

1976

1976 Annual Report

San Francisco Bay Conservation and Development Commission

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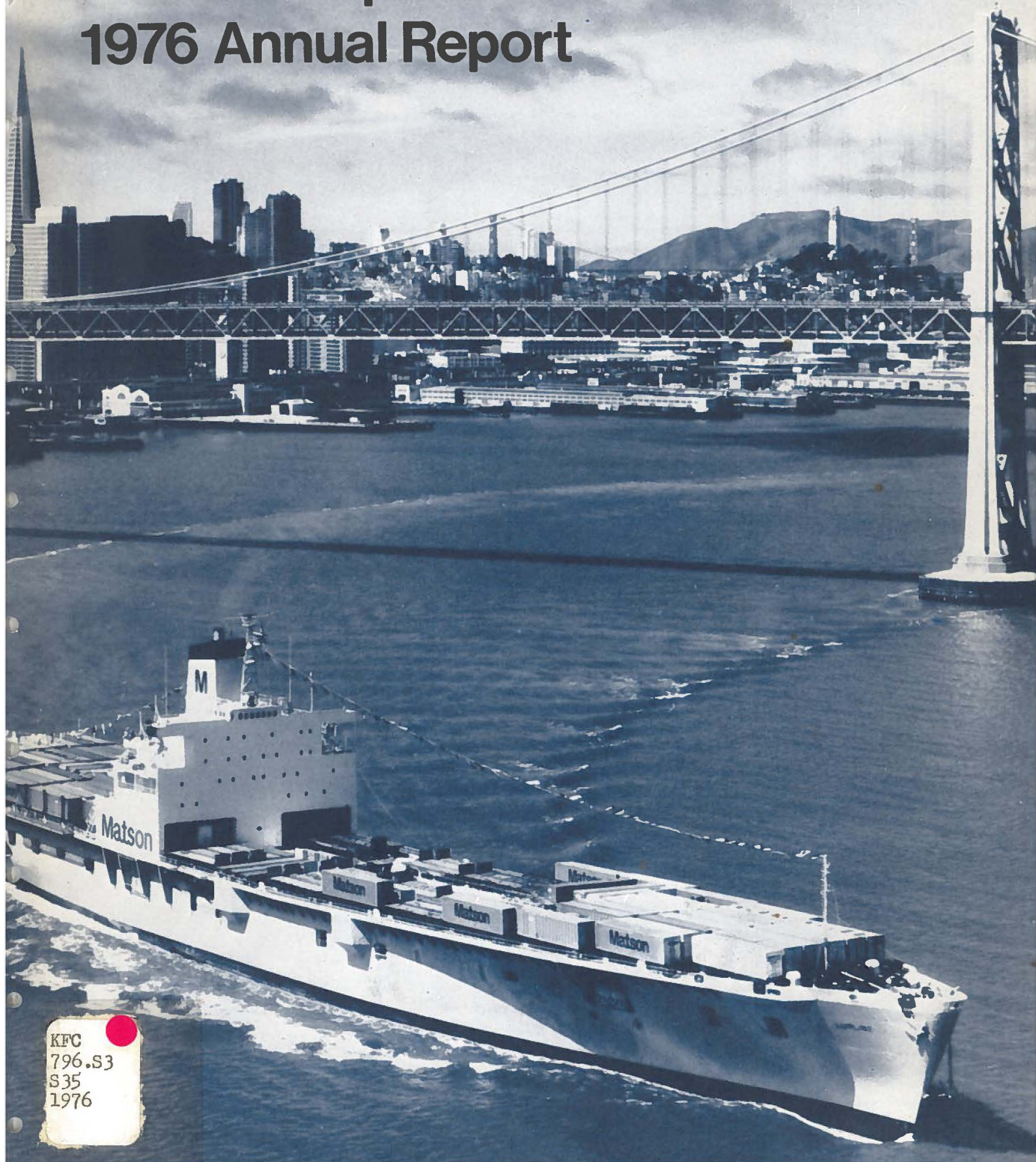
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San Francisco Bay Conservation and Development Commission 1976 Annual Report



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The BCDC consists of 27 members who represent Federal, State, and local governments and the general public. Names of Commissioners' alternates are shown in parentheses. The Commission membership, as of December 31, 1976, is as follows:

PUBLIC REPRESENTATIVES

Joseph C. Houghteling, Chairman, appointed by the Governor (George R. Kane, Los Gatos)

Mrs. Dean A. Watkins, Vice Chairman, appointed by the Governor (Mrs. Morse Erskine, Francisco)

Harry A. Bruno, Oakland, appointed by the Governor (Frank E. McC, Oakland)

Earl P. Mills, San Francisco, appointed by the Speaker of the Assembly (Harvey Berg, Tiburon)

Mrs. Ralph N. Jacobson, Hillsborough, appointed by the Governor (Mrs. Michael E. Stic, San Mateo)

Ms. Elizabeth Osborn, Fremont, appointed by the Senate Rules Committee (Ms. Patricia Shelt, Cupertino)

FEDERAL REPRESENTATIVE

Paul DeFalco, Jr., U.S. Environmental Protection Agency (Richard L. O'Connell)

Col. Henry A. Flertzheim, U.S. Army Corps of Engineers (James C. Wolfe)

*Commission members who no longer serve as New Commission members, effective 1977:

Supervisor Nancy Fahden of Contra Costa County (Mrs. Jean B. Siri, Richmond)

STATE REPRESENTATIVES

Mrs. Joseph D. Cuneo, San Francisco Bay Regional Water Quality Control Board (Penn D. Keller)

Sidney C. McCausland, State Department of Finance (Charles C. Harper)

Donald L. Lollock, State Resources Agency (Eugene Toffoli)

William F. Northrop, State Lands Commission (Richard S. Golden)

Supervisor George DeLong of Sonoma County (Supervisor Brian Kahn)

***Supervisor Thomas S. Price** of Marin County (Supervisor Gary Giacomini)

Supervisor Geraldine F. Steinberg of Santa Clara County (Walter E. Carruthers, Jr., Principal Planner)

Supervisor John M. Ward of San Mateo County (William F. Powers, Assistant Planning Director)

CITIES (Appointed by the Association of Bay Area Governments)

Councilman Albert Aramburu of Tiburon (Councilman John F. Cunningham, Jr., Vallejo)

Supervisor Dianne Feinstein of San Francisco (Councilman Arthur Bore, Millbrae)

Mayor James E. Balentine of Newark (Councilman Robert Norris, Redwood City)

Councilman Frank Ogawa of Oakland (Mayor Ilene Weinreb, Hayward)

In addition, two Legislators are appointed by the Legislature to meet with the Commission and take part in its work to the extent allowed by their position as Legislators. These Legislators are:

Senator Peter Behr

Assemblyman John J. Miller

Supervisor John George of Alameda County (William H. Fraley, Planning Director)

Supervisor Denis Rice of Marin County (Mrs. Margaret Azevedo, Tiburon)

SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION

30 VAN NESS AVENUE
SAN FRANCISCO, CALIFORNIA 94102
PHONE: 557-3686



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March 15, 1977

TO GOVERNOR EDMUND G. BROWN JR. AND
MEMBERS OF THE CALIFORNIA LEGISLATURE

We are pleased to submit our 1976 Report of activities under the McAteer-Petris Act and in other assigned responsibilities.

