

1979

# 1979 Annual Report

San Francisco Bay Conservation and Development Commission

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# San Francisco Bay Conservation and Development Commission



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1979

1979 Annual Report

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### Cover

Raymond Slaidins' drawing is a composite of many sites around the Bay representing the conservation of natural environments, public access, and residential and commercial development.

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1979

STATE OF CALIFORNIA

EDMUND G. BROWN JR., Governor

SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION

30 VAN NESS AVENUE

SAN FRANCISCO, CALIFORNIA 94102

PHONE: 557-3686



June 7, 1980

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

We are pleased to submit our 1979 Annual Report of activities under the McAteer-Petris Act, the Suisun Marsh Protection Act, and other assigned responsibilities.

The Commission approved 34 major permit applications. When completed, these projects, according to the applicant, will result in \$93,000,000 of development. Through mitigation provisions in the permits, there will be a net increase of 3.4 acres of Bay surface and 25.1 acres of new public access to the Bay. These figures compare to 23 major permit approvals in 1978 that resulted in \$152,500,000 of development, net new Bay fill of 1.94 acres and 46.1 new acres of public access.

Under the Federal Coastal Zone Management Act, the Commission also reviewed and approved four consistency certifications. An increased emphasis on enforcement resulted in 40 formal investigations of unauthorized Bay fill or construction in BCDC's jurisdiction and uncompleted permit mitigation measures. Most violations, generally minor in nature, were corrected short of Commission action; however, four Cease and Desist Orders were issued by the Commission and one by the Executive Director.

In mid-year, Charles R. Roberts, Executive Director since February, 1973 resigned, desiring to return to his career in civil engineering. He left with the Commission's great appreciation for his outstanding service. His Deputy, Michael B. Wilmar, was appointed by unanimous Commission vote to be the new Executive Director.

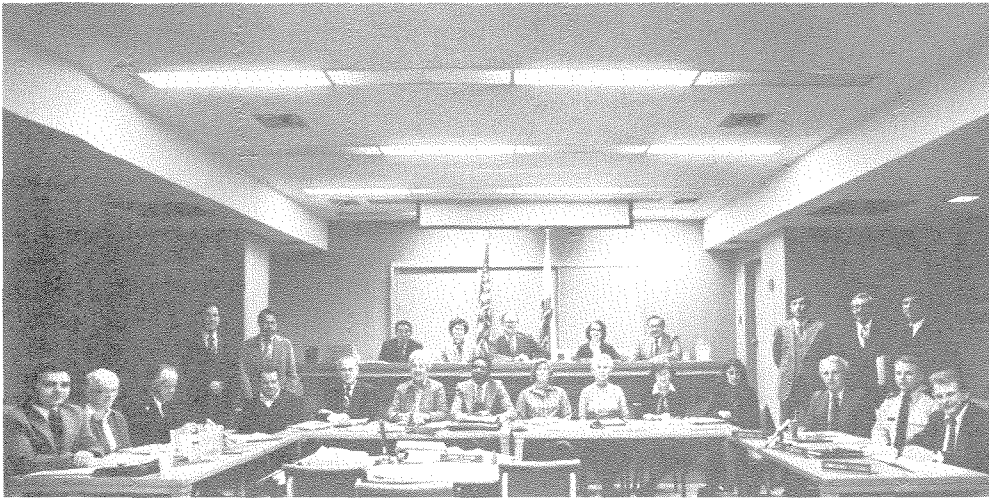
Planning activities included adoption after public hearings of the Public Access Supplement to the Bay Plan and amendments of the Plan dealing with access, appearance, design, and scenic views.

The Commission is most appreciative of the continued public interest and participation in its activities; of its Advisory Committee and its Review Boards whose members voluntarily contribute their time, knowledge and experience; of permit applicants, private and public, whose initiative allows fulfillment of conservation and development goals; of local, regional, State and Federal agencies for their welcome cooperation; and to BCDC's staff, in numbers approximately that of the Commission, who have provided effective support in making this 1979 record.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Joe C. Houghteling".  
JOSEPH C. HOUGHTELING  
Chairman

JCH/st



## San Francisco Bay Conservation and Development Commission

The Bay Commission is composed of 27 members who represent Federal, State and local government and the general public. Names of Commissioners' alternates are shown in parentheses. The Commission members, during 1979 were:

### PUBLIC REPRESENTATIVES

**Joseph C. Houghteling**, Chairman, appointed by the Governor (Hedy Boissevain)

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

**Ms. Cynthia Kay**, Vallejo, appointed by the Governor (Nicholas C. Arguimbau)

**Thomas S. Price**, San Francisco, appointed by the Governor (David W. Allen)

**Hans J. Schiller**, Mill Valley, appointed by the Governor (Ms. Alice L. Graham)

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

**Ms. Elizabeth Osborn**, Fremont, appointed by the Senate Rules Committee (Ms. Patricia G. Shelton)

### STATE REPRESENTATIVES

**Mrs. Barbara B. Eastman**, San Francisco Bay Regional Water Quality Control Board (John W. Keker)

**Thomas R. Lammers**, Business and Transportation Agency (Marlowe E. Hardin)

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

**Roy M. Bell**, State Department of Finance (Charles C. Harper)

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

### FEDERAL REPRESENTATIVES

**Col. John M. Adsit**, U.S. Army Corps of Engineers (Maj. Thomas J. Edgerton)

**Paul DeFalco, Jr.**, U.S. Environmental Protection Agency (Clyde B. Eller)

### LOCAL REPRESENTATIVES—COUNTY

(Appointed by the County Board of Supervisors)

**Supervisor Richard Brann**, Solano County (Supervisor Larry L. Asera)

**Supervisor Sam Chapman**, Napa County (Councilwoman Dorothy Searcy)

**Supervisor Helen Putnam**, Sonoma County (Supervisor Brian Kahn)

**Supervisor Tom Powers**, Contra Costa County (Supervisor Nancy Fahden)

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

**Supervisor John L. Molinari**, San Francisco County (Ms. Dian Blomquist, San Francisco)

**Supervisor Denis Rice**, Marin County (Ms. Mary Ann Sears, Sausalito)

**Supervisor Geraldine F. Steinberg**, Santa Clara County (W. Eric Carruthers, Jr., Principal Planner)

**Supervisor James V. Fitzgerald**, San Mateo County (Paul Koenig, Planning Director)

### LOCAL REPRESENTATIVES—CITIES

(Appointed by the Association of Bay Area Governments)

**Councilman Arthur Lepore**, City of Millbrae (Supervisor Louise Renne, San Francisco)

**Councilwoman Sherry C. Levit**, City of Belvedere  
\*(Councilman Fred Sibley, Vallejo)

**Councilman Frank Ogawa**, City of Oakland (Mayor Valance Gill, San Leandro)

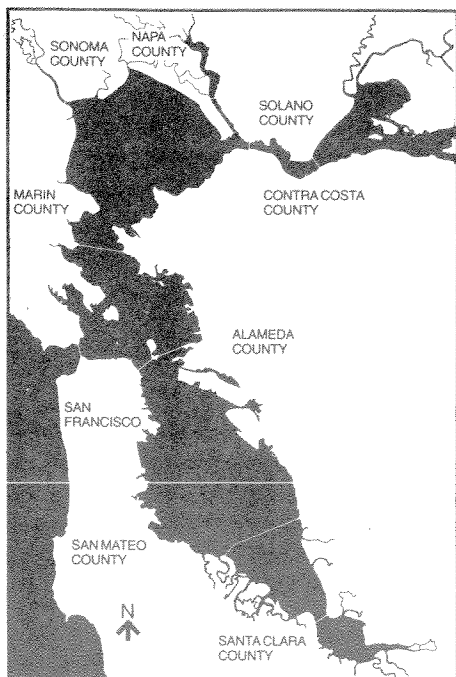
**Councilman Byron D. Sher**, City of Palo Alto (Councilman Robert E. Norris, Redwood City)

**Commission meetings, open to the public, are normally held on the first and third Thursday of each month. Contact the Commission office for information on meeting location, time, and agenda.**

**San Francisco Bay Conservation and Development Commission**  
30 Van Ness Avenue, Room 2011  
San Francisco, CA 94102  
(415) 557-3686

\*Commission members or alternates who no longer serve on the Commission, effective January 1980

# 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. 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, gave 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: (1) to require public access to the Bay to the maximum extent feasible, consistent with the nature of new shoreline developments; and (2) 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 or 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.

