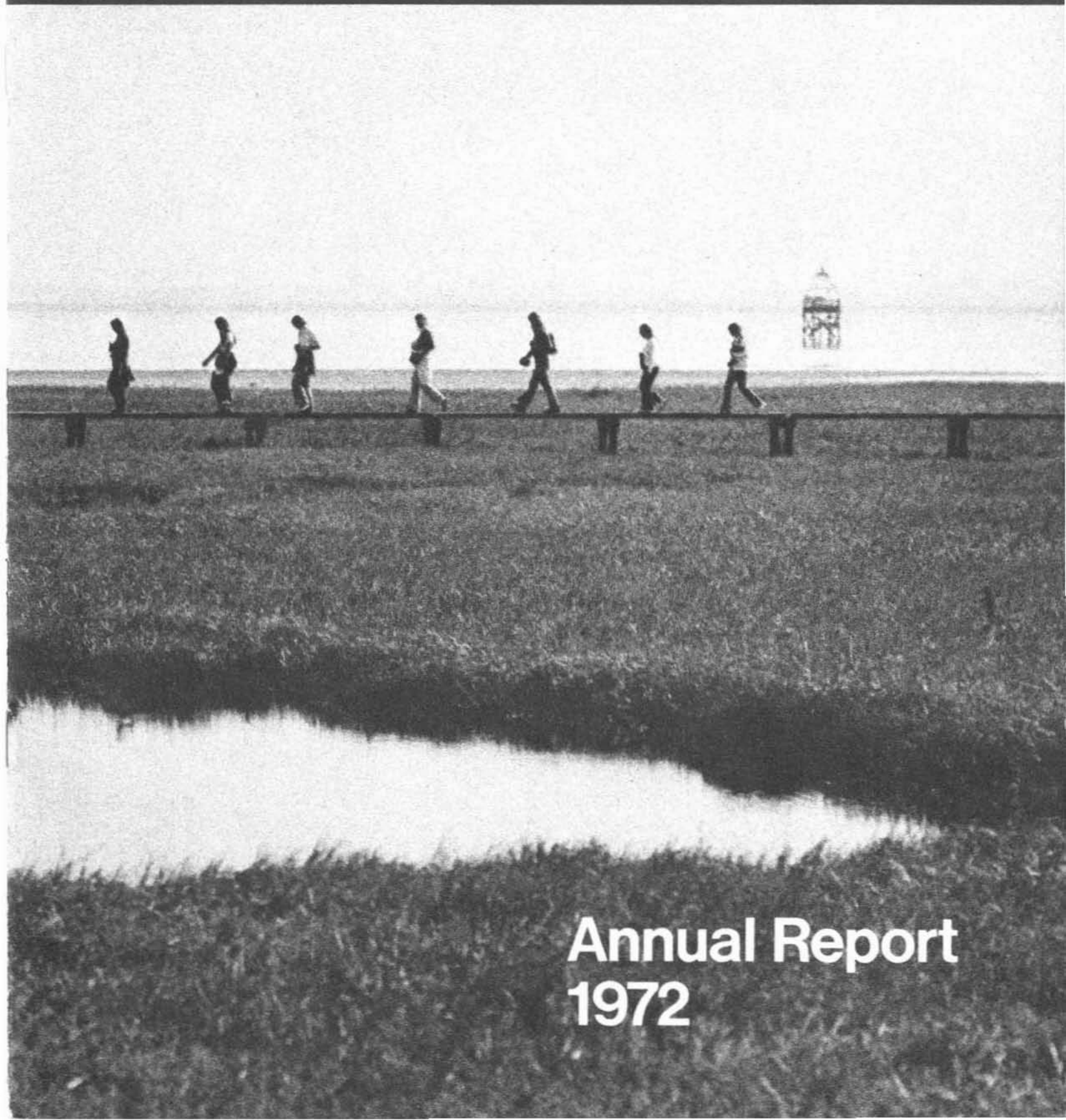


# San Francisco Bay Conservation and Development Commission



**Annual Report  
1972**



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 November, 1972, is as follows:

#### PUBLIC REPRESENTATIVES

**Melvin B. Lane**, Chairman, Menlo Park, Executive Vice President of Sunset Magazine—appointed by the Governor (Robert Lee Sims)