The Commission approved 14 major permits totaling \$42 million of development. These will result in two acres of additional Bay fill and, as significant mitigation, two miles of new public access to the Bay and 156 acres of new open space.

BCDC issued 110 administrative permits, five emergency permits, and signed three Memoranda of Understanding with Federal agencies. After hearings, four claims of exemptions were denied and four cease and desist orders were issued.

To apply for a \$206,000 grant under the Federal Coastal Zone Management Act, a Bay Management Plan was adopted. Grant uses include a study with the Coastal Commission, mandated by the Coastal Bill, of the relationships between the Commissions.

Two legislatively-mandated studies were submitted to you. "The Regulation of Dredging" report recommended state-wide means of expediting permits for annual maintenance dredging under 100,000 cubic yards. The study included a period when BCDC provided Bay Area dredging permit coordination.

BCDC recommended "The Suisun Marsh Protection Plan." At the confluence of Bay and river waters, the Marsh area supports a unique diversity of plants, fish, and wildlife essential to the life chain with special importance to Pacific Flyway waterfowl.

When the initial 5,000 copies of a "Bay Public Access and Recreational Areas" directory were quickly taken, the Save San Francisco Bay Association generously supplied another 12,000 copies.

The Commission extends its appreciation to its permanent staff, whom it still outnumbers, and to the special studies' temporary staffs. We are indebted for the public's continuing interest; to the BCDC advisory committees and boards; to permit applicants who have helped achieve the conservation-development balance; and for the cooperation of local, regional, State and Federal agencies.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Joe Houghteling", written over the printed name.

JOSEPH C. HOUGHTELING
Chairman

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GOLDEN GATE UNIVERSITY

JCH/mm

San Francisco Bay Conservation and Development Commission

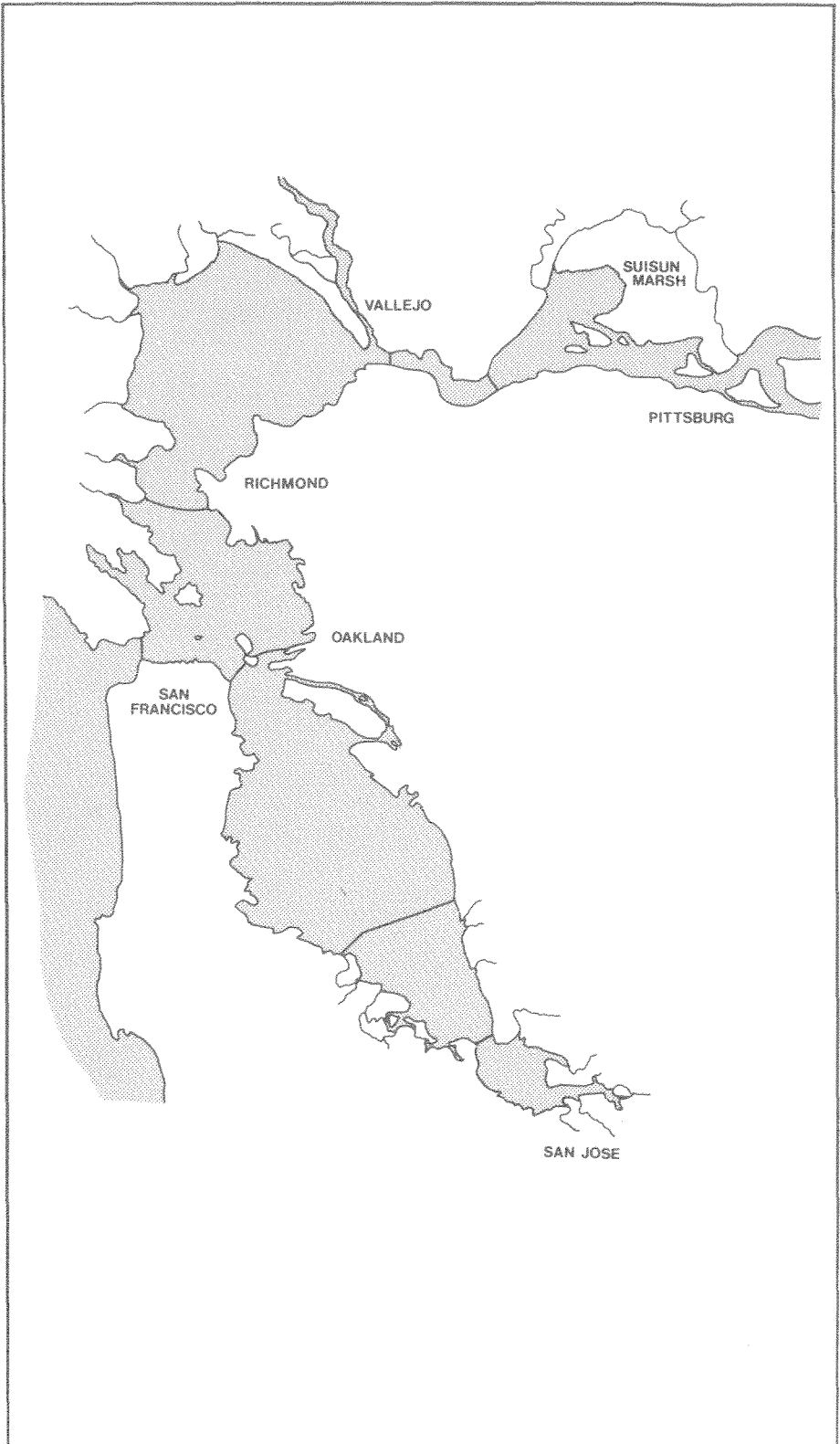
The 27-member Commission was created by the California Legislature in 1965 in response to citizen concern for the future of San Francisco Bay. The Commission originally was given a four-year life span and assigned the task of preparing a plan for the Bay by 1969. In 1969, the Commission submitted the completed San Francisco Bay Plan to the Governor and the Legislature who subsequently decided that the Commission should become a permanent agency to carry out the Plan. The McAteer-Petris Act (the Commission's enabling legislation) was accordingly amended in 1969, giving the Commission permanent status and the following three major areas of responsibility:

In accordance with the law and the Bay Plan, to regulate all filling, changes in existing uses, and dredging in San Francisco Bay (including San Pablo and Suisun Bays, all sloughs that are part of the Bay system and certain creeks and tributaries);

To have limited jurisdiction within a 100-foot strip inland from the Bay. Within this shoreline band the Commission's responsibility is two-fold: (a) to require public access to the Bay to the maximum extent feasible, consistent with the nature of new shoreline developments, and (b) to ensure that the limited amount of existing shoreline property suitable for high priority purposes is reserved for these purposes, thus minimizing pressures to fill the Bay. (The six high priority uses of shoreline land specified in the law and the Bay Plan are ports, water-related industry, water-related recreation, airports, wildlife areas, and desalinization and power plants);

To have limited jurisdiction over any proposed filling of salt ponds of managed wetlands (areas diked off from the Bay and used for salt production, duck-hunting preserves, etc.). These areas, although not subject to the tides of the Bay, provide wildlife habitat and water surface important to the climate of the Bay Area. If filling of these areas

is proposed, the Commission is to encourage dedication or public purchase to retain water surface area. If development is authorized, the Commission is to ensure that the development provides public access to the Bay and retains the maximum amount of water surface consistent with the development.