In 1977, the Legislature gave the Commission a fourth major area of responsibility:

- To implement, in cooperation with local government and the Department of Fish and Game, the Suisun Marsh Preservation Act of 1977. This legislation enacted into law most of the recommendations of the Suisun Marsh Protection Plan prepared by the Commission during 1976. It requires local governments and special districts within the Marsh to prepare a local protection program, consistent with the Act and the Protection Plan, and submit it to BCDC. The local protection program must include controls designed to: (1) protect the wetlands within the Marsh; (2) protect agricultural lands within the Marsh; (3) designate permitted land uses within the Marsh; (4) limit erosion, sedimentation, and water run-off; (5) protect riparian habitat; (6) ensure that the use of the water-related industrial and port area at Collinsville be in conformity with the Protection Plan; and (7) ensure that new development in the Marsh be designed to protect the visual characteristics of the Marsh. After submission of the local protection program, BCDC must determine whether it is consistent with the Preservation Act and the Protection Plan. Federal funds under the Coastal Management Act of 1972, administered by BCDC, are allocated to finance the local planning responsibilities under the Suisun Marsh Preservation Act.

Both before and after Commission certification of the local protection program, a marsh development permit is required for any development in the Marsh. BCDC issues the permit within the "primary management area," which includes the wetlands within the Marsh. Local governments issue the permit within the "secondary management area," which surrounds the primary management area and consists mainly of agricultural land that is part of the Marsh ecological system.

## REGULATORY ACTIVITIES

### PERMITS

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 classified either as "major" permits or "administrative" permits. Administrative permits are issued by the Executive Director for "minor repairs and improvements," which are defined in the BCDC law and regulations. All other permits are major permits and require a public hearing and action by the Commission. Either form of permit is issued only if the project is consistent with the policies of the San Francisco Bay Plan and the McAteer-Petris Act, or the Suisun Marsh Preservation Act of 1977 and Suisun Marsh Protection Plan, whichever applies.

The Permit Summary shows the permit activity for 1979, which was again considerably greater than in former years. The figures do not 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 17.8 acres of new Bay fill and involve \$93,000,000 in development expenditures. Pursuant to conditions in the permits, the projects will also provide approximately 21.2 acres of new Bay surface area; thus the net increase in new Bay area will be 3.4 acres. In addition, the projects will provide 25.1 acres of new public access to the Bay.

### Permit Summary

#### Applications Processed

Major .....	55
Administrative.....	163
Amendments to Permits.....	35
Total .....	253

#### Actions on Major Applications

Approved.....	34
Denied .....	0
Withdrawn .....	7
Returned .....	2
Pending .....	12
Total .....	55

#### Actions on Applications for Administrative Permits

Approved.....	120
Denied .....	2
Withdrawn .....	2
Returned .....	6
Pending .....	33
Total .....	163

#### Actions on Amendment Requests

Non-Material Amendments	
Approved.....	19
Non-Material Amendments	
Denied .....	0
Non-Material Amendments	
Pending .....	10
Material Amendments	
Granted .....	1
Material Amendments	
Denied .....	1
Material Amendments	
Pending .....	4
Total .....	35

To Loretta Birch and Kathy and Al Von der Werth to construct a single family residence on a steep lot at 2386 Mar East Street on the Tiburon Peninsula in Marin County.

To the City of Belvedere and the Belvedere Tiburon Landmarks Society to relocate and reorient an existing historical structure known as the "China Cabin" on a new pier with a public access deck, in the City of Belvedere, Marin County.

To the City of Berkeley to construct a 90-acre park on an existing landfill at the northern end of the Berkeley Marina in the City of Berkeley, Alameda County. A 6,400-foot-long combined access pathway and service road will be built along the shoreline.

To the Department of Water Resources for dredging 670,000 cubic yards of material from existing sloughs and wetlands for new and improved tidal channels, the construction of 13 miles of new levees, the repair of 10 miles of existing levees, the removal of 200 feet of an existing levee, the installation of several water control structures and the excavation of an area for a 30-acre water basin. This project is to provide improved water circulation in portions of the diked area in Suisun Marsh, Solano County.

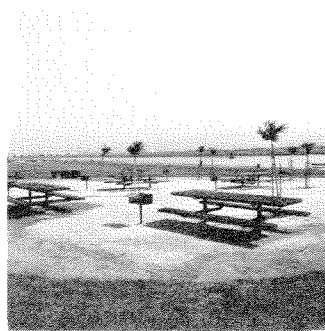
To Piombo Corporation, Bay Investment Company and Elcam Company to install an aggregate recycling plant on a 28-acre peninsula known as Belle Air Island immediately to the north of the San Francisco International Airport, in the City of South San Francisco, San Mateo County. The applicant will provide a 2,500-foot-long access path along the shoreline of the island. Native plant landscaping will also be provided adjacent to the access path.

To Steckler-Pacific Company Incorporated to construct a commercial office center on a site east of U.S. Highway 101 at the south end of the Richardson Bay Bridge in Marin County. Two, three-story buildings will be constructed and the applicant will provide complete perimeter public access on an 800-foot-long wooden boardwalk and a 10,700-square-foot mini-park.

To William L. Smith and Delta Associates for the extraction of approximately 1,250,000 cubic yards of sand, gravel and other materials from a 45.6-acre site on a ranch in the Potrero Hills within the secondary management area of the Suisun Marsh, Solano County. The permit is discussed in detail in the Suisun Marsh Planning Section.

To Deak Investment Corporation to construct an office complex and a 100-boat marina in the City of Sausalito in Marin County. The project includes three commercial office buildings, an eight-foot-wide public access pathway along the Bay perimeter of the property, a dry boat storage yard, and berths for 100 small boats. A new 15,000-square-foot marsh will be created by excavating areas to provide suitable elevations and planting marsh plants. The tidal areas of the property will be dedicated to the State.

To the State Department of Parks and Recreation to develop permanent recreation facilities on 35 acres of the 170-acre Candlestick State Recreation Area at Candlestick Point in the City and County of San Francisco. Park development includes parking, four restroom structures, landscaping, shoreline access trails, a new fishing pier and fish cleaning station, reconstruction and enlargement of an existing fishing pier, placement of sand for a beach, riprapping to protect the shoreline, picnic facilities and a children's play area.



Left  
East Bay Regional  
Park District  
San Leandro  
Alameda County



Lower Left.  
Victoria Station  
in Burlingame,  
San Mateo Co.