**William D. Evers**, Vice Chairman, San Francisco, attorney—appointed by the Governor (John E. Parks)

**Harry A. Bruno**, Oakland, architect—appointed by the Governor (Frank E. McClure)

**Clarence Heller**, Atherton, investments—appointed by the Speaker of the Assembly (Edward R. Becks)

**Joseph C. Houghteling**, Atherton, publisher—appointed by the Senate Rules Committee (George R. Kane)

**Melville Owen**, Kentfield, attorney—appointed by the Governor (Thomas S. Price)

**Mrs. Dean A. Watkins**, Portola Valley, civic leader—appointed by the Governor (Mrs. John A. Gast)

#### FEDERAL REPRESENTATIVES

**Robert Coop**, Regional Director, U. S. Department of Health, Education, and Welfare (Frederick A. Zimmerman)

**Col. James L. Lammie**, San Francisco District Engineer, U. S. Army Corps of Engineers (Bertrand H. Voss)

#### STATE REPRESENTATIVES

**Terrence M. Eagan**, representing the State Resources Agency (R. Dean Thompson)

**Kenneth F. Hall**, representing the State Department of Finance (Albert C. Brown)

**F. J. Hortig**, representing the State Lands Commission (Richard S. Golden)

**Sidney Lippow**, representing the San Francisco Bay Regional Water Quality Control Board (Homer H. Hyde)

**A. Matthew Raggio**, representing the State Business and Transportation Agency (Robert J. Defea)

#### LOCAL REPRESENTATIVES

COUNTY (Appointed by County Boards of Supervisors)

**Supervisor Warren N. Boggess** of Contra Costa County (Supervisor A. M. Dias)

**Supervisor Victor Calvo** of Santa Clara County (Supervisor Dominic L. Cortese)

**Supervisor J. Ellis Godfrey** of Solano County (Supervisor Daniel A. Mazzoni)

**Supervisor Philip L. Joerger** of Sonoma County (Supervisor Ignazio Vella)

**Supervisor Quentin L. Kopp** of San Francisco (Supervisor John J. Barbagelata)

**Supervisor Emanuel P. Razeto** of Alameda County (Supervisor Fred F. Cooper)

**Supervisor Robert B. St. Clair** of San Mateo County (Supervisor W. M. Werder)

**Supervisor Henry M. Wigger** of Napa County (Supervisor Marshall E. Sears)

**Supervisor Michael Wornum** of Marin County (Supervisor Peter R. Arrigoni)

CITIES (Appointed by the Association of Bay Area Governments)

**Councilman Branwell Fanning** of Tiburon (Councilman Merritt K. Ruddock)

**Supervisor Robert Mendelsohn** of San Francisco (Supervisor Dianne Feinstein)

**Mayor Norman Y. Mineta** of San Jose (Councilman Mary W. Henderson)

**Vice-Mayor Frank Ogawa** of Oakland (Councilman Ilene Weinreb)

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

**Senator Peter Behr**

**Assemblyman John J. Miller**

STATE OF CALIFORNIA

RONALD REAGAN, Governor

SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION

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



WILLIAM D. EVERS  
Chairman

JOSEPH E. BOOOVITZ  
Executive Director

January 8, 1973

TO GOVERNOR RONALD REAGAN  
AND MEMBERS OF THE CALIFORNIA LEGISLATURE

We are pleased to submit this, the 1972 annual report of our Commission as required by Section 66661 of the Government Code.

As this report explains, the past year was one of important decisions affecting San Francisco Bay: the establishment of a San Francisco Bay National Wildlife Refuge, the creation of the Golden Gate National Recreation Area, and the acquisition by the East Bay Regional Park District of scenic Point Pinole in Contra Costa County.

During 1972, several new areas of public access to the shores of San Francisco Bay were included in projects for which BCDC permits were issued. The Commission continues to give high priority to the mandate in the law requiring maximum feasible public access to the Bay in major new shoreline developments.

In December, 1972, BCDC Chairman Melvin B. Lane submitted his resignation. Mr. Lane had been Chairman of BCDC since the Commission came into existence in September, 1965. He had presided at 135 of the total of 145 meetings the Commission had held from its first meeting on September 27, 1965, through its meeting of December 7, 1972, a period of more than 7 years. The Commission adopted a resolution declaring that Mr. Lane's "energy, devotion, wisdom, and leadership were essential to the success the Commission has achieved," and that "he deserves the thanks not only of the present generation of Bay Area residents but also of future residents, whose enjoyment of the Bay will owe a great debt to this work." Your new chairman will vigorously strive to maintain the tradition of excellence established by Mr. Lane.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "William D. Evers".