1976 Planning Activities

The McAteer-Petris Act requires the Commission to periodically review and update the Bay Plan, which guides BCDC's regulatory process. This work is proceeding under the Commission's Priority Planning Program, adopted by the Commission in 1974 after an evaluation of the Plan's impact and effectiveness. During 1976 work continued on the Priority Planning Program, including preparation of several major Plan revision studies and continued BCDC participation with other agencies and jurisdictions in cooperative planning projects.

Environmental Management Planning. The Commission is involved in the Association of Bay Area Governments' efforts to prepare an Environmental Management Plan for the Bay Area. These studies, financed by funds from Section 208 of the Federal Water Pollution Control Act of 1972, encompass water quality, air quality and solid waste disposal.

Public Access Project. The Commission published in 1976 a report evaluating the public access areas provided to date through the BCDC regulatory process. The report covered 49 access sites, totaling 15 miles of shoreline. On-site observations of these sites resulted in a number of conclusions regarding access site design. The report concluded with a recommendation for a comprehensive shoreline public access plan. The second part of the Public Access Project was initiated in 1976 with the start of the Bay Public Access Plan. The Plan will identify desirable public access areas around the Bay.

In 1976 the Commission also published the first inventory and guide to public shoreline areas, the "San Francisco Bay Public Access and Recreation Areas" booklet. The booklet is organized geographically and provides a map and brief description of each site. The tremendous demand for the first copies of this free publication, as well as the intensive press coverage, demonstrated the importance of the Bay shoreline as a public resource and illustrated the widespread interest in shoreline access. A generous contribution from the Save San Francisco Bay Association made



AGUA VISTA PARK

RICHARD F. CONRAT

possible a second printing of 12,000 copies to supplement the original supply of 5,000 copies which were exhausted in one week. Additional copies can be obtained by sending a written request to the Commission.

Regional Airport Planning. The San Francisco Bay Plan notes that the shoreline of the Bay has been a favored location for airports. The Commission has a continuing interest in the planning for airports throughout the region and BCDC has been participating on the Regional Airport Planning Committee. The Committee, jointly sponsored by the Metropolitan Transportation Commission (MTC) and the Association of Bay Area Governments (ABAG), is charged with the preparation and maintenance of the Regional Airport Plan. This Plan, in turn, serves as the basis of the airport plan elements of the MTC Regional Transportation Plan and the ABAG Regional Land Use Plan. The Committee also reviews planning studies and reports, airport development proposals of regional concern, and applications for grants to fund planning and development.

Regional Seaport Planning. The Bay Plan recognizes the need for a comprehensive regional ports plan. In fulfillment of this policy, BCDC has been participating on the Metropolitan Transportation Commission's Seaport Policy Committee, which is preparing

such a regional plan. The first phase of the project will be completed early in 1977. It will include projections of future cargo, capacity of existing and proposed terminals, and estimates of future needs. Other phases of the regional seaports plan will be prepared over the next several years.

San Francisco Bay Marsh Study. During 1976, Dr. H. Thomas Harvey, in collaboration with several associates, undertook a study of Bay marshes, updating and refining his earlier work on the subject. The new study further investigates the role and importance of marshes in the Bay ecosystem, and provides new information on the preservation and improvement of existing or former marsh areas and on the creation of new marshes. The report, after preliminary reviews, will be submitted to the Commission for public hearings and Commission consideration during 1977.

Water-Related Industry Study. In 1976 a study of issues pertaining to water-related industry was presented to the Commission. This report, prepared by a consultant, analyzed economic methods for evaluating the dependency of industries on a waterfront site. The consultant also reviewed the status of related industrial priority areas as designated in the Bay Plan. The study report will be used for analyzing possible changes to the Bay Plan policies.

Special Area Plans

Benicia Special Area Plan. The City of Benicia is undertaking a Special Area Plan in cooperation with BCDC. The area covered by the Benicia Plan includes the shoreline between West 2nd Street eastward to the Benicia-Martinez Bridge. The City of Benicia proposes a marina and related commercial and residential development in a BCDC port priority area. The Special Area Plan will attempt to resolve this conflict, as well as to provide public access, good design, and protection of marshes and open water. The Plan, together with environmental documents being prepared by the City, are expected to be completed in 1977.

Palo Alto Master Plan Project. To assist the City of Palo Alto's consultants in the preparation of a master plan for the City's baylands area, a Technical Advisory Committee was formed of staff representatives of various interested agencies, including BCDC. A key part of this planning effort concerns the recurring problems of dredging and dredge spoils disposal, in connection with maintenance and expansion of the Palo Alto Yacht Harbor. In addressing dredging and spoils disposal problems in permits for the yacht harbor, the Commission had found that a long-range solution to the issues would be required if future permits for the yacht harbor were to be considered. The planning schedule calls for public hearings in early 1977, by the City Planning Commission and the City Council, on the consultants' recommendations.

San Francisco Special Area Plan Amendments. In June 1976, the San Francisco City Planning Department reconvened the Northern Waterfront Planning Advisory Committee. This group has guided the Planning Commission in revising the City's Northern Waterfront Plan. Based on the work of this Committee, the City is also requesting certain amendments to Special Area Plan No. 1: San Francisco Waterfront. These amendments are scheduled for public hearing and action by the Commission in early 1977.

South Richmond Shoreline Special Area Plan. Late in 1975, the City of Richmond requested BCDC's assistance in the preparation of a Special Area Plan for the South Richmond shoreline. The purpose of

the plan was to resolve differences between the Bay Plan and the City's General Plan, especially in the vicinity of the Richmond Inner Harbor, where it is designated as a port priority area by the Bay Plan, and as a marina, commercial, and residential complex by the City of Richmond. A Citizen's Advisory Committee was appointed jointly by the City of Richmond and the Chairman of the Commission to oversee the combined Richmond and BCDC staff work on this project. During semi-monthly meetings, the Committee has reviewed and adopted findings and policies for the four sub-areas making up the planning area. The Committee has also developed an implementation program for the proposed plan. Late in 1976, the draft Special Area Plan for South Richmond was approved by the Committee and forwarded to the City of Richmond and to BCDC for final action.

Legislatively Mandated Studies

The Suisun Marsh Protection Plan. In December, 1976, the Commission submitted to the Governor and the Legislature the Suisun Marsh Protection Plan, as required by the Nejedly-Bagley-Z'Berg Suisun Marsh Preservation Act of 1974. The Protection Plan is a blueprint for the preservation of the Suisun Marsh, the largest of the remaining California

wetlands and a wildlife habitat of nationwide importance.