## Permits Granted By The Commission

Since the completion of the last Annual Report the Commission has granted the following major permits:

**To the City of Brisbane** to construct a 600-berth marina and related commercial-recreation uses along the eastern shore of Sierra Point in San Mateo County. Offshore work includes a harbor basin, floats and piles for 600 small boat berths, two breakwaters, a public hoist, a fuel and pump-out dock and a boat launching ramp. Onshore work includes the provision of 2,000 lineal feet of new public access, construction of two restaurants, a bait and tackle shop, a harbormaster's office, public restrooms, a boat repair and storage yard.

**To the Community Church Retirement Center** to construct the Redwoods Retirement Center in the City of Mill Valley, Marin County. The Center, providing housing and services for the elderly, consists of 15, two-story structures with 264 residential units, associated facilities and a 58-bed nursing department. The project includes a paved pathway within a 15- to 35-foot-wide public access area between the structures and the Bay.

**To the City of San Leandro and Messrs. Lawrence Surano and Richard Palo** to construct a three-story, 95-room hotel at South Dike Road and Neptune Drive along the

small boat basin at the San Leandro Marina, in the City of San Leandro, Alameda County. An improved public access area will be provided between the hotel and the Bay.

**To James Elkin** to convert an existing building now used for repairing boats to a restaurant at Seawall Lot 345 in Central Basin in the City and County of San Francisco. In addition, the applicant will clean-up an unkempt shoreline, construct a public access boardwalk, relocate an existing storage shed and install a pump-out station.

**To the Port of Oakland** to construct a new two-berth container facility at the Grove/Market Terminal at the foot of Madison Street, in the City of Oakland, Alameda County. Three finger piers and portion of the Grove Street Wharf will be removed to accommodate the new facility. The applicant will provide 23,100 square feet of new public access at the Clay Street Pier including the construction of 1,500 square feet of new decking, landscaping and a public restroom.

**To the Miami Valley Broadcasting Company** to construct a new broadcasting facility for KTVU (Channel 2) at the foot of Madison Street, in the City of Oakland, Alameda County. The applicant will provide 26,705 square feet of new public access along 305 lineal feet of shoreline.

**To Waterfront Properties, Incorporated** to construct a small boat repair and storage facility consisting of docking facilities,

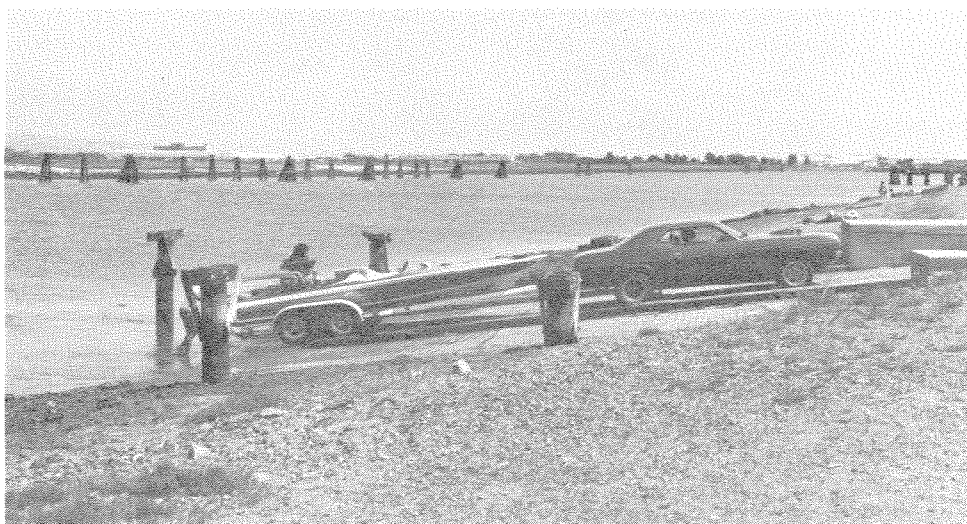
launching ramps, a repair yard, three buildings, 600-square-foot observation area for public access along the Oakland/Alameda Estuary in the City of Oakland, Alameda County.

**To Anza Shareholders' Liquidating Trust** to construct a two-story restaurant to be subleased to Victoria Station, Inc., in the City of Burlingame, San Mateo County. Public access includes perimeter access around the shoreline of the Bay, a lagoon and a mini-park.

**To the City of Berkeley** to moor up to forty live-aboard vessels at the Berkeley Marina, in the City of Berkeley, Alameda County.

**To Anza Shareholders' Liquidating Trust** to construct 32 parking spaces on two levels, an extension of a street and a 260-foot-long public access area adjacent to a tidal lagoon in the City of Burlingame, San Mateo County.

**To The Berkeley Marina Center Incorporated** to construct boat repair storage and sale facilities in the northwestern corner of the Berkeley Marina, in the City of Berkeley, Alameda County. Two,



*Lt. & Above  
East Bay Regional  
Park District  
San Leandro  
Alameda County*

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## Permits Granted (continued)

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two-story buildings will be built on land to house a ship chandlery, restaurant and a boat sale office. In addition, onshore covered boat storage facilities will be built. Various public access improvements will be provided along the perimeter of the shoreline.

**To Elma Plappert** to construct a single-family residence at 4810 Paradise Drive on the Tiburon Peninsula in Marin County. An access area will be provided along the beach at the base of the lot.

**To Schoonmaker Point Company** to remodel an existing building for use as a fish processing plant, construct a pier and ramp and a 5,200-square-foot public viewing area and six public parking spaces in the City of Sausalito, Marin County.

**To the City of Richmond** to extend a marginal wharf to provide an additional container berth at Terminal III, on the Inner Harbor Channel in the City of Richmond, Contra Costa County. A small operations building will also be constructed for public access to allow visitors to see the container operations.

**To East Bay Regional Park District** to construct a 194-acre park on an existing landfill at the western end of Davis Street in the City of San Leandro, Alameda County, a 7,500-foot-long combined service road and public access pathway will be built around the perimeter of the shoreline.

**To Anza Shareholders' Liquidating Trust and the State Lands Commission** to construct portions of a two-level parking facility and to provide public access at 600 Airport Boulevard, in the City of Burlingame, San Mateo County. A public plaza and landscaping will be provided on the upper deck of a parking facility. A 16-story hotel will be constructed inland from the shoreline.

**To David Lewis, Leonard Cahn and John Rupp** to construct four, single-family homes, tennis courts, a swimming pool, and a public access

pathway and landscaping along 960 feet of shoreline on Strawberry Point in Marin County.

**To Anden Corporation** to construct seven, single-family homes along the west side of Belmont Slough, east of Pitcarin Drive in Foster City, San Mateo County. The applicant will provide a small park, landscaping and install an eight-foot-wide, all-weather bicycle/pedestrian path along the top of the levee.

**To Zack's Incorporated** to construct two, two-story office/commercial structures at 1750 Bridgeway in the City of Sausalito, Marin County. The project includes a new public access pathway with landscaping to connect Bridgeway to the shoreline.

**To Robert H. Greene** to construct an office commercial park at Point San Quentin, off Francisco Boulevard, in San Rafael, Marin County. Public access covering 118,500 square feet of area will be provided, and one and one-half acres of tideland will be dedicated to the City of San Rafael.

**To Pickleweed Associates** to construct 92 housing units, including 32 low-income units, and 1.15 acres of new public access in the City of Mill Valley, Marin County. An automobile bridge and two pedestrian bridges will also be constructed over a small tidal channel. A small, man-made slough will be dredged along the shoreline to discourage humans and pets from entering an adjacent marsh and to provide better water circulation to the marsh.