WILLIAM D. EVERS  
Chairman



# Summary of 1972

**1. Three Decisions Affecting San Francisco Bay.** During 1972, three major decisions were made that will affect—and help protect—San Francisco Bay for years to come. These decisions, which aid in carrying out the recommendations of the BCDC Bay Plan, involved the actions of many levels of government, the cooperation of private industry, and, perhaps more than any other single factor, the selfless hard work of hundreds of Bay Area citizens who sought to turn plans into reality.

**San Francisco Bay National Wildlife Refuge.** The Congress passed, and the President signed into law, legislation establishing the San Francisco Bay National Wildlife Refuge. When the purchase of property for the refuge has been completed, some 22,000 acres of open water, marshlands, and salt ponds at the south end of San Francisco Bay will have been turned into one of the nation's most unusual wildlife sanctuaries. Not only will it provide essential habitat for varied and abundant wildfowl, but as a wildlife refuge in the midst of a densely-populated urban area, it will provide close-to-home opportunities for public enjoyment, nature study, and scientific research. The creation of the wildlife refuge in the South Bay, together with establishment of the less-well-known but also important San Pablo Bay National Wildlife Refuge, represent significant accomplishments in protecting the nation's dwindling wildlife areas.

**Golden Gate National Recreation Area.** Also as the result of Federal legislation, the Golden Gate National Recreation Area was created in San Francisco and Marin Counties. When the transfer of properties already owned by governmental bodies to the GGNRA is completed, and when privately-owned properties have been bought, the GGNRA will consist of 34,000 acres of prime lands, including many miles of shoreline property fronting on the ocean and the Golden Gate.

**Point Pinole.** About 1,000 acres of land and water at Contra Costa County's Point Pinole, one of the last large and unspoiled potential

sites anywhere around San Francisco Bay, will be bought for the public by the East Bay Regional Park District. Under an agreement negotiated in 1972 between EBRPD and the owners of the property, Bethlehem Steel Co., the most scenic portions of Point Pinole will be bought by the Park District, while Bethlehem will retain for industrial use other, adjacent acreage, including an area suitable for a shipping pier. (Creating a major waterfront park at Point Pinole, together with water-related industrial use of part of the Bethlehem property, was a major recommendation of the BCDC Bay Plan.)

**2. The 1972 BCDC Agenda.** During the past year, the principal matters on the BCDC agenda were the following:

**Continuing Review of Bay Plan:** Findings and Policies on Fresh Water Inflow. Under the law, the Commission is required to "make a continuing review" of the San Francisco Bay Plan to insure that the Plan is kept up-to-date. During the past year, high priority has been given in this review to the Bay Plan findings and policies on Fresh Water Inflow as it affects

water quality in the Bay. Proposed revisions to the present Bay Plan findings and policies were considered at public hearings, and will be further considered in early 1973. (Although the Commission has no regulatory responsibilities regarding water quality or Bay inflows, these are nevertheless matters of major importance to the Commission because the BCDC Bay Plan is based on assumptions that water quality in the Bay will be maintained at levels suitable for recreation, protection of fish and wildlife, etc.)

**Planning for Airports.** The Commission participated in a Regional Airports System Study conducted by the Association of Bay Area Governments and adopted a statement of position regarding the recommendations of the ABAG committee. Airport planning is of major concern to the Commission, because most of the existing Bay Area airports were built on Bay fill and can be expanded by further filling. The ABAG airport committee recommended that there be no expansion on fill at the San Francisco or San Jose airports, but also recommended possible addition of another runway on Bay fill at the Oakland airport to meet



Salt ponds, South Bay.

estimated 1985 passenger demands. BCDC commended the ABAG committee on its excellent planning approach; pointed out that under the law, Bay filling may be allowed for airports only if there is no alternative dry-land site; questioned some of the population-growth projections upon which future airline passenger demand was based; suggested that "California corridor" flights (those between the Bay Area and Southern California, which make up a large portion of all Bay Area flights) might be dispersed among other Bay Area airports rather than being concentrated only at the three major terminals (San Francisco, Oakland, and San Jose); and stated that while there is no argument about the unpleasantness of aircraft noise to those who live near airports, this alone should not constitute a reason to fill the Bay, rather the remedy should lie in improvements in aircraft engines.