Located in southern Solano County, the Suisun Marsh provides important wintering habitat for waterfowl of the Pacific Flyway. Moreover, because of its size (85,000 acres) and estuarine location, it supports a diversity of plant communities. These provide habitats for a unique variety of wildlife, including several rare and endangered species.

As provided for in the Act, the Commission received the Fish and Wildlife element of the Plan from the Department of Fish and Game in January, 1976. Thereafter, beginning in April and extending through September, the Commission held twelve public hearings on nine planning reports prepared as background for the Protection Plan which covered the following subjects: Suisun Marsh Environment; Aquatic and Wildlife Resources; Water Supply and Quality; Natural Gas; Recreation and Access; Facilities, Utilities and Transportation; Water-Related Industry; Marsh and Upland Resource Management; and Development of an Implementation Program. These reports provided the information necessary to prepare the findings and policies of the Preliminary Suisun Marsh Protection Plan, and the hearings on the reports encouraged extensive public involvement and



SUISUN MARSH

PHOTO BY RICHARD F. CONRAT

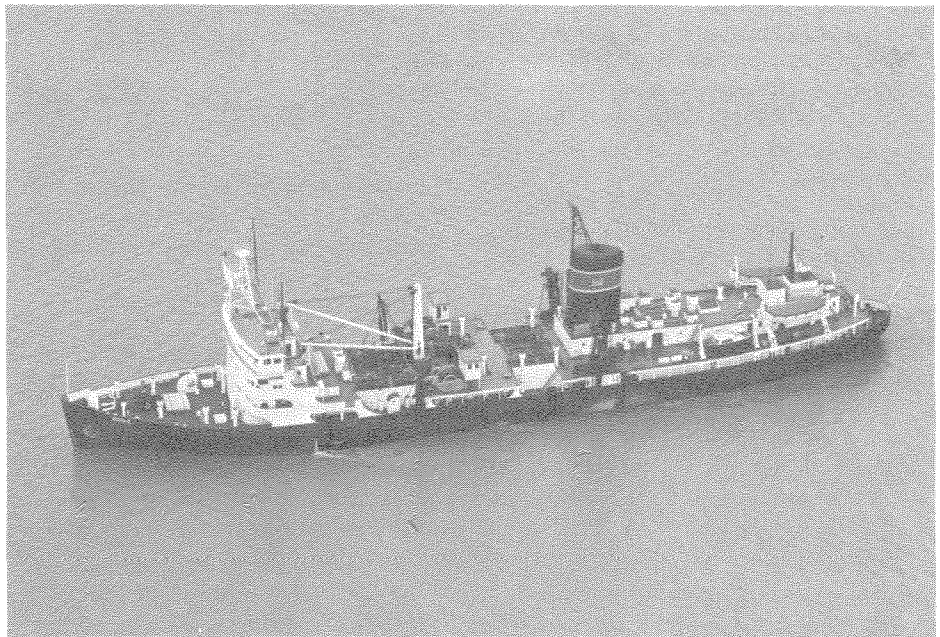
participation by other public agencies. In October and November, the Commission held three public hearings on the Preliminary Suisun Marsh Protection Plan itself, before adopting the final Protection Plan.

These are the major findings and recommendations to the Governor, to the Legislature, and to other State agencies in the final Protection Plan:

The most serious threat to the Marsh is declining water quality in the form of increased salinity, caused by increasing diversions of fresh water through the State Water Project and the Federal Central Valley Project. The State Water Resources Control Board should therefore establish water quality standards that will protect the Marsh by maintaining adequate fresh water outflows from the Sacramento-San Joaquin Delta, and both the State and Federal water projects should be operated in strict accordance with these standards.

Existing agricultural and duck club uses in and adjacent to the Marsh are largely compatible with preservation of the Marsh; but the Marsh, in certain areas, is threatened by potential residential and industrial development. The Plan therefore recommends that the Marsh wetlands — tidal marsh, diked managed wetlands, and seasonal marsh — be included in a legislatively created primary management area, within which existing uses — generally duck hunting, limited grain production, and cattle grazing — will continue. As is now largely the case, the State, acting through the Commission, would have the major regulatory responsibility in the primary management area. To insulate the primary management area from incompatible upland land uses and agricultural practices, the Plan also calls for the creation of a secondary management area, surrounding the primary management area, and consisting of grasslands and cultivated land. In this area, where the major regulatory responsibility would rest with local government, existing agricultural uses such as grain production and grazing would continue.

The shoreline between Collinsville and Rio Vista provides some of the



DREDGE BIDDLE

U.S. ARMY CORPS OF ENGINEERS

last significant Bay Area frontage on deep water. These shoreline sites should be developed for those water-related industries that do not have the potential to cause significant adverse impacts on the Marsh, such as from spills of toxic and hazardous materials.

Large-scale acquisition of privately-owned land in the Marsh is not necessary for the long-term protection of the Marsh. However, the Plan proposes that funds already appropriated in the Suisun Marsh Plan be used for acquisition of 1781 acres for public use and resource management, including areas that could be restored as managed wetlands or tidal marsh.

Changes in assessment practices could threaten the Marsh in the future by making it increasingly uneconomical to continue existing compatible uses. The Plan recommends that private landowners in the Marsh be guaranteed the benefits of all preferential assessment practices authorized under State law.

The Regulation of Dredging Report. Senate Bill 2418, introduced in the Legislature by Senator Marks, directed the Resources Agency to establish temporary procedures for coordinating the applications for permits within BCDC's jurisdiction for maintenance dredging and for new dredging in amounts less than 100,000 cubic yards. These

temporary procedures expired by statute on July 1, 1976. The legislation also called for recommendations to the Legislature on permanent changes in existing procedures and for an evaluation of the experience with the coordination effort. Recommendations were submitted to the Legislature in February, 1976, to simplify and expedite the regulatory process for Bay dredging without sacrificing essential environmental safeguards. The recommendations included the following:

Each agency regulating dredging should adopt regulations to formalize the procedures used in the processing of applications.

Each of these agencies should also formally adopt substantive policies and standards to establish the criteria for decision-making.

Time limits should be imposed that require agencies to process applications and requests for comments within a reasonable period of time, and that provide for automatic issuance of permits if time limits are not met.

Full formal coordination of dredging applications is not advisable, but some form of cooperative effort is necessary.

State agencies should be given the flexibility to participate in joint proceedings with the U. S. Army Corps of Engineers and other State agencies.

1976

Permit Summary

Under the McAteer-Petris Act (the BCDC law) projects involving placement of fill, dredging, or a substantial change in use of the shoreline, require a BCDC permit. Permits are issued for those projects that are consistent with the policies of the San Francisco Bay Plan and the McAteer-Petris Act. Most permits generally contain conditions to eliminate potential adverse effects to the Bay, to mitigate unavoidable adverse effects, to provide public access to and along the Bay's shoreline, and to assure that other Commission policies are implemented. Furthermore, under the BCDC law, the Commission must act on permit applications within 90 days after a complete application is filed.