**To Cotrell-Crowley Corporation** to construct a single-family residence off Playa Verde Drive near Paradise Drive, on the Tiburon Peninsula in Marin County. The applicant will grant an open space public access easement for the shoreline portion of the property.

**To Harbor Carriers, Incorporated** to construct new and remodeled facilities for ferry, charter boat and oil spill operations at Pier 43 between Pier 39 and Fisherman's Wharf in the City and County of San Francisco. Project work includes the partial

removal of Pier 41, leaving a small portion for a fishing pier. In addition a two-story maritime office building for ferry support facilities, a new ticket office, public toilets, landscaping and parking on the existing pier structure will be built. There will be a net increase of 35,350 square feet in new Bay surface, and approximately 3,800 square feet of the deck will be available for public access.

**To Jensen and Reynolds Holding Company** to construct a marine construction yard and barge terminal in the City of Benicia, Solano County on the site of a former steel fabrication yard. The project will provide a barge loading area and the construction of facilities for the fabrication and assembly of oil drilling platform and modular housing to be used in connection with North Slope Oil Exploration in Alaska.

**To Willamette-Western Corporation** for dredging 250,000 cubic yards of sand annually for commercial use. The dredging will be done at Middle Ground Island in Suisun Bay and the sand will be taken to an existing processing site located in Richmond.

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## Consistency Determinations

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1979 was the first year the Commission was called upon to apply the "consistency provisions" of the Federal Coastal Zone Management Act to an area outside of its jurisdiction (the Commission routinely includes consistency certifications for permits within its jurisdiction). Under these provisions, an applicant wishing to conduct an activity affecting the coastal zone must submit a certification that the proposed activity is consistent with the state's coastal zone management program.

Four consistency certifications were submitted for a lease of about 30 acres at the Oakland Army Terminal. While the area is outside the Commission's permit jurisdiction it is within an area shown on the Bay Plan for port priority use. Therefore, the proposed lease to a private party would affect the coastal zone. The Commission concurred that all four of the following proposals met the consistency requirements:



*Dike Breaking, Hayward Regional Shoreline.*

**To Southern Pacific Transportation Company** for an automobile handling rail facility and an intermodal-container rail operation located in part within the leased area.

**To the Port of Oakland** for container shipping support facilities.

**To Restore Container Repair and Storage Company** for the storage, inspection, and repair of ocean cargo containers and chassis involved in the transportation of cargo through the Port of Oakland.

**To U.C. Moving Services** for a storage area for inbound bonded shipments from the Port of Oakland.

## Enforcement

The enforcement program, initiated in late 1977, continued through 1979 with a primary emphasis on the investigation of reports of unauthorized fill and construction activities within the Commission's jurisdiction. The next priority was given to a review of all outstanding BCDC permits issued by the Commission since September 17, 1965. Forty formal investigations of enforcement matters were commenced in 1979. In most of these cases, staff work in identifying the problem and contacting the responsible party led to a satisfactory resolution. Generally, greater staff effort is required for enforcement matters than for

analysis of new or amended permits since resolution usually involves costs that the responsible party would prefer to avoid. Approximately 75% of these cases have been resolved, usually by a correction at the site, but occasionally through a permit amendment.

Most enforcement matters were found to be minor infractions, generally lack of full compliance with permit conditions. The bulk of the minor unauthorized work was corrected. In some cases amendments were issued for activities found to be consistent with the policies of the McAteer-Petris Act and the San Francisco Bay Plan. In other cases the staff requested and obtained the removal of unauthorized fill or construction from the Commission's jurisdiction when the work or use did not comply with the Commission's policies. Occasionally stronger enforcement measures were required to ensure immediate cessation of unauthorized activity or removal of unauthorized fill.

In 1979 the Commission considered four cease and desist orders and issued three, the Executive Director issued one order. The parties and circumstances in each case were:

**Leslie Salt Company** for filling and other levee work that had occurred without a BCDC permit in an area of tidal action at the mouth of Charleston Slough, near the City of Mountain View, Santa Clara County.

One aspect of the project involved the installation of a tidal control structure that raised the level of the water in the managed wetland and may have caused the loss of a significant area of marsh. The Company responded to the enforcement action with a suggestion that the managed wetland which it owns be transferred to the City which could undertake the control of the water levels. To date, the City and the Company have not agreed on all the aspects of the transfer but have agreed to the transfer in principle. Until the matter is resolved, the Commission is holding action on the cease and desist order.

**Mariner Square Associates, Mariner Square Incorporated, John C. Beery Jr. and the Alameda Cattle Company** for a dining room addition which had been made to the Barge Inn on a deck that was reserved for public access in the City of Alameda, Alameda County. The applicant will acquire land and build a mini-park adjacent to the restaurant as mitigation for the loss of public access.

**Northpoint Center, Inc., Warren L. Simmons and Roger Murphy** for starting a ferry boat system and constructing docking and other related facilities all without a BCDC permit; and for not completing a public park as part of permit conditions at Pier 39 in San Francisco. The applicant has agreed to a construction schedule for completion of the public park, and is currently applying for a permit for the ferry boat operation.

**E. Gordon Smith** for violations of certain conditions of a permit for activities on the Strawberry Spit area of Marin County. The Order required compliance with all relevant conditions of the permit within certain deadlines.

**Marshland Development Incorporated, Bay Shell Company, and Leslie Salt Company** for filling and other work without a BCDC permit along the western bank of the Alviso Slough in the City of San Jose in Santa Clara County. A special hearing panel is currently reviewing this matter.

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## PLANNING ACTIVITIES

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### BAY PLANNING

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#### Diked Wetlands Study

In April, 1979, the Commission approved a scope of work for a study of diked wetlands situated near San Francisco Bay. The area to be studied includes wetlands bayward of the historic boundaries of San Francisco Bay but excludes former wetlands that have been filled or dredged.

In 1979, an inventory was taken of areas meeting the definition of a "diked wetland." Data were collected for 347 possible wetland sites covering almost 95 square miles. A field inspection of all accessible sites was then conducted. At the conclusion of the inventory, 70% of the identified sites were found to be diked wetlands and were categorized by habitat types. In addition to the inventory, the staff also accumulated ownership information about the identified sites showing which are publicly-controlled and which are privately-owned. The approximate value of the privately held lands was also determined.

Three portions of the study are projected for completion in January 1981, the first being research on the value of diked wetlands and the relationship of diked wetlands to the Bay system. Issues such as suitability for restoration to tidal action, hydrology, existing uses, habitat value and the need to reserve wetlands for water-oriented uses will be explored.

The second portion of the study involves collecting all the federal, state and local land use regulations now pertaining to such areas and determining whether the existing regulatory mechanism adequately address the State's interest and are consistent with one another.

The last portion of the study will be the development of findings and proposed policies for diked wetlands, recommendations for further action and an implementation section. If existing regulatory controls are not adequate, alternative controls that could be used will also be discussed as well as necessary legislation.

#### Public Access

In 1979 the Public Access Supplement to the Bay Plan was adopted, completing the public access planning project begun in early 1977. The Commission also approved amendments to the Bay Plan's Findings and Policies on Public Access and on Appearance, Design and Scenic Views. A printed report with a map identifying existing and desirable future public access areas will be available in 1980.