**State Legislation.** Three bills that deal specifically with the Commission and its work were passed by the 1972 Legislature and signed into law by Governor Reagan. They are: (1) SB 34 (Nejedly), which provides that the Commission may, subject to several provisions such as a  $\frac{2}{3}$  affirmative vote, make changes in the boundaries of priority land-use areas within the 100-foot shoreline band, without having to obtain the ratification of the Legislature as was provided by previous law; (2) SB 181 (Behr), which provides that County Supervisors who are Commission members may appoint as their alternates public officials of their counties rather than being limited, as was the case under previous law, to other County Supervisors; and (3) SB 397 (Behr), which adds a portion of Corte Madera Creek in Marin County to the Commission's fill and dredging jurisdiction.

**Suisun Marsh.** Of particular interest to the Commission during 1972 were two matters affecting the Suisun Marsh in Solano County. This marsh, some 54,000 acres, is a major habitat for wildfowl on the Pacific Flyway. Large areas of the marsh are owned and maintained by duck-hunting clubs. First, as part of its hearings on Fresh Water Inflow, the Commission studied questions of Delta water diversions



Point Pinole

and water quality as they might affect the future of the Suisun Marsh, and second, the Commission received its first major application for urban development at the edge of the marsh. To obtain first-hand information about the marsh, the Commission took a boat tour along its sloughs and islands, and prior to the tour the Commission received a briefing on the values of the marsh during a meeting held in the Old State Capitol Building in Benicia.

**Agreements.** During 1972, the Commission entered into two agreements to resolve questions of Commission jurisdiction over major development projects. The first was an agreement with Pan-Pacific Development Company, which dealt with complex legal questions as to whether the Commission had any jurisdiction over the company's Ballena Bay development in the City of Alameda. This 52-acre project consists largely of an island built on fill, for which the filling had been completed before the Commission came into existence in September, 1965. The agreement provides that development of the project for housing, a marina, recreation, etc., will continue, but that extensive new provisions will be made for the

public to have access to the water around Ballena Bay island.

The second agreement was with Marin Land Development Company regarding possible Commission jurisdiction over a residential development on the Strawberry Peninsula in Marin County. The Commission had issued a permit for the project in 1968, before the Commission's Bay Plan was completed and before Legislative adoption in 1969 of the major amendments to the McAteer-Petris Act, under which the Commission operates. Work had been started in reliance on the Commission's permit but had not been completed; a substantial legal question existed as to whether the project could legally be completed under the 1968 permit, or whether new approval was necessary. An agreement was reached under which the project was allowed to proceed (the project consisted primarily of building apartments on existing land), but with one important change: a waterfront area previously planned for apartment construction is instead to be made available for new public access to the water, and the access is to be extended into an adjacent section of the shoreline.



Ballena Bay, Alameda

**Permit Applications.** The Commission processed 15 applications for permits involving filling or dredging in the Bay, or construction within the 100-foot shoreline band. In addition, the Executive Director issued 80 administrative permits for minor repairs or improvements, in accordance with the law and the Commission's Administrative Regulations. Details of the Commission's permit actions are given later in this report.

**Permit Fees.** After lengthy study and public hearings, a schedule of fees was adopted to partially reimburse the Commission (and thus the public) for the costs of filing and processing permit applications. A minimum fee of \$50 is charged for projects for which administrative permits may be issued, and other fees are based on the size of each proposed project and the complexity each presents for processing. The fee schedule was put into effect on April 1, 1972, and as of December 1, 1972, had resulted in income of \$5,681 to the Commission, i.e., to the State General Fund.

**Environmental Impact Statements.** Two major decisions by California courts, both

interpreting the California Environmental Quality Act, had a significant effect on the Commission's permit processing.

One decision, by the State Supreme Court in *Friends of Mammoth v. Mono County*, 8 Cal.3d 1, made clear that the Commission would be responsible for the preparation of an Environmental Impact Statement before issuing a permit for any project that could have a significant effect on the environment. The other decision, by the Court of Appeal in *Environmental Defense Fund v. Coastside County Water District*, 27 Cal. App.3d 695, made clear that Environmental Impact Statements must deal with all significant environmental consequences of a project, not just those within the direct regulatory responsibility of the Commission. In response to these decisions, the Commission adopted interim procedures stating that no permit application would be considered complete, and therefore acceptable for filing, until the Executive Director had determined either that the proposed project would have no significant effect on the environment, or that the prospective applicant had submitted sufficient information about the

project to permit the preparation of an Environmental Impact Statement meeting the requirements of the California Environmental Quality Act. These decisions, together with legislation passed late in 1972 to amend the California Environmental Quality Act, are in line with steps the Commission is already required by law to take in evaluating permit applications. The Commission thus views the recent actions regarding the CEQA as aids in helping to achieve the Commission's goals of environmental protection combined with responsible development. (Similarly, the December, 1971, decision of the State Supreme Court in *Marks v. Whitney*, 6 Cal. 30 251, was of great importance in defining the public trust easement for commerce, navigation, and fisheries as it applies to California tidelands.)