During 1976, both the number of permit matters submitted to staff and the number of permit applications actually filed and processed increased over the previous year. The Commission processed 22 major permit applications, of which 14 were approved, none were denied, none were withdrawn, one was reclassified as an administrative application, and seven were still pending. These statistics do not, of course, reflect the large number of projects that did not progress to the permit application stage because the prospective applicant was advised that the McAteer-Petris Act and the Bay Plan would require denial of the application.

The approved projects will result in a total of 2.19 acres of new Bay fill and involve \$42,684,475 in new development expenditures. Cumulatively, the projects will also provide two miles of new shoreline access to the Bay. Pursuant to conditions, the projects will also provide approximately 156 acres of new open space.

Also, during 1976, 110 applications for administrative permits were approved by the Executive Director; none were denied. 14 additional applications for administrative permits were filed and pending, and 26 applications had been received

but not filed, pending receipt of additional necessary information. Many of the issued permits also contained conditions requiring the provision of public access to the Bay's shoreline and assuring that adverse effects were mitigated. The Executive Director also issued five emergency permits for work that needed to proceed immediately to protect persons and property.

The Commission also entered into three memoranda of understanding with Federal agencies to ensure that Federal projects, which under Federal law are not subject to State or local permit requirements, are in conformity with the McAteer-Petris Act and Bay Plan.

Permits Granted by the Commission

Since the completion of the last Annual Report, the Commission has granted the following major permits and directed the issuance of one application for an administrative permit:

To the City of San Mateo, to rebuild an existing dike along approximately one mile of Bay shoreline between Coyote Point Regional Park and San Mateo Creek, in the City of San Mateo in San Mateo County, by placing 400 cubic yards of earth fill over approximately 3100 square feet of Bay surface for an existing storm drain outfall pumping facility, and by placing a 36 inch outfall pipe from this facility into the Bay; by excavating 2300 cubic yards of material from below the line of the highest tidal action on the outboard side of the dike and placing 7,000 cubic yards of engineered riprap over 5,000 square feet of the outboard surface of the dike to prevent erosion; and, within the 100-foot shoreline band, excavating 5,400 cubic yards of material from the outboard side of the dike to strengthen and widen it, and reconstructing the existing PG & E power transmission towers by strengthening their bases to withstand the increased loads from the rebuilt dike and adding vertical tower extensions to meet clearance requirements. As part of the project, the applicant agreed to provide public access along the top of the reconstructed dike between the line

of highest tidal action and a line 100 feet inland from that line along the 4,789 linear feet of the dike. The project will result in a net increase of approximately 25,000 square feet of Bay surface area returned to tidal action and will provide approximately 478,000 square feet (10.97 acres) of public access. (9-75)

To Trademark Homes, Inc., to subdivide and use for residential purposes, a site west of West 2nd Street and south of "G" Street in the City of Benicia in Solano County, including, within the 100-foot shoreline band, the creating of six lots, five of which would be developed with single-family homes and one of which (containing approximately 6,530 square feet of land area) would be dedicated to the City for public access to the Bay; the providing of another 1,500 square feet of riprap along the shoreline; and the placing of approximately 500 cubic yards of earth fill to raise the level of interior portions of the site; and, in the Bay, demolishing and removing from the Commission's jurisdiction an existing 1761 square foot wharf, and permanently restricting approximately 34,000 square feet of watercovered area to open space use. The project involves minimal fill in the Bay, and provides approximately 8,020 square feet of new public access within the 100-foot shoreline band and 13,948 square feet of public right-of-way for a waterfront park, and includes a restriction on building heights to maintain view corridors (12-75)

To Santa Clara County, to perform maintenance dredging and to construct additional berthing facilities at Alviso Marina, located immediately north of the community of Alviso, at the end of Hope Street, along Alviso Slough, in Santa Clara County. The work includes approximately 90,000 cubic yards and disposing of the spoils at an inland site outside of BCDC jurisdiction; filling 9,190 square feet of water surface area by constructing docks and gangways to provide an additional 32 berthing slips; installing a sanitary pumpout facility for waste disposal; and, within the 100-foot shoreline band, repairing and repaving an existing parking area and landscaping the

marina and parking area. The project involves the loss of 0.21 acre of Bay surface area, and results in the improvement of an existing water-related recreational facility. (13-75)

To the Port of Oakland, to redevelop the Embarcadero Marina at the North and Central Basins, adjacent to Brooklyn Basin Channel, across from Government Island, in the City of Oakland. Work includes constructing new small-boat berths to replace a smaller number of old ones, placing of riprap to protect the shoreline, placing of solid fill over 4,400 square feet of new water surface in the Bay; and, within an area of approximately 8.8 acres in the 100-foot shoreline band, constructing new structures and remodeling existing ones for commercial recreation uses such as shops and restaurants, providing parking, and also providing approximately 1.6 acres of public access area, including two fishing floats, pathways, access corridors, landscaping, benches, and other public facilities, and three public viewing and resting areas not smaller than 2,500 feet in area. The project will result in 0.65 acre of Bay fill, and will provide improved public access along approximately 2,800 feet of shoreline. (1-76)

To Gary Loest, to construct a 3,184 square foot multi-level single-family home, 750 square feet of which would extend over the surface of the Bay, and be supported by six wooden piles; and to construct a single floating boat dock covering approximately 176 square feet of the Bay surface, on the west side of the Belvedere peninsula, in the City of Belvedere in Marin County. The project will result in 926 square feet of new fill in the Bay. (2-76)

To the City of San Leandro, to construct a concrete vehicular and pedestrian bridge, 45 feet wide, 210 feet long, and covering 9,450 square feet (0.22 acre) of fill in the Bay, and will provide permanent public access to 156 acres of public land adjacent to the Bay south of San Leandro Marina Park. (4-76)

To Shell Oil Company, to place in Honker Bay and Montezuma Slough, a natural gas pipeline with approximately 10,650 square feet of 10¾ inch outside diameter, steel



MUZZI MARSH RESTORATION

ARNOLD & PALMER & NOBLE

pipe with a 2 inch concrete covering, buried at least five feet deep across Suisun Marsh, and at least five feet deep across all interior canals, sloughs, and waterways; and to place 300 feet of this pipe, buried at least five feet deep, within the shoreline band. The pipeline is part of a 57 mile long line to be built from Sacramento to an existing pipeline in West Pittsburg to transport a low energy content natural gas to Shell's Martinez Refinery. As conditions of the permit, the applicant is required to proceed with construction according to prescribed methods designed to minimize environmental disruption in the Bay and in Suisun Marsh, and to restore all marsh and water areas disturbed during the construction or by subsequent maintenance, to a near original condition. (5-76)