#### Energy and the Bay Plan

The staff began an analysis of the adequacy of the Bay Plan policies to protect Bay resources when petroleum is transferred at Bay locations. Information on the scope of the threat of oil spills, the amount of transfers that can be expected over the next few years and the manner in which industry and other state agencies control oil transfers is now being reviewed to identify existing procedures and regulations designed to prevent oil spills and programs to encourage additional training by maritime industry for people involved in the transfers, and to ascertain the adequacy of existing oil spill clean-up procedures and facilities.

#### Coastal Energy Impact Program

The Coastal Energy Impact Program (CEIP) funds that have been provided to BCDC have allowed the staff to call for CEIP applications from local governments, explain the allocation requirements to prospective applicants and help applicants perfect their applications for evaluation.

In February, 1979, after a public hearing, the Commission approved a grant requested by the San Francisco Bay Regional Water Quality Control Board for \$30,000 to be used to prepare an operating manual for transferring oil in coastal waters. This manual is intended to provide a source for "state of the art" machinery and controls so that oil spills may be minimized. The operating manual would be applicable to the entire California Coast.

In July, 1979, after public hearing, the Commission approved a CEIP grant application by the California Maritime Academy for \$48,500 to add improvements to their Tanker Simulator. These modifications will provide more accurate pre-operational training for officers responsible for petroleum transfer operations on merchant marine tankers.

During the year, the staff also worked with the Energy Commission on the thermal power plant siting study which is designed to determine the feasibility of expanding existing power plant sites within both the BCDC and Coastal Commission jurisdictions.

### Energy Related Projects

The staff commented on several important energy-related Environmental Impact Reports, including the proposed Wickland Oil Terminal, the UCO Oil Company's proposed refinery, and a proposed \$300,000,000 modernization project at the Shell Refinery in Martinez.

### Other Planning Activities

During 1979, the Commission continued its legislatively mandated review of the Bay Plan. Important Bay planning activities included:

**Bay Plan Reprinting.** Although the reprinted Bay Plan was originally scheduled for completion by 1979, the time required to prepare the updated plan exceeded estimates. The new Bay Plan, incorporating the changes made through 1978, will be available in May, 1980.



**Review of the Bay Plan Map Policy for the Water-Related Industrial area on the Vallejo Waterfront.** The Commission received a request from the City of Vallejo to consider the addition of a policy note on Bay Plan Map 15 to allow some filling for water-related industrial uses in Mare

Island Strait. The request was based on an engineering study which indicated that it could not be feasibly developed for the designated use without some fill.

The Commission is expected to act on the proposed amendment in February, 1980.

**Monitoring Priority Use Areas.** The staff continued to monitor changes of uses in areas designated for priority uses in the Bay Plan that are not within the Commission's permit jurisdiction. While minor changes in use occurred, no major commitments to an inconsistent use was identified in this period. Due to the cutbacks in state funding for the agency, the staff's capability to monitor areas outside the Commission's jurisdiction is now severely limited.

**Review of the Priority Use Area at the San Leandro Marina.** The Commission considered the request of the City of San Leandro to adjust the waterfront park, beach designation at the San Leandro marina to allow the City to develop a hotel adjacent to the marina basin in accord with the City's plans for the total marina project. The Commission approved an amendment to the park priority use designation on Bay Plan Map 5 to delete 38 acres from the designated area and also adjusted the priority use boundaries to reflect that deletion.

**Review of the Priority Use Area at Belmont Slough.** The Commission considered the request of the City of Foster City to adjust the waterfront park, beach priority designation at a portion of Belmont Slough to allow the City to approve a proposed housing development. The Commission approved the amendment to the park priority use designation on Bay Plan Maps 8 and 9 to delete approximately 1.5 acres of area. A corresponding change was made to the boundaries of the priority area. The deletion allowed the area to be developed consistently with City plans and recognized that no public agency would be likely to acquire the privately held area for park purposes.

## Suisun Marsh Planning

The Suisun Marsh Preservation Act of 1977 directed each local government having jurisdiction in the Suisun Marsh to prepare a component of a Local Protection Program (LPP) to bring their general and specific plan, ordinances, and regulations and operating policies into conformity with the provisions of the Preservation Act and the policies of the Commission's Suisun Marsh Protection Plan. The cost of the LPP preparation is funded with federal Coastal Zone Planning assistance grants administered by BCDC.

The local governmental entities that exercise control within the Marsh are Solano County, the City of Fairfield, Suisun City, the City of Benicia, Solano County Local Agency Formation Commission (LAFCO), the Suisun Resource Conservation District, and the Solano County Mosquito Abatement District. The components will be consolidated by the County and presented to the Commission for review and possible approval in 1980.

In January, 1979, the Commission approved the work program of Solano County and granted the County \$90,000 in planning assistance funds to prepare the County's component of the LPP. The County Board of Supervisors is expected to act on this set of regulations, zoning changes and plan amendments in early February, 1980.

The City of Benicia is now considering draft ordinances prepared by the County and proposed zoning changes to reflect the policies of the Suisun Marsh Preservation Act and Plan. No work program or funding has been needed by the City for this work.

In April, 1979, the Commission approved the work program and funding for the completion of the component of the LPP. LAFCO was allocated \$3,315 in planning assistance funds. The LAFCO staff has completed proposed policy amendments for LAFCO and is currently working on new sphere of influence limitations to define areas where local governments should

exert influence. The LAFCO component is expected to be completed in February, 1980.

In July, 1979, the Commission approved the work program of and funding in the amount of \$8,330 for the City of Suisun City to complete its component of the LPP. Since that approval, Suisun City has prepared proposed amendments to its general plan, an annexation ordinance and proposed zoning requirements for the areas of the Marsh that are within City limits. The City is expected to complete its component and submit it in February, 1980.

In January, 1979, the Commission also approved the work program of the Suisun Resource Conservation District (SRCD) and granted it \$118,000 to prepare its LPP component. The District is composed of a majority of the landowners in the Marsh. The SRCD is preparing its component in segments, which includes preparation of the individual management plans for each of the 86 duck clubs which are located in the Marsh. The complete component is expected to be completed in early February, 1980.

In February, 1979, the Commission approved the Solano County Mosquito Abatement District's work program and awarded the District \$11,000 to prepare its LPP component. A draft component was submitted to the BCDC staff in May, 1979 for review and comment. Thereafter, a final draft of the component was prepared and submitted in October, 1979. The District's Board is expected to approve the LPP component by February, 1980.

In March, 1979, the Commission approved the City of Fairfield's work program and awarded the City \$5,311 to prepare its LPP component. The City has submitted proposed general plan amendments and guidelines for the control of development along streams within the City limits. The City is expected to submit its component in February, 1980.

### Regional Airport Planning

During 1979, the BCDC staff continued its regular review of the joint ABAG/MTC Regional Airport Planning Committee's (RAPC) updates and revisions of the Aviation Element of the Regional Transportation Plan. In November, 1979, as a result of its continuing review, RAPC adopted updated priorities for 1980 and assigned the highest priority to an evaluation of the region's need for an airport at Hamilton Air Force Base or another north bay site.

There is substantial concern at the local level over the future use of Hamilton. The Bay Plan now indicates that Hamilton should be evaluated for airport use by a responsible regional agency before it is committed to any other use. This policy is in recognition of the possibility of fill for further expansion of other Bay area airports. The General Services Administration (GSA) proposes to transfer Hamilton. This federal action requires a consistency determination. Therefore, the staff has carefully reviewed the (GSA) draft consistency certification and held numerous discussions with local officials in Marin County and elsewhere.

