, for a total of 0.6 mile of trail construction.

Consistent with **Goal 2.5.3, Recreational Facilities and Amenities**, the proposed project will build nature play structures and a natural playground, an outdoor classroom, family picnic sites, a multi-use open lawn, new overlooks, and a staging area, including a new parking lot, a boat storage area, water fountains, and a restroom facility.

CEQA COMPLIANCE:

The project is categorically exempt from review under CEQA pursuant to the CEQA Guidelines at California Code of Regulations (CCR), Title 14, Sections 15304, which exempts minor alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees. The project involves grading on land with a slope of less than 10 percent and filling of earth into previously excavated land with material compatible with the natural features of the site.

CCR, Title 14, Section 15183, allows a streamlined environmental review process for projects that are consistent with the densities established by existing zoning, community plan or general plan policies for which an Environmental Impact Report (EIR) was certified. The project is consistent with the City of Oakland's Central Estuary Area Plan and associated Supplemental Environmental Impact Report (SEIR), associated General Plan amendment to designate the project site as Parks, and associated zoning changes to designate the zoning as Open-Space Regional. Consistent with Section 15183, the project's impacts are addressed in the SEIR and by uniformly applied development standards. Accordingly, no additional environmental review is required.

Upon approval of the project, Conservancy staff will file a Notice of Exemption.