To Pacific Gas and Electric Company, to remodel Pier 70 on the southern San Francisco waterfront, near Central Basin and Warm Water Cove, by replacing decking over approximately 17,500 square feet of Bay surface area, by placing 150 pilings adjacent to Pier 70 as a fender system to protect the wharf, and by constructing oil handling facilities on the pier; and, within the shoreline band, to construct a raised

pipeline system along 2,100 feet of the pier at the Potrero Power Plant; and to demolish a nearby deteriorated fuel wharf, thus returning 6,020 square feet of surface area to the Bay. The project is designed to provide a modern fuel oil unloading facility capable of unloading larger tankers and barges than can now be accommodated. As one condition of the permit, the applicant agreed to place in trust funds for the construction of a T-shaped fishing pier to provide public access to Warm Water Cove. The major concern raised by the project involved the safe mooring of tankers at Pier 70. In response to this concern, the Commission required the applicant to submit to BCDC, the Coast Guard, and the Port of San Francisco, a detailed description of procedures to be used during mooring of tankers and barges, including the establishment of the maximum size for such vessels, provision for use of qualified pilots, and at least two tugboats to assist in such moorings, and other provisions relating to weather conditions, personal responsibility for compliance, and prior notification of moorings. The port of San Francisco will monitor these conditions and report regularly to the Commission. (6-76)

To the Port of San Francisco, to reconstruct and improve an existing houseboat marina in China Basin, in the City of San Francisco, by demolishing and removing from the Commission's jurisdiction approximately 50,400 square feet of deteriorated pier structures and replacing them with floating docks and pile-supported walk-ways, covering 15,000 square feet of area, to provide berthing facilities for 35 small boats and 20 houseboats; to provide sewage facilities for all boats; and within the shoreline band to landscape and maintain approximately 38,000 square feet along the 860 foot length of the marina, including a parking area, benches, pathways, and public restroom facilities. In addition to the improved public access to the shoreline provided in this project, it will result in an increase of 35,000 square feet of Bay surface area. (7-76)

To Franklin M. Tokioka, to construct within the 100-foot shoreline band along the Bay near Mills Creek, in Burlingame, in San Mateo County, a 75,000 square-foot single-story restaurant and a parking lot to accommodate 93 cars. The applicant agreed as a condition of the permit to provide a 12 to 20 foot wide shoreline strip for public access to the Bay on the perimeter of the property and a 50 foot by 80 foot park and open space area at the south end of the property, to construct an all-weather foot and bicycle pathway along the shore, and to landscape and maintain the entire public access area. (8-76)

To the County of San Mateo, to replace existing delapidated wooden boat berths in the Bay at Coyote Point Marina with a greater number of concrete berths, resulting in an increase of approximately 24,000 square feet in Bay coverage, and to pave and landscape a parking and open space area of 240,000 square feet within the shoreline band. (9-76)

To the East Bay Regional Park District, to construct a 1,025 foot long concrete public fishing pier covering 20,175 square feet of Bay surface to replace an existing unsafe pier which will be removed, and to construct a ramped access path to the pier within the 100-foot shoreline band, at Point Pinole in

San Pablo Bay. The applicant agreed, as conditions of the permit, to provide benches, drinking fountains, trash receptacles, and fish cleaning stations on the pier. The project will result in approximately 20,075 square feet (0.46 acre) of new Bay fill, exclusive of the existing decrepit wooden pier, and provide 20,075 square feet of new public access to the Bay. (10-76)

To the Arthur Rubloff Company of California, to renovate and change the use of an existing 6-story warehouse to a mixture of commercial and office uses, and to provide public access to Islais Creek on an existing boardwalk 31 feet wide and 816 feet long, within the Commission's shoreline jurisdiction, adjacent to China Basin in San Francisco. (11-76)

To Dr. Patrick Coonan, to build a 2,800 square foot, 2-story, wood, stucco, and stone single-family residence entirely within the 100-foot shoreline band, in the City of Tiburon in Marin County. (12-76)

To the Port of San Francisco, to dredge approximately 560,000 cubic yards of material from the entrance channel and other adjacent areas at Islais Creek on the southern San Francisco waterfront, in order to provide safe and reliable access for heavily laden grain cargo ships to nearby grain terminals. The dredging is to be done by the Army Corps of Engineers and the dredged spoils are to be deposited at the federal dumping ground near Alcatraz Island. (13-76)

To the Stauffer Chemical Company, to make permanent a temporary dike, approximately 450 feet long, which covers approximately one-third of an acre of former Bay and Marsh, and which was originally authorized by an emergency permit from BCDC in 1971. The levee, located just east of the Benicia-Martinez highway bridge, near the City of Martinez, in Contra Costa County, serves to prevent leachate from a large pile of oxide cinders from reaching and contaminating the water of the Bay. As a condition of the permit, the applicant agreed to remove as much of the cinder pile as is

feasible and to return the area to a state which will harmonize with adjacent topography. (14-76)

To the Donald L. Bren Company, to subdivide and use for residential purposes a 20.58 acre parcel adjacent to Steinberger Slough, in Redwood City in San Mateo County. One hundred-fifty single-family home lots, 31 of which will be partially within the Commission's shoreline jurisdiction, will be created. Landscaping on and public access to the levee separating the development from Steinberger Slough will also be provided. (17-76)

To Bay Farm Island Reclamation District, for the installation of outfall pipes and three water control structures on the north side of Bay Farm Island, and the use of the structures to exclude tidal waters from the Island and to allow drainage from upland areas. Although the application was submitted for an administrative permit, at the time of listing the application, the Commission decided to schedule a public hearing for full Commission consideration primarily because of objections that the structures would allow the construction of lagoons which, in turn, would be part of a large, planned, residential development. After hearing testimony, and imposing certain conditions, the Commission determined that the application was properly classified as an administrative permit and directed the Executive Director to issue the permit. The completed project will result in the creation of 1,500 square feet (.03 acre) of new Bay surface area. (M74-52)

Major Permits Pending

At the time of this report, there are seven major permits being processed by the Commission. Clyde R. Gibb has submitted an application to enlarge a restaurant and shop at Jack London Square in Oakland; the City of Vallejo has applied to construct a breakwater at its municipal marina; Harbor Carriers and the San Francisco Port Commission have filed an application for a permit to develop the northern side of Pier 41 in San Francisco for a new office, maritime facilities, public access and a small

park; the American Savings and Loan Association has applied for a permit allowing the construction of single-family houses within the shoreline band on the Strawberry Peninsula in Marin County; the City of Martinez has submitted an application to protect an existing fishing pier and to enlarge an existing dike; the Port of Redwood City has submitted an application to redevelop a wharf on Redwood Creek; and Waterfront Recreation Facilities, Inc. has filed an application to redevelop Piers 37, 39, 41 in San Francisco, providing a park, a small-boat marina, and commercial recreation facilities, including ships and restaurants.

Litigation

During 1976, three cases in which the Commission was a party were settled and one case is pending.