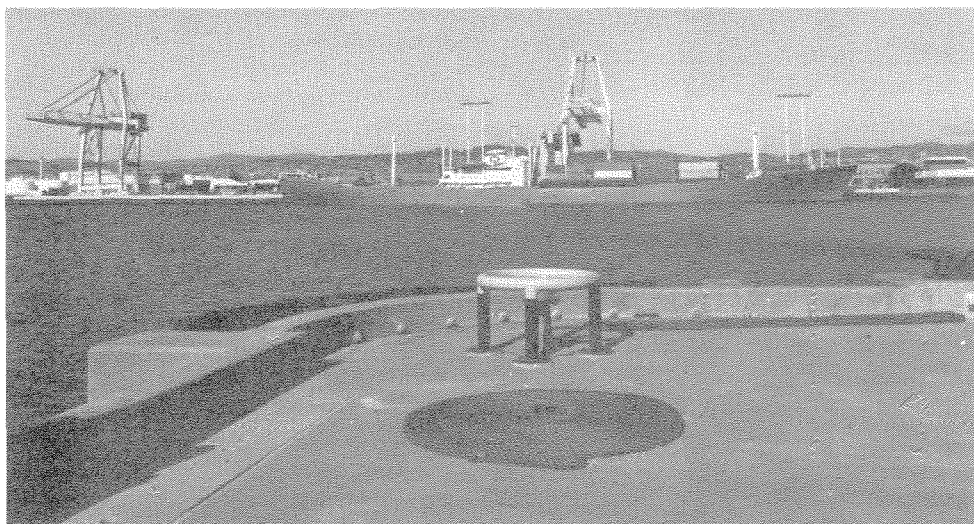
### Seaport Planning

In November, 1979, BCDC staff began a summary report of the work completed in Phase II of the joint MTC/BCDC project which included an analysis of present harbor capacity of San Francisco Bay, a projection of future ship movements, the economic factors affecting Bay shipping, and identification of feasible new sites for needed maritime terminals, and the likely environmental effects of developing the identified sites, and continued its analysis of the effects of potential marine terminal development on Bay Plan land use designations. Also, during the year, the staff met often with the Metropolitan Transportation Commission (MTC), the federal Maritime Administration, NNORCAL, and industry and port association, and the Corps of Engineers to design a re-evaluation of future cargo projections.

### Power Plants

Three major power plant proposals within BCDC's jurisdiction are now in the State Energy Commission's certification process. The proposals are Fossil 1 and 2 proposed for the Collinsville area near the Suisun Marsh, Pittsburg 8 and 9 proposed for the Contra Costa shoreline and Potrero, and addition to an existing power plant in San Francisco.

In 1979, BCDC staff analyzed presented testimony, reviewed the record and cross-examined witnesses during the adjudicatory hearings held on Fossil 1 and 2, a 1660 megawatt coal-fired power plant proposed by Pacific Gas and Electric Company for a site in Collinsville, near the Suisun Marsh.



The Notice of Intention for the project was approved by the Energy Commission and the staff is awaiting the filing by P.G. and E., of the Application for Certification (AFC).

In response to concerns raised by BCDC, the U.S. Fish and Wildlife Service and the Department of Fish and Game, Pacific Gas and Electric Company revised its plans for a proposed megawatt combined-cycle power plant to be located along the shoreline near Pittsburg in Contra Costa County. A large marsh is bayward of the proposed site. The company revised its site location plans to protect this marsh better.

The staff also continued its review and participation in the Energy Commission's hearings on the final AFC for Pacific Gas and Electric Company's proposed 400 megawatt combined-cycle power plant proposed to be added to the Potrero Plant in San Francisco. The staff has been particularly concerned about public access at and near the site because this portion of the San Francisco waterfront is lacking in access and yet quite near a large low-income housing area. In late September, these proceedings were suspended for up to four months, pending a federal decision under the Power Plant and Industrial Fuel Use Act on the suitability of using fuel oil at the proposed facility.

### **Outer Continental Shelf Lease Sale #53**

The staff continued to follow the Bureau of Land Management proceedings for Sale #53. The staff attended a number of hearings throughout 1979 and advised local governments on the issues that might affect their areas. The staff is interested in this sale because San Francisco Bay would likely be the location of support facilities for any development of the lease area.

In addition to the review of work programs of the various local governments and awarding planning assistance grants, the Commission has also been involved in regulatory activities within the Marsh. The statistics for these actions are included in the regulatory portion of this report. The Commission considered 3 major applications, 11 administrative applications, one

amendment to an existing permit, and one appeal of a permit issued by Solano County for a mining activity.

The appeal was a particularly interesting example of the effect of the policies of the Commission on local actions for permits. William L. Smith and Delta Associates requested a permit from the County to maintain and expand a gravel pit in the Potrero Hills within the Marsh. The pit had been sporadically worked at the location prior to the Preservation Act and Protection Plan. Two Commissioners appealed the action of the County granting this authority on the ground that the action might prejudice the preparation of the Local Protection Plan then under preparation and that the project might not be consistent with the policies of the Commission. After several lengthy public hearings, the project sponsors agreed to modify the project in order to protect the Marsh from the adverse impacts of sedimentation and erosion, assure reclamation of the extraction site, provide for enhanced upland grassland habitat when the quarry is closed, and relocate a portion of the extraction to an area less visible from the Marsh and a nearby road.

## **OTHER ACTIVITIES**

The Commission served as lead agency for two amendments to the San Francisco Bay Plan in 1979. In both instances, the staff prepared and circulated draft Negative Declarations, conducted public hearings on the proposed amendments, and prepared final reports based on the hearings and comments received.

The Commission staff spent a substantial amount of time reviewing over 300 state and federal environmental documents and prepared written comments on 70 of these documents. This review process provides early, detailed information on projects that affect the Bay and allows the Commission to influence the design and siting of many projects. Staff also reviewed proposed actions submitted by local, regional, other state and federal agencies. For example, the staff reviewed and responded to over 230 U.S. Army Corps of Engineers' Public

Notices and answered over 200 State Resource Agency requests for comments to be used in formulating the state position on projects. These reviews help assure that the state position on projects outside the Commission's jurisdiction reflects any concerns about effects on the Bay that may be caused by the project.

### **Engineering Review**

An engineering review is routinely conducted in each permit matter. In 1979, there were also ten special reviews to ascertain the Commission's jurisdiction. Six major engineering problems were also reviewed which required considerable staff attention.