## The Bay Commission: Duties and Responsibilities

The 1969 amendments to the McAteer-Petris Act (Government Code Section 66600, et seq.), under which the Commission operates, gave the Commission three major duties and responsibilities:

1. To regulate all filling and dredging in San Francisco Bay (including San Pablo and Suisun Bays, all sloughs that are parts of the Bay system, and certain creeks and tributaries) in accordance with the law and the Commission's Bay Plan.
2. To have limited jurisdiction within a 100-foot strip inland from the Bay. Within this shoreline band, the Commission's responsibility is twofold: (a) to require public access to the Bay to the maximum extent feasible, consistent with the nature of new shoreline developments, and (b) to insure 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 powerplants.)

3. 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 area. And if development is authorized, the Commission is to insure that such development provides public access to the Bay and retains the maximum amount of water surface consistent with the nature of the development.

In carrying out its responsibilities, the Commission is directed by provisions of law and of the San Francisco Bay Plan, which was prepared by the Commission during a three-year period of public study and deliberation. The Bay Plan was submitted to the Governor and the Legislature in early 1969, and the Commission was directed later that year to carry out the Plan. At the heart of the Bay Plan is this philosophy:

"San Francisco Bay is an irreplaceable gift of nature that man can either abuse and ultimately destroy—or improve and protect for future generations.

"The Bay can serve human needs to a much greater degree than it does today. The Bay can play an increasing role as a major world port. Around its shores, many job-producing new industries can be developed. And new parks, marinas, beaches, and fishing piers can provide close-to-home recreation for the Bay Area's increasing population.

"But the Bay must be protected from needless and gradual destruction. The Bay should no longer be treated as ordinary real estate, available to be filled with sand or dirt to create new land. Rather, the Bay should be regarded

as the most valuable natural asset of the entire Bay region, a body of water that benefits not only the residents of the Bay Area but of all California and indeed the nation."

The goal of the Bay Plan is "to guarantee to future generations their rightful heritage from the present generation: San Francisco Bay, maintained and enhanced as a

magnificent body of water that helps sustain the economy of the western United States, provides great opportunities for recreation, moderates the climate, combats air pollution, nourishes fish and wildfowl, affords scenic enjoyment, and in countless other ways helps to enrich man's life."

## 1972 ~~BERKELEY~~ Permits & Actions

Under the law, anyone wishing to place fill in the Bay, to dredge in the Bay, or to undertake major construction in shoreline and salt pond areas, must first obtain a permit from the Commission. The permit system is thus the chief method of carrying out provisions of the law and the San Francisco Bay Plan regarding the Bay and its shoreline.

During the first part of 1972, the Commission processed permit applications at a record rate. In October, however, the State Supreme Court handed down its decision in *Friends of Mammoth v. Mono County*, and the rate of permit processing slowed temporarily. (The *Friends of Mammoth* decision held that under California's Environmental Quality law, the Commission [and other permit-issuing agencies of government] were responsible for the preparation of an Environmental Impact Statement for each project they approved that could have a significant effect on the environment. Thus, permit applications filed after the decision required Environmental Impact Statements, and additional time was needed for applicants to prepare material for use in drafting these statements.)

During 1972, therefore, the Commission processed 15 permits (compared with a record 35 in 1971). Of these, 12 were granted and 3 denied. In addition, the

Executive Director issued 80 administrative permits for minor repairs or improvements, in accordance with provisions of law and the Commission's Administrative Regulations, compared with 61 in 1971.

The amount of Commission and staff time needed to process permit applications is determined, of course, not only by the number of applications, but also by the complexity of the issues they raise. Several of the 1972 applications presented complex legal and planning issues, requiring many hours of Commission hearing and discussion, and of course much more than this of the staff's time.

The total amount of fill approved by the Commission in 1972 was about 7 acres—some 4 acres of low-quality marsh were approved for filling as part of the Peytonia Land Co. project in Suisun City (described below), and the remaining fill consisted of several structures on pilings (boathouses, etc.) as part of marina development in several places around the Bay.