In *Heerdt v. State, et al.*, a settlement was concluded pursuant to which the State acquired title to approximately 95 acres of marsh in Corte Madera, Marin County. The action arose out of the Commission's denial of a permit to fill this marsh which is the last, large marsh in southern Marin County. Acquisition was possible because of substantial contributions by Marin County, the Marin County Open Space District, the Marin Conservation League, the Audubon Society and the Save San Francisco Bay Association. The marsh will be administered by the Department of Fish and Game as a wildlife and marsh preserve.

In *People v. F. E. Crites, Inc.*, the Commission, acting in conjunction with the Regional Water Quality Control Board, reached agreement with the defendant pursuant to which the defendant agreed to pay \$500,000 in civil penalties for violation of regional water quality control requirements, and to injunctive relief which would restore the former marsh to its condition prior to the non-permitted filling and diking which had occurred. The property, mostly tidal marsh, is located in Contra Costa County, east of Port Chicago. The parties continue to discuss ways in which the defendant can satisfy this judgement.

In San Francisco Bay Conservation and Development Commission v. Suisun City and the Solano County Local Agency Formation Commission, a settlement was reached, concerning the proposed annexation by the City of Suisun City of the Lawler Ranches, when Suisun City agreed to provide additional environmental information relating to the Suisun Marsh to supplement the annexation Environmental Impact Report, and the Solano County Local Agency Formation Commission agreed to withdraw prior approval of the annexation and to hear the supplemented EIR when reconsidering annexation approval.

In 1976, Marina Development Associates filed an action against the City of Emeryville and the Commission. The dispute arises out of the lease of a site partially within an area of "excess fill" which, according to the staff, Emeryville placed in the Bay in violation of the terms of Permit #1-70. The case is pending.

Memoranda of Understanding

In 1976, BCDC entered into the following three memoranda of understanding for projects to be carried out by Federal agencies, in order to help carry out the Bay Plan, and to act in compliance with the 1973 Executive Order recommending cooperation and coordination between Federal and State agencies:

With the U.S. Department of Commerce, Maritime Administration, in the area where the National Defense Reserve Fleet is moored in Suisun Bay, to extend an existing pontoon deck, to replace seven existing moor dolphins with 14 new ones, and to permanently moor a barge. (MOU 76-1)

With the Department of the Army, Corps of Engineers, at San Leandro Marina, for reshaping the existing harbor entrance and "mud island". (MOU 76-2)

With the U.S. Department of Commerce, Maritime Administration, for construction of an electrical power installation at the southerly end of the area where the National Defense Reserve Fleet is moored in Suisun Bay. (MOU 76-3)

Claims of Exemption

In 1973, the Legislature amended the McAteer-Petris Act to require persons who believed that their project did not require a BCDC permit because of the "grandfather" clauses in the Act to file such claims. Twenty-seven claims had been filed by April 1, 1974, the filing deadline. Most of these claims were processed in 1975. However during 1976, six claims were investigated by the Commission and prepared for public hearing. Of these six claims, one was withdrawn at the request of the applicant, four were heard and denied, and one was held in abeyance pending resolution of the ownership of land involved in the claim.

During 1976, the Commission partially processed one claim of exemption which was subsequently withdrawn by the claimant:

Cabot, Cabot, and Forbes filed a claim of exemption for diking and filling for a future industrial park. The area in question consisted of 107 acres at Point San Bruno in South San Francisco, San Mateo County. The claim was permanently withdrawn prior to the public hearing. (CE 74-14)

During 1976, the Commission denied the following claims of exemption on the grounds that they did not meet the legal requirements for an exemption from the permit requirements of the McAteer-Petris Act:

The claim of John K. Kosewic, *et al.*, for the placing of fill on property consisting of approximately 2.53 acres, of which 0.87 acre is tideland, at India Basin, located just north of Hunter's Point in the City of San Francisco. (CE 74-3)

The claim of Cove Investments and Point Potrero Properties, for placement of 2,400 lineal feet of fill for a roadway, placement of fill for a protective dike covering 3.3 acres of Bay surface area, and construction of 70 pile-supported houses adjacent to the roadway, with accompanying docks. The work involved was to be part of a larger development, the remainder of which was determined to be exempt by the Commission in 1966. The area involved is Brickyard Cove, which is in and adjacent to the Bay, near Garrard Boulevard at Point Richmond, in

the City of Richmond, Contra Costa County. (CE 74-10)

The claim of the Bay Investment Company and of Elcam Company, for diking and filling approximately 64 acres of tidelands to create solid land, at a site located south of Point Bruno and north of the San Francisco Airport, in the City of South San Francisco, San Mateo County. (CE 74-12)

The claim of Bisso Brothers or the Community Realty Company, Inc., for dredging, levee maintenance, construction of new levees, and agricultural uses of reclaimed lands. The property consists of an 1,030 acre ranch, of which 35 acres are subject to tidal action, adjacent to Sonoma Creek, Sonoma County. (CE 74-16)

During 1976, the Commission postponed the following claim of exemption so that the State Lands Commission could resolve a dispute over ownership with the claimant:

The claim of Peter Uccelli, Jr., for the development of a marina complex, including relocating existing boat berths and constructing a 40,000 square foot hotel, a snack bar, and other commercial uses on the shoreline. The site is located at Pete's Harbor, One Uccelli Boulevard, at the junction of Smith Slough and Redwood Creek, in Redwood City, San Mateo County. (CE 74-2)

Enforcement

Until 1973, the Commission could enforce the McAteer-Petris Act only by court injunction, a cumbersome and time-consuming procedure. To enable BCDC to respond more quickly and effectively when violations or possible violations become evident, the BCDC law was amended to empower the Executive Director and the Commission to issue cease and desist orders.

During 1976, upon review with the staff, the parties agreed to stipulate to the following four cease and desist orders which were subsequently issued:

To Harbor Carriers, Inc. and Healy-Tibbitts Construction Co., to halt work occurring without necessary permits at the ferry dock in Tiburon and to require the company to seek Commission



PATROLLING THE BAY

DEPT. OF FISH AND GAME

approval for work already completed. Thereafter, Permit M76-60 was issued authorizing this work. (CCD 1-76)

To John K. Seaborn and the John Seaborn Construction Company, to refloat and remove a partially sunken tugboat and its associated debris from San Leandro Bay and to restore the area as nearly as possible to its previous condition. The boat was refloated and removed to a salvage area. (CCD 2-76)

To the owners, operators, trustees, and lessors of Redrock Marina, in the City of Richmond, Contra Costa County, to halt the placing of fill in the Bay and the work undertaken within the shoreline band without necessary permits. The order requires that an application be submitted for permits to authorize all completed and contemplated work. (CCD 3-76)

To Harry Johnson, to halt work occurring in Shelter Bay and within the shoreline band without the necessary permit and to require that an application be submitted for such a permit. Upon Mr. Johnson's submission of evidence that an emergency existed on his property, an emergency permit was issued (No. E-35), authorizing the rebuilding and stabilization of an existing dike in Shelter Bay. (CCD 4-76)

Environmental Impact Reports

The Commission served as lead agency for a planning project to prepare a specific and detailed plan for tideland and shoreline areas at South Richmond, in Contra Costa County. As part of this effort, the Commission's staff has prepared a Draft Environmental Impact Report which will be the subject of public hearings in early 1977. Thereafter, the staff will respond to the issues raised at the hearing and during circulation of the DEIR. The Commission anticipates the preparation and certification of a final environmental report in the early spring of 1977.