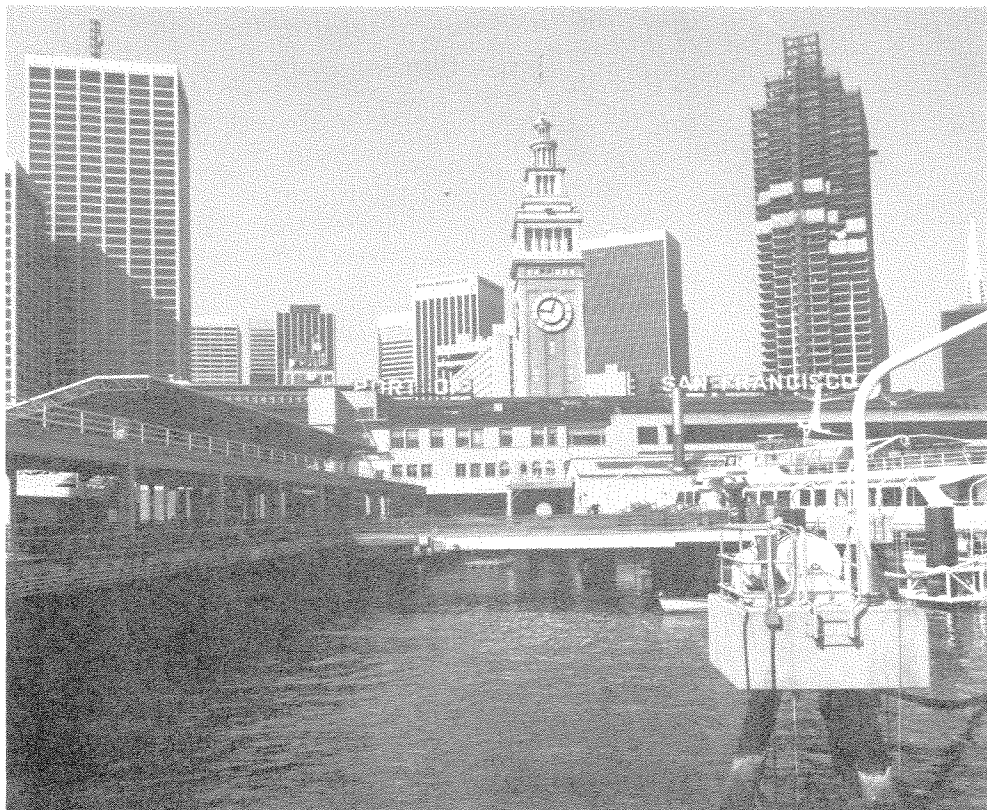
### **Legal Activities**

The Commission became involved in three lawsuits in 1979:

David McLaughlin sued the Commission first jointly with a permittee in Marin County and, when that suit was resolved against him, later independently in San Francisco County. He contended that the Commission was obligated to assure that he was provided a berth at a houseboat marina in Marin County because of a condition in a BCDC permit. The staff believed that the condition has not been violated and that any action he may have had was properly against the operator of the marina, not the Commission. The second suit in San Francisco was also resolved against Mr. McLaughlin. He has now appealed that decision.

Mr. William Ramsey sued the Commission over its decision to issue a permit for an office structure near a houseboat marina in Marin County. He contended that the Commission had erred in defining the nature and extent of its jurisdiction at the site and as the result the permit was improperly issued. That suit was resolved in favor of the Commission.

The Commission sued the City of Fairfield to set aside the certification of the Environmental Impact Report and pre-zoning approval by the City of a proposed residential development on Ledgewood Creek in Solano County in an area adjacent to the City. The proposed development



*Left and Below  
Ferry Terminal, San Francisco*

site is bisected by Ledgewood Creek which flows into the Suisun Marsh. The stream channelization flood control measures proposed as part of the development would have caused excessive and harmful siltation in the Creek and the Marsh. After instituting the lawsuit, the Commission and the City agreed to settle the matter. The settlement called for a compromise in the flood control design that significantly reduced the expected sedimentation. It also called for future City protection of other streams in Fairfield that flow into the Marsh.

#### **Legislative Activities**

BCDC staff and the Commission monitored a variety of issues before

the Legislature in 1979. Bills considered by the Legislature that would have significant impact on the Commission's program included:

Two measures, SB 200 and AB 442, concerned water. Throughout 1979, the Commission expended significant staff resources, Commission time and extensive Commission public hearings analyzing and adopting positions on water developments and legislation that would affect the flow of fresh water into the Delta, the Suisun Marsh and San Francisco Bay. Also, staff members sit as Commission representatives on two major interagency coordinating committees: the Suisun Marsh Technical Committee and the Delta Outflow/San Francisco Bay Technical Committee.

The Commission opposed SB 200, a bill authorizing the construction of the Peripheral Canal and several major reservoirs, unless it was amended to provide greater protection for the San Francisco Bay/Delta system and to establish a comprehensive system for water management, conservation and reclamation to reduce long-term demand for diverting freshwater from the Delta. In conjunction with this position, the Commission voted to support the concept of AB 442 which

would have established that system of water management.

SB 664 attempted to remove the public trust from some areas protected by that interest. All of the areas that would be actually affected by the bill were not clearly identified. Both the Bay Plan and the BCDC law recognize the public trust in tidal and marsh areas within the Commission's jurisdiction. For these reasons the Commission opposed the bill. The staff notified interested local governments and the public of the bill provisions and testified on behalf of the Commission in opposition to the bill. The bill did not pass out of committee in 1979; however, the author has stated that the bill may be revised and considered again in 1980.

SB 1436 was proposed to merge BCDC into a larger regional land use agency. The new agency would eventually have taken over the regulatory authority of the Commission which would have been abolished. The staff continued to present the Commission's viewpoint that the controls and policies for San Francisco Bay should be those in the McAteer-Petris Act, the San Francisco Bay Plan and the federally-approved management program. The bill did not pass out of committee.



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## Citizens' Advisory Committee

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The legislatively mandated Citizens' Advisory Committee assists and advises the Commission in carrying out its functions. The 20-member Committee is representative of a broad cross section of interests concerned with the future of San Francisco Bay and its shoreline.

Members in 1979 are as follows:

**Walter Abernathy,**  
Port of Oakland

**David W. Allen,**  
Belvedere Land Company

**Ms. Rose Beatty,**  
Peninsula Conservation Center

**Henry Bostwick, Jr.,**  
San Mateo County Development Assoc.

**Richard M. Boswell,**  
Pacific Inter Club Yacht Assoc.

**Robert D. Brown, Jr.,**  
U.S. Geological Survey

**Mrs. Ward Duffy, Chairman,**  
Civic Leader

**Dale H. Fearn,**  
San Francisco International Airport

**Mrs. Sylvia Gregory,**  
Civic Leader

**Mrs. Esther Gulick,**  
Save S. F. Bay Association

**John S. Harnett,**  
East Bay Municipal Utility District

**Dr. Michael Hertz,**  
Oceanic Society

**Shiraz Kaderali,**  
Pacific Gas and Electric Company

**John Lillie,**  
Leslie Salt Company

**William Newton,**  
Landscape Architect

**Phillipe Nonet,**  
Professor of Sociology  
University of California

**Burton Rockwell,**  
Architect

**Henry W. Simonsen,**  
IT Corporation

**Dwight Steele,**  
Attorney

**Richard Trudeau,**  
East Bay Regional Park District

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## Design Review Board

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The seven member Design Review Board advises the Commission on the appearance, design, and public access of proposed projects requiring BCDC permits. Since the Commission may only approve a shoreline band project if maximum feasible public access consistent with the project is provided, the advice of the Board regarding the public access provided by such projects is a critical part of the application process.

Board members are as follows:

**Mai Arbegast, Landscape Architect,**  
Berkeley (Alternate)

**Edward C. Bassett, Architect,**  
Skidmore, Owings & Merrill,  
San Francisco

**Robert Cooper, Engineer,**  
Cooper Clark & Associates,  
Palo Alto

**Garrett Eckbo, Landscape Architect,**  
San Francisco

**Stanley Gould, Architect,**  
San Jose

**William H. Liskamm, Architect-Urban  
Planner, San Francisco,**  
Chairman

**Jacob Robbins, Architect-Planner,**  
San Francisco

**Kenneth Simmons, Architect,**  
Oakland

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## Engineering Criteria Review Board

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Members of this Board are specialists in the fields of structural engineering, soils engineering, geology, engineering, 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.