The work authorized by the Commission in 1972 includes additions to marinas and shoreline park areas in Berkeley, San Leandro, and Alameda; dredging alongside piers of the Port of San Francisco; shoreline housing developments in several places, with attractive areas of public access to the Bay; and a residential development in Suisun City adjacent to which the applicant has donated to The Nature Conservancy a conservation easement covering 365 acres of high-quality, invaluable marshland.

Under the law, the Commission's permit processing is strictly regulated. The Commission must act on a permit application within 90 days after it has been filed or a permit will automatically be granted. Thirteen affirmative votes of Commissioners are required to grant a permit. The law provides that the Commission may grant a permit if it finds a proposed project to be either (1) necessary to the health, safety, and welfare of the public in the entire Bay Area, or (2) consistent with the law and the Bay Plan.

## Permits Granted

During the 12 months ending in November, 1972, the Commission granted the following permits:

To the City of San Leandro, to build new boat berths, gangways, and dolphins at the San Leandro marina; to build a platform for a yacht club building; and to make other improvements in the marina.

To the San Francisco Port Commission, to dredge as much as 500,000 cubic yards of material from the Bay to maintain adequate depths for ships at piers along the San Francisco waterfront.

To the City of Berkeley, to remove deteriorating boat berths at the Berkeley marina and install new ones, to place riprap along the shoreline to prevent erosion, and to make other improvements in the marina.

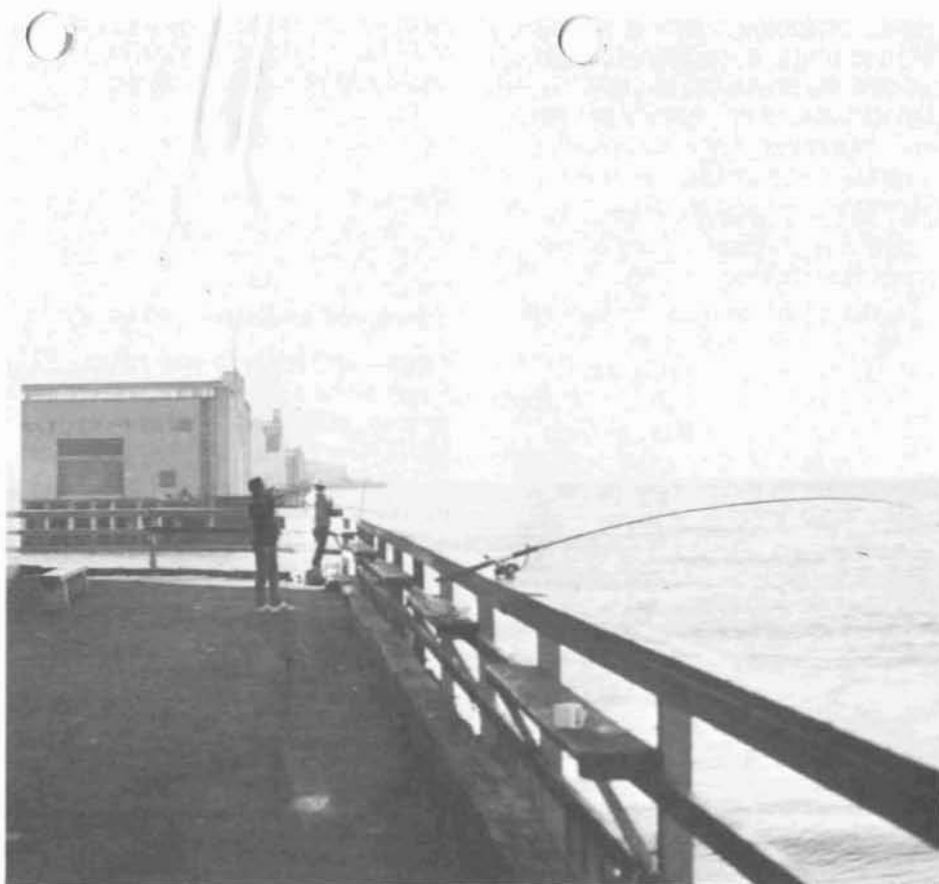
To the City of San Leandro, to build a pile-supported addition to the Blue Dolphin Restaurant in the San Leandro marina.

To Alameda Yacht Harbor, to construct boat berths and a fishing pier in the Bay, and within the 100-foot shoreline band to build a boat sales office and provide public access to the water, at the Alameda Yacht Harbor in the City of Alameda.