In addition, the Commission staff spent a substantial amount of time reviewing and preparing written comments on over 60 State and Federal environmental documents submitted for review. While this review required substantial amounts of Commission and staff time, the environmental review process is of great benefit to the Commission because it provides early, detailed information on projects that may affect areas within the Commission's jurisdiction, and gives the Commission an opportunity to influence the design of these projects.

Management Program

At the end of 1976, the Commission submitted its management program for San Francisco Bay to the Secretary of Commerce of the United States for approval under the Federal Coastal Zone Management Act. The management program is based on

BCDC's on-going activities under the McAtteer-Petris Act and the San Francisco Bay Plan, and approval of the program will make BCDC eligible for Federal assistance in these activities. The program also includes memoranda of understanding with the State Water Resources Control Board, the Regional Water Quality Control Board for the San Francisco

Bay Region, the Bay Area Pollution Control District, the California Department of Transportation, and the State Lands Commission, documenting BCDC's Bay management role and the role of each of these agencies in the management program. Approval of the program is expected in early 1977.

Advisory Boards

The Commission has the valuable assistance of the legislatively-mandated Advisory Committee as well as two specially-appointed review boards, the Engineering Criteria Review Board and the Design Review Board.

Advisory Committee

Mrs. Ward Duffy, Chairman

David W. Allen

Mrs. Rose Beatty

Henry Bostwick, Jr.

Richard M. Boswell

Robert D. Brown, Jr.

Eric E. Duckstad, Director

Dale H. Fearn

Mrs. Esther Gulick

John S. Harnett

Ralph Jones

Shiraz Kaderali

John Lillie

Dr. Herbert L. Mason

Prof. Chester McGuire

Phillippe Nonet

Ben E. Nutter

Burton Rockwell

Toby Rosenblatt

Richard Trudeau

Engineering Criteria Review Board

Members of this Board are specialists in the fields of structural engineering, soils engineering, geology, engineering geology, and architecture, who advise the Commission on the safety of proposed Bay fill projects. Board members are leading professionals in their fields who volunteer their time in the belief that multi-disciplinary review is necessary for construction projects proposed in earthquake-prone areas with problem soil conditions. Nine projects were reviewed by the board in five meetings held in 1976. Particular emphasis was placed on defining an acceptable level of seismic safety for proposed projects and identifying conditions necessary to achieve this level. Board members are as follows:

Dr. John A. Blume, structural engineer, John A. Blume and Associates, San Francisco

Ray W. Clough, Jr., structural engineer, University of California, Berkeley

Henry J. Degenkolb, structural engineer, H. J. Degenkolb, and Associates, San Francisco

Rudy J. Dietrich, soils engineer, Shannon and Wilson, Inc., Burlingame, Vice Chairman

George O. Gates, geologist, San Francisco

***Frank E. McClure**, structural engineer, McClure and Messinger, Oakland

William M. Moore, soils engineer, Dames and Moore, San Francisco

Dr. Gordon B. Oakeshott, geologist, Oakland, Chairman

Alan L. O'Neill, engineering geologist, U.S. Army Corps of Engineers, San Francisco

Henry E. Pape, Jr., civil engineer, U.S. Army Corps of Engineers, San Francisco

George P. Simonds, architect, Simonds/Milhaus, Oakland

Richard Woodward, soils engineer, Woodward/Clyde Consultants, Lafayette

Design Review Board

The seven Design Review Board members are professional designers in architecture, landscape architecture, and engineering who volunteer their time to advise the Commission on appearance, design, and public access of proposed projects within the Commission's jurisdiction. In 1976, the Board met ten times and considered 21 individual projects, including a single-family residence in Belvedere; subdivisions in Benicia, Redwood City and Marin County; restaurants in Burlingame, Vallejo, San Francisco, and Oakland; a street bridge in San Leandro; marina projects in San Francisco, Emeryville, South San Francisco, and San Mateo County; and an Alameda nursery school. Four members have served since the Board's creation in 1970. Board members are as follows:

Edward C. Bassett, architect, Skidmore, Owings and Merrill, San Francisco

Garrett Eckbo, landscape architect, San Francisco

Hans A. Feibusch, engineer, Environmental Planning Corporation, San Francisco

William H. Liskamm, architect-urban planner, San Francisco, Chairman

Jacob Robbins, architect-planner, San Francisco

Kenneth Simmons, architect, Executive Director, New Oakland Committee, Oakland

Chester Root, architect, Higgins and Root Associates, Los Gatos

*Retired Board Member

BCDC Staff

Charles R. Roberts
Executive Director

Michael B. Wilmar
Deputy Director

Cyndi Glassauer
Assistant Executive Director

Stanley R. Euston
Chief Planner

George E. Reed
Senior Planner

Jeffry S. Blanchfield
Senior Planner

***Alan R. Pendleton**
Staff Counsel

L. Thomas Tobin, Jr.
Senior Staff Engineer

Kent E. Watson
Staff Design Analyst/Landscape Architect

Robert L. Hickman
Conservation and Development
Analyst

William Schwarz
Assistant Planner

***Myrna F. Carter**
Secretary to Executive Director

Bertha B. Sullivan
Secretary to Deputy Director

***Kathleen Cahill**
Secretary to Assistant Executive
Director; Administration Secretary

Lisa J. Stevens
Permits Secretary

Stephanie Tucker
Permits/Enforcement Secretary

Linda Giannini
Planning Secretary

Carol Roos
Receptionist

Legal Advisor:
E. Clement Shute
Deputy Attorney General



*Not Pictured
**Pictured Standing

RICHARD F. CONRAT

COVER PHOTO:

Courtesy of Matson Navigation Co.,
San Francisco

In addition to the permanent BCDC staff, the following individuals have worked during portions of 1976 and have contributed greatly to staff efforts.

DREDGE STUDY STAFF

(Under the direction of Staff Engineer,
Tom Tobin)

Phil Weismehl
Linda Roschel
Fred Danielson

PUBLIC ACCESS BOOKLET STAFF

Judy Breakstone
** James Zanetto

SUISUN MARSH STAFF

(Under the direction of Senior Planner,
Jeffry Blanchfield)

Suzanne Barrett
Joann Weiler
Deborah Cameron Hoard
Margit Nickell
Joe Nicholson
Stephanie Tucker
Suzanne Greenwalt
Lorna Chang
Betsy Houghteling

STUDENT ASSISTANTS

** Max Mazenko
Gary Devine
Nancy Wainwright
Brad Seligman
Chris Oberle
Wallace Knox
John Eells
William Kraus
Nancy Horner
Elizabeth Widman
Richard Coplen
Eric Blumke
Joann Haag
William Carney
Bill Wong
Mollie Dent
Randall Hopwood
Joan Richard
Guenther Vogt

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