Board members are as follows:

**Rex W. Allen, architect,**  
Rex Allen-Drever-Lechowski  
Architects, San Francisco

**\*Dr. John A. Blume, structural  
engineer, San Francisco**

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

**Gerald W. Clough, soils engineer,  
Stanford University, Palo Alto**

**Dr. Richard N. Jahns, geologist,  
Stanford University, Palo Alto**

**Raymond Lundgren, soils engineer,  
Woodward/Clyde Consultants,  
San Francisco**

**Joseph P. Nicoletti, structural  
engineer**  
John A. Blume and Associates,  
San Francisco

**Alan L. O'Neill, engineering  
geologist, Converse Ward Davis  
Dixon Associates, San Francisco**

**John Rinne, structural engineer,  
Earl and Wright, San Francisco**

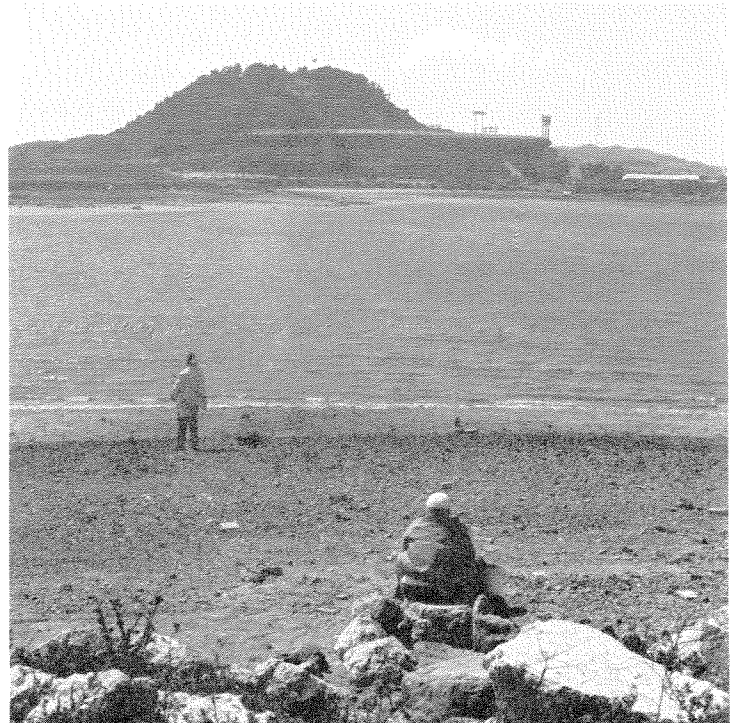
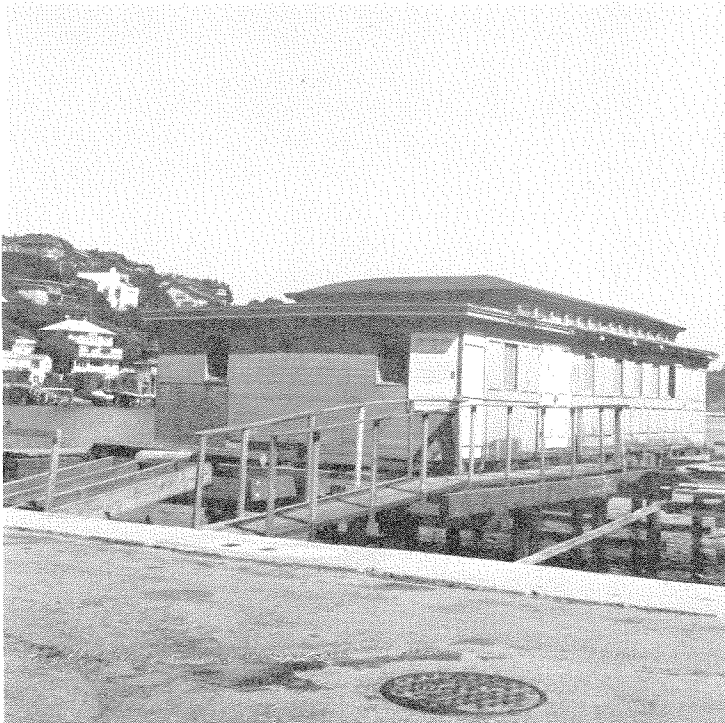
**Dr. Robert E. Wallace, geologist,  
U.S. Geological Survey, Menlo  
Park, Vice-Chairman**

**A. E. Wanket, civil engineer,  
U.S. Army Corps of Engineers,  
San Francisco**

**Dr. T. Leslie Youd, soils engineer,  
U.S. Geological Survey, Menlo  
Park**

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\*Members who no longer serve on the Board effective December 1979.



Top left: *China Cabin, Tiburon*

Top Right: *Candlestick Park, San Francisco*

Bottom left: *Port of Richmond, Contra Costa County*

Bottom Right: *Port of Richmond, Contra Costa County*

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## BCDC STAFF

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**Michael B. Wilmar**  
Executive Director

**Alan R. Pendleton**  
Deputy Director

**Russell A. Abramson**  
Assistant Executive Director



From left: Robert Batha, Michael B. Wilmar, Frank Broadhead, Clem Shute, Jeffry Blanchfield, Alan Pendleton.

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## Permits

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**Frank Broadhead**  
Chief Counsel

**Norris Millikin**  
Senior Engineer

**Kent Watson**  
Bay Design Analyst

**Steven A. McAdam**  
Enforcement Investigator

**Edward Bielski**  
Coastal Program Analyst

**Robert Batha**  
Assistant Planner

**Myrna McCullough**  
Senior Permit Secretary

**Patricia McFadden**  
Permit Secretary

**Stephanie Tucker**  
Permit/Enforcement Secretary

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## Administration

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**Randa Phillips**  
Management Services Technician

**Sharon Louie**  
Administrative Secretary

**Debra Cassinelli**  
Secretary to Executive Director/  
Minutes

**Montano P. Dionisio**  
Accounting Technician

**Vivien Wright**  
Receptionist

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## Planning

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**Jeffry Blanchfield**  
Chief Planner

**George Reed**  
Senior Planner

**Philip Kern**  
Senior Planner

**Robert Hickman**  
Associate Planner

**Nancy Twiss**  
Coastal Program Analyst

**Suzanne M. Rogalin**  
Coastal Program Analyst

**Margit Nickell**  
Coastal Program Analyst

**Linda Giannini**  
Planning Secretary

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## Legal Advisor

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**E. Clement Shute**  
Deputy Attorney General

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## Former Staff Members

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**Charles R. Roberts**  
Executive Director

**Stanley R. Euston**  
Chief Planner

**Michael F. Bennett**  
Conservation and Development Analyst

**Linda Breeden**  
Staff Counsel

**Lynn Roberts**  
Administration Secretary

**Joan Boyston**  
Receptionist

**H. Paul Cowley**  
Junior Planner

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## Student Assistant

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**Laura Lafler**



Seated l. to r.: Montano Dionisio, Myrna McCullough, Stephanie Tucker, Patricia McFadden.  
Standing l. to r.: Randa Phillips, Allison Jacobson, Harry Hartman, Vivien Wright, Kent Watson, Judy Elias, Nancy Twiss.



Seated l. to r.: Norris Millikin, Linda Giannini, Philip Kern, Edward Bielski.  
Standing l. to r.: Robert Hickman, Laura Lafler, Margit Nickell, Steven McAdam.

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