To Mariner Square Associates, to install boat berths, build a restaurant on an existing pier, dredge a marina area, build a commercial-recreational complex within the 100-foot shoreline band, and provide public access to the water along the Oakland Estuary in the City of Alameda.

To Raymond G. Handley, to build a residence partially on pilings in the Bay in Tiburon. In granting the permit, the Commission found that an extension over the water was justified because of exceptional circumstances, i.e., a small, steep, hillside lot with residential buildings extending to

To Knuppe Development Company, to build townhouses and a recreation building within the 100-foot shoreline band in the City of Alameda and to provide landscaped public access to the Bay.



Public access, Port of San Francisco

the water on both adjacent lots. An application for a similar building with a somewhat greater extension over the water was denied by the Commission in 1971.

To Richard A. Malott, to construct apartments within the 100-foot shoreline band at Point San Quentin in Marin County and to provide public access to the Bay.

To the Peytonia Land Company, to fill a 4-acre area of low-quality marsh near Suisun City to improve shoreline appearance and to provide for new, landscaped public access to Suisun Channel and Peytonia Slough as part of a mobile-home and apartment development; to excavate 1.84 acres of existing land to form a lagoon system; and to build apartments and mobile-home sites within the 100-foot shoreline band. In approving this application, the Commission noted that the applicant had donated to The Nature Conservancy a conservation easement covering 365 acres of high-quality marshland adjacent to the project site, and had expressed an intention to donate more. These highly-valuable marsh areas will

remain in their natural state in perpetuity, and will help serve as a buffer against urban expansion southward into the Suisun Marsh, a waterfowl habitat of nationwide importance.

To the Marin County Flood Control and Water Conservation District, to remove existing storm-water outfall pipes at Greenwood Cove on the Tiburon Peninsula, to install new and larger pipes, and to dredge an outfall channel in the Bay.

To the San Rafael Sanitation District, to dig trenches for a sewer line in a marsh and beach area, with a requirement that all such areas be restored to their original natural condition after the sewer line has been completed.

## Permits Denied

During the 12 months ending in November, 1972, the Commission denied the following permit applications:

Application of Stanley W. Taylor to construct nine single-family homes partly on land and partly on pilings in the Bay. The Commission's denial was based on a finding that housing is not a water-oriented use of the Bay for



which filling may be permitted, and that the proposed project did not meet any of the other standards in the law for which filling (including construction of buildings on pilings over the water) may be allowed. The Commission also found, in effect, that residential development of the total property, which includes dry land as well as water, was possible with little or no encroachment into the Bay. After the Commission's denial, the applicant filed suit in Marin County Superior Court alleging that the Commission had acted improperly in processing his application, and that a permit should therefore be issued. The matter was tried, and the decision of the Court completely upheld the Commission's actions in processing the permit application and its subsequent denial.

Application of Abe Blumenfeld, David G. Cohn, Edward Goodman, and Richard Harris, a co-partnership, to fill approximately 3 acres of marsh and mudflat connected to Richardson Bay by a culvert in Mill Valley. Although submitting an application, the applicants

argued that for several reasons the Commission did not have jurisdiction over their property. The Commission's denial was based on findings that (a) the proposed use of part of the area to be filled was a parking lot for a building supply store, which is not a water-oriented use within the McAteer-Petris Act or the San Francisco Bay Plan, i.e., a use of the Bay for which filling may be permitted, and (b) the applicant had not specified uses for the remainder of the area to be filled, and thus the Commission could not make the legally-required findings that the fill was for a water-oriented purpose, was the minimum necessary to carry out its purpose, and was justified because no alternative upland site was available. In its resolution of denial, the Commission stated that "denial of this application does not mean, and should not be construed to mean, that **any** project for the use of this property would be inconsistent with the McAteer-Petris Act and the San Francisco Bay Plan. The Commission's action relates only to the application presently before it, which proposes a project that

the Commission cannot find to be consistent with the McAteer-Petris Act and the San Francisco Bay Plan [because of] the applicants' failure to specify the uses and purposes for most of the fill." Following the Commission's denial, the applicants filed suit against the Commission in San Francisco Superior Court, alleging that the Commission has no jurisdiction over their property because the property is not a "natural" part of the Bay but rather is connected to the Bay by a culvert. As of the writing of this report, the matter had not yet come to trial.

Application of Navajo Freight Lines, Inc., and Navajo Terminals, to build a trucking terminal partly within the 100-foot shoreline band along the Oakland Estuary Tidal Canal in Oakland. The applicants proposed to provide no public access to the water. The Commission based its denial on the provisions of Government Code Section 66632.4, which requires that shoreline projects provide "maximum feasible public access, consistent with the proposed project, to the Bay and its shoreline." The Commission concluded that **no** access in connection with this application was not the maximum feasible (although in some situations it might be reasonable to allow a shoreline project to proceed without public access if there were special considerations of safety, terrain, etc.). In its denial, the Commission noted that there is no public access to the water from the adjacent privately-owned properties, and that it was not necessary for the applicants to provide access now. But the Commission also noted that access in the future might well be desirable and pointed out that numerous agencies of local government as well as a citizens' advisory group to the Port of Oakland had stressed the importance of public access to and along the shoreline in this area, linking the High Street bridge across the Oakland Estuary with the northern shoreline of San Leandro Bay. Following the denial of the application, the applicants filed a claim with the State Board of Control. The claim was denied.



Estuary Park, Port of Oakland

## Advisory Boards

In addition to the Commission's legally-required Advisory Committee, whose members are listed on the inside back cover of this report, the Commission has the help of two specially-appointed permit review boards, the Engineering Criteria Review Board and the Design Review Board.

### Engineering Criteria Review Board

Members of this board are 11 specialists in the field of structural engineering, soils engineering, geology, architecture, and engineering seismology, 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 needed for all construction proposed for problem soil conditions in earthquake-prone areas. Membership of the board as of December 1, 1972, was:

**Lloyd Cluff**, geologist, Woodward-Lundgren & Associates, Oakland

**Gary J. Degenkolb**, structural engineer, H. J. Degenkolb & Associates, San Francisco

**George O. Gates**, geologist, San Mateo

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

**William W. Moore**, soils engineer, Dames & Moore, San Francisco, Chairman

**Dr. Gordon B. Oakeshott**, geologist, State Division of Mines and Geology, Sacramento

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

**Professor Joseph Penzien**, structural engineer, Earthquake Engineering Research Center, University of California, Berkeley

**Professor H. Bolton Seed**, soils engineer, College of Engineering, University of California, Berkeley

**Professor George P. Simonds**, architect, Department of Architecture, University of California, Berkeley

**Ridgwood Woodward**, soils engineer, Woodward-Clyde Consultants, San Francisco

### Design Review Board

Members of the design board, who also volunteer their time, are architects, landscape architects, and engineers who advise the Commission on the design and appearance of proposed Bay and shoreline projects, with special emphasis on the design as it affects public access to the Bay. Members of the board as of December 1, 1972, were:

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

**Garrett Eckbo**, landscape architect, Eckbo, Dean, Austin & Williams, San Francisco

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

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

**Allan M. Walter**, architect, Allan M. Walter & Associates, Inc., San Jose



Palo Alto Baylands

ADVISORY COMMITTEE

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**Dr. Herbert Blumer**  
**Henry Bostwick, Jr.**  
**Richard M. Boswell**  
**Dr. Leslie E. Carbert**  
**James K. Carr**  
**Eric E. Duckstad**  
**Mrs. Ward Duffy**  
**George O. Gates**  
**Mrs. P. K. Gilman**  
**John S. Harnett**  
**Dr. John P. Harville**  
**Ralph Jones**  
**Carl B. Metoyer**  
**Ben E. Nutter**  
**Burton Rockwell**  
**Richard Trudeau**  
**Julius von Nostitz**  
**Robert W. Walker**

BCDC STAFF

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Executive Director

**Charles R. Roberts**  
Chief Planner

**Michael B. Wilmar**  
Assistant Executive Director  
Permits and Current Planning

**Thomas D. Hoard**  
Assistant Executive Director  
Administration and Public Relations

**George E. Reed**  
Senior Planner

**Jeffry S. Blanchfield**  
Associate Planner

**Kent E. Watson**  
Design Analyst/Landscape Architect

**L. Thomas Tobin**  
Staff Engineer

**Alan R. Pendleton**  
Assistant Counsel

**Legal Advisor: E. Clement Shute**  
Deputy Attorney General

**Irene E. Sullivan**  
Secretary to Executive Director

**Mary A. Wong**  
Planning Secretary

**Bertha B. Sullivan**  
Permits Secretary

**Myrna F. Carter**  
Administrative Secretary

**Jane Fuller**  
Receptionist



